

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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W11a

DATE: December 22, 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-0008-16 for the Enhanced Recreation Area Phase II and Temporary Staging Area, for Public Hearing and Commission Action at the January 11, 2017, Commission Meeting in San Luis Obispo, CA.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Notice of Impending Development (NOID) PEP-NOID-0008-16, as conditioned. Staff is recommending nine special conditions for NOID No. PEP-NOID-0008-16 to minimize impacts to biological resources and water quality and to ensure geological and engineering stability.

The NOID includes construction of an irrigated turf recreation field within an existing debris basin at Marie Canyon using approximately 45,000 cu. yds of soil removed from a temporary stockpile located at the graduate campus. After removing the soil, the graded area at the temporary stockpile will be used as a temporary construction staging area for build-out of the Outer Precinct project approved by the Commission under PEP-NOID-0005-16 in October, 2016. The temporary stockpile within the University's Drescher Graduate Campus is located to the west of the main campus, above Huntsinger Circle, and the turf recreation field, called the Enhanced Recreation Area, will be located within the existing debris basin at the north end of campus within Marie Canyon, [Exhibit 2](#).

Surveys of both project sites found that vegetation within the area of the proposed development footprints is highly disturbed and does not meet the definition of Environmentally Sensitive Habitat Area (ESHA). While the project sites do not constitute ESHA, the areas of Marie Canyon adjacent to the proposed Enhanced Recreation Area do contain ESHA that serve as habitat for sensitive species. Consistent with the Long Range Development Plan (LRDP) policy requiring proposed development to consider impacts to adjacent ESHA, [Special Condition Four](#) will require a qualified environmental resource specialist to conduct bird surveys prior to construction to determine whether nesting or breeding bird behavior is occurring adjacent to the project site. In addition, [Special Condition Eight](#) will require the University to develop a Recreation Area Management Plan to ensure that maintenance of the Enhanced Recreation Area will not require the use of any rodenticides, pesticides or herbicides that could have a negative impact on sensitive native species.

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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 area. To ensure that the recommendations of the geologic engineering consultants have been incorporated into the proposed development, [Special Condition One](#) has been included and requires the University to comply with and incorporate the recommendations contained in the submitted geologic report. [Special Condition Two](#) and [Special Condition Three](#) 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](#) will ensure that construction activities are managed to prevent any impact to coastal resources. Finally, the project is located in an area subject to damage or destruction from natural hazards. As such, [Special Condition Seven](#) requires the University to acknowledge the nature of geologic hazards that exist on the site and assume liability.

Lastly, while the current use of the pad at the Drescher Graduate Campus as a temporary stockpile for excess fill is not consistent with the certified LRDP, [Special Condition Five](#) will limit the use of the proposed temporary staging area to parking and staging for construction of the Outer Precinct Project and require the eventual removal of the gravel and/or road base onsite. This special condition will prevent the temporary stockpile site from becoming further inconsistent with the LRDP and allow the University to continue removing excess fill from the site to eventually construct the remaining graduate campus facilities approved at the location.

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 and 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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[Exhibit 1. Vicinity Map](#)

[Exhibit 2. Aerial Overview](#)

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[Exhibit 4. Approved Development at Temporary Stockpile](#)

I. PROCEDURAL ISSUES

Section 30606 of the Coastal Act and Title 14, Sections 13547 through 13550 of the California Code of Regulations¹ 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-0008-16 (Enhanced Recreation Area Phase II and Temporary Staging Area), 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-0008-16, 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-0008-16, 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 and attached here as substantive file documents 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 of the Enhanced Recreation Area and temporary staging area, the University shall submit for the review and approval of the Executive Director a final drainage and runoff control plan, 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 sites. 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 of the sites 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 of the Enhanced Recreation Area and temporary staging area, 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 at the Enhanced Recreation Area 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 for graded and disturbed areas at the Enhanced Recreation Area other than the turf sports field 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 at the Enhanced Recreation Area and temporary staging area 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 sites 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 at the Enhanced Recreation Area 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

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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 days 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, 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 resource 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 site(s). If clearing, grading or construction noise levels exceed a peak of 65 dB at the nest site(s), 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 commence again 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.
- 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 actions 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. Limitation on Use of Temporary Staging Area

Use of the Temporary Staging Area at the Drescher Graduate Campus temporary stockpile is limited to parking and staging for the construction of the Student Housing Rehabilitation, Outer Precinct project approved in PEP-NOID-0005-16. Following completion of construction of the Outer Precinct, the University shall remove any structures from the Temporary Staging Area, block access to the site, maintain necessary erosion control measures, and employ methods such as penalty fees, signs, and campus information to prevent students and staff of the University from using the Temporary Staging Area for vehicle parking or other campus use. Gravel and/or road base from the Temporary Staging Area will be removed from the site and incorporated into the construction of other University projects as available.

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 sites of the development described in PEP-NOID-0008-16 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.

8. Recreation Area Management Plan

Prior to the commencement of construction of the Enhanced Recreation Area, the University shall submit for review and approval of the Executive Director a "Recreation Area Management Plan" that shall, at a minimum, include the specifications listed below. The University shall comply with the approved plan as long as the proposed development in Marie Canyon, or any portion thereof, continues to exist.

- A. The Recreation Area in Marie Canyon shall be limited to day use, and no night lighting, whether temporary or permanent, shall be installed
- B. The orientation of the day-use playing field within the Recreation Area may be adjusted from time to time within the boundaries of the Recreation Area as necessary to maintain field conditions;

- C. Management of grass turf within the Recreation Area shall be performed in accordance with the following requirements:
- No rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, or Diphacinone) shall be used.
 - Use of pesticides and herbicides shall be minimized.
 - Integrated Pest Management shall be implemented, which may include the use of appropriate biopesticides, lining the playing field to exclude rodents, etc.
 - Efficient irrigation or other management practices shall be used to eliminate runoff from turf during the dry season or during extended dry periods during the rainy season.
 - Grass cultivars that are pest-resistant shall be used.
- D. All paving, such as but not limited to walkways, shall use permeable pavement;
- E. If a turf field is discontinued in the future, the University shall submit a landscaping plan to supplement the Recreation Area Management Plan, for Executive Director review and approval, that utilizes a palette of locally native, fire retardant plants that are drought tolerant and require minimal application of pesticides, herbicides, and water, and shall implement the approved plan.

9. Removal of Construction Material

Prior to commencement of construction activities, the University shall provide evidence to the Executive Director of the location of the disposal site for all excess construction material and debris, if any, removed from the temporary staging site. If the disposal site is located in the Coastal Zone, the disposal site must have a valid CDP for the disposal of fill materials and debris. If the disposal site does not have a CDP, such a CDP will be required prior to the disposal of material.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT

The Commission hereby finds and declares:

A. PROJECT DESCRIPTION AND BACKGROUND

The subject NOID is included to implement part of the development approved in the 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 student housing rehabilitation project to construct a new student housing complex, the Outer Precinct, and the construction of a new debris basin, new stockpile site, and recreation area within Marie Canyon. Construction of the new debris basin and new stockpile site were previously approved by the Commission in NOID PEP-NOID-0004-15 while construction of the Outer Precinct was previously approved by the Commission in NOID PEP-NOID-0005-16. In this subject NOID, the University is proposing to construct an irrigated recreation field within the existing debris

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basin in Marie Canyon using approximately 45,000 cu. yds of soil from a temporary stockpile located at the University's Drescher Graduate Campus, [Exhibit 3](#). Following removal of the soil from the temporary stockpile, Pepperdine will rough grade that site and utilize it as a temporary construction staging area during construction of the aforementioned Outer Precinct Project, [Exhibit 3](#).

The temporary stockpile at the University's Drescher Graduate Campus is the result of construction approved by the Commission in LRDPA 1-99 and the subsequent NOID 3-99. Approval of that project consisted of development on a 50.4 acre site located to the northwest of the original campus, above Huntsinger Circle. Development was proposed to be located within 4 building pads and consist of a graduate complex, student housing, faculty/staff condominiums and homes, an academic support facility, academic learning center, ancillary facilities, access roads, and 1,338 parking spaces. However, construction of the approved facilities within the three uppermost building pads resulted in an unanticipated generation of approximately 125,000 cu. yds of excess fill soil. Because the University did not have an approved stockpile for this fill soil, the lowermost pad of the Drescher Graduate Campus, approved for the construction of an academic learning center, academic support facility and 200 space parking lot, was selected as a temporary balancing pad, where the soil has remained to this day.

Initially, the proposed project for the Enhanced Recreation Area approved as part of LRDPA 1-11A would have created a flat pad area with an intramural sports field in the location of an existing flood control retention basin and adjacent stockpile area using approximately 153,000 cu. yds of soil from other development approved as part of the CLP. Later, as part of the LRDPA 1-11A amendment, the University proposed to also include the 125,000 cu. yds of excess fill soil at the temporary stockpile in the design of the Enhanced Recreation Area. The sports field pad, as approved, is intended to be periodically raised or lowered to utilize the amount of excavated material for fill that is generated during construction of the other CLP components and the temporary balancing pad at the Drescher Graduate 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 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 Environmentally Sensitive Habitat Areas (ESHA). Specifically, several policies included in Section I of the University's LRDP that support this goal include the following:

No grading will be allowed. Except for purposes of restoration and/or trail construction within the areas shown on the LRDP campus map as a Significant Ecological Area.

The potential for impacts on the ESHA will be considered in the planning and design of developments in adjacent areas.

The proposed project consists of two sites: the temporary stockpile located at the University's Drescher Graduate Campus and the existing debris basin located within Marie Canyon, north of Huntsinger Circle, [Exhibit 2](#).

The area of Marie Canyon proposed for construction of the Enhanced Recreation Area was analyzed, and the Enhanced Recreation Area was approved as part of LRDPA 1-11A. That analysis found that while the existing debris basin does contain some remnant native vegetation, fuel modification activities have left the vegetation within the managed area of the canyon sparse and fragmented. Some additional vegetation grows within the central retention basin area also; however, routine maintenance activities associated with the debris basin including dredging of accumulated sediment have resulted in a pattern of chronic disturbance. As such, the area of Marie Canyon for the proposed Enhanced Recreation Area does not constitute ESHA.

The temporary stockpile is a terraced fill pad comprised of the expansive soil left over from construction of a part of the Drescher Graduate Campus. LRDP 1-99 and the subsequent NOID 3-99 approved the current pad to a height of approximately 585 feet; however, the expansive soil stored at the stockpile increased the height of the pad to its present elevation of approximately 634 feet. The University staff states that the slopes and any vegetation at the temporary stockpile are routinely maintained and vegetation is removed from the apex of 634 feet, down to the height of the LRDP approved elevation, 585 feet. Surveys performed at the site found that vegetation is sparsely located with sporadic native shrubs and herbs; however, because of the required maintenance, the site is highly disturbed and the dominant species are non-native. Furthermore, the nearest native habitat is more than 200 feet away from the project site and separated by a road, [Exhibit 2](#). Therefore, because of the routine disturbance from maintenance of the stockpile and distance from native habitat, the area of proposed grading at the temporary stockpile is not considered to be ESHA.

The certified LRDP requires that the University preserve and protect ESHA located within the University property by prohibiting the grading of ESHA except for restoration and/or trail construction within the Significant Ecological Areas. Pursuant to this policy, aside from this exception, grading is only allowed within areas that do not constitute ESHA. As previously discussed, the area of Marie Canyon proposed for the Enhanced Recreation Area contains highly disturbed and sparse vegetation and was previously found to not constitute ESHA, while the area of the temporary stockpile is disturbed and isolated from the nearest native habitat and also is not considered to be ESHA. Because both sites do not constitute ESHA, the proposed grading for construction of the Enhanced Recreation Area within the existing debris Basin and Marie Canyon using approximately 45,000 cu. yds of soil from the temporary stockpile is consistent with the LRDP policy identified above.

While the proposed project site for the Enhanced Recreation Area does not contain ESHA, it does border open space areas of the campus that do contain ESHA that could serve as habitat for sensitive bird species. As such, construction of the Enhanced Recreation Area has the potential to impact sensitive bird species. Consistent with the LRDP policy that requires proposed development to consider impacts to adjacent ESHA, the Commission finds it necessary to include [Special Condition Four](#), requiring a qualified environmental resource specialist to conduct bird surveys prior to construction to determine whether nesting or breeding bird behavior is occurring within 300-500 feet of the project site. If a sensitive bird species is exhibiting nesting behavior, the University must postpone any clearing, grading or construction until the nest 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. Where no bird breeding behavior is initially observed, the environmental resource specialist shall conduct monthly follow-up surveys during the bird breeding/nesting season.

Lastly, the use and maintenance of the proposed Enhanced Recreation Area within Marie Canyon has the potential for negative impacts on ESHA in adjacent areas. As discussed in Commission Ecologist Dr. Jonna Engel's memorandum dated August, 2013, potential night lighting of the Enhanced Recreation Area could impact the wildlife and migratory birds associated with the adjacent ESHA, while the management of rodents via rodenticides as well as the application of pesticides and herbicides for the turf has the potential to negatively impact or even result in the death of sensitive species in the adjacent ESHA. As such, to ensure that the use and maintenance of this phase of the Enhanced Recreation Area incorporates measures to protect ESHA, the Commission is requiring the University to develop a Recreation Area Management Plan, as outlined in [Special Condition Eight](#).

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

Pepperdine University Notice of Impending Development PEP-NOID-0008-16 (Enhanced
Recreation Area Phase II and Temporary Staging Area)

The LRDP policy below requires that any project proposed in a NOID is consistent with the Land Use Plan in the Specific Plan. It should be noted that the Specific Plan referenced in this policy is the certified LRDP.

All planning and development will be consistent with the Land Use Plan in this Specific Plan

Pursuant to LRDPA 1-99 and NOID 3-99, the pad of the Drescher Graduate Campus that is currently serving as the temporary stockpile for excess soil was approved by the Commission to consist of an academic learning center, academic support facility, and 200 space parking lot, [Exhibit 3](#). To date, none of the facilities approved for the pad have been constructed. As part of this subject NOID application the University is proposing to remove 45,000 cu. yds of the excess soil, rough grade the site, and apply a gravel and/or road base material so that the graded area can serve as a temporary staging area to support construction of the Outer Precinct student housing development previously approved by the Commission in PEP-NOID-0005-16.

The policy cited above requires that all planning and development is consistent with the certified LRDP. In this instance it is important to distinguish between the proposed temporary use of the pad to support construction of another facility versus the long term use of the pad following construction of the Outer Precinct. If the approved development within the pad were constructed pursuant to LRDPA 1-99 and NOID 3-99, use of a portion of the 200 space parking lot as a temporary staging area for construction of other development within the campus would not be inconsistent with the policies and facility map of the certified LRDP. However, allowing the proposed temporary staging area to remain as an open, surfaced pad to possibly be used for future construction staging or as a large open parking lot for campus use would be inconsistent with the facilities and uses approved at the site.

While the current use of the pad as a temporary stockpile for excess fill soil is not consistent with the certified LRDP, in order to ensure that the University continues to work towards bringing the subject pad into conformance with the LRDP, [Special Condition Five](#) limits the use of the temporary staging area to parking and staging for construction of the Outer Precinct project. After completion of the Outer Precinct the University shall remove any structures from the site, block access to the site, and prevent students and staff of the University from using the site for parking or other campus use by employing measures such as penalty fees, signs, and campus information. The University has indicated that immediately removing the gravel and/or road base from the site following completion of construction would be cost prohibitive and that even if the gravel and/or road base were removed immediately there are no feasible means to recycle the material. To address this issue, [Special Condition Five](#), also requires that the University reuse the gravel and/or road base by incorporating the material into the construction of other University projects as opportunities arise.

As such, limiting the use of the temporary staging area and requiring the eventual removal of the gravel and/or road base will prevent the site from becoming further inconsistent with the certified LRDP and will allow the University to continue removing excess fill soil from the site to

eventually construct the approved academic learning center, academic support facility and parking lot.

Water Quality

The proposed project has the potential to impact downstream water quality and habitat areas, including portions of Marie Canyon and 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 Enhanced Recreation Area will require irrigation for the proposed turf, which could have impacts on adjacent areas. The certified LRDP contains the following policies to prevent or mitigate impacts to water quality as a result of new development.

All future developments will incorporate measures to mitigate and/or prevent significant damage to the environment

As described previously, the proposed NOID consists of constructing an irrigated recreation field within the existing debris basin in Marie Canyon using approximately 45,000 cu. yds of soil from a temporary stockpile located at the University's Drescher Graduate Campus. Following removal of the soil from the stockpile, Pepperdine will rough grade the site and utilize it as a temporary construction staging area during building of the aforementioned Outer Precinct Project. Erosion control measures at both sites implemented before and after construction would serve to minimize the potential for adverse impacts to water quality resulting from drainage runoff during construction and in the post-development stage. Therefore, the Commission finds it necessary to require the University to incorporate erosion measures into the final projects via [Special Condition Three](#). It should be noted that while the gravel and/or road base will remain onsite at the temporary staging area until it can be incorporated into other University development projects, the University has agreed to implement erosion control measures consistent with [Special Condition Three](#) to ensure that the site will not be subject to erosion.

Following the completion of construction, the large surface areas of the proposed Enhanced Recreation Area within Marie Canyon and temporary staging area have the potential to concentrate large volumes of water. The site of the temporary staging area will direct runoff to existing concrete swales and storm drains while the Enhanced Recreation Area will be constructed with a drainage standpipe connected to existing storm drains. The University has indicated that it will implement a Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs) to minimize and mitigate potential impacts to water quality. 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 it necessary to impose [Special Condition Two](#), requiring submission of final post-construction draining plans with supporting calculations. Furthermore, if the turf at the field is discontinued in the future, a large area of bare dirt in conjunction with rain could result in a significant amount of sediment washing into coastal waterways and impacting water quality. To address this issue [Special Condition Eight](#) includes a Recreation Area Management Plan that requires that if the turf field is discontinued in the future the University shall submit a landscaping plan consisting of locally

native fire retardant plants to ensure that sediment will not migrate offsite in a manner that will significantly impact water quality.

Lastly, 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. In addition, 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](#), 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.

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: ease of site access for emergency and fire vehicles; adequate supply of water and accessibility of fire hydrants; and a final fuel modification plan approved by the County Fire Department.

The submitted geotechnical report concludes that the project sites are suitable for the proposed projects. The reports contain recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed projects 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](#).

Construction of the Enhanced Recreation Area and temporary staging area will include approximately 45,000 cu. yds of grading. To minimize erosion and ensure stability of the project sites, 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](#) and [Special Condition Three](#).

Although the conditions described above should render the project sufficiently stable, no project is completely without risks. Due to the fact 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](#), 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.

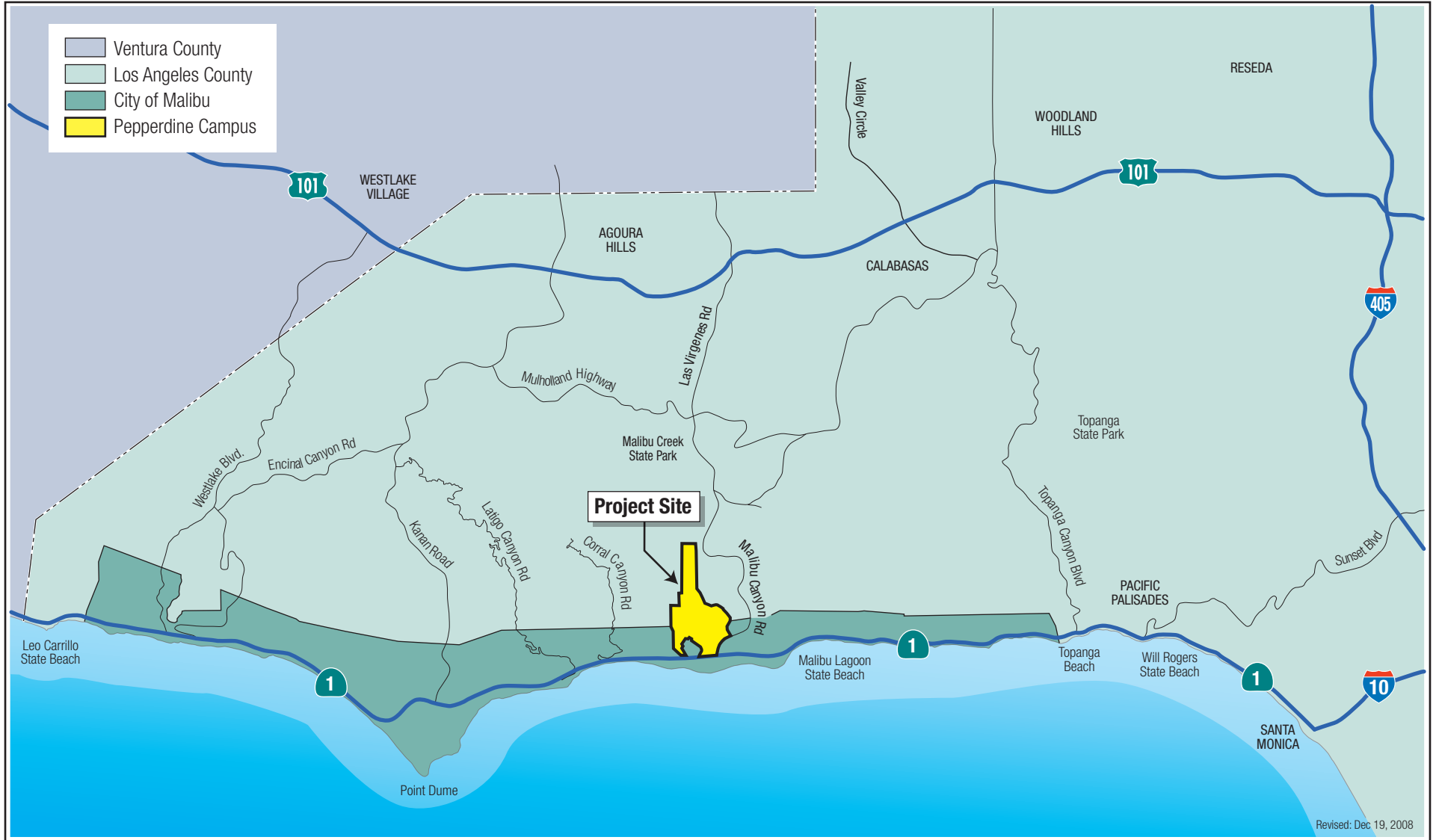
C. CALIFORNIA ENVIRONMENTAL QUALITY ACT

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 alternatives 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.

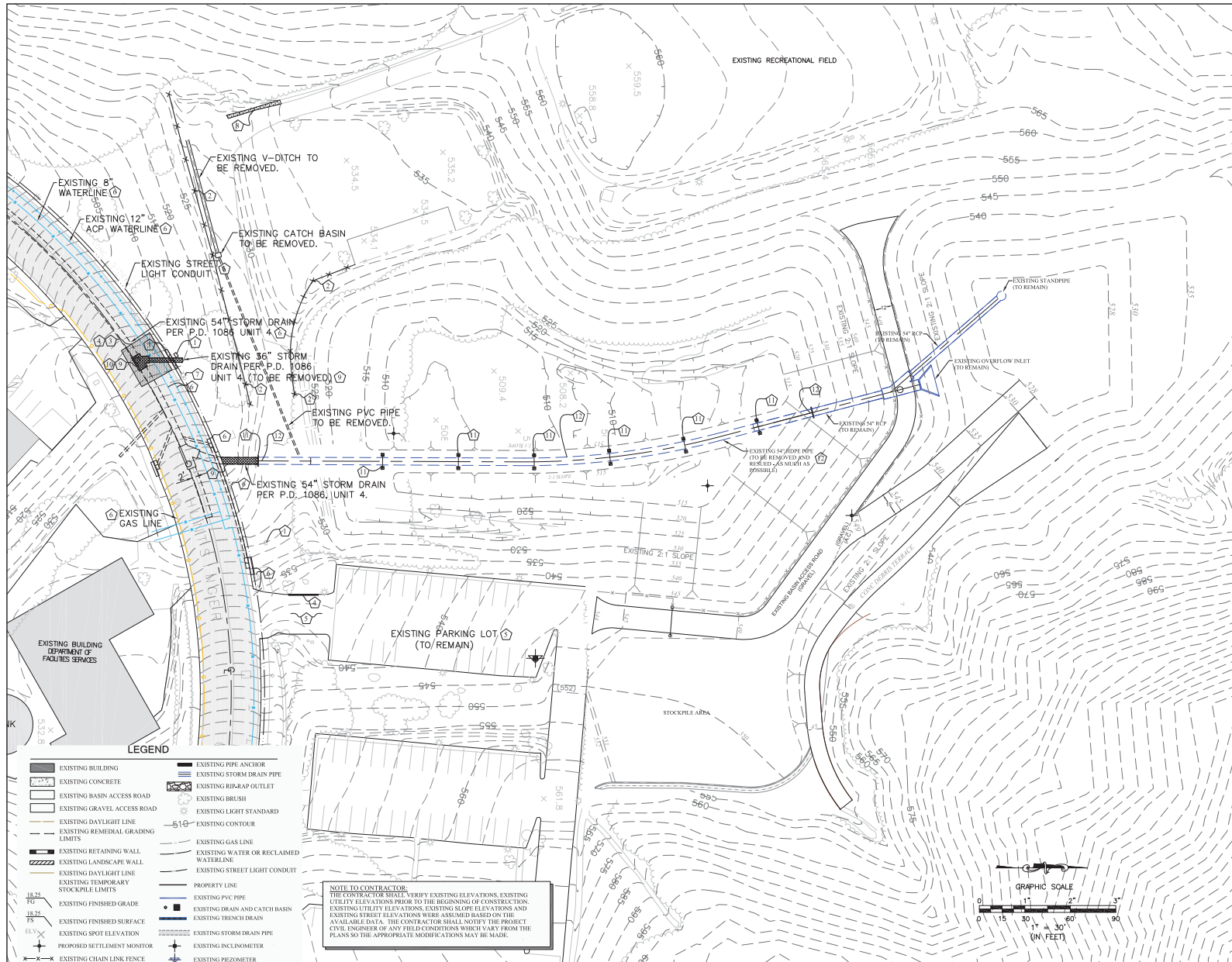
Appendix A - Substantive File Documents

Pepperdine University Notice of Impending Development, dated October 28, 2016; LRDPA No. 1-11, Part A (Campus Life Project) Adopted Findings dated December 18, 2012; Pepperdine University Campus Life Project Final Environmental Impact Report, prepared by Envicom Corporation, dated March 31, 2011;





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



GENERAL DEMOLITION NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO STARTING DEMOLITION. DEVIATIONS FROM SITE SURVEY SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT ENGINEER.
2. CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PREVENT DAMAGE TO ADJACENT AREAS AND IS RESPONSIBLE FOR SUCH DAMAGES.
3. TEMPORARY BARRICADES AND WARNINGS PERTAINING TO CONTRACTORS ACTIVITIES SHALL BE INSTALLED TO PREVENT POSSIBLE INJURY TO PERSONS WITHIN THE CONSTRUCTION AREA. ALL SAFETY PRECAUTIONS SHALL BE IN ACCORDANCE WITH OSHA REQUIREMENTS.
4. EXISTING ITEMS, EQUIPMENT, UTILITIES, FIXTURES, ETC. TO REMAIN SHALL BE PROTECTED FROM DAMAGE.
5. CONTRACTOR SHALL IMPLEMENT ALL STORMWATER PROTECTION MEASURES IN ACCORDANCE WITH THE PROJECT SWPPP PRIOR TO DEMOLITION ACTIVITIES. ALL MEASURES SHALL BE INSPECTED AND MAINTAINED ON A REGULAR BASIS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UNDERGROUND UTILITIES. UNDERGROUND ALERT SHALL BE NOTIFIED A MINIMUM OF 48 HOURS PRIOR TO DIGGING.

CONSTRUCTION NOTES

1. REMOVE AND RELOCATE EXISTING UTILITY VAULT
2. REMOVE AND DISPOSE OF EXISTING FENCING
3. REMOVE AND DISPOSE EXISTING CONCRETE SIDEWALK (REPLACE CONCRETE IN KINK CUT AT NEAREST FULL SECTION)
4. SAW CUT EXISTING ASPHALT / CONCRETE CURB
5. EXISTING PARKING LOT TO BE MAINTAINED AND ACCESSIBLE
6. PROTECT EXISTING UTILITIES IN PLACE.
7. REMOVE AND DISPOSE OF EXISTING LIGHT FIXTURES.
8. REMOVE AND DISPOSE OF EXISTING CONCRETE TERRACE DRAIN
9. REMOVE AND DISPOSE OF EXISTING 54\"/>

LEGEND

- EXISTING ASPHALT TO BE DEMOLISHED AND REMOVED
QUANTITY = 630 SF
- EXISTING CONCRETE SIDEWALK TO BE DEMOLISHED AND REMOVED
QUANTITY = 25 SF
- EXISTING LIGHT BALLARD TO BE REMOVED AND RELOCATED (OR REPLACED)
QUANTITY = 1 EACH
- EXISTING FENCING TO BE REMOVED AND RELOCATED
QUANTITY = 108 LF
- EXISTING CONCRETE TERRACE DRAIN TO BE DEMOLISHED AND REMOVED
QUANTITY = 37 LF
- EXISTING ASPHALT / CONCRETE CURB SAWCUT
QUANTITY = 125 LF

PHASE II - DEMOLITION PLAN

CAMPUS LIFE PROJECT

MARIE CANYON DEBRIS BASIN
UNIVERSITY CONSTRUCTION & CAMPUS PLANNING
74255 PACIFIC COAST HIGHWAY

SHEET CE-4
OF CE-10
DRAWING NO.

Exhibit 3
PEP-NOID-0008-16
Pepperdine University
Project Plans

Prepared by:



RJR ENGINEERING GROUP

Lead: Chief Engineer/Project Construction
Geotechnical Engineering, Geology, Heavy Construction, Environmental
2340 Palms Drive, Suite 200, Ventura, CA 91301
(805) 656-0700, (805) 656-0701 FAX
Email: info@rjrgrp.com

DESIGNED TTA DRAWN TTA CHECKED R. ANDERSON

PROJ. ENG. R. W. ANDERSON

C-58383 12-31-16

REG. NO.

RECOMMENDED

APPROVED

County of Los Angeles

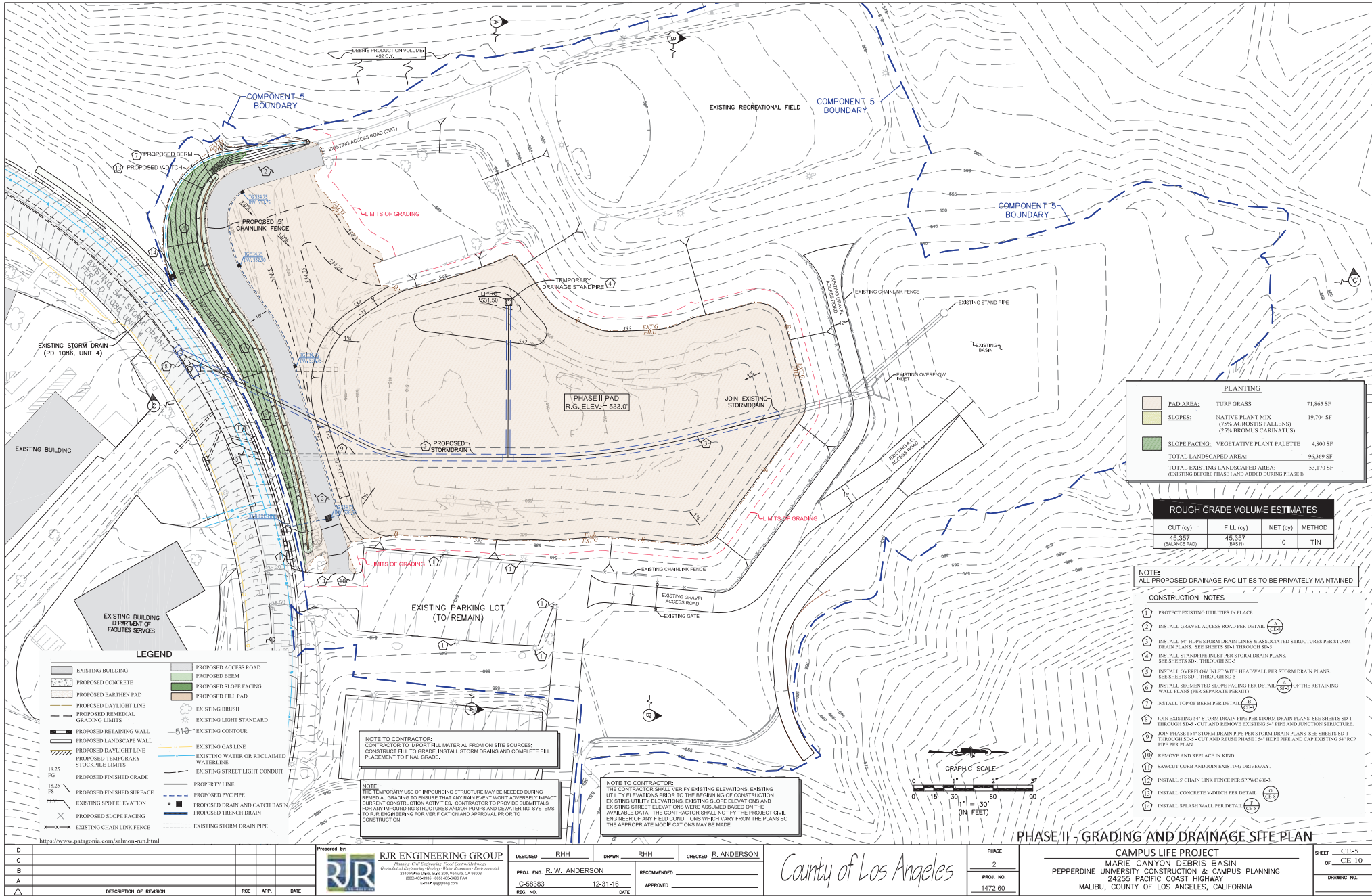
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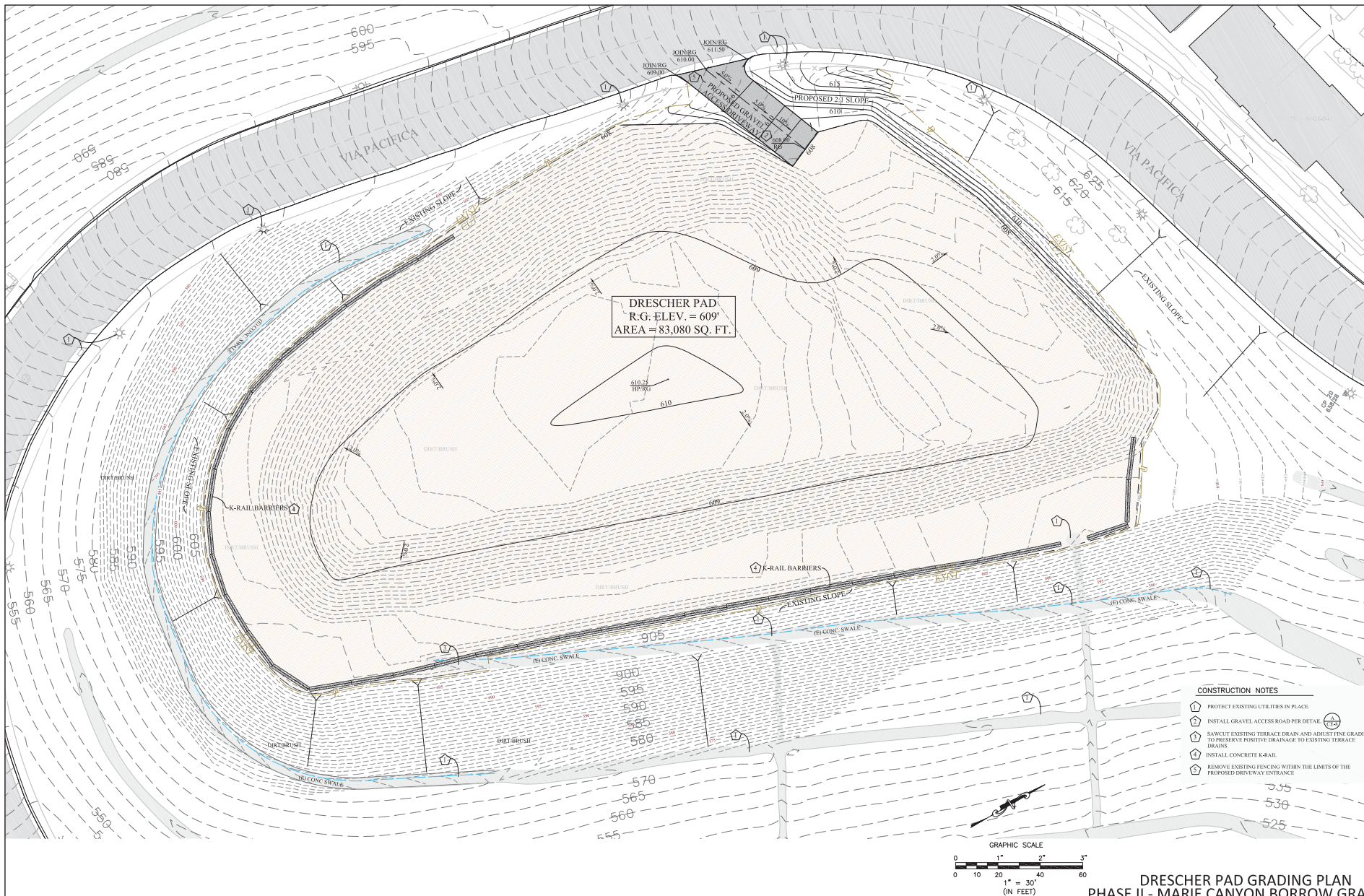
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CONSTRUCTION NOTES

- 1. PROTECT EXISTING UTILITIES IN PLACE.
- 2. INSTALL GRAVEL ACCESS ROAD PER DETAIL.
- 3. SAWCUT EXISTING TERRACE DRAIN AND ADJUST FINE GRADING TO PRESERVE POSITIVE DRAINAGE TO EXISTING TERRACE DRAINS.
- 4. INSTALL CONCRETE K-RAIL.
- 5. REMOVE EXISTING FENCING WITHIN THE LIMITS OF THE PROPOSED DRIVEWAY ENTRANCE.

DRESCHER PAD GRADING PLAN
PHASE II - MARIE CANYON BORROW GRADING

CAMPUS LIFE PROJECT - MARIE CANYON DEBRIS BASIN
PEPPERDINE UNIVERSITY CONSTRUCTION & CAMPUS PLANNING
24255 PACIFIC COAST HIGHWAY
MALIBU, LOS ANGELES COUNTY, CALIFORNIA

County of Los Angeles

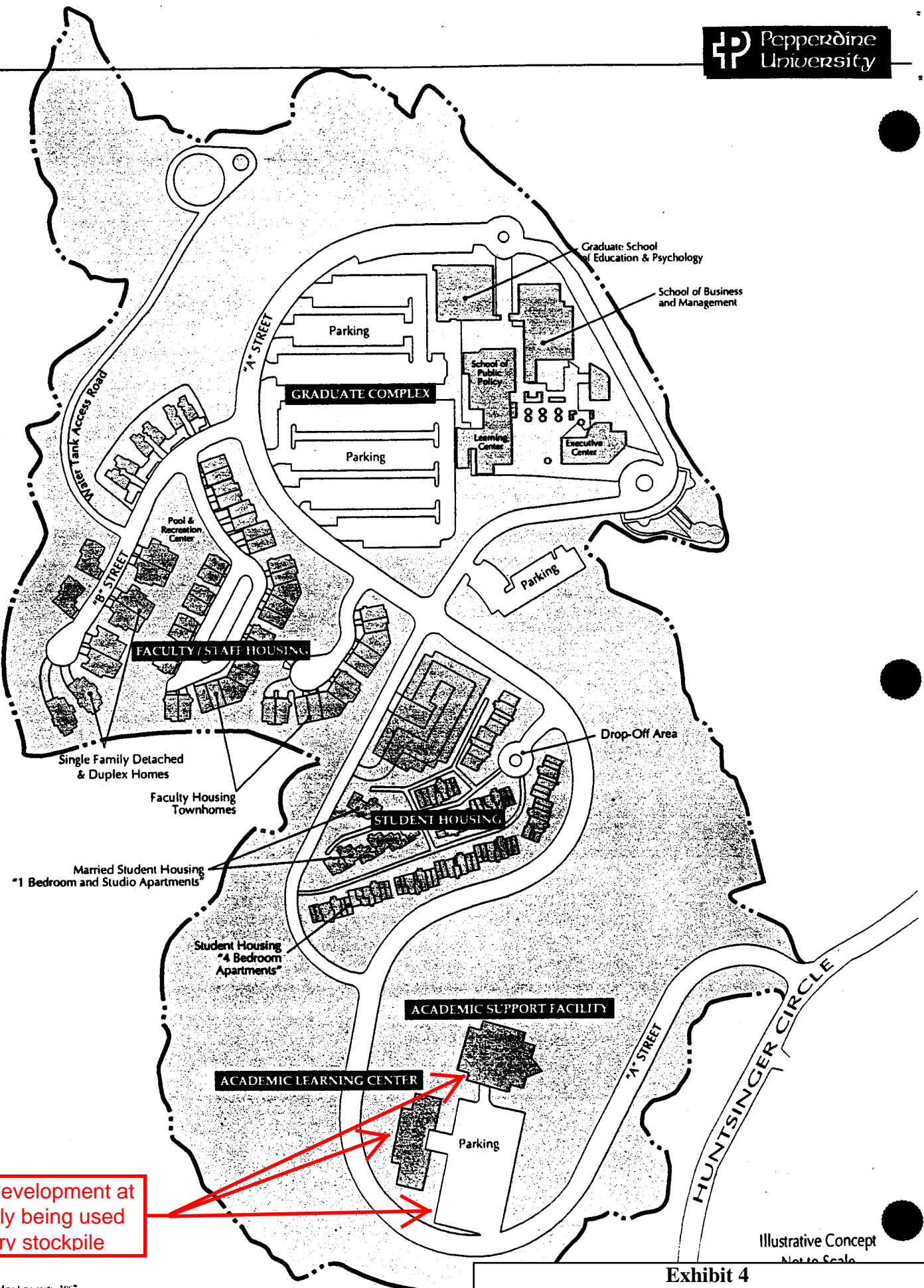
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Prepared by: **RJR ENGINEERING GROUP**
RJR
RJR ENGINEERING GROUP
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DESIGNED	TTA	DRAWN	TTA	CHECKED	R. ANDERSON
PROJ. ENG.	R. W. ANDERSON	RECOMMENDED			
REG. NO.	12-31-16	APPROVED			

PHASE	2
PROJ. NO.	1472.30

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OF	CE-10
DRAWING NO.	



Illustrative Concept
Not to Scale

Source: Pepperdine University, 1997

Proposed GraduateCampus Project

Exhibit 4
PEP-NOID-0008-16
Pepperdine University
Approved Development at Temporary Stockpile