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

Th24a

ADDENDUM

Click here to go to original staff report

DATE: October 3, 2016

TO: Commissioners and Interested Parties

FROM: South Central Coast District Staff

SUBJECT: Agenda Item 24a on Thursday, October 6, 2016
Notice of Impending Development (NOID) No. PEP-NOID-0005-16

The purpose of this addendum is to make the following corrections and revisions to the staff report (language to be inserted is shown in **bold underline** and language to be deleted is shown in ~~**bold line out**~~):

1. ***In order to correct an inadvertent error in the first paragraph of the Summary of Staff Recommendation on page 1, the following revision is made:***

   Staff is recommending that the Commission, after public hearing, **approve** the Notice of Impending Development (NOID) PEP-NOID)-0005-16, as conditioned. Staff is recommending ~~**eight**~~ **seven** special conditions for NOID No. PEP-NOID-0005-16 to minimize impacts to biological resources and water quality and to ensure geological and engineering stability.

2. ***In order to correct an inadvertent error and clarify the phased removal of the existing Seaver Residence Halls in relation to the proposed Outer Precinct housing project and the planned Standard Precinct housing project, the following revisions are made to the first two paragraphs of the Project Description and Background section (Section IV.A) of the staff report on pages 11-12:***

   The NOID includes removing an existing parking lot and ~~**six**~~ **two** existing residence halls and constructing the new 116,498 sq. ft., four story, 48 foot high Outer Precinct student housing building. The project includes 8,700 cu. yds of cut with 4,000 cu. yds of fill and 8,000 cu. yds of removal and re-compaction. 4,700 cu. yds of cut will be exported to the Pepperdine University's (University) stockpile site (previously approved in PEP-NOID-0004-15). In addition, the University is proposing to mitigate for 0.36 acres of upland plant communities impacted by the project, including 0.024-acres of on-site restoration and 0.34-acres of restoration implemented off-site by the Mountains Restoration Trust.

   The proposed project will be within in an existing developed area of the campus, located between the Stotsenberg Track/Tari Frahm Rokus Soccer field and the Lovernich Apartments Exhibit 2. The existing development within the project area consists of the Upsilon Parking Lot and two of the six Seaver Residence Halls. The remaining four Seaver Residence Halls

will **remain onsite and will** continue to house students during construction of the ~~**Outer**~~ **Standard** Precinct **housing complex** ~~**project**~~ and will eventually be removed following completion of ~~**the proposed**~~ **that** project. **Construction of the Standard Precinct housing complex and removal of the remaining four Seaver Residence Halls will be addressed in a future NOID application.**

3. ***The following change is recommended to subsection B of Special Condition 4 (Construction Timing and Sensitive Bird Species Surveys) in order to clarify that when an active nest(s) of a raptor or sensitive bird species is found within 300 feet (500 feet for raptors) of the project site, construction activities may only continue if additional monitoring is conducted and construction noise levels are at or below a peak of 65 dB at the nest(s) site. This requirement is consistent with previous Commission actions involving development in similar areas, including CDPs 5-08-242 (County of Los Angeles Department of Public Works), 4-07-116 (Caltrans), and 4-07-098 (State Parks).***

   B. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor is found within 300 ft. of the project (500 ft. for raptors), the University shall postpone any clearing, grading or construction within 300 feet (500 feet for raptors) until the nest(s) is vacated, juveniles have fledged and there is no evidence of a second attempt at nesting**, or obtain the services of an environmental resource specialist with experience conducting bird and noise surveys, to monitor bird behavior and noise levels from clearing, grading or construction until the nest(s) is vacated, juveniles have fledged and there is no evidence of a second attempt at nesting. During this period the environmental resources specialist shall be present at all relevant construction meetings and during all significant clearing, grading or construction activities (those with potential noise impacts) to ensure that nesting birds are not disturbed by clearing, grading, or construction related noise. The environmental resources specialist shall monitor birds and noise every day at the beginning of project activities and during all periods of significant clearing, grading or construction activities. Clearing, grading, or construction activities may occur only if noise levels are at or below a peak of 65 dB at the nest(s) site. If clearing, grading or construction noise levels exceed a peak of 65 dB at the nest(s) site, sound mitigation measures such as sound shields, blankets around smaller equipment, mixing concrete batches off-site, use of mufflers, and minimizing the use of back-up alarms shall be employed. If these sound mitigation measures do not reduce noise levels, construction within 300 ft. (500 ft. for raptors) of the nesting trees/areas shall cease and shall not recommence until either new sound mitigation can be employed or until the nest(s) is vacated, juveniles have fledged and there is no second attempt at nesting.**

4. ***The first full paragraph on page 2 shall be revised as follows to reflect the correction to subsection B of Special Condition 4 above:***

   Fuel modification for the project will require the removal of vegetation within approximately 0.36 acres of Coastal Sage Scrub habitat (CSS) in an undeveloped area located upland of the subject site. In response, the University is proposing to implement a restoration/enhancement

plan as part of this NOID submittal to mitigate impacts to the 0.36 acres of upland CSS habitat. The Commission finds that Special Condition Five (5) is necessary to ensure that the restoration/ enhancement plan is successfully implemented. In addition, while surveys of the subject site in 2011 did not identify any sensitive bird species, the possibility exists that in the five years following the last survey birds may have established nests or roosts within the project area. Special Condition Four (4) will require pre-construction surveys and monitoring for any bird species within the development area. If sensitive bird species are discovered, all construction operations shall **be acoustically monitored and restricted or shall** cease and necessary actions shall be taken to ensure the safety of the birds.

5. ***The last paragraph on page 14 of the staff report findings shall be revised as follows to reflect the correction to subsection B of Special Condition 4 above:***

Lastly, the areas surrounding the location of the proposed project are comprised of landscaping and ornamental, non-native species of trees. These trees include several species of *Eucalyptus*, *Bougainvillea*, evergreen pear, bottlebrush, palm trees, paperbark, and coral trees. Biological surveys performed in 2011 as part of the CLP EIR concluded that due to the lack of native plant assemblages, urban development and human activity, sensitive wildlife species are not known or expected to occur within the project site. However, it has been approximately 5 years since the site and surrounding area were last surveyed for any sensitive bird species and because it is possible that birds have moved into the area of the proposed development, the Commission finds it necessary to include Special Condition Four (4), requiring a qualified environmental resource specialist to conduct bird surveys to determine whether nesting or breeding behavior is occurring within 500 feet of the project site. If a sensitive bird species is exhibiting nesting behavior, the University must **either** postpone development in that area until all birds have fledged, as well as contact all appropriate agencies to determine the proper course of action to protect the species, or **retain the services of an environmental resource specialist to monitor bird behavior and noise levels construction to ensure noise levels do not exceed 65 dB at the nest(s) site until the nest(s) is vacated, juveniles have fledged and there is no evidence of a second attempt at nesting**. The nest may not be disturbed or removed and a biological monitor must be present during all construction activities to monitor the potential impacts to nesting birds. Where no bird breeding behavior is initially observed, the environmental resource specialist shall conduct monthly follow-up surveys during the bird breeding/nesting season.

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(805) 585-1800

Th24a

DATE: September 15, 2016

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Barbara Carey, District Manager
Deanna Christensen, Supervising Coastal Program Analyst
Wesley Horn, Coastal Program Analyst

SUBJECT: **Notice of Impending Development (NOID) PEP-NOID-0005-16** for the Student Housing Rehabilitation, Outer Precinct Project, for Public Hearing and Commission Action at the October 6, 2016, Commission Meeting in Ukiah, CA.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Notice of Impending Development (NOID) PEP-NOID-0005-16, as conditioned. Staff is recommending eight special conditions for NOID No. PEP-NOID-0005-16 to minimize impacts to biological resources and water quality and to ensure geological and engineering stability.

The NOID includes removing an existing parking lot and six existing residence halls and constructing the new 116,498 sq. ft., four story, 48 foot high Outer Precinct student housing building. The project includes 8,700 cu. yds of cut with 4,000 cu. yds of fill and 8,000 cu. yds of removal and re-compaction. 4,700 cu. yds of cut will be exported to the Pepperdine University's (University) stockpile site (previously approved in PEP-NOID-0004-15). In addition, the University is proposing to mitigate for 0.36 acres of upland plant communities impacted by the project, including 0.024-acres of on-site restoration and 0.34-acres of restoration implemented off-site by the Mountains Restoration Trust.

The proposed project will be within in an existing developed area of the campus, located between the Stotsenberg Track/Tari Frahm Rokus Soccer field and the Lovernich Apartments Exhibit 2. The existing development within the project area consists of the Upsilon Parking Lot and two of the six Seaver Residence Halls. The remaining four Seaver Residence Halls will continue to house students during construction of the Outer Precinct project and will eventually be removed following completion of the proposed project.

The proposed NOID, as conditioned, is consistent with the certified LRDP, including the conceptual building design and development totals approved in the related LRDP Amendment (LRDPA) 1-11, Part A, which provides for the Campus Life Project, a development infill project with six main components phased over twelve years. The proposed NOID includes development that was included in the 1st component of LRDPA 1-11, Part A, referred to as the "Student Housing Rehabilitation". The Student Housing Rehabilitation consists of two projects:

development of the Outer Precinct housing, which is the subject of the proposed NOID, and refurbishment of the existing Standard Precinct housing, which will be addressed in a future NOID application.

Fuel modification for the project will require the removal of vegetation within approximately 0.36 acres of Coastal Sage Scrub habitat (CSS) in an undeveloped area located upland of the subject site. In response, the University is proposing to implement a restoration/enhancement plan as part of this NOID submittal to mitigate impacts to the 0.36 acres of upland CSS habitat. The Commission finds that Special Condition Five (5) is necessary to ensure that the restoration/ enhancement plan is successfully implemented. In addition, while surveys of the subject site in 2011 did not identify any sensitive bird species, the possibility exists that in the five years following the last survey birds may have established nests or roosts within the project area. Special Condition Four (4) will require pre-construction surveys and monitoring for any bird species within the development area. If sensitive bird species are discovered, all construction operations shall cease and necessary actions shall be taken to ensure the safety of the birds.

The design and siting of new development must assure stability and structural integrity and not create or contribute to erosion, instability or destruction of the site or surrounding areas. To ensure that the recommendations of the geologic and engineering consultants have been incorporated into the proposed development, Special Condition One (1) has been included and requires the University to comply with and incorporate the recommendations contained in the submitted geologic reports. Special Conditions Two (2) and Three (3) are necessary to ensure that adequate drainage and erosion control measures are developed and implemented. Furthermore, construction activities and equipment and machinery have the potential to impact coastal resources. As such, Special Condition Six (6) will ensure that construction activities are managed to prevent any impacts to coastal resources.

Finally, the proposed project is located in an area subject to damage or destruction from natural hazards. As such, Special Condition Seven (7) requires the University to acknowledge the nature of geologic hazards that exist on the site and assume liability.

Staff recommends that the Commission determine that the NOID is consistent with the certified LRDP, only as conditioned to minimize adverse impacts to biological resources, water quality and to avoid hazards.

The standard of review for the proposed NOID is the policies of the certified Pepperdine University Long Range Development Plan.

Additional Information: Please contact Wesley Horn at the South Central Coast District Office of the Coastal Commission at (805) 585-1800 or 89 S. California St, Second Floor, Ventura, CA 93001

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I. PROCEDURAL ISSUES

Section 30606 of the Coastal Act and Title 14, Sections 13547 through 13550 of the California Code of Regulations[1] govern the Coastal Commission's review of specific development projects proposed to be undertaken pursuant to 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.

[1] All further references to regulations are to Title 14 of the California Code of Regulations

Pursuant to Section 13550(b) of the regulations, within thirty days of filing the notice of impending development, the Executive Director is to report to the Commission on the nature of the development and make a recommendation regarding the consistency of the proposed development with the certified LRDP. After a public hearing, by a majority of its members present, the Commission determines 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 impose any conditions(s) necessary to render the proposed development consistent with the certified LRDP.

II. MOTION & RESOLUTION

The staff recommends that the Commission adopt the following resolution:

Motion:

> *I move that the Commission determine that the development described in the Notice of Impending Development PEP-NOID-0005-16 (Student Housing Rehabilitation, Outer Precinct Project), 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 PEP-NOID-0005-16 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:

> *The Commission hereby determines that the development described in the Notice of Impending Development PEP-NOID-0005-16, 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 Geotechnical Engineer's Recommendations

The University agrees to comply with the recommendations contained in all of the geology, geotechnical, and/or soils reports for the development. These recommendations, including recommendations concerning grading, and construction, shall be incorporated into all final design and construction plans, which must be reviewed and approved by the consultant prior to commencement of development. The final construction, grading, and drainage plans approved by the consultant shall be submitted to the Executive Director for review and approval.

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, unless the Executive Director determines that no NOID is required.

2. Drainage and Polluted Runoff Control Plan

Prior to the commencement of construction, the University shall submit for the review and approval of the Executive Director, final drainage and runoff control plans, including supporting calculations. The plan 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 plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the 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 University 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 University shall submit a repair and restoration plan to the Executive Director to determine if a new notice of impending development is required to authorize such work.

E. For projects located on a hillside, slope, or which may otherwise be prone to instability, final drainage plans shall be approved by the project consulting geotechnical engineer.

F. Should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the University 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 a Notice of Impending Development (NOID) is required to authorize such work k.

G. The University shall implement the approved maintenance program such that drainage improvements and other BMP's function as designed and intended.

The University shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a new Notice of Impending Development, unless the Executive Director determines that no NOID is required.

3. Final Landscaping & Erosion Control

Prior to 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 plan shall incorporate the following criteria:

A. Landscaping Plan

1. All graded & disturbed areas on the subject site shall be planted and maintained for erosion control purposes within (60) days of the completion of grading. 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, updated August 2007. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by 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 or maintained within the property.

2. All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. All native plant species shall be of local genetic stock. Such planting shall be adequate to provide 90 percent coverage within five (5) years, and this requirement shall apply to all disturbed soils

3. 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.

The University 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 notice of impending development, unless the Executive Director determines that no NOID is required.

B. Interim Erosion Control Plan

1. The plan shall specify that grading shall take place only during the dry season (April 1 – October 31). This period may be extended for a limited period of time if the situation warrants such a limited extension, if approved by the Executive Director. If a limited extension is approved, the University shall install or construct temporary sediment basins (including debris basins, desilting basins, or silt traps), temporary drains and swales, sand bag barriers, silt fencing, and shall 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. Basins shall be sized to handle not less than a 10 year, 6 hour duration rainfall intensity event.
2. The erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout 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 of the coastal zone or within the coastal zone to a site 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. All temporary, construction related erosion control materials shall be comprised of bio-degradable materials (natural fiber, not photo-degradable plastics) and must be removed when permanent erosion control measures are in place. Bio-degradable erosion control materials may be left in place if they have been incorporated into the permanent landscaping design.

4. Construction Timing and Sensitive Bird Species Surveys

For clearing, grading, or construction activities between April 1 and September 1, The University shall retain the services of a qualified biologist or environmental resource specialist (hereinafter, "environmental resources specialist") to conduct raptor and other sensitive bird species surveys and monitor project operations. At least 30 calendar days prior to commencement of any project operations, the University shall submit the name and qualifications of the environmental resource specialist, for the review and approval of the Executive Director. The environmental resources

specialist shall ensure that all project construction and operations shall be carried out consistent with the following:

A. The University shall ensure that a qualified environmental resource specialist with experience in conducting bird surveys shall conduct bird surveys within 14 calendar days prior to the clearing, grading, or construction activities to detect any active bird nests in all trees or other appropriate vegetation within 500 feet of the project. A follow-up survey must be conducted within 3 calendar prior to the initiation of clearance/construction and nest surveys must continue on a monthly basis throughout the nesting season or until the project is completed, whichever comes first.

B. If an active nest of any federally or state listed threatened or endangered species, species of special concern, or any species of raptor is found within 300 ft. of the project (500 ft. for raptors), the University shall postpone any clearing, grading or construction within 300 feet (500 feet for raptors) until the nest(s) is vacated, juveniles have fledged and there is no evidence of a second attempt at nesting.

C. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species or raptor is found, Pepperdine will notify the appropriate State and Federal Agencies within 24 hours, and appropriate action specific to each incident will be developed. Pepperdine will notify the California Coastal Commission by e-mail within 24 hours and consult with the Commission regarding determinations of State and Federal agencies.

D. If an active nest of a federally or state-listed threatened or endangered species, bird species of special concern, or any species of raptor is found within 300 ft. of the project (500 ft. for raptors), Pepperdine shall ensure that the environmental resource specialist is present during all clearing or grading activities. The environmental resource specialist shall require the University to cease work should any breach in compliance occur, or if any unforeseen sensitive habitat issues arise. The environmental resource specialist(s) shall immediately notify the Executive Director if activities inconsistent with the requirements of this condition occur.

5. Habitat Restoration/Enhancement Plan

Prior to the commencement of construction, the University shall submit, for the review and approval of the Executive Director, a detailed Coastal Sage Scrub Restoration/Enhancement Plan and Monitoring Plan, prepared by a biologist or environmental resource specialist with qualifications acceptable to the Executive Director. Within 60 days of the commencement of construction, the University shall commence implementation of the approved restoration/enhancement plan. The Executive Director may grant additional time for good cause. The plan shall identify the species, extent, and location of all plant materials to be removed or planted and shall incorporate the following criteria:

A. Technical Specifications

1) Restoration/enhancement of 0.024-acres of coastal sage scrub at the proposed on-site location.

2) Restoration/enhancement of 0.34-acres of coastal sage scrub habitat to be implemented off-site on property owned by the Mountains Restoration Trust (MRT), subject to the review and approval of the Executive Director. The restoration area shall be delineated on a site plan and shall be located within the coastal zone of the Santa Monica Mountains. All invasive and non-native plant species shall be removed from the restoration area. The restoration plan for off-site mitigation shall be prepared in consultation with the MRT.

The plan shall include detailed documentation of conditions on site prior to the approved restoration/enhancement activity (including photographs taken from pre-designated sites annotated to a copy of the site plan) and specify restoration goals and specific performance standards to judge the success of the restoration effort.

The plan shall also provide information on removal methods for exotic species, revegetation methods, and vegetation maintenance. The plan shall further include details regarding the types, sizes, and location of plants to be placed within the restoration/enhancement area. Only native plant species appropriate for coastal sage scrub habitat and which occur in the Santa Monica Mountains shall be used, as listed by the California Native Plant Society - Santa Monica Mountains Chapter in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, updated August 2007. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by 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 or maintained within the property. Site restoration shall be deemed successful if the revegetation of native plant species on site is adequate to provide 90% coverage by the end of the five (5) year monitoring period and is able to survive without additional outside inputs, such as supplemental irrigation. The plan shall also include a detailed description of the process, materials, and methods to be used to meet the approved goals and performance standards and specify the preferable time of year to carry out restoration activities and describe the interim supplemental watering requirements that will be necessary.

B. Monitoring Program

A monitoring program shall be implemented to monitor the project for compliance with the specified guidelines and performance standards. The applicant shall submit, upon completion of the initial planting, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial planting/revegetation work. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plan) documenting the completion of the initial planting/revegetation work.

Five years from the project commencement of this NOID, the applicant shall submit for the review and approval of the Executive Director, a Habitat Restoration/Enhancement Monitoring Report, prepared by a qualified biologist or resource specialist that certifies whether the on-site restoration is in conformance with the restoration plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the monitoring report indicates the vegetation and restoration/enhancement is not in conformance with or has failed to meet the performance standards specified in the restoration plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director and shall implement the approved version of the plan. The revised restoration plan must be prepared by a qualified biologist or resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

6. Construction Maintenance Responsibilities and Debris Removal

Pepperdine University shall comply with the following construction-related requirements:

A. No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wind or rain erosion or dispersion.

B. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to ESHA, wetlands or their buffers.

C. Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.

D. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris.

E. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.

F. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.

G. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.

H. The discharge of any hazardous materials into any receiving waters shall be prohibited.

I. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.

J. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity.

All BMPs shall be maintained in a functional condition throughout the duration of the project.

7. Assumption of Risk, Waiver of Liability and Indemnity

The University acknowledges and agrees (i) that the site of the development described in PEP-NOID-0005-16 may be subject to hazards from landsliding, earth movement, and erosion; (ii) to assume the risks to the University and the property that is the subject of this development of injury and damage from such hazards in connection with this 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 development 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 arising from any injury or damage due to such hazards.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The proposed NOID is included as part of Long Range Development Plan Amendment (LRDPA) 1-11, Part A for Pepperdine University's (University) Campus Life Project (CLP), which was approved by the Commission on December 13, 2012 with suggested modifications. Part of that LRDPA approval included a two phased student housing rehabilitation project to construct a new student housing complex, the Outer Precinct, as well as redevelop and enhance existing student housing called the Standard Precinct. The University is proposing to initiate the first phase of the student housing rehabilitation by removing an existing parking lot and six existing residence halls and constructing the new 116,498 sq. ft., four story, 48 foot high Outer Precinct student housing building. The project includes 8,700 cu. yds of cut with 4,000 cu. yds of fill and 8,000 cu. yds of removal and re-compaction. 4,700 cu. yds of cut will be exported to the University's stockpile site (previously approved in PEP-NOID-0004-15). In addition, the University is proposing to mitigate for impacts to 0.36 acres of native plant communities.

The proposed project will be within in an existing developed area of the campus, located between the Stotsenberg Track/Tari Frahm Rokus Soccer field and the Lovernich Apartments Exhibit 2. The existing development within the project area consists of the Upsilon Parking Lot and two of the six Seaver Residence Halls. The remaining four Seaver Residence Halls will continue to house students during construction of the Outer Precinct Project and will eventually be removed following completion of the proposed project. Exhibit 10b of the staff report for LRDPA 1-11, Part A depicts the initially proposed conceptual design of the Outer Precinct in an east to west linear alignment of separated housing units; however, the final project design will consist of interconnected housing blocks in a curvilinear alignment (see Exhibit 4). This curvilinear alignment will allow the development to better conform to the natural contours of the site while also facilitating a passive heating and cooling system used in conjunction with the prevailing winds in the area to control the temperature of the student housing units without the need for air conditioning. Commission staff reviewed the final project design and found it to be in substantial conformance with the design originally approved in LRDPA 1-11, Part A.

Lastly, the University worked collaboratively with the Los Angeles County (County) Fire Department on a final fuel modification plan that would avoid native plant communities to the maximum extent feasible; however, fuel modification for the proposed curvilinear alignment will still require the removal of approximately 0.36 acres of coastal sage scrub (CSS) located upland along the slopes west of John Tyler Drive, Exhibit 5. As a result, the University is proposing to mitigate the impacts to 0.36 acres of CSS habitat as part of this NOID application.

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 most recent LRDP Amendment, LRDPA 1-11, Part A was approved by the Commission on December 13, 2012 with suggested modifications. The Pepperdine University Board of Regents Executive Committee approved a resolution on May 4, 1994 authorizing the University's Executive Vice President to bind the University and accept on its behalf amendments and modifications to the LRDP suggested by the Commission. Accordingly, on June 6, 2013, the University accepted and agreed to all modifications suggested by the Commission. Thus, the University's LRDP as amended by LRDPA 1-11, Part A, was certified as of September 11, 2013 and is now in effect.

Biological Resources

The University's LRDP contains policies and provisions to preserve and protect upland vegetation. Specifically, several policies included in Section I of the University's LRDP that support this goal include the following:

> *…where development will result in the removal of upland vegetation, a restoration/enhancement plan which includes maintenance, monitoring and reporting shall be provided on-site to serve to mitigate and minimize said impacts.*
>
> *All restoration/enhancement projects performed shall submit to the Coastal Commission Executive Director and to L.A. County Environmental Review Board a final report prepared by a qualified biologist, ecologist or resource specialist, a minimum of five years after project start. The report shall indicate whether the restoration project has, in part, or in whole, been successful based on performance standards required of said project.*
>
> *All project mitigation shall occur prior to or concurrent with construction of the development that it is serving to mitigate.*

The proposed project will be located within a previously developed area of the campus, between the Stotsenberg Track/Tari Frahm Rokus Soccer field and the Lovernich Apartments (see Exhibit 2). The site for the proposed project consists of the Upsilon Parking Lot and two existing residence halls. As such, there is no native upland vegetation within the area of the proposed development.

Commission approval of LRDPA 1-11, Part A, for the University's CLP included review and approval of the initial conceptual design for the Student Housing Rehabilitation, Outer Precinct project. That design consisted of a series of separate housing units arranged in an east to west linear alignment. The fuel modification area for the conceptual configuration of the Outer Precinct project reviewed and approved as part of LRDPA 1-11, Part A was comprised primarily of existing development and existing fuel modification and would impact a relatively small area of native plant communities located upland along the slopes of John Tyler Drive. The subject NOID submittal is requesting Commission approval of a project that encompasses approximately the same development area; however, the Outer Precinct is now proposed in a curvilinear alignment. The University worked collaboratively with the County Fire Department to adjust the required fuel modification zones for the proposed project to avoid native upland plant communities to the maximum extent feasible. While removal of native upland plant communities is unavoidable, fuel modification for the project will occur primarily within existing developed areas and existing fuel modification areas. Additional fuel modification to provide fire prevention for the subject proposed development will only require removal of a small area of native upland habitat—approximately 0.36 acres, as shown in Exhibit 5. The University is proposing a restoration/enhancement plan to mitigate for the 0.36 acres of native upland habitat consistent with the first LRDP policy identified above.

The certified LRDP does not specify mitigation ratios for removal of native upland vegetation and for this project the University's restoration/enhancement plan will mitigate at a ratio of 1:1. A review of the plant communities adjacent to the native upland habitat proposed to be removed found that they were healthy and support the appropriate assemblage of native species, and that only a small area of disturbed CSS habitat, approximately 0.024 acres, would be suitable for in-kind, on-site restoration/enhancement, Exhibit 6. As such, the University has proposed a restoration/enhancement plan consistent with the LRDP policy identified above to restore and enhance this 0.024 acres of CSS habitat. To ensure that the restoration/enhancement is adequately implemented, the Commission finds it necessary to include Special Condition Five (5) as part of this NOID approval, requiring Pepperdine to submit and implement a Final Habitat Restoration, Enhancement, and Monitoring Program. The plan shall include, at a minimum, removal of any and all invasive plant species on the site; revegetation of disturbed areas with appropriate native species, including areas where invasive and non-native plants were removed, success criteria and plans for annual reporting. The plan must include a final report to be completed five years after commencement of the project, indicating whether the restoration and enhancement has been successful, consistent with the second LRDP policy identified above.

Because there are no additional areas within the project vicinity that could be restored or enhanced to provide mitigation, the University is proposing to participate in an in-lieu fee program to compensate for the remaining 0.34 acres of native upland habitat that will be removed. At the writing of this staff report, the University is exploring, but has yet to finalize, an agreement for off-site CSS restoration/enhancement to be implemented in cooperation with the Mountains Restoration Trust (MRT) within MRT's Cold Creek Preserve. MRT's Cold Creek Preserve represents an appropriate location for off-site restoration/enhancement because it is located within an area of the Santa Monica Mountains Coastal Zone. Furthermore, the Cold Creek Preserve contains a species assemblage consistent with the native upland habitat affected by fuel modification. The final LRDP policy identified above requires that all project mitigation occur prior to or concurrent with construction of the development that it is serving to mitigate. As such, to ensure that the off-site mitigation is adequately implemented, the Commission finds it necessary to require Pepperdine to provide evidence of a CSS restoration/enhancement plan for off-site areas in cooperation with MRT prior to commencement of construction, as detailed in Special Condition Five (5).

Lastly, the areas surrounding the location of the proposed project are comprised of landscaping and ornamental, non-native species of trees. These trees include several species of *Eucalyptus*, *Bougainvillea*, evergreen pear, bottlebrush, palm trees, paperbark, and coral trees. Biological surveys performed in 2011 as part of the CLP EIR concluded that due to the lack of native plant assemblages, urban development and human activity, sensitive wildlife species are not known or expected to occur within the project site. However, it has been approximately 5 years since the site and surrounding area were last surveyed for any sensitive bird species and because it is possible that birds have moved into the area of the proposed development, the Commission finds it necessary to include Special Condition Four (4), requiring a qualified environmental resource specialist to conduct bird surveys to determine whether nesting or breeding behavior is occurring within 500 feet of the project site. If a sensitive bird species is exhibiting nesting behavior, the University must postpone development in that area until all birds have fledged, as well as contact

all appropriate agencies to determine the proper course of action to protect the species. The nest may not be disturbed or removed and a biological monitor must be present during all construction activities to monitor the potential impacts to nesting birds. Where no bird breeding behavior is initially observed, the environmental resource specialist shall conduct monthly follow-up surveys during the bird breeding/nesting season.

Therefore, the Commission finds that the NOID, as conditioned, is consistent with the related LRDP Amendment 1-11, Part A with regard to the protection of biological resources.

New Development Cumulative Impacts/Land Use

Any project proposed in a NOID must be consistent with the development totals allocated in the certified LRDP. Furthermore, new development has the potential to impact coastal resources. As such, the certified LRDP contains several policies limiting the allowable development within the campus, requiring energy efficiency for new development, and minimizing any impacts to coastal resources.

> *New structures will be designed to achieve maximum energy efficiency...*
>
> *At maximum build-out, 668 single student units for 3,678 students, 103 married student units and 120 faculty, staff and administration units will be provided.*
>
> *All planning and development will be consistent with the LRDP.*
>
> *Landscaping plants will be restricted to native or introduced species which are known to grow well in the Malibu area.*

As discussed earlier, the curvilinear alignment will facilitate a passive heating and cooling system used in conjunction with the prevailing winds in the area to control the temperature of the student housing units without air conditions. Dorm room windows will provide glare and heat surfacing to prevent overheating during summer months and an energy efficient radiant floor heating system will warm the building during cooler months. Lastly, the building will incorporate energy efficient components that will allow the building to exceed the current California energy standards. Collectively, these measures will drastically increase the building's energy efficiency, consistent with LRDP policy requirements.

The campus currently provides 2,270 student beds. The Outer Precinct project approved as part of LRDPA 1-11, Part A allowed a net increase of 358 student beds for a total of 2,628 student beds. This total is well within the maximum building allotment of 3,678 student beds identified in the LRDP policy above. In addition to being in substantial conformance with the initially approved conceptual design, the proposed curvilinear design of the Outer Precinct in this NOID application will not change the number of student beds and will continue to be consistent with the LRDP.

LRDPA 1-11, Part A also included an allowable net increase of 150,692 sq. ft. for the entire Student Housing Rehabilitation project, consisting of the Outer Precinct and the Standard Precinct. Per that allowed net increase in square footage, the University initially proposed to demolish 59,348 sq. ft. of existing housing and construct a new structure of approximately 100,455 sq. ft. for a total increase of 41,107 sq. ft. at the Outer Precinct and to add 109,585 sq. ft. for the Standard Precinct. The LRDP as certified does not apportion the additional housing square footage between the two precincts.

The NOID application for this project initially proposed the aforementioned curvilinear interconnected block totaling 94,578 sq. ft.; however, review of the project by the Los Angeles County (County) Department of Regional Planning determined that the breezeways located between the buildings of the Outer Precinct are required to be included within the total square footage for the project. The area of the breezeways totals 21,920 sq. ft. which increases the total square footage for the project to 116,498. To account for the increase in square footage for the Outer Precinct and remain consistent with the approved net increase of 150,692 sq. ft. allowed in the certified LRDP, the University is proposing to allocate 16,043 sq. ft. of the total square footage increase from the Standard Precinct to the Outer Precinct. As such, the Outer Precinct as proposed will account for 57,150 sq. ft. of the total 150,569 sq. ft. increase and the Standard Precinct will have a maximum of 93,542 net square feet that can be added in the future. The eventual NOID for the Standard Precinct will be evaluated for consistency with all applicable LRDP policies and development allowances. Summaries of the approved and proposed square footages are provided in Tables 1 and 2 below.

Table 1. Summary of Approved Development Areas per LRDPA 1-11, Part A

Component	Existing to be Removed (sq. ft)	New Structures (sq. ft)	Net Increase (sq. ft)
Outer Precinct	59,348	100,455	41,107
Standard Precinct	0	109,585	109,585
Total			**150,692**

Table 2. Summary of Proposed Development Areas

Component	Existing to be Removed (sq. ft)	New Structures (sq. ft)	Net Increase (sq. ft)
Outer Precinct	59,348	116,498	57,150
Standard Precinct	0	93,542	93,542
Total			**150,692**

The final LRDP policy identified above provides guidance on appropriate landscaping for projects with the University's Malibu campus. The use of non-native and/or invasive plant species for landscaping can result in both direct and indirect adverse effects to native plants and species indigenous to the Malibu/Santa Monica Mountains Area. Direct adverse effects from such landscaping result from the direct occupation or displacement of native plant communities by new development and associated non-native landscaping. Indirect adverse effects include offsite migration and colonization of native plant habitat by non-native/invasive plant species (which tend to outcompete native species) adjacent to new development. The Commission notes

that the use of exotic plant species for landscaping has already resulted in significant adverse effects to native plant communities in the Malibu/Santa Monica Mountains area and these impacts are recognized in the LRDP policy requiring landscaping plants to be native species, or those species known to grow well in the Malibu area. In order to minimize adverse effects to the indigenous plant communities of the Malibu/Santa Monica Mountains area that could be directly and immediately affected by the proposed development, the Commission is requiring Special Condition Three (3), that all final landscaping consist primarily of native plant species or those species known to grow well in the Santa Monica Mountains and that invasive plant species shall not be used.

Water Quality

The proposed project has the potential to impact downstream water quality and habitat areas, including the ocean habitats of Santa Monica Bay. The potential impacts include increased erosion and sedimentation, increased volume or velocity of runoff, and introduction of point and non-point pollutants. In addition, the project will generate a net increase of wastewater, requiring management and treatment of the wastewater by local facilities. The certified LRDP contains the following policies to prevent or mitigate impacts as a result of new development.

> *All future developments will incorporate measures to mitigate and/or prevent significant damage to the environment*
>
> *All new development shall have a permanent method of sewage disposal, to the level of tertiary treatment, by the following methods, subject to the review and approval of the Los Angeles County Department of Public Works and/or the Department of Health Services, other affected governmental agencies and the Coastal Commission: (1) The Malibu Mesa Reclamation Plant ("Malibu Mesa"), (2) by contract with the Las Virgenes Municipal Water District's Tapia Wastewater Treatment Facility("Tapia"), (3) a regional sewer system, or (4) any combination of the above three methods…*

As described previously, the proposed development consists of the construction of a 116,498 square foot, four story, 458 bed space, student housing complex, comprised of a series of interconnected residential units arranged in a curvilinear alignment, 48 feet high above finished grade. Potential sources of pollutants such as chemicals, petroleum cleaning agents, and pesticides associated with new development, as well as other accumulated pollutants from rooftops and other impervious surfaces result in potential adverse effects to the water quality of coastal waters. Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration.

The project site is located on a developed area consisting of existing buildings, landscaped areas, and paved parking lots. An analysis of the flow rates for the Outer Precinct found that there would be no net increase in runoff compared to the existing parking lot and existing residence

halls. Nevertheless, as part of the proposed project the University will replace the existing storm drain system at the site with a storm drain system configured specifically for the project. The proposed system will be designed to capture and convey storm water consistent with the County of Los Angeles Low Impact Development Standards Manual (LID). Per the LID manual the system is capable of containing storm water equivalent to a 0.75 in, 24-hour rain event or the 85th percentile, 24-hour rain event. To ensure that the final project is capable of containing and directing all storm water and will not adversely impact water quality or coastal resources, the Commission finds Special Condition Two (2) necessary requiring submission of final post-construction drainage plans with supporting calculations.

The proposed project will employ two separate biofiltration systems to treat storm water. A total of two Filterra Bioretention basins, located at the southern end of the building, will receive incoming storm water and direct it through a filter box and mulch medium to remove larger particles and heavy metals. Next the storm water passes through a soil medium to remove finer particles and any remaining pollutants. The resulting water is then conveyed to an underdrain and directed to the storm drain system. A second system of six Biofiltration basins, distributed evenly around the perimeter of the project, will route storm water through a swale consisting of mulch and soil with interspersed vegetation to filter and remove any particulates and pollutants. Similar to the Filterra Bioretention Systems, the resulting water will be routed to an underdrain and directed to the storm drain system. Both systems will be maintained consistent with Best Management Practices (BMPs) and will include periodic inspection, removal of debris and trash, replacement of mulch, and cleaning of the area around the system.

While the proposed BMPs will be able to sufficiently contain and treat storm water from the project, construction activities have the potential to adversely impact coastal waters and must be properly managed. During construction, the stockpiling of debris, sediments, hazardous materials, and waste can incidentally lead to contaminants entering coastal waterways and habitats. Furthermore, construction operations require the use of machinery and equipment with their own associated contaminants and risks. As such, the Commission finds it necessary to require Special Condition Six (6), detailing the necessary construction responsibilities to ensure hazardous substances, debris and sediment are properly maintained during construction activities and will not have an impact on coastal waters.

Lastly, consistent with the LRDP policy above, the new development will have a permanent method of sewage disposal. Per the CLP EIR the University has approximately 52,735 gallons per day of excess entitlement capacity at the Malibu Mesa Wastewater Reclamation Plant (MMWRP) and more than 93,933 gallons per day excess entitlement capacity at the Las Virgenes Municipal Water District's Tapia Wastewater Treatment Facility (Tapia). The proposed project is expected to generate 11,816 gallons of wastewater per day, well within the established entitlement capacities at either the WWMRP or Tapia facilities.

Geologic Hazards and Safety

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. The certified 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.*

The project will comply with all applicable County codes and County Fire Department requirements for development located in high fire danger areas, including: the selection of building construction methods and materials; ease of site access for emergency and fire vehicles; adequate supply of water and accessibility of fire hydrants; indoor sensors and fire sprinklers; fire retardant landscaping; and a final fuel modification plan approved by the County Fire Department.

The submitted geology, geotechnical, and/or soils reports conclude that the project site is suitable for the proposed project. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project, the project site, and the adjacent properties. To ensure stability and structural integrity and to protect the site and surrounding sites, the Commission requires the University to comply with the recommendations contained in the applicable reports, to incorporate those recommendations into all final design and construction plans, and to obtain the geotechnical consultant's approval of those plans prior to the commencement of construction, which is detailed in Special Condition One (1).

Construction of the new student housing building will include 8,700 cu. yds of cut with 4,000 cu. yds of fill and 8,000 cu. yds of removal and re-compaction. 4,700 cu. yds of cut will be exported to the University's stockpile site (previously approved in PEP-NOID-0004-15) and used in future projects. To minimize erosion and ensure stability of the project site, the project must include adequate drainage and erosion control measures. In order to achieve these goals, the Commission requires the University to submit post-construction drainage and construction phase and interim erosion control plans certified by the geotechnical engineer. These plans are required as Special Condition Two (2) and Special Condition Three (3).

Although the conditions described above render the project sufficiently stable to satisfy the requirements of the LRDP policy, no project is completely without risks. Due to the fact that that proposed project is located in an area subject to damage or destruction from natural hazards, the Commission requires the University to assume the liability from the aforementioned risks. Through the assumption of risk condition detailed in Special Condition Seven (7), the University acknowledges the nature of the fire and/or geologic hazard that exists on the site and may affect the safety of the proposed development.

For these reasons stated above, the Commission finds that the NOID, as conditioned, is consistent with the applicable LRDP policies that pertain to biological resources, new development cumulative impacts/land use, water quality, and geologic hazards and safety.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Pursuant to Section 21080.9 of the California Environmental Quality Act ("CEQA"), the Coastal Commission is the lead agency responsible for reviewing Long Range Development Plans and Notices of Impending Development for compliance with CEQA. In addition, Section 13096 of the Commission's administrative regulations requires Commission approval of Notices of Impending Development to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). The Secretary of Resources Agency has determined that the Commission's program of reviewing and certifying LRDPs qualifies for certification under Section 21080.5 of CEQA.

Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Section 21080.5(d) of CEQA and Section 13540(d) and (f) of the California Code of Regulations require that the Commission not approve or adopt a LRDP, "…if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment." For the reasons discussed in this report, the project, as submitted, is inconsistent with the governing LRDP and its coastal zone protection policies, and feasible alternatives are available which would substantially lessen any significant adverse effect which the approval would have on the environment.

The Commission has, therefore, conditioned the proposed NOID to include such feasible measures adequate to ensure that such environmental impacts of new development are minimized. As discussed in the preceding section, the Commission's suggested modifications bring the proposed project into conformity with the LRDP, and therefore the Coastal Act. Accordingly, the Commission finds that the project, as conditioned, is consistent with CEQA.

Appendix A - Substantive File Documents

Pepperdine University Notice of Impending Development, dated May 5, 2016; Campus Life Project – Component 1, Student Housing Outer Precinct Fuel Modification Mitigation Plan, prepared by Envicom, dated August 29, 2016; LRDPA No. 1-11, Part A (Campus Life Project) dated November 30, 2012; Pepperdine University Campus Life Project Final Environmental Impact Report, prepared by Envicom Corporation, dated March 31, 2011

Exhibit 1
PEP-NOID-0005-16
Pepperdine University
Vicinity Map

Source: I.K. Curtis Aerial Photograph, 2008.

Exhibit 2
PEP-NOID-0005-16
Pepperdine University
Aerial View of Project Site

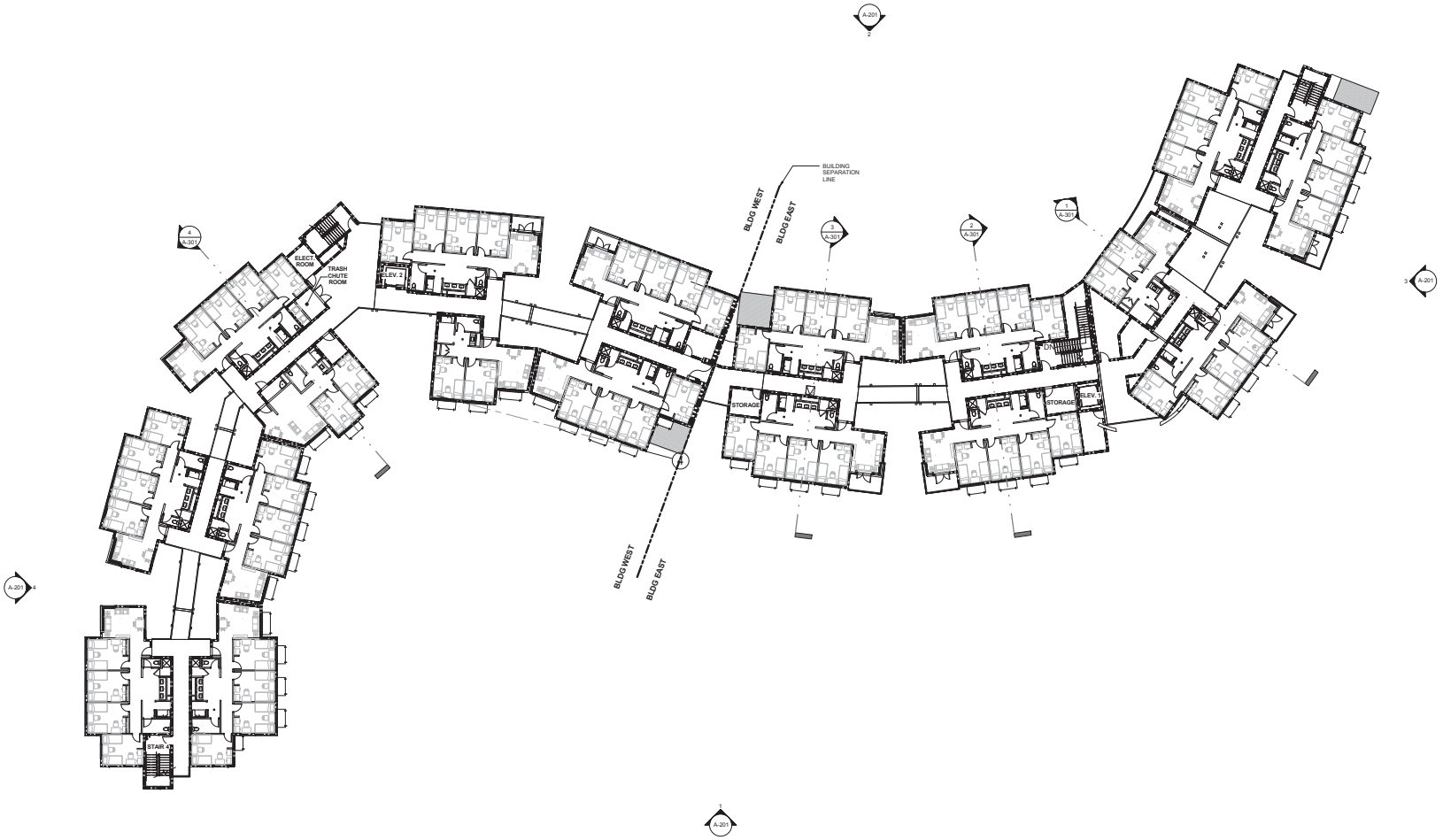
PEPPERDINE UNIVERSITY CAMPUS LIFE PROJECT - DRAFT E

Aerial View of the Project Site

ENVICOM CORPORATION

FEET 0 300 600

FIGURE 3-3



1 TYPICAL BUILDING FLOOR PLAN (LEVEL 4)
1/16" = 1'-0"

PLAN NORTH

TRUE NORTH

Exhibit 3
PEP-NOID-0005-16
Pepperdine University
Project Plans

PEPPERDINE UNIVERSITY

PEPPERDINE UNIVERSITY OUTER PRECINCT RESIDENCE HALL

Outer Res Road
Malibu, CA 90263

NO	DATE	ISSUE
	05/05/2016	

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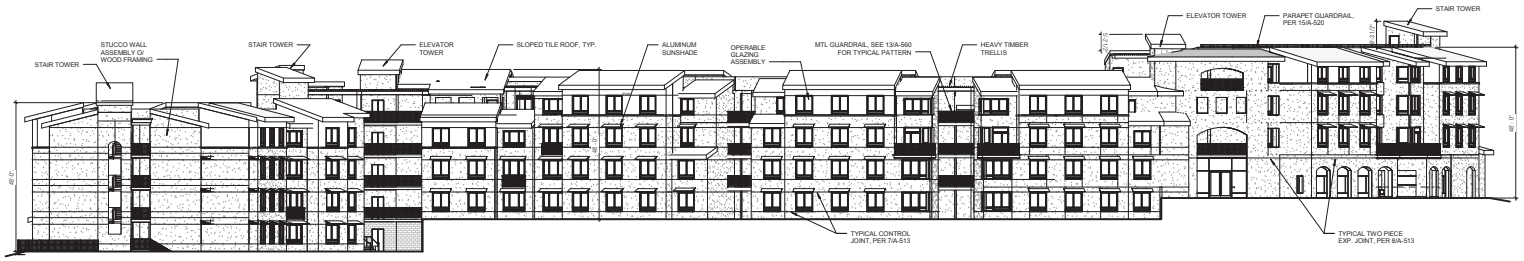
Project No. 2014-00044

TITLE:
OVERALL BUILDING PLAN

SHEET NO:
A-110



1 SOUTH ELEVATION
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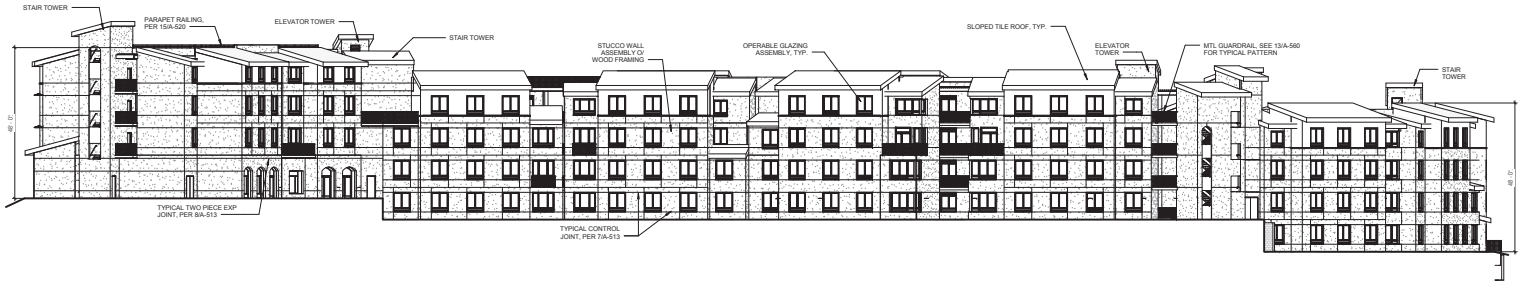
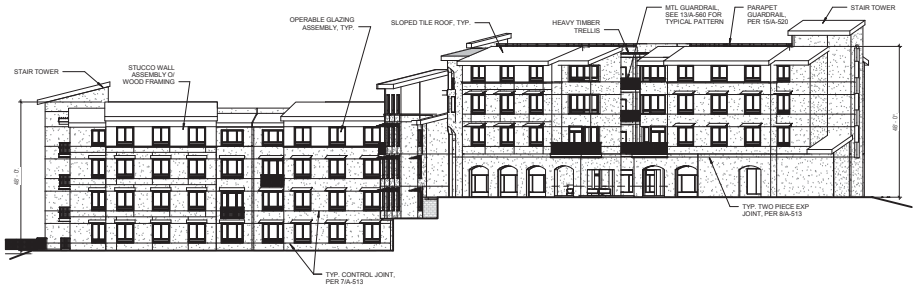


2 NORTH ELEVATION
1/16" = 1'-0"



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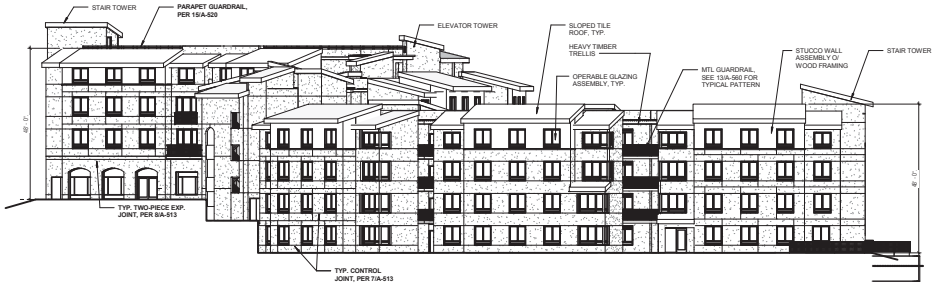

4 WEST ELEVATION
1/16" = 1'-0"

PEPPERDINE UNIVERSITY

PEPPERDINE UNIVERSITY OUTER PRECINCT RESIDENCE HALL

Outer Res Road
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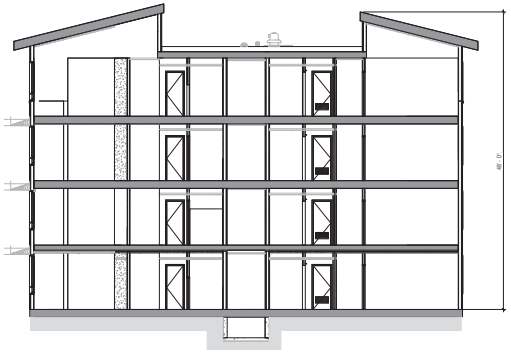
Project No. 2014-00044

TITLE:
OVERALL ELEVATIONS

SHEET NO:
A-201



4 BUILDING SECTION 1 @ PLAN SEGMENT F
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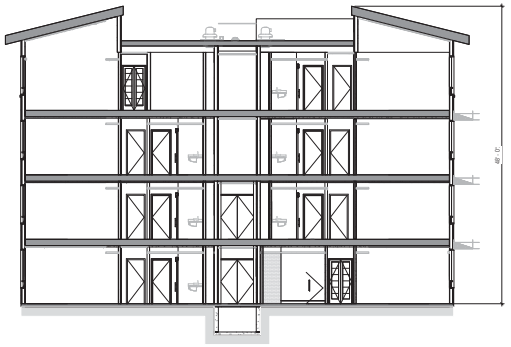
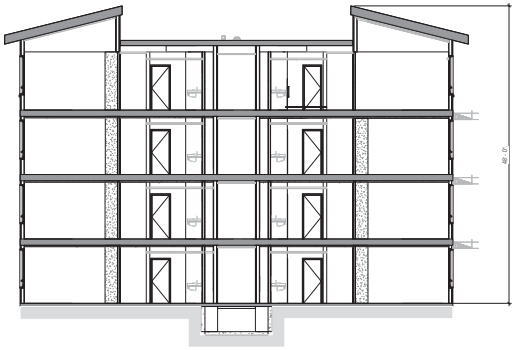


2 BUILDING SECTION 1 @ PLAN SEGMENT C
1/8" = 1'-0"



3 BUILDING SECTION 1 @ PLAN SEGMENT D
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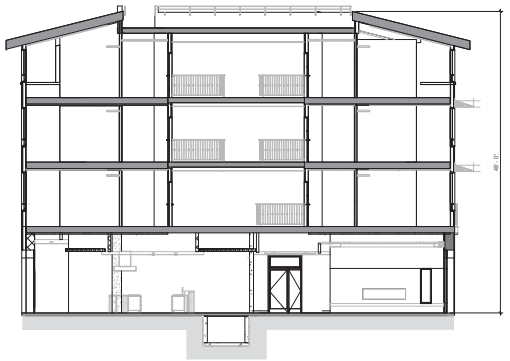

1 BUILDING SECTION 1 @ PLAN SEGMENT B
1/8" = 1'-0"

PEPPERDINE UNIVERSITY

PEPPERDINE UNIVERSITY OUTER PRECINCT RESIDENCE HALL

Outer Res Road
Malibu, CA 90263

NO	DATE	ISSUE
	05/05/2016	

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90017 | USA

(T) (213) 542 4500
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Project No. 2014-00044

TITLE:
BUILDING SECTIONS

SHEET NO:
A-301

Source: GoogleEarth Pro, May 1, 2015.

Revised: Mar. 3, 2016

PEPPERDINE UNIVERSITY CAMPUS LIFE PROJECT – REVISED EXHIBIT "A" APPLICATION

Approved and Proposed Building Footprint Overlay

Exhibit 4
PEP-NOID-0005-16
Pepperdine University
Approved and Proposed Overlay

envicom

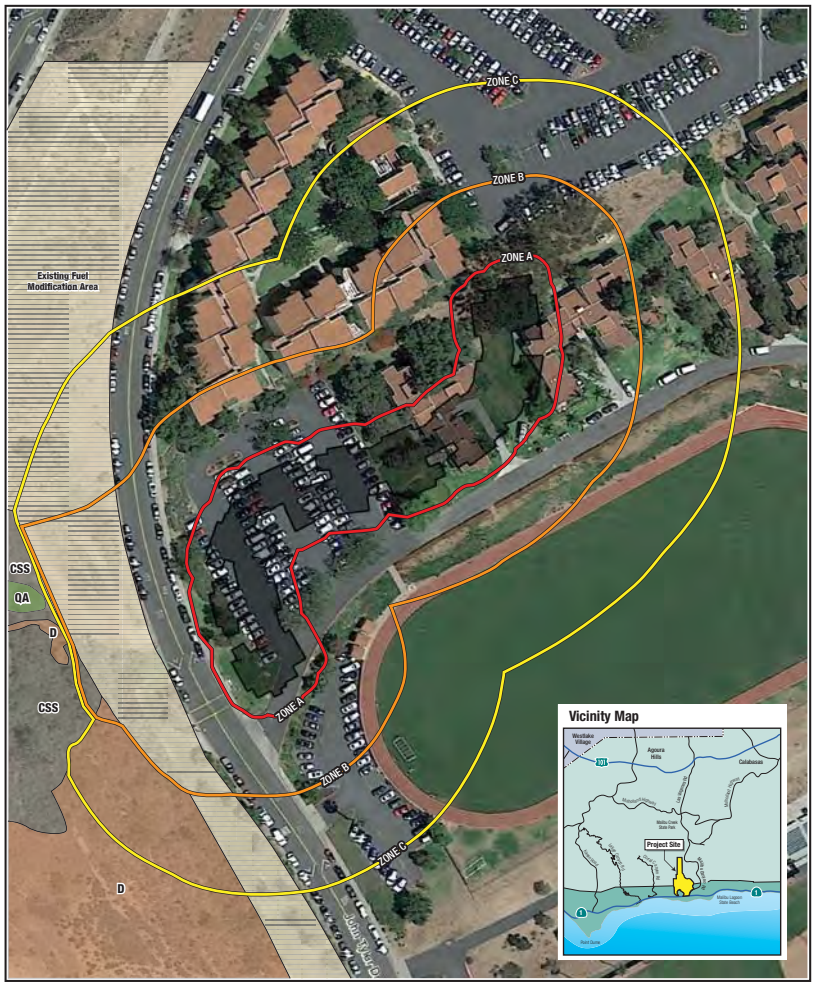
FEET 0 40 80

Exhibit 5

Outer Precinct Project Fuel Modification Plan

APN 4458-037-020, 4458-037-029, 4458-038-008

ASSESSMENT NOTES AND MAINTENANCE AGREEMENT FOR FUEL MODIFICATION PLAN



Legend

- Existing Fuel Modification Area
- D – (Disturbed/Infested Coastal Sage Scrub)
- CSS – (Coastal Sage Scrub)
- QA – (Oak Woodland)

Fuel Modification Zones

- Zone A (Setback Zone)
- Zone B (Irrigated Zone)
- Zone C (Brush Thinning Zone)

Note:

The County Fire Guidelines pertaining to Zone A, Zone B, and Zone C are repeated verbatim below. However, in its efforts to avoid native plant communities consistent with the requirements of its County of Los Angeles Campus Life Project approval, Pepperdine is proposing certain modifications to the Zone distances. As shown in the figure to the left, some portions of Zone B will extend beyond 100 feet to up to 187 feet from the new building and some portions of Zone C will extend from the outmost edge of Zone B to between 150 and 200 feet from the new building. Required activities in all Zones will be determined upon consultation with LACFD.

Zone A – Setback Zone

- Extends 20 feet beyond the edge of any combustible structure, accessory structure, appendage or projection. Overhangs or other parts of the structure not accurately reflected on the plans may negate the approval of plant location on the approved plan.
- Irrigation by automatic or manual systems shall be provided to landscaping to maintain healthy vegetation and fire resistance.
- Landscaping and vegetation in this zone shall consist primarily of green lawns, ground covers not exceeding 6 inches in height, and adequately spaced shrubs. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Plants in Zone A shall be inherently highly fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval. Final or revised Plans submitted after 6 months from the initial submittal will have plants in all zones evaluated based on the most current Fuel Modification Plant List available from the Fuel Modification Unit.
- Except for dwarf varieties or mature trees small in stature, trees are generally not recommended within Zone A.
- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site.
- Vines and climbing plants shall not be allowed on any combustible structure requiring review.

Zone B – Irrigated Zone

- Extends from the outermost edge of Zone A to 100 feet from structure or as noted on plan.
- Irrigation by automatic or manual systems shall be provided to landscaping to maintain healthy vegetation and fire resistance.
- Landscaping and vegetation in this zone shall typically consist primarily of green lawns, ground covers, and adequately spaced shrubs and trees.
- Unless otherwise approved, ground covers shall be maintained at a height not to exceed 6 inches in Zone A and B. If on a slope 12 inches is acceptable in Zone B within 50 feet of a structure and 18 inches beyond 50 feet. The overall characteristics of the landscape shall provide adequate defensible space in a fire environment. Specimen native plants may be approved to remain if properly maintained for adequate defensible space. Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- Plants in Zone B shall typically be fire resistant and spaced appropriately. Species selection should be made referencing the Fuel Modification Plant List. Other species may be utilized subject to approval.
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Target species will typically not be allowed within 30 or more feet of combustible structures and may require removal if existing on site. This distance may extend to 50 feet if the situation dictates.
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, un-seasonal supplemental water.)
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire Department accesses as to not overhang any structure or access at maturity.

Zone C – Native Brush Thinning Zone

- Extends from the outermost edge of Zone B up to 200 feet from structure or as noted on plan.
- Required thinning and clearance will be determined upon inspection. Required clearance may increase to the maximum allowed by the Fire Code as needed because of vegetation growth.
- Irrigation systems are not required for this zone if it consists entirely of native plants. (Native plants are generally not compatible with regular, un-seasonal supplemental water.)
- Vegetation in this zone may consist of modified existing native plants, adequately spaced ornamental shrubs and trees, or both. There may also be replacement landscape planting with ornamental or native species to meet minimum slope coverage requirements of City or County agencies or other Landscape or Hillside ordinances. In all cases the overall characteristics of the landscape shall provide adequate defensible space in a fire environment.
- Plants in Zone C shall be spaced appropriately. Existing native vegetation shall be modified by thinning and removal of those species constituting a fire risk. These species include, but are not limited to chamise, sage, sage brush, and buckwheat.
- Annual grasses and weeds shall be maintained at a height not to exceed 3 inches.
- General spacing for existing native shrubs or groups of shrubs is 15 feet between canopies. Native plants may be thinned by reduced amounts as the distance from development increases.
- General spacing for existing native trees or groups of trees is 30 feet between canopies. This distance may increase or decrease depending on the slope, arrangement of the trees in relation to slope, and the species of tree.

Fire Access Road Zone

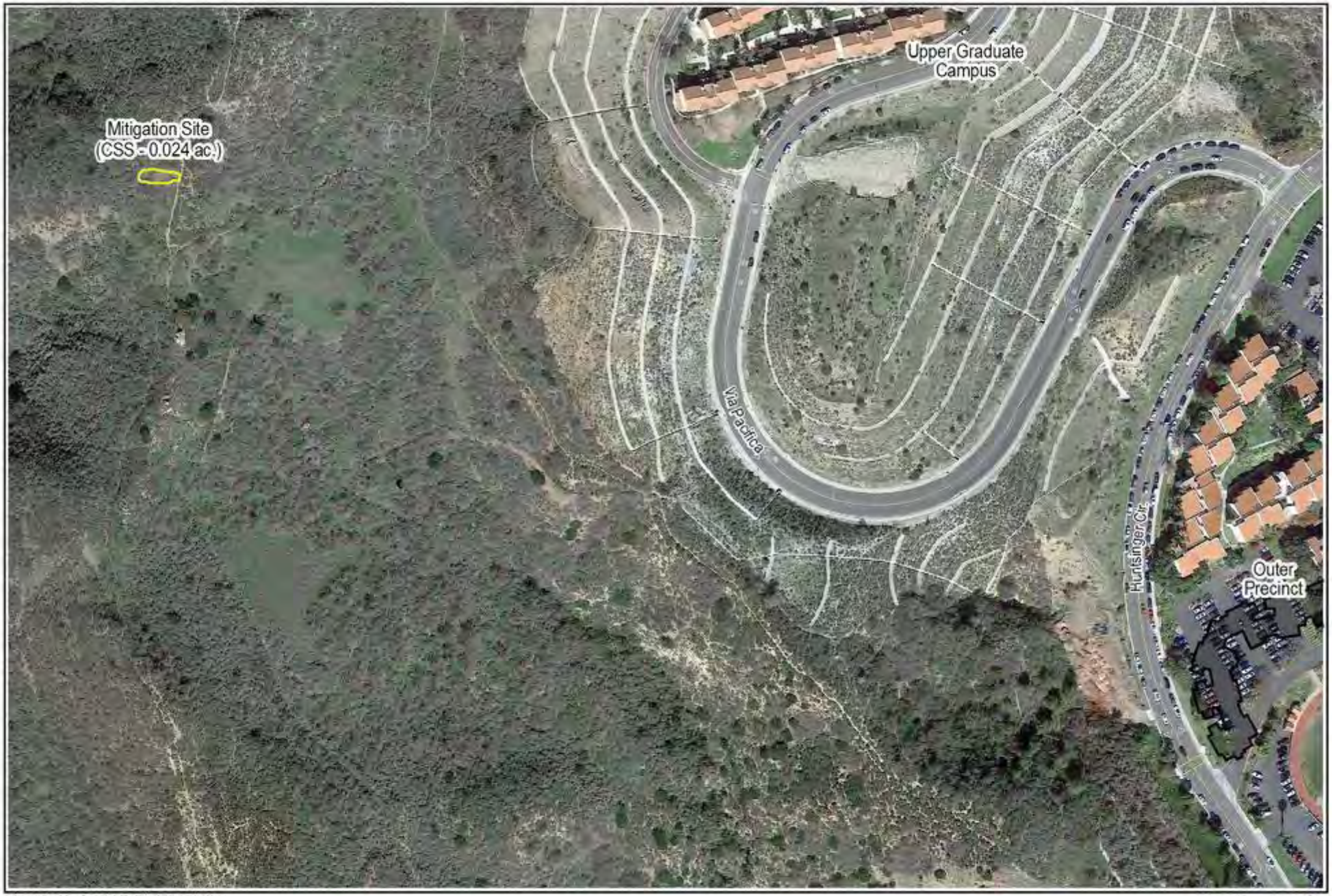
- Extends a minimum of 10 feet from the edge of any public or private roadway that may be used as access for fire-fighting apparatus or resources.
- Clear and remove flammable growth for a minimum of 10 feet on each side of Fire Access Roads. (Fire Code 325.10) Additional clearance beyond 10 feet may be required upon inspection.
- Fire access roads, driveways and turnarounds shall be maintained in accordance with fire code. Fire Access Roads shall have unobstructed vertical clearance for a width of 20 feet. (Fire Code 503.2.1)
- Landscaping and native plants within the Fire Access Road Zone shall be appropriately spaced and maintained to provide safe egress in wildland fire environments.
- All trees, unless otherwise approved, shall be planted far enough from structures and Fire Department accesses as to not overhang any structure or access at maturity.

Maintenance

Routine maintenance shall be regularly performed in all zones. Requirements include but are not limited to those items in the Fuel Modification Guidelines and those outlined below:

- Removal or thinning of undesirable combustible vegetation and removal of dead or dying landscaping to meet minimum brush clearance requirements.
- Pruning and thinning to reduce the overall fuel load and continuity of fuels.
- Fuel loads shall be reduced by pruning lower branches of trees and tree-form shrubs to 1/3 of their height, or 6 feet from lowest hanging branches to the ground, to help prevent fire from spreading and make maintenance easier. Trees with understory plants should be limbed up at least three times the height of the underlying vegetation or up to a height of 40 feet, whichever is less, to help prevent fire from spreading upward into the crown.
- Accumulated plant litter and dead wood shall be removed. Debris and trimmings produced by thinning and pruning should be removed from the site or chipped and evenly dispersed in the same area to a maximum depth of 6 inches.
- All invasive species and their parts should be removed from the site.
- Manual and automatic irrigation systems shall be maintained for operational integrity and programming. Effectiveness should be regularly evaluated to avoid over or under-watering.
- Compliance with the Fire Code is a year-round responsibility. Enforcement will occur following inspection by the Fire Department. Annual inspections for brush clearance code requirements are conducted following the natural drying of grasses and fine fuels, between the months of April and June depending on geographic region. Inspection for compliance with an approved Fuel modification Plan may occur at any time of year.
- Brush Clearance enforcement issues on adjacent properties should be directed to the County of Los Angeles Fire Department's Brush Clearance Unit at (626) 969-2375.
- All future plantings shall be in accordance with the County of Los Angeles Fire Department Fuel Modification Guidelines and approved prior to installation. Changes to the approved plan which require an additional plan review will incur a plan review fee.
- Failure to comply with the Fuel Modification Plan requirements may result in an Administrative Fine of at least $500 per violation, as well as possible liens, assessments, and legal action. Violations may also be corrected at the owners expense with the cost placed on the property tax bill with the addition of an Abatement Enforcement Cost of $648.
- Questions regarding landscape planting and maintenance with regard to fire safety should be directed to the Fire Department's Fuel Modification Unit at (626) 969-5205.

Exhibit 5
PEP-NOID-0005-16
Pepperdine University
Project Fuel Modification



Aerial Source: GoogleEarth Pro, Feb. 8, 2016.

Graphic Revised: July 14, 2016

OUTER PRECINCT – FUEL MODIFICATION MITIGATION PLAN

Mitigation Site Location

Exhibit 6
PEP-NOID-0005-16
Pepperdine University
On-site Mitigation Area

envicom

0 100 200 Feet

FIGURE 3