CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA 89 SOUTH CALIFORNIA ST., SUITE 200 VENTURA, CA 93001 (805) 585-1800





DATE: August 30, 2006

TO: Commissioners and Interested Persons

FROM: Jack Ainsworth, Deputy Director

Gary Timm, South Central Coast District Manager Barbara Carey, Supervisor, Planning and Regulation

Melissa Hetrick, Coastal Program Analyst

SUBJECT: Pepperdine University Notice of Impending Development (NOID) 1-

06, for the Elkins Auditorium Remodel and Expansion, for Public Hearing and Commission Action at the September 13, 2006, Commission Meeting

in Eureka.

SUMMARY AND STAFF RECOMMENDATION

The impending development consists of a remodel and expansion of the existing Elkins Auditorium on the highly developed central Malibu Campus of Pepperdine University. The project includes remodel of the 5,720 sq. ft. auditorium, addition of a 384 sq. ft. vestibule in front of the auditorium, and addition of two restrooms, five classrooms, and facilities (storage room, etc) totaling approximately 8,700 sq. ft. to the northeast of the auditorium. A vestibule, pathway, parking spots, and landscaping would also overly the proposed classrooms. The project would expand the auditorium by less than 9,500 sq. ft. and involve approximately 6,660 cu yds. of grading (all cut and export). The project would not increase the enrollment at the University, nor would it change the overall number of parking spaces available on the campus.

The required items necessary to provide a complete notice of impending development were received in the South Central Coast Office and the notice was deemed filed on August 28, 2006.

Staff is recommending that the Commission determine that the impending development is consistent with the certified Pepperdine University Long Range Development Plan (LRDP) with Five (5) special conditions regarding: 1) geologic recommendations; 2) drainage and polluted runoff control plans; 3) landscaping and erosion control plans; 4) assumption of risk, and 5) removal of excess excavated material. The project is consistent with all resource protection policies and provisions of the Long Range Development Plan. See associated Motion and Resolution beginning on Page 2. The standard of review for the proposed NOID is the policies of the certified LRDP.

I. PROCEDURAL ISSUES

Section 30606 of the Coastal Act and Article 14, §13547 through §13550 of the California Code of Regulations govern the Coastal Commission's review of subsequent development where there is a certified LRDP. Section 13549(b) requires the Executive Director or his designee to review the notice of impending development (or development announcement) within ten days of receipt and determine whether it provides sufficient information to determine if the proposed development is consistent with the certified LRDP. The notice is deemed filed when all necessary supporting information has been received.

Within thirty days of filing the notice of impending development, the Executive Director shall report to the Commission about the nature of the development and make a recommendation regarding the consistency of the proposed development with the certified LRDP. After public hearing, by a majority of its members present, the Commission shall determine whether the development is consistent with the certified LRDP and whether conditions are required to bring the development into conformance with the LRDP. No construction shall commence until after the Commission votes to render the proposed development consistent with the certified LRDP.

II. STAFF RECOMMENDATION: MOTIONS & RESOLUTIONS

A. NOID 1-06: APPROVAL AS CONDITIONED

MOTION I:

I move that the Commission determine that the development described in the Notice of Impending Development 1-06 (Elkins Auditorium Remodel and Expansion), as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan.

STAFF RECOMMENDS A YES VOTE: Passage of this motion will result in a determination that the development described in the Notice of Impending Development 1-06 as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan, and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION I: TO DETERMINE DEVELOPMENT IS CONSISTENT WITH LRDP:

The Commission hereby determines that the development described in the Notice of Impending Development 1-06, as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geologic Recommendations

The University agrees to comply with the recommendations contained in the submitted geologic reports: "Geotechnical Investigation – Proposed Elkins Auditorium Additions," prepared by Van Beveren and Butelo, Inc, October 5, 2005; "Report of Rippability Study – Proposed Events Center and Parking Structure, Pepperdine University," prepared by Van Beveren and Butelo, Inc., April 12, 2006; and "Report of Supplemental Soil Corrosivity Study – Proposed Seaver Parking structure and Elkins Auditorium Additions, Pepperdine University Campus," prepared by Van Beveren and Butelo, Inc., June 19, 2006. These recommendations, including those concerning foundations, corrosivity, grading, and drainage, shall be incorporated into all final design and construction, and must be reviewed and approved by the consultant prior to commencement of development.

The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes in the proposed development approved by the Commission that may be required by the consultant shall require a new Notice of Impending Development.

2. Drainage and Polluted Runoff Control Plans

Prior to the commencement of construction, the University shall submit for the review and approval of the Executive Director, two sets of final drainage and runoff control plans, including supporting calculations. The final plans shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The plans shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with geologist's recommendations. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner.
- (c) Energy dissipating measures shall be installed at the terminus of outflow drains.
- (d) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved

development. Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Landscaping and Erosion Control Plans

Prior to the commencement of construction, the University shall submit two sets of final landscaping and erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall identify the species, extent, and location of all plant materials and shall incorporate the criteria set forth below. All development shall conform to the approved landscape and erosion control plans.

A. Landscaping Plan

- (1) All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of receipt of the certificate of occupancy for the residence. To minimize the need for irrigation, all landscaping shall consist primarily of native/drought resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter, in their document entitled Recommended List of Plants for Landscaping in the Santa Monica Mountains, dated February 5, 1996. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or the State of California, shall be employed or allowed to naturalize or persist on the site. No plant species listed as a "noxious weed" by the State of California or the U.S. Federal Government shall be utilized within the property.
- (2) Plantings will be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.
- (3) The permitee shall undertake development in accordance with the final approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Coastal Commission approved amendment to the notice of impending development, unless the Executive Director determines that no amendment is required.

(4) Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum Bromadiolone or Diphacinone) shall not be used.

B. Interim Erosion Control Plan

- (1) The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the project site with fencing or survey flags.
- (2) The plan shall specify that should grading take place during the rainy season (November 1 March 31) the applicant shall install or construct temporary sediment basins (including debris basins, desilting basins or silt traps), temporary drains and swales, sand bag barriers, silt fencing, stabilize any stockpiled fill with geofabric covers or other appropriate cover, install geotextiles or mats on all cut or fill slopes and close and stabilize open trenches as soon as possible. These erosion measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained through out the development process to minimize erosion and sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.
- (3) The plan shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to: stabilization of all stockpiled fill, access roads, disturbed soils and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing; temporary drains and swales and sediment basins. The plans shall also specify that all disturbed areas shall be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

4. Assumption of Risk, Waiver of Liability and Indemnity

The University acknowledges and agrees (i) that the site may be subject to hazards from wildfire and corrosive soils; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement.

5. Removal of Excess Excavated Material

Prior to the commencement of construction, the University shall provide evidence to the Executive Director of the location of the disposal site for all excess excavated material from the site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid coastal development permit for the disposal of fill material. If the disposal site does not have a coastal permit, such a permit will be required prior to the disposal of material.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT. AS SUBMITTED

The following findings support the Commission's approval of the Notice of Impending Development, as submitted. The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION

The impending development consists of a remodel and expansion of the existing George Elkins Auditorium located within the established central campus area (**Exhibits 1-8**). Pepperdine University proposes the project to increase the number of seats available for academic, religious, and community programs held in the auditorium and to provide additional classroom and office space for Seaver College. The remodel and expansion includes the following four components:

- 1. Remodel of the existing 5,720 sq. ft. auditorium to increase seating by 99 seats to provide a total of 400 seats;
- 2. Construction of five new classrooms (6,470 sq. ft.), one of which will be used temporarily as offices;
- 3. Construction of a new 384 sq. ft. vestibule to provide an expanded entry hall for the auditorium; and
- 4. Construction of new restrooms (1004 sq. ft.) and mechanical rooms and corridors (1160 sq. ft.) serving the auditorium and new classrooms.

Elkins Auditorium currently is 5,720 sq. ft. in size and provides 301 seats. The proposed project would remodel the auditorium to increase the number of seats in the auditorium by 99 for a total of 400 seats. The remodel would not increase the square footage of the auditorium, with the exception of the entry hall. The entry hall to the auditorium would be reconfigured so as to enclose an additional 384 sq. ft. of outdoor area of hardscape, creating a more spacious and attractive vestibule. While the existing auditorium would remain 25 foot in height from natural grade, the added vestibule would be slightly smaller at 13 feet in height from natural grade.

Five new classrooms, approximately 15 feet in height, would also be built into what is now a landscaped slope and parking lot immediately to the northeast of Elkins Auditorium. Two new restrooms, a mechanical room, and corridors would be built to

connect the new classrooms and auditorium. The construction of the classrooms would displace nine existing parking spaces in the lot northeast of the auditorium. These nine spaces would be replaced, along with a walkway and landscaping, on top of or adjacent to the proposed roof of the classrooms. A stairway and elevator would connect the upper walkway and parking lot with the classrooms and auditorium. A 13-foot high vestibule would cover the proposed walkway on top of the classrooms. The classrooms and vestibule would be cut into the hillside approximately 12 to 16 feet below existing grade, so that the top of the 15-foot high classroom and 13 foot high vestibule would range from 10 to 16 feet above existing grade and approximately 28 feet in height from proposed grade.

The proposed expansion would cover up to 9,500 square feet and involve approximately 6,660 cu. yds. of grading (6,660 cu. yds cut and export). The development would result in the removal of several ornamental tree species and the boxing and replanting of two sycamore trees and one peppermint tree. According to the University, the project would not impact the overall number of parking spaces on the Malibu Campus and would not result in an increase in student enrollment or the number of students commuting to campus.

B. CONSISTENCY ANALYSIS

The standard of review for a Notice of Impending Development is consistency with the certified Long Range Development Plan (LRDP). On September 12, 1989, the Commission denied the Pepperdine University LRDP as submitted and approved it with suggested modifications necessary to bring the LRDP into conformance with the Coastal Act. On February 7, 1990, the Board of Regents of the University acknowledged the receipt of the Commission's certification and agreed to the terms of the modifications to the LRDP. On April 12, 1990, the Commission concurred with the Executive Director's determination that the Board's action accepting the certification was legally adequate and sent such determination to the Secretary of Resources, thereby effectively certifying the LRDP. Since that time, the LRDP has been amended several times.

The certified 1990 LRDP allows for an expansion and addition to Elkins Auditorium totaling 9,500 sq. ft. and providing up to 400 seats within the auditorium. The original plan was to expand the auditorium by 5,000 sq. ft. and add a second floor containing offices and classrooms that would total approximately 4,500 sq. ft. The plan also outlines that the auditorium can be increased to an overall facility height of 40 feet.

The proposed project would remodel the auditorium, add a 384 sq. ft. vestibule to the auditorium, and add two restrooms and five classrooms totaling 8,634 sq. ft. to the northeast of the auditorium. A vestibule, pathway, parking spots, and landscaping would overly the proposed classrooms. The facility would be less than 40 feet in height from existing and proposed grade. While the proposed configuration would be different than that originally outlined in the LRDP, the overall expansion area of the proposed

Pepperdine University Notice of Impending Development 1-06 (Elkins Auditorium Remodel) Page 8

project (9,500 sq. ft.) and proposed total number of auditorium seats (400 seats) would remain the same.

As certified in the 1990 LRDP, Pepperdine University's ultimate buildout will accommodate 5,000 full time equivalent students (FTE), 500 faculty, 777 staff members, and 17 administrators. Currently there are approximately 2,765 FTE students enrolled at the Malibu Campus during the academic year. There are also approximately 4,188 parking spaces on the Malibu Campus. According to the University, the project will not impact the overall number of parking spaces on the Malibu Campus and will not result in an increase in student enrollment or the number of students commuting to campus.

The proposed project is located in the center of the densely developed main Malibu Campus. Existing sewer, water, and utility connections would, therefore, service the development. The project area is not considered environmentally sensitive habitat area or designated as open space. The project would involve the removal of several ornamental tree species, including a coral tree (*Erythrina corraloides*), a canary island date palm (*Phoenix canariensis*), several white iron bark (*Eucalyputs leucoxylon*), and several cajeput (*Melaleuca leucandendra*). In addition, two California sycamore trees (*plantus racemosa*) and one peppermint tree (*agonis flexuosa*) would be boxed during construction and replanted following construction. The project, therefore, would not directly impact environmentally sensitive habitat or open space resources.

Hazards

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. In addition, fire is an inherent threat to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides on property.

The certified 1990 LRDP mandates that new development be sited and designed to provide geologic stability and structural integrity, and minimize risks to life and property in areas of high geologic, flood, and fire hazard. In particular, the LRDP includes the following policies in relation to geology and hazards:

- All available safety standards, regulations, and related research information will be incorporated into the planning and design of all new developments.
- All structures shall be setback fifty (50) feet from the Malibu Coast Fault or any active splays of the fault. On potentially active splays the setback requirement may be lessened as determined by a detailed geotechnical investigation.

The University has submitted three geotechnical and soils reports prepared by Van Beveren and Butelo, Inc. for the proposed project: "Geotechnical Investigation -

Pepperdine University Notice of Impending Development 1-06 (Elkins Auditorium Remodel) Page 9

Proposed Elkins Auditorium Additions, Pepperdine University Campus" October 5, 2005; "Report of Rippability Study – Proposed Events Center and Parking Structure, Pepperdine University," April 12, 2006; and "Report of Supplemental Soil Corrosivity Study – Proposed Seaver Parking structure and Elkins Auditorium Additions, Pepperdine University Campus," June 19, 2006. These reports address the geologic conditions on the site, including drainage, corrosivity of soils, rippability, subsurface conditions, groundwater, landslides, faulting, and seismicity.

The project site is situated on a developed south-facing descending slope that has been previously graded for existing development on the main campus. The site is underlain by fill soils and sandstone and siltsone bedrock and is located approximately within two kilometers of the Malibu Coast Fault. The soils at the site, according to the geologist, also exhibit high corrosion potential due to high acidity and sulfate content.

The geologic consultants have found the geology of the proposed project site to be suitable for the construction of the proposed project. The geologic and geotechnical engineering consultant in their geologic and engineering report state that:

"The proposed site grading and construction of the proposed additions will not adversely affect the stability of the project site or of adjacent sites. The site is not subject to landslide or slippage hazards or to settlement due to subsidence of the underlying materials."

The engineering geologic and geotechnical consultants conclude that the proposed development is feasible provided their recommendations are incorporated into the proposed development. The geologic and geotechnical reports contains several recommendations to be incorporated into project construction, design, drainage, foundations, and materials and construction methods to prevent damage due to corrosive soils onsite. The measures would ensure the stability and geologic safety for the proposed project site and adjacent properties.

To ensure that the recommendations of the consultant have been incorporated into all proposed development the Commission, as specified in **Special Condition 1**, requires the University to ensure that the recommendations of the consulting geologist and geotechnical engineer are incorporated into all project plans. Final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission. Any substantial changes to the proposed developments, as approved by the Commission, which may be recommended by the consultant, shall require a new NOID.

The Commission finds that controlling and diverting run-off in a non-erosive manner from the proposed structures, impervious surfaces, and building pad will also add to the geologic stability of the project site and water quality of offsite areas. Therefore, in order to minimize erosion and ensure stability of the project site, and to ensure that adequate drainage and erosion control is included in the proposed development, the Commission requires the University to submit drainage and erosion control plans

certified by the geotechnical engineer, as specified in **Special Conditions Two (2)** and **Three (3)**.

Further, the Commission finds that landscaping of graded and disturbed areas on the subject site will serve to stabilize disturbed soils, reduce erosion and thus enhance and maintain the geologic stability of the site. Therefore, **Special Condition Three (3)** requires the University to submit landscaping plans. The Commission further finds that native and noninvasive plants tend to have a deeper root structures that, once established, aid in preventing erosion. Additionally, the LRDP protects native habitats neighboring the University from the spread of non-native species and minimizes the need for additional irrigation on campus through a policy which states: "Landscaping plants will be restricted to native or introduced species that are known to grow well in the Malibu area". **Special Condition Three (3)**, therefore, also requires the applicant to utilize and maintain native and noninvasive plant species compatible with the surrounding area for landscaping the project site.

In addition, to ensure that excess excavated material is moved off site so as not to contribute to unnecessary landform alteration and to ensure that excess material is not eroded from the site contributing to sedimentation, the commission finds it necessary to require the applicant to dispose of the material at an appropriate disposal site or to a site that has been approved to accept material, as specified in **Special Condition Five** (5).

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wild fire and corrosive soils, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through **Special Condition Four (4)**, assumption of risk, the University acknowledges the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. Moreover, through acceptance of Special Condition Four (4), the University also agrees to indemnify the Commission, its officers, agents and employees against any and all expenses or liability arising out of the acquisition, design, construction, operation, maintenance, existence, or failure of the permitted project. The Commission, therefore, finds that the proposed project, as conditioned, will serve to minimize potential geologic and wildfire hazards of the project site and adjacent properties, as required by the certified LRDP.

Scenic and Visual Resources

The Commission further finds that the certified 1990 LRDP requires scenic and visual qualities to be considered and preserved. The LRDP also provides that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area. Specific policies of the LRDP concerning visual resources include:

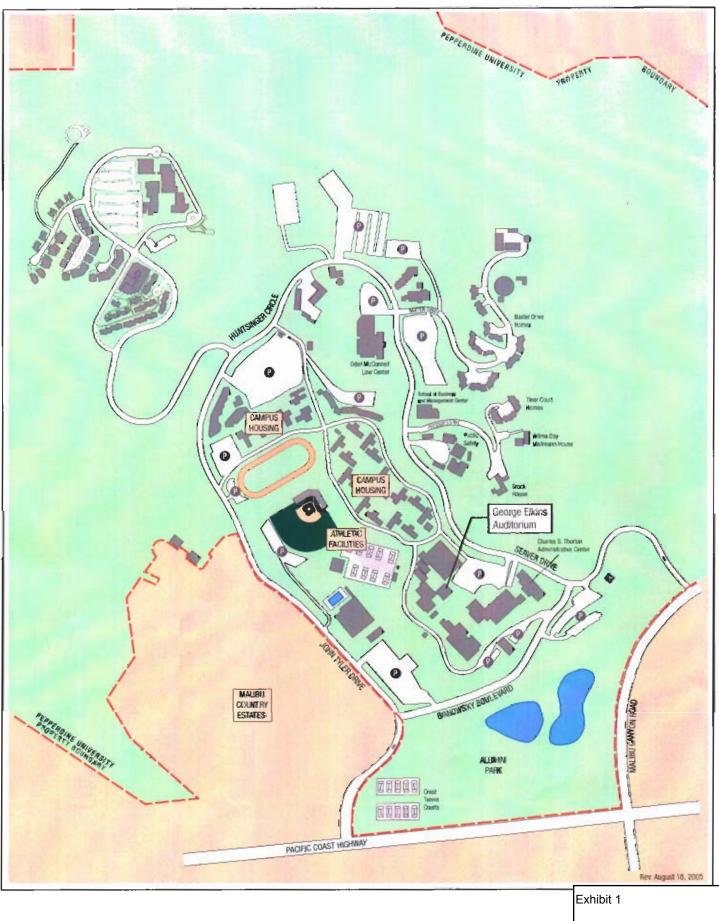
 New structures will be compatible in design and appearance with existing structures and will be attractively designed and distinctive so as to prevent visual monotony.

Pepperdine University Notice of Impending Development 1-06 (Elkins Auditorium Remodel) Page 11

- New structures will be designed and constructed only with essential alternation of the existing terrain.
- Visual resources will be preserved to the maximum degree possible during the planning and design phases of any new development.

As discussed above, the proposed project is a remodel and expansion of an existing auditorium into an area currently developed with parking, hardscape, and landscaping. The remodel would be consistent with the existing design and appearance of structures onsite. The LRDP provides that the expansion of the Elkins complex can be as high as 40 feet from existing grade. The proposed project would extend less than 40 feet from existing and proposed grade. While the project would require significant grading (approximately 6,660 cu. yds. of cut soil) to place the proposed classrooms below the existing parking lot adjacent to Elkins auditorium, this configuration will maximize use of existing developed area and will minimize impacts to visual resources by providing lower, less obtrusive buildings and development. The Commission, therefore, finds that the project minimizes adverse impacts to visual resources to the maximum degree possible.

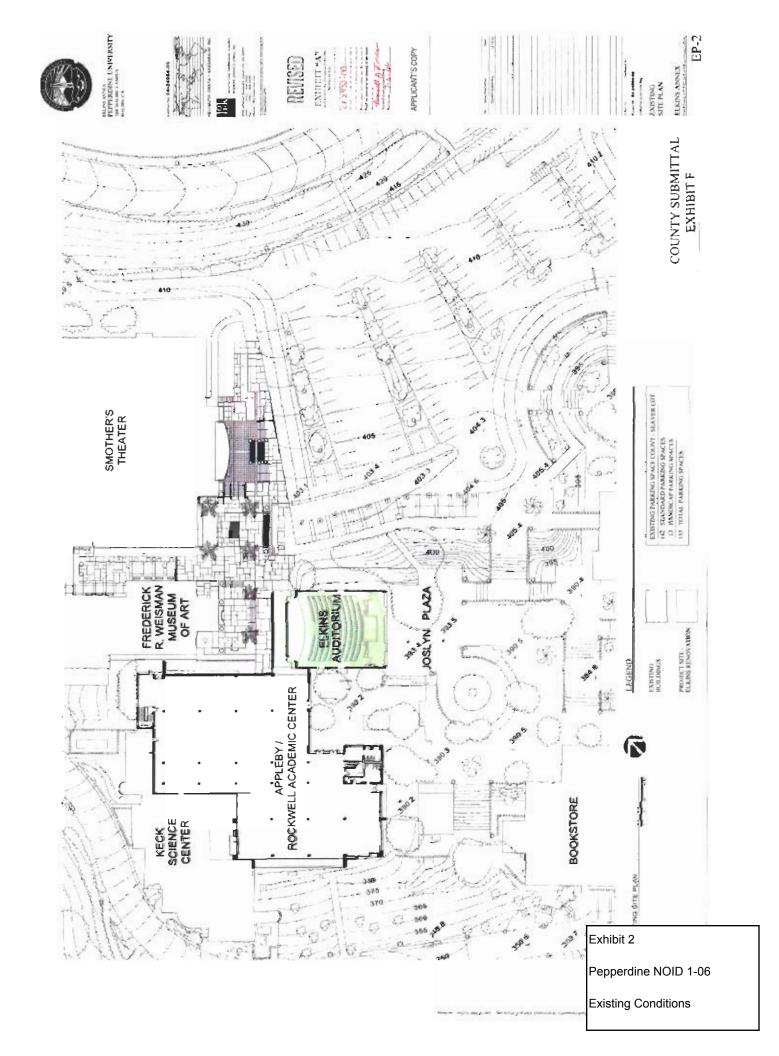
For the reasons stated above, the Commission, therefore, finds that the notice of impending development, as conditioned, is consistent the applicable LRDP policies with regards to geologic resources, safety and hazards, visual resources, and biological resources.

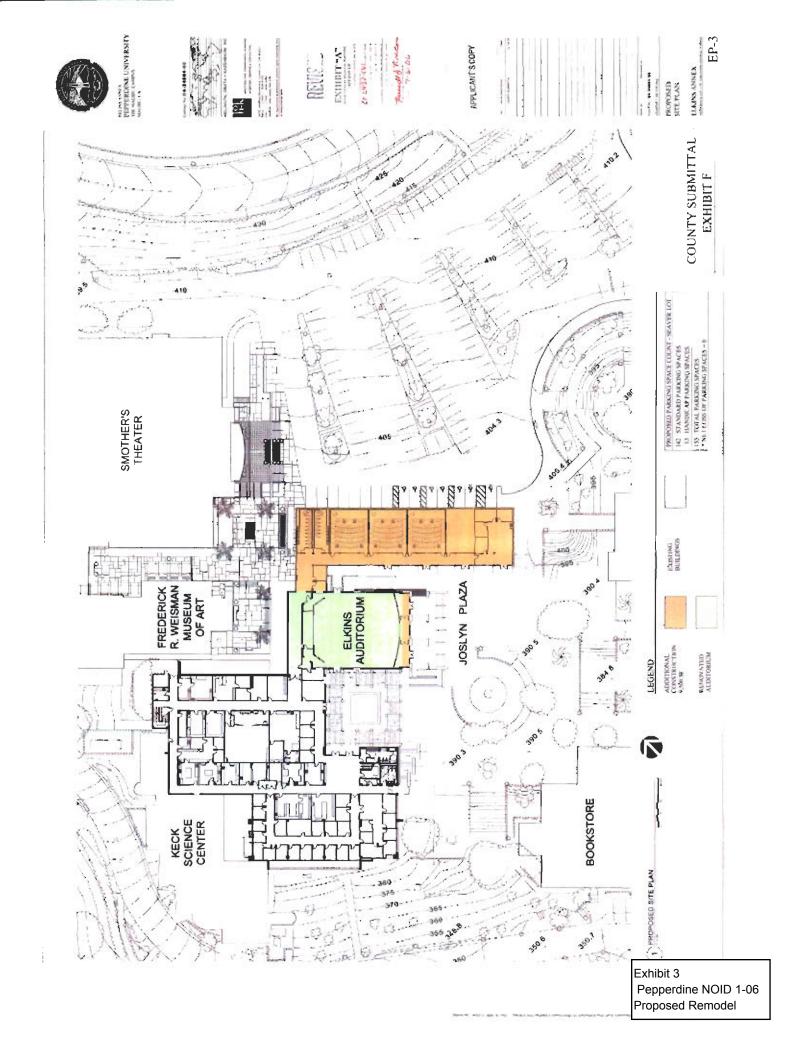


Pepperdine University Malibu Campus Site Map

Pepperdine NOID 1-06

Project Area





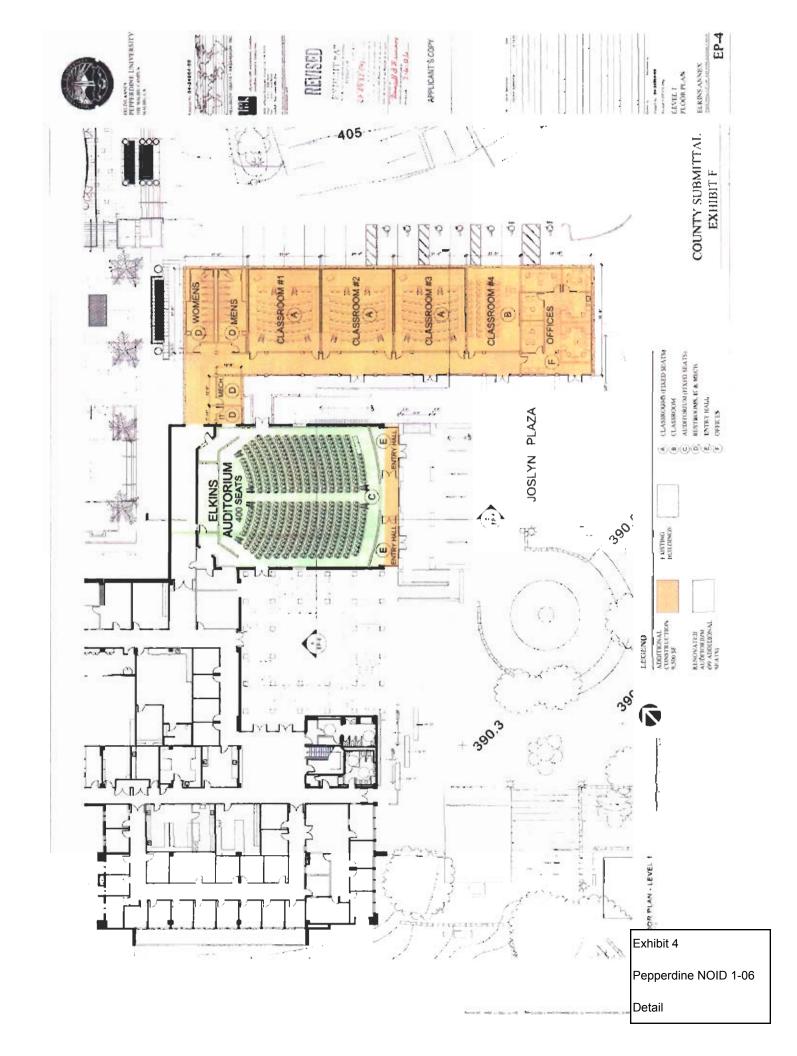








Exhibit 5

Pepperdine NOID 1-06

Perspective of Proposed Remodel

ڻ

Exhibit 6 Pepperdine NOID 1-06 Elevations

