

**CALIFORNIA COASTAL COMMISSION**

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**DATE:** January 21, 2021

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director  
Barbara Carey, District Manager  
Deanna Christensen, District Supervisor  
Isabel Qi, Coastal Program Analyst

**SUBJECT:** **Proposed Major Amendment No. LRDP-4-PEP-20-0002-1** to the Pepperdine University Certified Long Range Development Plan (LRDP) and **Notice of Impending Development (NOID) PEP-NOID-0006-20** for the Enhanced Parking and Storage Project, for Public Hearing and Commission Action at the February 11, 2021 Commission Meeting.

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## SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Long Range Development Plan (LRDP) Amendment No. LRDP-4-PEP-20-0002-1 to the certified Long Range Development Plan as submitted and **approve** Notice of Impending Development (NOID) PEP-NOID-0006-20, as conditioned. Staff is recommending eight special conditions for NOID No. PEP-NOID-0006-20 to minimize impacts to visual resources, public access, biological resources, water quality, and to ensure geological and engineering stability.

Pepperdine University is proposing an amendment to its certified Long Range Development Plan (LRDP) to allow for the construction of the Enhanced Parking and Storage Project. The proposed amendment is project driven and has been submitted in conjunction with a related Notice of Impending Development (PEP-NOID-0006-20). The amendment is proposed to update the LRDP Facility Map and the LRDP Facility Spreadsheet to allow for replacement of three existing surface parking lots with a new parking lot in substantially the same location adjacent to the campus soccer field and baseball field, and the installation of 23 underground storage vaults below the new parking lot.

The project site is proposed to be entirely within the University's existing developed Malibu campus. It will be in the western portion of the campus in the vicinity of the Tari Frahm Rokus Field ("soccer field") (LRDP Facility 307) and the Eddy D. Field Baseball Stadium ("baseball field") (LRDP Facility 306). The proposed new parking lot (LRDP Facility KN) will have up to 304 spaces (201 net new spaces) and will replace three existing parking lots (currently 2 lots at LRDP Facility K and 1 lot at LRDP Facility N).

Pepperdine University LRDP Amendment No. LRDP-4-PEP-20-0002-1 & Notice of Impending Development No. PEP-NOID-0006-20

Other components of the proposed amendment include changing the description of Facility 264/265 - Lower Pad (also referred to as the “Drescher Campus Balance Pad”) in the LRDP Facility Spreadsheet to allow temporary construction staging use when needed for other planned construction projects until such time the University decides to construct the approved academic learning center, academic support facility, and parking lot at the site, and updating the alignment of the Coastal Slope Trail and the Mesa Peak Trail on the LRDP Facility Map consistent with the public trail easements that have previously been dedicated by the University, approved by the Commission, and accepted by Mountains Recreation and Conservation Authority in 2017.

The related Notice of Impending Development (No. PEP-NOID-0006-20) proposes the construction of a new surface parking lot in place of three existing surface parking lots and the installation of 23 underground storage vaults below the new parking lot. The vaults are proposed to be used for storing items such as books, archived files, and decorations. This Enhanced Parking and Storage Project also includes installation of new pedestrian access and other landscape/hardscape improvements, replacement of existing light fixtures, and new stormwater capture and filtration infrastructure. The project will involve a total paved area of 106,835 square feet and 66,999 cu. yds. of grading (19,376 cu. yds. of cut and 47,623 cu. yds. of fill). An estimated 28,247 cu. yds. of fill from an existing temporary stockpile of excess fill material located on the Drescher Campus Balance Pad would be transported to the project site. After removing the soil, the graded area at the temporary stockpile will be used as a temporary construction staging area. The temporary stockpile within the University’s Drescher Graduate Campus is located to the west of the main campus, above Huntsinger Circle. The proposed project will replace certain existing parking lots and increase the amount of parking on campus by 201 spaces. However, the project does not propose to increase enrollment, increase the total parking spaces approved under the LRDP, or otherwise alter the number traffic trips to or from the campus.

The standard of review for the proposed LRDP amendment is the Chapter 3 policies of the Coastal Act. The standard of review for the related NOID is the policies of the certified LRDP. The LRDP amendment, as submitted, is consistent with the Chapter 3 policies of the Coastal Act. The related NOID, subject to the eight special conditions below, is consistent with the policies of the LRDP, if amended pursuant to LRDP Amendment No. LRDP-4-PEP-20-0002-1. Special Condition One (1) is necessary to ensure that the proposed amendment to the LRDP is effectively certified prior to the commencement of development proposed by the Notice of Impending Development.

The LRDP requires that 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 Two (2) requires the University to comply with and incorporate the recommendations contained in the submitted geologic report. Special Condition Three (3) and Special Condition Four (4) 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 impact to coastal resources. Additionally, the 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.

Construction of the proposed project will involve removal of non-native ornamental trees located in the area of the existing parking lots and adjacent to the outfield fence of the baseball field. These trees have the potential to provide habitat for sensitive bird species. As such, it is necessary to ensure that potential impacts to nesting bird species are avoided during tree removal activities. Special Condition Five (5) requires a qualified environmental resource specialist to conduct bird surveys prior to construction to determine whether nesting or breeding bird behavior is occurring on or adjacent to 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 the University must 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.

Furthermore, the University proposes to replace 19 existing outdoor globe lights at the project site with modern light fixtures. Consistent with the LRDP policy regarding outdoor lighting on campus, Special Condition Eight (8) requires replacement lights to be downward directed, shielded, energy efficient, dark-sky-compatible, and designed to minimize sky glow and light trespass in adjacent areas to mitigate impacts on visual resources.

Commission staff recommends that the Commission approve Pepperdine University's proposed amendment to the certified Long Range Development Plan as submitted, and approve the related Notice of Impending Development as conditioned pursuant to this staff report. The motions and resolutions for this recommendation can be found on pages 6-7.

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## APPENDICES

Appendix 1 Substantive File Documents

### EXHIBITS

- Exhibit 1. Vicinity Map
  - Exhibit 2. Project Site Aerial Views
  - Exhibit 3. LRDP Map – Existing
  - Exhibit 4. LRDP Map – Proposed
  - Exhibit 5. Proposed Project Plans
  - Exhibit 6. Landscaping Plans
  - Exhibit 7. Lighting Plans
  - Exhibit 8. Approved Development at Temporary Stockpile
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## I. PROCEDURAL REQUIREMENTS

### A. STANDARD OF REVIEW

#### **LRDP Amendment:**

The standard of review for the proposed amendment to the certified LRDP, pursuant to Sections 30605, 30512(c), and 30514(b) of the Coastal Act, is that the proposed amendment meets the requirements of and is in conformance with the Chapter 3 policies of the Coastal Act.

If the Commission certifies the LRDP amendment as submitted, no further Board of Regents action will be necessary pursuant to Section 13544(b)(2) of Title 14 of the California Code of Regulations. Should the Commission deny the LRDP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the Board of Regents, and the LRDP amendment is not effective, pursuant to Section 13542(f). Should the Commission deny the LRDP Amendment, as submitted, but then approve it with suggested modifications, then the Board of Regents may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the Board of Regents acceptance is consistent with the Commission's action. In that scenario, pursuant to Section 13544(c) of Title 14 of the California Code of Regulations, the modified LRDP Amendment will become final at a subsequent Commission meeting if the Commission concurs with the Executive Director's Determination that the Board of Regents' action in accepting the suggested modifications approved by the Commission for LRDP Amendment No. LRDP-4-PEP-20-0002-1 is legally adequate. If the Board of Regents' does not accept the suggested modifications within six months of the Commission's action, then the LRDP amendment remains uncertified and not effective within the coastal zone.

#### **Notice of Impending Development:**

Section 30606 of the Coastal Act and Title 14, Sections 13547 through 13550 of the California Code of Regulations govern the Coastal Commission's review of specific

development where there is a certified LRDP. Section 13549(b) requires the Executive Director or his designee to review the notice of impending development (NOID) (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. Since the approval of the subject LRDP amendment is required for this NOID application, the NOID is not considered complete until the subject LRDP amendment is approved.

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.

## **B. PUBLIC PARTICIPATION**

Section 30503 of the Coastal Act requires public input in preparation, approval, certification and amendment of any LRDP. The University held public hearings (recognized through the Los Angeles County Conditional Use Permit public hearings for the proposed project) and received written comments regarding the project from public agencies, organizations, and individuals. The hearings were duly noticed to the public consistent with Sections 13552 and 13551 of the California Code of Regulations which require that notice of availability of the draft LRDP amendment (LRDPA) be made available six (6) weeks prior to the Regents approval of the LRDP amendment. Notice of the subject amendment has been distributed to all known interested parties.

## **II. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS**

### **A. LONG RANGE DEVELOPMENT PLAN AMENDMENT NO. LRDP-4-PEP-20-0002-1: CERTIFY AS SUBMITTED**

#### **Motion I:**

**I move that the Commission certify the Pepperdine University Long Range Development Plan Amendment No. LRDP-4-PEP-20-0002-1 as submitted.**

#### **Staff Recommendation for Approval of the LRDP Amendment as Submitted:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Long Range Development Plan Amendment No. LRDP-4-PEP-20-0002-1 as submitted. The motion to certify passes only by an affirmative vote of a majority of the appointed Commissioners.

**Resolution to Certify as Submitted:**

The Commission hereby certifies Long Range Development Plan Amendment LRDP-4-PEP-20-0002-1 as submitted and adopts the findings stated below on the grounds that the LRDP amendment as submitted is consistent with Chapter 3 of the Coastal Act. Certification of the LRDP amendment as submitted complies with the California Environmental Quality Act because there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the plan on the environment.

**B. NOTICE OF IMPENDING DEVELOPMENT NO. PEP-NOID-0006-20: APPROVAL WITH CONDITIONS**

**Motion II:**

**I move that the Commission determine that the development described in the Notice of Impending Development PEP-NOID-0006-20 (Enhanced Parking and Storage Project), as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan.**

**Staff Recommendation for Approval of the Notice of Impending Development as Conditioned:**

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-0006-20, 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 for Approval of the Notice of Impending Development as Conditioned:**

The Commission hereby determines that the development described in the Notice of Impending Development PEP-NOID-0006-20, as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan for the reasons discussed in the findings herein.

**III. NOTICE OF IMPENDING DEVELOPMENT NO. PEP-NOID-0006-20 SPECIAL CONDITIONS**

**1. Consistency with the LRDP**

***Prior to the commencement of construction of the Enhanced Parking and Storage Project***, certification of the Long Range Development Amendment No. LRDP-4-PEP-20-0002-1 by the Coastal Commission must be final and effective in accordance with

the procedures identified in California Code of Regulations, Title 14, Division 5.5, Section 13547.

## **2. 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 (NOID), unless the Executive Director determines that no NOID is required.

## **3. Drainage and Polluted Runoff Control Plan**

***Prior to the commencement of construction of the Enhanced Parking and Storage Project***, the University shall submit for the review and approval of the Executive Director a final drainage and runoff control plan that includes 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 30<sup>th</sup> 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 repair 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.
- 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 drainage and runoff control plan. Any proposed changes to the approved final plan 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.

#### **4. Final Landscaping & Erosion Control Plan**

***Prior to commencement of construction of the Enhanced Parking and Storage Project***, 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**

- a. All graded & disturbed areas 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 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.

- b. All disturbed soils on 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. This requirement shall apply to all disturbed soils.
- c. 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.

## **B. Erosion Control Plan**

- 1. The plan shall delineate the areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas and stockpile areas. The natural areas on the site shall be clearly delineated on the plan and on-site with fencing or survey flags.
- 2. The plan shall include a narrative report describing all run-off and erosion control measures to be used during construction.
- 3. The plan shall identify and delineate on a site or grading plan the locations of all erosion control measures.
- 4. 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.
- 5. 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, and/or silt fencing; and 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.
- 6. 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.

7. The Erosion Control Plan shall specify that grading at the Enhanced Parking and Storage Project Site and temporary stockpile and staging area shall take place only during the dry season (April 1 – October 31). This period may be extended by the Executive Director for a limited period of time if the situation warrants an extension. 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. The University shall also 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.

The University shall undertake development in accordance with the final approved landscaping 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.

##### **5. Construction Timing and Sensitive Bird Species Surveys**

For clearing, grading, or construction activities at the Enhanced Parking and Storage Project Site between February 15 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 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/are vacated, juveniles have fledged and there is no evidence of a second attempt at nesting. Or the University may 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 as well. 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 recommence until either new sound mitigation can be employed or until the nest(s) is/are 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 the 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.

## **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. 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.
- D. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
- E. All stockpiles 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.
- F. 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.
- G. The discharge of any hazardous materials into any receiving waters shall be prohibited.
- H. 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.
- I. 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 landslides, 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. Implementation of the Proposed Lighting Plan**

By acceptance of this Notice of Impending Development, the applicant agrees to implement the proposed outdoor lighting plan consistent with the following requirements:

- (a) Existing "globe" style outdoor light installations on the site shall be replaced with new light fixtures designed to minimize sky glow and light trespass in adjacent areas. Replacement lighting shall be designed to achieve the minimum degree of illumination necessary for public safety and shall be downward directed, shielded, energy efficient, dark-sky-compatible, and shall incorporate state-of-the-art improvements in lighting technology when replaced thereafter. Replacement bulbs or fixtures shall be upgraded to incorporate best available technology over the life of the installation.
- (b) All new exterior night lighting installed on the site shall be designed to achieve the minimum degree of illumination necessary for public safety or the intended use of the lighting. Lighting shall be energy efficient, dark-sky compatible, and shielded to direct light downward and away from non-target areas. Furthermore, no skyward-casting lighting shall be permitted unless shielded towards the illuminated object and designed such that impacts on the night sky are minimized.
- (c) Lighting shall be designed to minimize light trespass into adjacent non-target areas, and to limit the illumination of campus open space and sensitive habitat areas to the maximum extent feasible. Programmable timing devices shall be utilized to turn off unnecessary lights where feasible. Where safety goals would be adequately met without overhead lighting, such as along pathways, ground-level directive lights or standards less than three feet in height shall be used.

The University shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the approved plans shall occur without a new notice of impending development, unless the Executive Director determines that no new notice is needed.

### **IV. FINDINGS FOR THE APPROVAL OF THE LONG RANGE DEVELOPMENT PLAN AMENDMENT AS SUBMITTED AND APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT, AS CONDITIONED**

The following findings support the Commission's approval of the Long Range Development Plan (LRDP) amendment as submitted, and approval of the Notice of

Impending Development (NOID), as conditioned by Special Conditions 1-8 set forth in Section III above. The Commission hereby finds and declares as follows:

**A. LRDP AMENDMENT DESCRIPTION (LRDP-4-PEP-20-0002-1)**

Pepperdine University is proposing an amendment to its certified 1990 Long Range Development Plan to allow for the construction of the Enhanced Parking and Storage Project. The proposed amendment is project driven and has been submitted in conjunction with a related Notice of Impending Development (PEP-NOID-0006-20). The amendment proposes to update the LRDP Facility Map and the LRDP Facility Spreadsheet to allow for replacement of three existing surface parking lots with a new parking lot in substantially the same location adjacent to the campus soccer field and baseball field, and the installation of 23 underground storage vaults that are approximately 22 feet wide, 10 feet high, and ranges from 16 to 96 feet long below the new parking lot.

The project site is located in the western portion of the campus in the vicinity of the Tari Frahm Rokus Field (“Soccer Field”) (LRDP Facility 307) and the Eddy D. Field Baseball Stadium (“Baseball Field”) (LRDP Facility 306). The proposed new parking lot (LRDP Facility KN) with up to 304 spaces (201 net new spaces) will replace three existing parking lots (currently 2 lots at LRDP Facility K and 1 lot at LRDP Facility N).

Another component of the proposed amendment includes changing the description of Facility 264/265 - Lower Pad (also referred to as the “Drescher Campus Balance Pad”) in the LRDP Facility Spreadsheet to allow temporary construction staging use when needed for approved projects until the planned academic facilities, as described below, are constructed onsite. The LRDP Facility Spreadsheet contains detailed descriptions of each approved campus facility in the certified LRDP. The Drescher Campus Balance Pad currently consists of a temporary stockpile of excess fill soil as a result of construction previously approved by the Commission in LRDP Amendment No. 1-99 and the subsequent NOID No. 3-99. Approval of that project in 2000 consisted of development of the Drescher Graduate Campus 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 the 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. The soil has remained there to this day.

As part of LRDP Amendment No. 1-11A (approved by the Commission in 2012) the 125,000 cu. yds of excess fill soil at the temporary balancing pad is permitted to be used for construction of Facility 357 - Enhanced Recreation Area. In 2017 the

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Commission approved construction of an Enhanced Recreation Area using approximately 45,000 cu. yds. of soil from the Drescher Campus Balance Pad pursuant to NOID No. PEP-NOID-0008-16. The balance pad was also allowed to be used as a temporary construction staging area during construction of the Enhanced Recreation Area project as well as the approved student housing complex project in 2016. Since the current use of the pad as a temporary stockpile for excess fill soil is currently inconsistent with the certified LRDP, the proposed amendment would allow the University to remove excess fill soil from the Drescher Campus Balance Pad for the Enhanced Parking and Storage Project and for temporary construction staging use for other planned construction projects until such time the University decides to construct the approved academic learning center, academic support facility, and parking lot at the site (Exhibit 8).

Lastly, the proposed amendment includes updating the alignment of the Coastal Slope Trail and Mesa Peak Trail on the LRDP Facility Map consistent with the public trail easements that have previously been dedicated by the University, approved by the Commission, and accepted by the Mountains Recreation and Conservation Authority (MRCA) in 2017. In accordance with the LRDP, the University originally recorded an Irrevocable Offer to Dedicate an Easement for Public Trails on January 24, 1990 that included dedication of (1) an alignment of the Mesa Peak Trail running in the northerly panhandle portion of the University's property and (2) an east-west alignment for the Coastal Slope Trail, traversing the headwall slopes of Marie Canyon above the developed portion of the Campus. As part of the approval for the Drescher Graduate Campus project, the University recorded a Modified Irrevocable Offer to Dedicate Public Trails and Declaration of Restrictions on March 16, 2000, which was reviewed and approved by the Commission and Los Angeles County. During the County's review of the University's Campus Life Project, the Santa Monica Mountains Conservancy proposed a realignment of a portion of the Coastal Slope Trail where it branches from the Mesa Peak Trail and turns back down to the south. The University worked with the Santa Monica Mountains Conservancy to identify an easement zone in order to ensure flexibility for trail planning. In consultation with Los Angeles County and the Commission, a Second Modified Offer to Dedicate was recorded by Pepperdine University on November 30, 2016, and accepted by Mountains Recreation and Conservation Authority (MRCA) on March 3, 2017. The changes in trail alignment and easement have already been executed. The subject LRDP amendment only updates the LRDP Facility Map to reflect those changes.

Exhibit 3 contains the existing LRDP Facility Map and Exhibit 4 contains the proposed LRDP Facility Map. Changes to the LRDP Facility Spreadsheet as proposed in the subject amendment to allow for the construction of the parking and storage project and to permit temporary staging use at the Drescher Campus Balance Pad are listed in the following table.

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Facility No. (Common Name)	Current Description of Facility	LRDP Amendment Required for Project	Description of Facility with Proposed Amendment (Additions shown in underline)
<b>Existing Facility 264 (Lower Pad)</b>	Transfer of approximately 125,000 cubic yards of fill to Facility 357 from Facilities 264 & 265. Retain 25,000 sq. ft. 60 ft. height academic learning center use.	Permit the transfer of existing material (soil) at this facility to a new location (Facility KN) to support development of the Project and permit the facility's use as a temporary construction staging area.	Transfer of approximately 125,000 cubic yards of fill to Facility 357 <u>and/or Facility KN</u> from Facilities 264 & 265. Retain 25,000 sq. ft. 60 ft. height academic learning center use. <u>Permit temporary construction staging use.</u>
<b>Existing Facility 265 (Lower Pad)</b>	Transfer of approximately 125,000 cubic yards of fill to Facility 357 from Facilities 264 & 265. Retain 30,000 sq. ft., 60 ft. height academic support facility use.	Permit the transfer of existing material (soil) at this facility to a new location (Facility KN) to support development of the Project and permit the facility's use as a temporary construction staging area.	Transfer of approximately 125,000 cubic yards of fill to Facility 357 <u>and/or Facility KN</u> from Facilities 264 & 265. Retain 30,000 sq. ft., 60 ft. height academic support facility use. <u>Permit temporary construction staging use.</u>
<b>Existing Facility K (Baseball Lot)</b>	<i>The LRDP does not contain a description of this facility.</i>	Demolition of existing surface lot; consolidate spaces with Facility KN.	<u>DELETED.</u>
<b>Existing Facility N (440 Track Lot)</b>	Addition of 12 spaces, for 43 spaces total. 43 space surface lot.	Demolition of existing surface lot; consolidate spaces with Facility KN.	<u>DELETED.</u>
<b><u>Proposed Facility KN (Enhanced Parking and Storage)</u></b>		Replacement of three existing surface lots with a new surface lot with up to 304 spaces overlying underground storage vaults.	<u>Surface parking lot with up to 304 spaces and 23 approximately 22-foot wide and approximately 10-foot-high storage vaults.</u>

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<p><b>Previously Approved Unbuilt LRDP Parking Spaces</b></p>	<p>The Campus Life Project will delete 796 presently authorized but not yet constructed parking spaces on campus from the existing LRDP bank of approximately 1,959 unbuilt LRDP spaces.</p>	<p>Permit Project to utilize unbuilt parking spaces previously approved in connection with the Campus Life Project.</p>	<p>The Campus Life Project (LRDP Amendment 1-11) included approval for 796 net parking spaces. Including the net new spaces approved for the Campus Life Project, the University has 1,959 approved, unbuilt spaces. <u>The Enhanced Parking and Storage Project will utilize up to 201 of the 796 presently authorized but not yet constructed parking spaces approved in connection with LRDP Amendment 1-11.</u></p>
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The proposed amendment has been submitted in response to a related notice of impending development (NOID No. PEP-NOID-0006-20) for the construction of a new parking lot replacing three existing surface parking lots with up to 304 parking spaces and installation of 23 underground storage vaults below the new parking lot. This NOID could not be approved without the proposed amendment to the LRDP. Therefore, the proposed amendment to the LRDP to allow for the construction of the parking and storage project and to permit temporary staging use at the Drescher Campus Balance Pad is necessary in order for the related NOID to be found consistent with the certified LRDP.

**B. NOTICE OF IMPENDING DEVELOPMENT (PEP-NOID-0006-20) DESCRIPTION**

The proposed LRDP amendment described above is project driven and has been submitted in conjunction with a related Notice of Impending Development (NOID No. PEP-NOID-0006-20) for the proposed Enhanced Parking and Storage Project (Exhibits 1-2). The University proposes the replacement of three existing surface parking lots with a new parking lot in substantially the same location adjacent to the campus soccer field and baseball field located in the western portion of campus. The new parking lot will have up to 304 parking spaces (201 net new spaces). The project will involve a total paved area of 106,835 square feet. The project also includes the installation of 23 approximately 22' wide and approximately 10' high underground storage vaults below the new parking lot. The undergrounds vaults will consist of waterproof, pre-cast concrete structures with open ends and varying lengths. The University plans to install 14 approximately 96' long vaults, five approximately 32' long vaults, and four approximately 16' long vaults (Exhibit 5). The vaults will be placed under the fill slopes and will be accessed from one end where the entrance daylight from the slope. The

vaults are proposed to be used for storing items such as books, archived files, and decorations.

The University proposes a total of 66,999 cu. yds. of grading, including 19,376 cu. yds. of cut and 47,623 cu. yds. of fill, for the project. On the existing site, the baseball field and the adjacent parking lots (Facility K) are on a lower elevation than the soccer field and adjacent parking lot (Facility N). The existing site slopes down from John Tyler Drive to Facility K and the baseball field and slopes up slightly from John Tyler Drive to Facility N and the soccer field. The proposed grading will connect the areas adjacent to the baseball and soccer fields by bringing the entire surface of Facility KN to a similar elevation as John Tyler Drive, resulting in up to a maximum increase in elevation of 30 feet. Although the project involves a large amount of fill, the resulting slope will only be visible from the interior of the campus and will not be visible from Pacific Coast Highway or Malibu Canyon Road.

The grading of the project includes the movement of an estimated 28,247 cu. yds. of fill from the Drescher Campus Balance Pad to the project site (Exhibit 2). The 125,000 cu. yds. of fill that was generated from construction associated with LRDP Amendment No. 1-99 and the subsequent NOID No. 3-99 and stored at the Balance Pad, has only previously been approved for the construction of the Enhanced Recreation Area using approximately 45,000 cu. yds. of soil pursuant to NOID No. PEP-NOID-0008-16. Therefore, following removal of 28,247 cu. yds. soil from the balance pad for the subject NOID, there will still be more than 50,000 cu. yds. of fill at the site. Pepperdine will rough grade that site and utilize it as a temporary construction staging area for subsequent campus construction projects.

Other components of the Enhanced Parking and Storage Project include installation of new pedestrian access and other landscape/hardscape improvements, replacement of existing light fixtures, and incorporating new stormwater capture and filtration infrastructure.

The proposed project will replace certain existing parking lots and increase the amount of parking on campus by 201 spaces. However, the project does not propose to increase enrollment, increase the total parking spaces approved under the LRDP, or otherwise alter traffic trips to or from the campus. The project would be constructed well within the limits of total development and parking capacity remaining within the build-out limits established by the LRDP.

### **C. BACKGROUND**

Pepperdine University acquired a portion of the lands that would become the Malibu campus in 1968, adding additional acreage later. In 1969, Los Angeles County approved a zone change to allow the campus site to be used for educational purposes. In 1972, the Planning Commission approved a Conditional Use Permit for the expansion of the University's facilities. Specific Plans for campus development were not adopted under the Conditional Use Permit until December 30, 1976.

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Under the Coastal Act of 1976, the campus came under the jurisdiction of the Coastal Commission. The University applied for a claim of vested rights to complete the remainder of the facilities shown on the 1976 Specific Plan. The claim was denied by the South Coast Regional Commission in June 1977. An appeal of this decision to the State Commission resulted in a finding of no substantial issue, leaving the denial in place.

On September 12, 1989, the Commission considered the Pepperdine University Long Range Development Plan (LRDP) for the University's 830-acre Malibu campus. In its action, the Commission denied the LRDP as submitted and approved it with suggested modifications necessary to bring the LRDP into conformance with the Coastal Act. These modifications related to public coastal access, hazards, visual resources, marine resources, and environmentally sensitive habitat protection. The Commission adopted findings for the September action on January 11, 1990. On February 7, 1990, the Pepperdine University Board of Regents acknowledged the receipt of the Commission's certification and agreed to the terms of the modifications of 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.

The Commission approved coastal development permits for some campus development prior to certifying the LRDP. Since certification, the LRDP has been amended twelve (12) times and the University has processed twenty (20) notices of impending development. Amendments to the LRDP have been approved for such modifications as the development plans for the Upper Campus Development (UCD) area; additions to the Firestone Fieldhouse gym; relocation of tennis courts; combining and relocation of student housing units; relocation of faculty housing units to Malibu Country Estates subdivision (residential subdivision adjacent to Pepperdine University campus); additions to, or redesigns of, various campus facilities; addition of a designated stockpile site in Marie Canyon; and the Campus Life Project (CLP), a 12-year phased infill project within the developed 230-acre lower campus area of the 830-acre Malibu campus, including projects such as student housing, an Athletics/Events Center, a soccer field, a visitors center, a parking structure, and an Intramural Recreation area.

Notices of Impending Development have been approved for such development on the lower campus as an addition to the gym; additions to the Law School; construction of student housing; construction of faculty houses in Malibu Country Estates; remediation of landslide above residential units in Malibu Country Estates; additions to Tyler Center; Alumni Park improvements; construction of stockpile site with restoration of eroded ravine as mitigation; and relocation of wastewater flow station. With the exception of the stockpile site and residential units within Malibu Country Estates all of the amendments and notices of impending development involved projects within the developed area of the lower campus. After Commission approval of LRDP Amendment 1-99 for the upper campus, Pepperdine processed Notice of Impending Development 3-99 for development of that 50.4-acre area of the campus (also referred to as the Drescher Graduate Campus). Following Commission approval of LRDP Amendment 1-11 Part A for the University's CLP, Pepperdine processed NOID No. PEP-NOID-0004-15 for the Debris Basin and Stockpile Relocation Project; NOID No. PEP-NOID-0005-16 for the

construction of the Student Housing Rehabilitation, Outer Precinct Project; NOID No. PEP-NOID-0008-16 for the Enhanced Recreation Area Phase II and Temporary Staging Area; and NOID No. PEP-NOID-0003-20 for the construction of a Student Housing Wellness Center.

#### **D. CONSISTENCY ANALYSIS**

The standard of review for the proposed LRDP amendment is the Chapter 3 policies of the Coastal Act. The standard of review for the related NOID is the policies of the certified LRDP. NOID No. PEP-NOID-0006-20 is inconsistent with the certified LRDP unless the proposed LRDP Amendment No. LRDP-4-PEP-20-0002-1 is approved and certified. Special Condition One (1) for NOID No. PEP-NOID-0006-20, therefore, stipulates that prior to the commencement of any development, certification of the Long Range Development Plan Amendment No. LRDP-4-PEP-20-0002-1 by the Coastal Commission must be final and effective in accordance with the procedures identified in California Code of Regulations, Title 14, Division 5.5, Section 13547.

##### **1. Biological Resources**

Coastal Act Section 30240 states:

*(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

*(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The University's LRDP contains policies and provisions to preserve and protect Environmentally Sensitive Habitat Areas (ESHA). Specifically, several policies included in 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.*

*Landscaping plants will be restricted to native or introduced species which are known to grow well in the Malibu area.*

The proposed project involves two sites: the temporary stockpile located at the University's Drescher Graduate Campus and the location of three existing parking lots (Facility K and Facility N) on the western portion of Campus adjacent to the Soccer

Field and Baseball Field within the existing developed Campus. A biological survey of the project site and a 200-foot buffer area did not reveal any sensitive plant communities at the project site. The survey area does not contain wetlands, associated riparian habitat, or native trees, and the biological resources analysis prepared for the project concluded that no direct impacts on sensitive plants or communities are expected. The project site and surrounding areas on-Campus are developed with hardscape, non-native grasses, and/or landscaping comprised of non-native ornamental species. The nearest natural community not subject to recurring impacts from fuel modification is 120 feet west of the project site across from the existing Soccer Field parking lot and beyond landscaped and fuel modified areas. This natural area, at its lowest point, is approximately 25–30 feet higher in elevation than the New Parking Lot itself; fencing and landscaping, including large ornamental trees, separate it from John Tyler Drive and screen the area from the project site. As such, the project site for the proposed Enhanced Parking and Storage Project does not constitute ESHA nor is it adjacent to any ESHA.

The Drescher Campus Balance Pad is a highly disturbed site with sparse vegetation consisting of intermittent non-native species including tree tobacco (*Nicotiana glauca*), purple fountain grass (*Pennisetum setaceum*), and a few individual occurrences of native plant species including coyote brush (*Baccharis pilularis*) and cocklebur (*Xanthium strumarium*). It does not contain sensitive plant communities, wetlands, or native trees. Therefore, because of the routine disturbance from maintenance of the stockpile and lack of native habitat, the area of proposed grading at the Drescher Campus Balance Pad is not considered to be ESHA.

Section 30240 of the Coastal Act states that ESHA shall be protected against any significant disruption of habitat values and that development in areas adjacent to ESHA shall be sited and designed to prevent impacts that would significantly degrade such areas. 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 project site for the Enhanced Parking and Storage Project is developed and not adjacent to any sensitive plant communities, while the area of the Drescher Campus Balance Pad is disturbed and also is not considered to be ESHA. Therefore, the subject LRDP amendment to accommodate the proposed project, as proposed, does not violate Coastal Act Section 30240. Furthermore, because neither site constitutes ESHA, the proposed grading for construction of the Enhanced Parking and Storage Project using approximately 28,247 cu. yds. of soil from the Drescher Campus Balance Pad is consistent with the LRDP policy identified above.

Project construction at the parking lot site would involve the removal of some non-native ornamental trees, including approximately 50 non-native palm trees, two London planetrees, several pohutukawa trees, and several paperbark trees. Since the non-native ornamental trees proposed for removal have the potential to provide habitat for sensitive bird species, it is necessary to ensure that potential impacts to nesting bird species are avoided during tree removal and grading activities. Thus, in order to avoid

any potential adverse impacts to raptor or sensitive bird species and to ensure consistency with the LRDP policy that requires proposed development to consider impacts to adjacent ESHA, the Commission finds it necessary to include Special Condition Five (5), 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.

The LRDP also 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 may 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 Four (4), that all final landscaping consists primarily of native plant species and that invasive plant species shall not be used.

Therefore, the Commission finds that the proposed amendment to the LRDP is consistent with the Chapter 3 policies of the Coastal Act with regards to protection of environmentally sensitive resources. In addition, the notice of impending development, as conditioned, is consistent with the applicable policies of the LRDP, as amended, with regards to environmentally sensitive habitat area protection.

## **2. Visual Resources, Public Access and Recreation**

Section 30213 of the Coastal Act states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30223 of the Coastal Act states:

*Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

Section 30251 of the Coastal Act states:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The University's LRDP contains policies and provisions to preserve and protect visual resources, including a specific policy on campus lighting. The LRDP also contains policies related to public trails in the open space portion of the University's property, to the north of the main campus. Specifically, several relevant policies included in the University's LRDP include the following:

*Visual resources will be preserved to the maximum degree possible during the planning and design phases of any new development.*

*The view of significant geological formations from Pacific Coast Highway will not be obstructed by new developments on the campus.*

*The view of major ridge lines from Pacific Coast Highway will not be obstructed by new developments on the campus.*

#### *Campus Lighting*

*(A) Existing "globe" style outdoor light installations throughout the campus should be replaced with new light fixtures designed to minimize sky glow and light trespass in adjacent areas. Concurrently with the implementation of the "Campus Life Project" development, all existing "globe" style outdoor light installations throughout the campus shall be replaced with modern light fixtures designed to minimize sky glow and light trespass in adjacent areas, consistent with the provisions of Section B below, and in accordance with a final schedule submitted by the University at the time the first Notice of Impending Development for the Campus Life Project is processed. The thirty-two (32) existing 1930s vintage light standards fitted with opaque glass fixtures, which are of historic significance to the University, may be retained.*

*(B) "Globe" style replacement lighting shall be designed to achieve the minimum degree of illumination necessary for public safety. Lighting shall be downward directed, shielded, energy efficient, dark-sky-compatible, and shall incorporate state-of-the-art improvements in lighting technology when replaced thereafter. Replacement bulbs or fixtures shall be upgraded to incorporate best available technology over the life of the installation. Where safety goals would be adequately met without overhead lighting, such as along pathways, ground-level directive lights or standards less than three feet in height shall be used. Campus lighting shall be designed to minimize light trespass into adjacent non-target areas, and to limit the illumination of campus open space and sensitive habitat areas to the maximum extent feasible. Programmable timing devices shall be utilized to turn off unnecessary lights where feasible. [...]*

*(D) All other new exterior night lighting installed on the campus site shall be designed to achieve the minimum degree of illumination necessary for public safety or the intended use of the lighting. Lighting shall be energy efficient, dark sky compatible, and shielded to direct light away from campus open space and sensitive habitat areas to the maximum extent feasible. Furthermore, no skyward casting lighting shall be permitted unless shielded towards the illuminated object and designed such that impacts on the night sky are minimized. Programmable timing devices shall be utilized to turn off unnecessary exterior night lights where feasible.*

*The Coastal Slope Lateral Trail and the Mesa Peak Lateral Trail will be rerouted as needed, around new development (See Figure 2).*

*The University shall offer to dedicate a public trail easement, limited to pedestrian and equestrian access only, over the Coastal Slope and Mesa Peak trails which cross the subject property. The trail routes may be realigned provided it is done in such a manner which provides for equivalent use, can be safely used, and minimizes impacts on sensitive resources. Final route selection shall include consultation with the Santa Monica Mountains Trails Council and the Los Angeles County Department of Parks and Recreation, subject to the review and approval of the Executive Director of the Coastal Commission.*

The Pepperdine campus area is located in an area that is situated at the transition point between the Santa Monica Mountains and the Pacific Ocean. The campus enjoys an open space setting with spectacular coastal vistas, and is ringed by mountain ridges and popular public trail routes. Portions of the trail routes that comprise a large network of trails traverse the Pepperdine campus lands. An important part of public coastal access and recreation is the opportunity for coastal visitors to the area's beaches, mountains, and parklands to enjoy peaceful experiences within natural settings. Night hiking, night photography, and star-gazing are popular past-times on nearby public lands.

Coastal Act Section 30251 states that new development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, and to minimize the alteration of land forms. The subject LRDP amendment and NOID relate to the construction of a new surface parking lot with underground storage vaults in an area of central campus that currently contains existing surface parking lots. The project will involve a total paved area of 106,835 square feet and 66,999 cu. yds. of grading (19,376 cu. yds. of cut and 47,623 cu. yds. of fill). Approximately 28,247 cu. yds. of fill will be moved from the Drescher Campus Balance Pad to the project site. LRDP policies state that new developments shall be designed to preserve visual resources to the maximum degree possible and that new developments shall not obstruct the view of significant geological formations or major ridge lines from Pacific Coast Highway (PCH). The project would involve the replacement and enhancement of an existing surface parking lot area and has been designed to protect views, avoid alterations to natural landforms, and ensure visual compatibility with the character of surrounding areas. The existing site slopes down from John Tyler Drive to Facility K and the baseball field and slopes up slightly from John Tyler Drive to Facility N and the soccer field. The proposed grading will connect the areas adjacent to baseball and soccer fields by bringing the entire surface of Facility KN to a similar elevation as John Tyler Drive. Although the University is proposing to place fill onto the Enhanced Parking and Storage project site, resulting in an additional 30 feet maximum of elevation, the project would fall below the line-of-sight from PCH and would not be visible from PCH or Malibu Canyon Road due to the presence of existing terrain and landscaping. The project will also not obstruct views of geological formations or major ridgelines from PCH. The Drescher Campus Balance Pad site is the lowest of the four Drescher Graduate Campus pads and, therefore, the least visible to westbound travelers on PCH due to intervening terrain. The proposal to periodically use the Drescher Campus Balance Pad site for temporary construction staging and to use excess fill material from the site's temporary stockpile for the project would not adversely impact scenic views from any public viewing areas. Therefore, the proposed LRDP amendment is consistent with visual resource policies of the Coastal Act, as proposed.

### Lighting Impacts

Campus development requires the installation of outdoor lighting of various kinds as a necessity for the safety of campus residents and visitors, and for the use and enjoyment of campus facilities. Nevertheless, outdoor lighting at the Enhanced Parking and Storage Project has the potential, in combination with existing campus lighting, to generate light pollution that would adversely affect the night sky views available from public coastal access routes and recreational resources near the campus area. Light pollution takes many forms, glare, light trespass into unintended spaces, and other effects, often cumulatively, such as when aggregate amounts of lighting create sky glow (which is usually made worse by the foggy conditions that are not uncommon in coastal areas).

University staff has acknowledged the potential of campus developments to cause adverse night sky impacts and thus reduce the public use and enjoyment of nearby coastal recreational resources (as well as the quality of life of the campus community and its neighbors). In response, the University agreed, as part of LRDP Amendment 1-

11 Part A, to replace all existing, clear globe lights with new dark-sky compatible fixtures, which would reduce on-campus street and pedestrian lights contributing the most to sky glow by approximately 50 percent. The globe light replacement program is now well underway. To date, Pepperdine has replaced 110 clear globe lights at various locations throughout the Campus.

In connection with the subject NOID, the University proposes to expedite replacement of 19 globe lights at the project site with state-of-the-art, dark-sky compatible lighting fixtures designed to direct light downward and minimize potential for sky glow and other lighting impacts. The new fixtures incorporate horizontal back-light and glare controlling optics and shielding and will support energy efficiency through the use of LED technology and occupancy sensor-driven dimming.

Furthermore, the University designed the project's exterior night lighting to achieve the minimum degree of illumination necessary for public safety or the intended use of the lighting. The Project will incorporate state-of-the-art, energy-efficient, dark-sky compatible, and shielded lights and will utilize programmable timing devices to turn off unnecessary exterior night lights, where feasible. To ensure that the impacts on sky glow and other visual resources from campus exterior night lights are mitigated to the maximum extent, Special Condition Eight (8) requires that the proposed lighting plan (Exhibit 7) for the subject NOID be implemented consistent with the LRDP lighting policy cited above, namely ensuring that all new lighting be downward directed, shielded, energy efficient, dark-sky-compatible, and incorporate state-of-the-art improvements in lighting technology when replaced thereafter; replacement bulbs or fixtures be upgraded to incorporate best available technology over the life of the installation; where safety goals would be adequately met without overhead lighting, such as along pathways, ground-level directive lights or standards less than three feet in height be used; project lighting be designed to minimize light trespass into adjacent non-target areas, and for programmable timing devices be utilized to turn off unnecessary lights where feasible.

For the reasons stated above, the Commission finds that the subject NOID, as conditioned, is consistent with the applicable LRDP policies that pertain to the protection of visual resources.

### Public Trails

The proposed amendment includes updating the alignment of the Coastal Slope Trail and Mesa Peak Trail on the LRDP Facility Map consistent with the public trail easements that have previously been dedicated by the University, approved by the Commission, and accepted by the Mountains Recreation and Conservation Authority (MRCA) in 2017.

In approving the University's 1990 LRDP, the Commission required the University to provide additional protection to these lower-cost visitor recreational opportunities along the Coastal Slope and Mesa Peak trails. In accordance with the LRDP, the University originally recorded an Irrevocable Offer to Dedicate an Easement for Public Trails on

January 24, 1990 that included dedication of (1) an alignment of the Mesa Peak Trail, running in the northerly panhandle portion of the University's property and (2) an east-west alignment for the Coastal Slope Trail, traversing the headwall slopes of Marie Canyon above the developed portion of the Campus.

However, later, during the approval process for the Drescher Graduate Campus, the University recorded a Modified Irrevocable Offer to Dedicate Public Trails and Declaration of Restrictions on March 16, 2000, which was reviewed and approved by the Commission and Los Angeles County. However, field inspections of the existing dedicated routes found the location of the Coastal Slope Trail alignment unsafe and impassable. Thus, during the public review process for the University's Campus Life Project, the Santa Monica Mountains Conservancy proposed a realignment of the portion of the Coastal Slope Trail where it branches from the Mesa Peak Trail and turns back down to the south. The University worked with the Santa Monica Mountains Conservancy to identify an easement zone that would ensure flexibility for trail planning and construction. In consultation with Los Angeles County and the Commission, a Second Modified Offer to Dedicate was recorded by Pepperdine University on November 30, 2016, and accepted by Mountains Recreation and Conservation Authority (MRCA) on March 3, 2017. Thus, the changes in trail alignment and the easement have already been executed. The subject LRDP amendment only updates the LRDP Facility Map to reflect those changes and is consistent with public access and recreation policies of the Coastal Act.

Therefore, for the reasons stated above, the Commission finds that the proposed amendment to the certified LRDP, as proposed, is consistent with the Chapter 3 policies of the Coastal Act relative to protecting visual resources and providing public access and recreation opportunities. The Commission also finds that the related notice of impending development, as conditioned, is consistent with the applicable policies of the LRDP with regards to visual resources and public access and recreation.

### **3. Water Quality**

The proposed NOID has the potential to impact downstream water quality and habitat areas, including the ocean habitats of Santa Monica Bay.<sup>1</sup> The potential impacts include increased erosion and sedimentation, increased volume or velocity of runoff, and introduction of point and non-point pollutants. The certified LRDP contains the following policy 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 replacing an existing surface parking lot area with a new surface parking lot with underground storage vaults within the existing developed campus. The project will involve a total paved area of 106,835

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<sup>1</sup> The proposed LRDP Amendment does not include any changes related to water quality. Therefore, the LRDP Amendment will not be analyzed for Coastal Act consistency in this section.

square feet and 66,999 cu. yds. of grading (19,376 cu. yds. of cut and 47,623 cu. yds. of fill). Approximately 28,247 cu. yds. of fill will be moved from the Drescher Campus Balance Pad temporary stockpile to the project site. After removing the soil, the graded area at the temporary stockpile will be used as a temporary construction staging area for the construction 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 project plans via Special Condition Four (4).

To address potential water quality impact from storm water, a six-step filtration/infiltration stormwater treatment system is designed to be implemented during construction to remove pollutants from stormwater runoff before discharge into the campus' existing storm drain system for storm frequency events exceeding a five year event. Furthermore, the Enhanced Parking and Storage Project is designed to route runoff via slope drains, storm drains, paved roadways, gutters, catch basins, roof drains, and other non-erosive devices to the campus' existing storm drain system during operation. 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 Three (3), requiring submission of final post-construction drainage and runoff plans with supporting calculations.

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 (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.

For the above reasons, the Commission finds that the notice of impending development, as conditioned, is consistent with the applicable policies of the LRDP with regards to water quality.

#### **4. Land Resources, Geologic Stability, and Hazards**

The proposed development is located in the Santa Monica Mountains, an area that is generally considered to be subject to an unusually high amount of natural hazards.<sup>2</sup> 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 policy 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.*

Furthermore, although there are no known archaeological or paleontological resources within University boundaries, the area which surrounds Pepperdine University is known to have a number of paleontological and archaeological resources. The following LRDP policies are included to preserve and facilitate analysis of archaeological and paleontological resources:

*Any activities that would disturb archaeological or paleontological resources, such as vehicle use and unauthorized collecting of artifacts, will be prohibited.*

*If archaeological or paleontological resources are discovered during construction, any activity which could damage the resources will be suspended until the site is examined by an archaeologist recognized by the State Office of Historic Preservation and mitigation measures, if needed, are developed.*

The project will incorporate appropriate fire-safety features in accordance with applicable County Fire Code and other Los Angeles County Fire Department requirements and ordinances. The project will provide ease of site access for emergency and fire vehicles including to the underground storage vaults. Furthermore, the project will also install an automatic sprinkler system, fire-rated doors, a fire-department connection, fire hydrants, and fire-rated walls at the underground storage vaults.

The University proposes a total of 66,999 cu. yds. of grading, including 19,376 cu. yds. of cut and 47,623 cu. yds. of fill, for the project. On the existing site, the baseball field and the adjacent parking lots (Facility K) are on a lower elevation than the soccer field and adjacent parking lot (Facility N). The existing site slopes down from John Tyler Drive to Facility K and the baseball field and slopes up slightly from John Tyler Drive to Facility N and the soccer field. The proposed grading will connect the areas adjacent to baseball and soccer fields by bringing the entire surface of Facility KN to a similar elevation as John Tyler Drive, resulting in up to a maximum increase in elevation of 30 feet.

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<sup>2</sup> The proposed LRDP Amendment does not include any changes related to land resources, geologic stability, and hazards. Therefore, the LRDP Amendment will not be analyzed for Coastal Act consistency in this section.

The submitted geotechnical report for the project concludes that the project site is suitable for the proposed project and contains recommendations to be incorporated into the project plans to ensure the stability and geologic safety of the proposed project and the adjacent properties. To ensure stability and structural integrity and to protect the site and surrounding sites, the Commission finds that Special Condition Two (2) is necessary. It 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, as detailed in Special Condition Two (2).

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 erosion control plans certified by the geotechnical engineer. These plans are required under Special Condition Three (3) and Special Condition Four (4).

Although the conditions described above should render the project sufficiently stable, no project is completely without risks. Since the 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.

Results from the Phase I Cultural Resources Assessment conducted by Envicom Corporation in 2017 and 2018 show that the project should not affect any archaeological or paleontological resources. Nevertheless, the University has proposed measures to ensure that construction will take place in a manner consistent with the LRDP policies regarding such resources. Such measures include Mitigation Measure 5.6-3 contained in the Mitigation Monitoring and Reporting Program (MMRP) that was approved by the Los Angeles County Regional Planning Commission in connection to the subject project, which requires that in the event Pepperdine uncovers unknown archaeological or paleontological resources during project construction, work in the immediate vicinity shall be suspended until a qualified archaeological or paleontological monitor has inspected the resources, identified appropriate treatment, and documented and reported the findings as necessary. Furthermore, Mitigation Measure 5.6-4 in the MMRP requires that in the event that human remains are encountered during construction or any other phase of development, work in the area of the discovery must be halted and directed away from the discovery; and that if the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) would be notified within 24 hours as required by Public Resources Code 5097.

For the reasons stated above, the Commission finds that the proposed amendment to the LRDP is consistent with the Chapter 3 policies of the Coastal Act with regards to

protection of biological resources, visual resources, and public access and recreation, and that the NOID, as conditioned, is consistent with the applicable LRDP policies that pertain to biological resources, visual resources, public access and recreation, water quality, land resources, and geologic hazards and safety.

## **E. 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)(1) of CEQA and Section 13540(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.” The Commission finds that for the reasons discussed in this report there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts of the proposed LRDP amendment. The Commission further finds that the proposed LRDP amendment as proposed is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

For the reasons discussed in this report, the NOID, as submitted, is inconsistent with the governing LRDP, as amended, 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 above, the proposed development approved by this NOID, as conditioned will minimize all adverse environmental impacts have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activities may have on the environment. Therefore, the Commission finds that the Notice of Impending Development, as conditioned herein, is consistent with CEQA, the Coastal Act, and the applicable provisions of the Long Range Development Plan.

Furthermore, the Commission has 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 1**

Pepperdine University, Long Range Development Plan (Updated October 2020); Addendum to the EIR (Environmental Assessment Number RPPL2018000926 and State Clearinghouse Number 2008041123) dated May 2020, prepared by Envicom Corporation; LRDPA No. 1-11, Part A (Campus Life Project) Adopted Findings dated December 18, 2012; Ninyo & Moore, Geotechnical Evaluation, Component 3 – Baseball Field Enhanced Parking Area, November 9, 2018, and Response to Geologic and Soils Engineering Review Sheet Component 3 –Baseball Field Enhanced Parking Area, Ninyo & Moore, October 28, 2019. Acceptance of Second Modified Offer to Dedicate Public Trail Easement, March 3, 2017.