

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST DISTRICT OFFICE
89 SOUTH CALIFORNIA STREET, SUITE 200
VENTURA, CA 93001-2801
VOICE (805) 585-1800
FAX (805) 641-1732



F13a

DATE: September 22, 2022

TO: Commissioners and Interested Persons

FROM: South Central Coast District Staff

SUBJECT: **Pepperdine University Notice of Impending Development (NOID) PEP-NOID-0002-22** for the Athletics/Events Center Project, for Public Hearing and Commission Action at the October 14, 2022 Commission Meeting

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing, **approve** Pepperdine University's Notice of Impending Development (NOID) No. PEP-NOID-0002-22 for the Athletics/Events Center Project, subject to 12 special conditions. The standard of review for the NOID application is the policies and provisions of Pepperdine University's certified Long Range Development Plan (LRDP). The NOID, subject to the 12 special conditions summarized below, is consistent with the policies of the LRDP.

The proposed project includes construction of the Athletics/Events Center (AEC) project, which would consist of: (1) a 140,720 sq. ft. multi-purpose arena facility building with approximately 4,850 seats, sports courts, and related support uses (referred to as AEC Building 1); (2) a 40,000 sq. ft. building adjacent to AEC Building 1 with support amenities/facilities for the University's athletics department and student health and wellness programming (referred to as AEC Building 2); and (3) a parking structure with five above-grade levels and two below-grade levels that would contain up to 825 parking spaces and be located adjacent to, and behind, AEC Building 1. A patio/courtyard area is proposed between Buildings 1 and 2 with a stairwell tower, hardscaping, and landscaping. In addition to the 825-space parking structure, six (6) on-grade parking spaces are proposed toward the western end of the project site.

The conceptual building design and development totals for the Athletics/Events Center at the proposed project site were approved in LRDP Amendment No. 1-11, Part A in 2012, which provided for the Campus Life Project, a development infill project with six main components to provide new and upgraded athletic, student-life, recreation, parking, and residential facilities at the campus, with development to be phased over twelve years. The Athletics/Events Center is a component of the Campus Life Project incorporated into the LRDP pursuant to Amendment No. 1-11, Part A (LRDP Facility 258).

The proposed Athletics/Events Center is entirely located within the interior portion of the developed campus at the Rho Parking Lot, which is an existing 566-space surface parking lot located south of Huntsinger Circle. The existing parking lot and one existing approximately 8,165 sq. ft. residence hall (Krown Beta Hall) would be removed as part of the project in order to construct the proposed Athletics/Events Center structures. During construction and construction staging for the proposed project, the University may provide temporary parking at the Drescher Campus Balance Pad as needed (LRDP Facility 264/265-Lower Pad), which is located to the west of the site, above Huntsinger Circle. After construction of the proposed project, the amount of parking on-campus will increase by 265 spaces. However, the project does not propose to increase enrollment, nor increase the total parking spaces that are approved under the LRDP. 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.

The project would involve a total of approximately 96,376 cu. yds. of grading (75,779 cu. yds. cut, 20,597 cu. yds. fill), in addition to 18,600 cu. yds. of removal and re-compaction. The net cut material is proposed to be transported to an existing debris basin and stockpile site in Marie Canyon on-Campus that was previously approved to serve as a balancing pad for approved campus construction projects. Following completion of the project, the University would re-install the existing temporary recreation field (Enhanced Recreation Area) located within the existing Marie Canyon debris basin site that was previously approved in NOID PEP-NOID-0008-16 and intended to be periodically raised or lowered to utilize excess excavated material that is generated during construction of various campus projects such as the subject Athletics/Events Center project. Since the disturbance and re-installation of the recreation field has the potential for negative impacts on environmentally sensitive habitat areas in adjacent areas, staff is recommending Special Condition 5 to require the University to develop a Recreation Area Management Plan that incorporates measures to protect adjacent habitat areas, such as use of the recreation area is limited to daytime hours and no night lighting is allowed, among other requirements.

The University considered design alternatives and worked with the Los Angeles County Fire Department to minimize fuel modification associated with the project, to the extent possible without resulting in any risk to life and safety, in order to avoid native upland plant communities to the maximum extent feasible. Fuel modification for the project will occur primarily within existing developed areas and existing fuel modification areas; however, thinning of a small amount of disturbed native upland vegetation (which does not constitute environmentally sensitive habitat (ESHA)) for fuel modification purposes is unavoidable in this case. The certified LRDP provides that where development will result in the removal of upland vegetation (even if it is not ESHA), a restoration and enhancement plan shall be provided to serve to mitigate and minimize such impacts. Since the proposed development will result in the removal of 0.22-acre (9,583 sq. ft.) of upland vegetation for fuel modification, the University is proposing mitigation for this impact consistent with the LRDP policy identified above. To ensure that the mitigation proposal is adequately implemented consistent with the LRDP, staff is recommending Special Condition 10, requiring the University to submit and implement a Final Habitat Restoration, Enhancement, and Monitoring Plan that shall include, at a minimum,

restoration and/or enhancement of a corresponding 0.22-acre of disturbed coastal sage scrub habitat in a suitable location on-site or off-site that is restricted in perpetuity from development or is public parkland, subject to the review and approval of the Executive Director. The final plans shall include success criteria, plans for annual reporting, and a final report to be completed five years after commencement of the project, and which indicates whether the restoration and enhancement has been successful in a manner consistent with the LRDP policies identified above. Since construction of the proposed project will involve removal of non-native ornamental trees located in the area of the existing parking lot that have the potential to provide habitat for sensitive bird species, staff is recommending Special Condition 8 to require construction timing restrictions and bird surveys before and during construction to determine nesting or breeding bird behavior and to implement protocols to protect sensitive bird species.

In addition, the University anticipates installing at least 40 electric vehicle (EV) charging spaces within the proposed parking area of the Athletics/Events Center project, as well as the necessary infrastructure to support future charging stations. The University currently has 16 EV charging spaces, with an additional 19 charging spaces coming soon as part of another project on-campus that is currently under construction. The University has indicated that Los Angeles County's Green Building Standards Code requirements for EV parking would apply to this project and the code currently requires five percent of the proposed parking spaces to contain EV charging stations and for 25 percent of the proposed parking spaces to be capable of supporting future installation of EV charging stations. To implement the University's proposal, staff is recommending Special Condition 6 to require the University to submit a final electric vehicle (EV) parking plan prior to the commencement of construction, which shall depict installation of the required number of EV charging stations, and installation of appropriate infrastructure capable of supporting future installation of charging stations for the required number of EV charging spaces, consistent with Los Angeles County's Green Building Standards Code, within the parking area of the Athletics/Events Center project prior to the completion of the approved parking lot construction work.

The University also proposes to replace the existing globe lights at the site with new exterior light fixtures that are downward-directed, shielded, energy efficient, and dark-sky compatible to reduce sky glow and light trespass, as required by the LRDP. Exterior lighting for the site has also been designed to achieve the minimum degree of illumination necessary for public safety and the intended uses. 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 4 requires that the proposed lighting plan for the subject NOID be implemented consistent with the LRDP. In addition, staff is also recommending special conditions that relate to conforming with geologic recommendations, landscaping, drainage/runoff, and erosion control plans, construction responsibilities and best management practices, transportation demand and events management plans, and protection of archaeological resources.

Commission staff recommends that the Commission approve Pepperdine University's proposed NOID as conditioned pursuant to this staff report. The motion and resolution for this recommendation can be found starting on page 5 of this report.

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EXHIBITS

- Exhibit 1. Vicinity Map
- Exhibit 2. Project Site Aerial View
- Exhibit 3. Athletics/Events Center Site Plan and Elevations
- Exhibit 4. Athletics/Events Center Fuel Modification

I. PROCEDURAL REQUIREMENTS

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. The subject NOID was deemed complete on July 12, 2022.

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. The date by which the Commission would have had to take action on the NOID was August 12, 2022; however, in this case, on July 14, 2022, Pepperdine University waived the 30-day right to a Commission determination pursuant to Section 13550(b) of the regulations in order to allow Commission staff additional time to process the NOID and schedule the item for the October 2022 hearing. After a public hearing, by a majority of its members present, the Commission will determine whether the development is consistent with the certified LRDP and whether conditions are required to bring the development into conformance with the LRDP. No construction shall commence until after the Commission votes to impose any conditions(s) necessary to render the proposed development consistent with the certified LRDP.

II. STAFF RECOMMENDATION: MOTION AND RESOLUTION

Motion:

I move that the Commission determine that the development described in the Notice of Impending Development PEP-NOID-0002-22, 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-0002-22, 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-0002-22, as conditioned, is consistent with the certified Pepperdine University Long Range Development Plan for the reasons discussed in the findings herein.

III. SPECIAL CONDITIONS

1. Plans Conforming to Geotechnical Engineer's Recommendations

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

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.

2. Drainage and Polluted Runoff Control Plan

Prior to the commencement of construction of the Athletics/Events Center 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) drainage and BMP structures shall be inspected, cleaned, and repaired when necessary prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the University shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should 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.

3. Final Landscaping & Erosion Control Plan

Prior to commencement of construction of the Athletics/Events Center 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

- i. 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.

- ii. 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.
- iii. 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

- i. 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.
- ii. The plan shall include a narrative report describing all run-off and erosion control measures to be used during construction.
- iii. The plan shall identify and delineate on a site or grading plan the locations of all erosion control measures.
- iv. 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.
- v. 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.
- vi. 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.
 - vii. The Erosion Control Plan shall specify that grading at the Athletics/Events Center 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, and 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.

4. Implementation of the Proposed Lighting Plan

By acceptance of this Notice of Impending Development, the University 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 avoid the illumination of campus open space and sensitive habitat areas. 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.

5. Recreation Area Management Plan

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

- A. The Recreation Area in Marie Canyon shall be limited to day use, and no night lighting, whether temporary or permanent, shall be installed.
- B. The orientation of the day-use playing field within the Recreation Area may be adjusted from time to time within the boundaries of the Recreation Area as necessary to maintain field conditions.
- C. Management of grass turf within the Recreation Area shall be performed in accordance with the following requirements:
 - No rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, or Diphacinone) shall be used.
 - Integrated Pest Management shall be implemented where the least environmentally damaging method for removing the pest is first considered, which may include the use of appropriate biopesticides, lining the playing field to exclude rodents, etc. The use of pesticides and herbicides shall be avoided to the maximum extent feasible. If hand removal and mechanical control methods for removing non-native or invasive species are found to be infeasible given the likelihood for causing more damage, erosion, or other relevant considerations, the limited use of herbicides may be appropriate, consistent with the specifications in the University's Exotic Plant Management Plan (January 21, 2022 update).
 - Efficient irrigation or other management practices shall be used to eliminate runoff from turf during the dry season or during extended dry periods during the rainy season.
 - Grass cultivars that are pest-resistant shall be used.

- D. All paving, such as but not limited to walkways, shall use permeable pavement.
- E. If a turf field is discontinued in the future, the University shall submit a landscaping plan to supplement the Recreation Area Management Plan, for Executive Director review and approval, that utilizes a palette of locally native, fire retardant plants that are drought tolerant, and shall implement the approved plan.

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

6. Final Electric Vehicle Parking Plan

Prior to the commencement of construction of the Athletics/Events Center project, the University shall submit for review and approval of the Executive Director a final electric vehicle (EV) parking plan which depicts installation of the required number of EV charging stations and installation of appropriate infrastructure capable of supporting future installation of charging stations for the required number of EV charging spaces, consistent with Los Angeles County's Green Building Standards Code, within the parking area of the Athletics/Events Center project prior to the completion of the approved parking lot construction work.

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

7. Final Transportation Demand Management Program

Prior to occupancy of the Athletics/Events Center, the University shall submit a Final Transportation Demand Management Program for large-scale events at the Athletics/Events Center, for review and approval by the Executive Director. The final program shall include measures to decrease the number of vehicular trips generated by people traveling to the Athletics/Events Center during peak times by offering specific facilities, services, and actions designed to reduce automobile dependency, as well as to promote alternative travel modes (e.g., carpool, regional shuttle systems, come early and stay late initiatives, etc.). The University shall implement the final approved program, and any proposed changes to the approved program shall be reported to the Executive Director. No changes to the approved program shall occur without a new notice of impending development, unless the Executive Director determines that no new notice is needed.

8. Construction Timing and Sensitive Bird Species Surveys

For tree removal, clearing, grading, or construction activities at the Athletics/Events

Center 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 parking lot tree removal, 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 tree removal or 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 or site is vacated and/or juveniles have fledged and when 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 or site is vacated, juveniles have fledged, and when 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 condition 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.

9. Construction Maintenance Responsibilities and Debris Removal

The 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 any environmentally sensitive habitat area (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.

10. Habitat Restoration/Enhancement and Monitoring Plan

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

A. Technical Specifications

- i. Restoration and/or enhancement of 0.22-acre of disturbed coastal sage scrub habitat as mitigation for the upland habitat that would be subject to new fuel modification requirements as a result of the proposed development. The Restoration and Enhancement Plan shall identify a minimum of 9,583 square feet (0.22-acre) of on-site or off-site coastal sage scrub habitat restoration and/or enhancement. The mitigation shall be implemented in a suitable location on-site or off-site that is restricted in perpetuity from development or is public parkland, subject to the review and approval of the Executive Director. Priority shall be given to on-site restoration or enhancement, unless there is not sufficient area of disturbed in-kind habitat on University property, in which case off-site mitigation may be allowed. The mitigation area shall be delineated on a site plan and shall be located within the coastal zone of the Santa Monica Mountains. Invasive and non-native plant species shall be removed from the restoration area.
- ii. The plan shall include detailed documentation of conditions on site prior to the approved restoration/enhancement activity (including photographs taken from pre-designated sites annotated to a copy of the site plan) and specify restoration goals and specific performance standards to judge the success of the restoration effort. Interim and final success criteria shall include, as appropriate: species diversity, percent cover of vegetation, percent cover of

dominant species and definition of dominants, wildlife usage, hydrology, and presence and abundance of sensitive species or other individual “target” species. The success criteria may be based on appropriate reference sites identified for the habitat type or from the peer-reviewed literature.

- iii. The plan shall also provide information on removal methods for exotic species, revegetation methods, and vegetation maintenance. The plan shall further include details regarding the types, sizes, and location of plants to be placed within the restoration/enhancement area. Only native plant species appropriate for coastal sage scrub habitat and which occur in the Santa Monica Mountains shall be used, as listed by the California Native Plant Society - Santa Monica Mountains Chapter in their document entitled Recommended List of Native Plants for Landscaping in the Santa Monica Mountains, updated August 2007. All native plant species shall be of local genetic stock. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a ‘noxious weed’ by the State of California or the U.S. Federal Government shall be utilized or maintained within the property. The Restoration and Enhancement Plan shall also include a detailed description of the process, materials, and methods to be used to meet the approved goals, performance standards, the preferable time of year to carry out restoration activities, and a description of the interim supplemental watering requirements that will be necessary.

B. Monitoring Program

- i. A monitoring program shall be implemented to monitor the restoration for compliance with the specified guidelines and performance standards. The University shall submit, upon completion of the initial planting, a written report prepared by a qualified resource specialist, for the review and approval of the Executive Director, documenting the completion of the initial planting/revegetation work. This report shall also include photographs taken from pre-designated sites (annotated to a copy of the site plan) documenting the completion of the initial planting/revegetation work.
- ii. Five years from the project commencement of this NOID, the applicant shall submit for the review and approval of the Executive Director, a Habitat Restoration/Enhancement Monitoring Report, prepared by a qualified biologist or resource specialist that certifies whether the on-site restoration is in conformance with the restoration plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.
- iii. If the monitoring report indicates the vegetation and restoration/enhancement is not in conformance with or has failed to meet the performance standards specified in the restoration plan approved pursuant to this NOID, the University shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director and shall implement the approved version of

the plan. The revised restoration plan must be prepared by a qualified biologist or resource specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

11. Assumption of Risk, Waiver of Liability and Indemnity

The University acknowledges and agrees: (i) that the sites of the development described in PEP-NOID-0002-22 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.

12. Archaeological Resources

If an area of cultural deposits is discovered during the course of the project, all construction and subsurface activity that has the potential to uncover or otherwise disturb cultural deposits in the area of the discovery shall cease immediately. Construction shall not recommence until all of the following have occurred:

- A. A qualified archaeologist assesses the nature and the significance of the find.
- B. The University submits to the Executive Director for review and approval a report documenting (1) the results of the analysis; and (2) any proposed changes to the proposed project, including any adopted cultural resources avoidance, minimization, and mitigation measures.
- C. The Executive Director will review the information provided in the report and respond in writing with a determination whether the changes to the proposed development or mitigation measures are allowable under this NOID, or if further review and action by the Coastal Commission is necessary.

IV. FINDINGS FOR APPROVAL OF THE NOTICE OF IMPENDING DEVELOPMENT, AS CONDITIONED

The following findings support the Commission's approval of the Notice of Impending Development (NOID), as conditioned by Special Conditions 1-12 set forth in Section III above. The Commission hereby finds and declares as follows:

A. PROJECT DESCRIPTION

The University proposes the construction of the Athletics/Events Center project, which would consist of: (1) a 140,720 sq. ft. multi-purpose arena facility building with

approximately 4,850 seats, sports courts, and related support uses (referred to as AEC Building 1); (2) a 40,000 sq. ft. building adjacent to AEC Building 1 with support amenities/facilities for the University's athletics department and student health and wellness programming (referred to as AEC Building 2); and (3) a parking structure with five above-grade levels and two below-grade levels that would contain up to 825 parking spaces and be located adjacent to, and behind, AEC Building 1. A patio/courtyard area is proposed between Buildings 1 and 2 with a stairwell tower, hardscaping, and landscaping. In addition to the 825-space parking structure, six (6) on-grade parking spaces are proposed toward the western end of the project site. Building 1 would be 62 feet in height, with architectural elements extending an additional 15 feet. Building 2 would be 46 feet in height with architectural elements extending an additional 9 feet, 6 inches. The proposed parking structure would be approximately 60 feet in height. Together, AEC Buildings 1 and 2 would total 181,000 sq. ft. (Exhibits 1-3).

The proposed Athletics/Events Center will be entirely located within the interior portion of the developed campus at the Rho Parking Lot, which is an existing 566-space surface parking lot located south of Huntsinger Circle (Exhibit 2). The existing parking lot and one existing approximately 8,165 sq. ft. residence hall (Krown Beta Hall) would be removed as part of the project in order to construct the proposed Athletics/Events Center structures. During construction and construction staging for the proposed project, the University may provide temporary parking at the Drescher Campus Balance Pad as needed (LRDP Facility 264/265-Lower Pad) which is located to the west of the site, above Huntsinger Circle (Exhibit 2). The certified LRDP allows the Drescher Campus Balance Pad to be used for temporary construction staging use for approved campus construction projects as an interim use until such time the University decides to construct the approved academic learning center, academic support facility, and 200-space parking lot at the site.

After construction of the proposed project, the amount of parking on-campus will increase by 265 spaces. However, the project does not propose to increase enrollment, nor increase the total parking spaces that are approved under the LRDP. 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.

The project would involve a total of approximately 96,376 cu. yds. of grading (75,779 cu. yds. cut, 20,597 cu. yds. fill), in addition to 18,600 cu. yds. of removal and re-compaction. The net cut material is proposed to be transported to an existing debris basin and stockpile site in Marie Canyon on-Campus that was previously approved to serve as a balancing pad for approved campus construction projects (NOID PEP-NOID-0004-15) (Exhibit 2). Following completion of the project, the University would re-install the existing temporary recreation field (Enhanced Recreation Area) located within the existing Marie Canyon debris basin site that was previously approved in NOID PEP-NOID-0008-16 and intended to be periodically raised or lowered to utilize excess excavated material that is generated during construction of various campus projects such as the subject Athletics/Events Center project.

The proposed Athletics/Events Center structures will meet the United States Green Building Council's Leadership in Environmental Design (LEED) silver certification standard and will incorporate energy and water efficient components and design features, including the use of occupancy sensors, LED lighting, native vegetation landscaping, low-flow plumbing fixtures, low heat-gain glazing, a highly efficient, centralized, water-cooled air conditioning system, and utilization of an automated energy management system. The Athletics/Events Center's operations will also fold into the University's existing campus-wide recycling program with adequate bins to separate trash into four dedicated waste streams (trash, mixed recyclables, organics, and cardboard). The Athletics/Events Center would include a cafe/concession area; however, no Styrofoam foodware options would be provided (as required by University policy). The University would also provide water bottle refilling stations as part of the Athletics/Events Center project to promote reusable beverage containers instead of single-use items.

The University currently has 16 EV charging spaces, with an additional 19 charging spaces coming soon as part of another project on-campus that is currently under construction. The University anticipates installing at least 40 additional electric vehicle (EV) charging spaces within the proposed parking area of the Athletics/Events Center project, which is five percent of the total parking spaces proposed, as well as the necessary infrastructure to support future charging stations. The University has indicated that Los Angeles County's Green Building Standards Code requirements for EV parking would apply to this project, and the code currently requires five percent of the proposed parking spaces to contain EV charging stations and 25 percent of the proposed parking spaces to be capable of supporting future installation of EV charging stations.

The University also proposes to replace the existing globe lights at the site with new exterior light fixtures that are downward-directed, shielded, energy efficient, and dark-sky compatible to reduce sky glow and light trespass. Exterior lighting for the site has also been designed to achieve the minimum degree of illumination necessary for public safety and the intended uses. In addition, the University proposes to utilize bird-safe glass and other building and landscaping design features that are visible to birds, reduce reflectivity, and obscure reflections of trees and other vegetation on the building's surface.

The conceptual building design and development totals for the Athletics/Events Center at the proposed project site were approved in LRDP Amendment No. 1-11, Part A in 2012, which provided for the Campus Life Project, a development infill project with six main components to provide new and upgraded athletic, student-life, recreation, parking, and residential facilities at the campus with development to be phased over twelve years. The proposed NOID includes development of the Athletics/Events Center that was included as a component of the Campus Life Project incorporated into the LRDP in 2012 through Amendment No. 1-11, Part A (LRDP Facility 258).

B. 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.

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 the determination was submitted to the Secretary of Resources, thereby effectively certifying the LRDP.

The Commission approved coastal development permits for certain campus development projects prior to certifying the LRDP. Since certification, the LRDP has been amended thirteen (13) times and the University has processed over 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; changes to surface parking lots adjacent to the campus soccer field and baseball field; allowing the Drescher Campus Balance Pad to be used for temporary construction staging and parking; and the Campus Life Project, 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, including: an addition to the gym; additions to the Law School;

construction of student housing; construction of faculty houses in Malibu Country Estates; remediation of a landslide above residential units in Malibu Country Estates; additions to Tyler Center; Alumni Park improvements; construction of a stockpile site with restoration of eroded ravine as mitigation; and relocation of a 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 Campus Life Project, 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; NOID No. PEP-NOID-0003-20 for the construction of a Student Housing Wellness Center; and NOID No. PEP-NOID-0006-20 for the construction of the Enhanced Parking and Storage Project adjacent to the campus soccer field and baseball field located in the western portion of campus.

C. CONSISTENCY ANALYSIS

The standard of review for this proposed NOID is Pepperdine University's certified LRDP.

1. Biological Resources and Water Quality

The University's LRDP contains policies and provisions to preserve and protect Environmentally Sensitive Habitat Areas (ESHA) as well as native upland vegetation. 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.

Where development will adversely impact environmentally sensitive habitat areas as defined by Section 30107.5 of the Coastal Act or where development will result in the removal of upland vegetation, a restoration/enhancement plan which includes maintenance, monitoring and reporting shall be provided on-site to serve to mitigate and minimize said impacts. Future development on campus may necessitate offsite mitigation.

All restoration/enhancement projects performed shall submit to the Coastal Commission Executive Director and to L.A. County Environmental Review

Board a final report prepared by a qualified biologist, ecologist or resource specialist, a minimum of five years after project start. The report shall indicate whether the restoration project has, in part, or in whole, been successful based on performance standards required of said project.

All project mitigation shall occur prior to or concurrent with construction of the development that it is serving to mitigate.

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

...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....

The certified LRDP also 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.

The proposed NOID is an infill project located within the interior portion of the developed campus at the Rho Parking Lot, which is an existing 566-space surface parking lot located south of Huntsinger Circle road and adjacent to existing student housing development. As such, there is no native vegetation within the area of the proposed Athletics/Events Center structures and a biological assessment of the project site and a 200-foot buffer area did not reveal any environmentally sensitive habitat areas (ESHA), although adjacent areas include upland vegetation (non-ESHA). The Drescher Graduate Campus is located to the northwest, student housing to the west, south, and southeast, and facility maintenance buildings to the northeast. There is a steep, vegetated slope directly north of Huntsinger Circle road and the existing Rho Parking Lot. Some of this slope is subject to existing routine fuel modification (vegetation thinning) for existing campus facilities and is dominated by non-native fountain grass (*Pennisetum setaceum*) and Mediterranean mustard (*Hirschfeldia incana*), as well as several shrub species that have been cut near to the ground and are currently regrowing, including laurel sumac (*Malosma laurina*), and lemonadeberry (*Rhus integrifolia*). Abutting the western edge of current fuel thinning practices, the slopes contain a disturbed coastal sage scrub vegetation community that supports a mix of native and non-native species, including native bush sunflower (*Encelia californica*), saw-toothed goldenbush (*Hazardia squarrosa*), and chaparral yucca (*Hesperoyucca whipplei*), and non-native fountain grass, annual brome grass (*Bromus* sp.), and Mediterranean mustard.

Commission approval of LRDP Amendment No. 1-11, Part A, for the University's Campus Life Project included review and approval of the initial conceptual design for the Athletics/Events Center project. That conceptual design consisted of a large, single building on the site along with a parking structure, and the associated fuel modification area for the conceptual configuration would have primarily overlapped with existing development and existing fuel modification areas but would have impacted a relatively small additional area (0.31 acres) of disturbed native coastal sage scrub vegetation located upslope and above Huntsinger Circle road. The Athletics/Events Center project proposed in the subject NOID encompasses approximately the same development area as in the originally conceptualized design; however, instead of a single, larger building, the University is now proposing a slightly different building configuration and less overall building square footage than originally contemplated. As such, the proposed project will actually result in a decrease of required fuel modification in currently non-fuel modified areas on this slope by 0.09-acre (now 0.22-acre total, or 9,583 sq. ft.) when compared to the previous conceptual project design.

The University had considered design alternatives and worked with the Los Angeles County Fire Department to minimize fuel modification associated with the project, to the extent possible without resulting in any risk to life and safety, in order to avoid native upland plant communities to the maximum extent feasible. Fuel modification for the project will occur primarily within existing developed areas and existing fuel modification areas; however, thinning of a small amount of native upland vegetation for fuel modification purposes is unavoidable in this case (Exhibit 4). However, this small additional area of disturbed coastal sage scrub vegetation that would be subject to fuel modification thinning is located along the western edge of current fuel thinning practices for existing development, in an area that is fragmented and not part of a large contiguous block of relatively pristine habitat. As such, the area of the project site and associated fuel modification areas do not constitute ESHA. However, the certified LRDP provides that where development will adversely impact ESHA (as defined by Section 30107.5 of the Coastal Act) or where development will result in the removal of upland vegetation (even if it is not ESHA), a restoration/enhancement plan which includes maintenance, monitoring and reporting shall be provided to serve to mitigate and minimize said impacts. Since the proposed development will result in the removal of 0.22-acre (9,583 sq. ft.) of upland vegetation for fuel modification, the University is proposing to mitigate for this impact consistent with the LRDP policy identified above. The certified LRDP does not specify mitigation ratios for removal of native upland vegetation and the University's proposal is to mitigate at a ratio of 1:1, as has been required for other Commission-approved NOIDs, such as the Outer Precinct Student Housing project (NOID No. PEP-NOID-0005-16). In addition, the LRDP requires that all project mitigation occur prior to or concurrent with construction of the development that it is serving to mitigate.

To ensure that the mitigation proposal is adequately implemented consistent with the LRDP, the Commission finds it necessary to include **Special Condition 10** as part of this NOID approval, requiring the University to submit and implement a Final Habitat Restoration, Enhancement, and Monitoring Plan for review and approval of the Executive Director. The plan shall include, at a minimum, restoration and/or enhancement of 0.22-acre of disturbed coastal sage scrub habitat in a suitable location

on-site or off-site that is restricted in perpetuity from development or is public parkland, subject to the review and approval of the Executive Director. Priority shall be given to on-site restoration or enhancement, unless there is not sufficient area of disturbed in-kind habitat on University property, in which case off-site mitigation may be allowed. The final plans shall include success criteria, plans for annual reporting, and a final report to be completed five years after commencement of the project, indicating whether the restoration and enhancement has been successful, consistent with the LRDP policies identified above.

During construction and construction staging for the proposed project, the University may provide temporary parking at the Drescher Campus Balance Pad as needed (LRDP Facility 264/265-Lower Pad) which is located to the west of the site, above Huntsinger Circle. The certified LRDP allows the existing Drescher Campus Balance Pad to be used for temporary construction staging use for approved campus construction projects as an interim use. The existing Drescher Campus Balance Pad is a highly disturbed site that does not contain any sensitive plant communities, wetlands, or native trees. In addition, the proposed project would involve a total of approximately 96,376 cu. yds. of grading (75,779 cu. yds. cut, 20,597 cu. yds. fill) and the net cut material is proposed to be transported to an existing debris basin and stockpile site in Marie Canyon on-campus that was previously approved to serve as a balancing pad for approved campus construction projects (NOID PEP-NOID-0004-15). Following completion of the project, the University would re-install the existing temporary recreation field (Enhanced Recreation Area) located within the existing Marie Canyon debris basin site that was previously approved in NOID PEP-NOID-0008-16 and intended to be periodically raised or lowered to utilize excess excavated material that is generated during construction of various campus projects such as the subject Athletics/Events Center project.

Although the entire project area is not considered to be ESHA, the disturbance and re-installation of the existing temporary recreation field (Enhanced Recreation Area) located within the Marie Canyon debris basin site has the potential for negative impacts on ESHA in adjacent areas. Potential night lighting of the Enhanced Recreation Area could impact the wildlife and migratory birds associated with the adjacent ESHA, while the management of rodents via rodenticides as well as the application of pesticides and herbicides for the turf has the potential to negatively impact or even result in the death of sensitive species in the adjacent ESHA. As such, to ensure that the use and maintenance of this phase of the project incorporates measures to protect ESHA, the Commission is requiring the University to develop a Recreation Area Management Plan, as outlined in **Special Condition 5**. Among other requirements, use of the recreation area is limited to daytime hours and no night lighting is allowed.

In addition, the University has proposed an outdoor lighting plan for the proposed Athletics/Events Center project site in compliance with LRDP policies that require all new lighting to be energy efficient, dark sky compatible, and shielded to direct light away from campus open space and sensitive habitat areas. To ensure LRDP compliance, **Special Condition 4** requires that the proposed lighting plan for the subject NOID be implemented consistent with the requirements of the LRDP.

The University proposes to remove all existing ornamental trees from the existing Rho Parking Lot in connection with redevelopment of this site with the proposed Athletics/Events Center with parking structure. The existing Rho Parking Lot does not contain any native trees; however, approximately 100 ornamental trees would be removed. 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 8**, requiring a qualified environmental resource specialist to conduct bird surveys prior to tree removal, clearing, or construction activities 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.

In addition, the University has proposed to utilize bird-safe glass and other building and landscaping design features for the Athletics/Events Center that are visible to birds, reduce reflectivity, and obscure reflections of trees and other vegetation on the building's surface. The University has also proposed a detailed landscaping plan as part of the proposed project using native or non-invasive ornamental trees, shrubs, and groundcover that are drought-tolerant. The LRDP 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 general 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) in areas 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 certain areas of the Malibu/Santa Monica Mountains, and these impacts are recognized in the LRDP policy requiring landscaping plants to be native species or non-invasive 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 3**, that all final landscaping consists primarily of native plant species and that invasive plant species shall not be used.

The proposed NOID also has the potential to impact downstream water quality and habitat areas, including the ocean habitats of Santa Monica Bay. The potential impacts include increased erosion and sedimentation, increased volume or velocity of runoff, and introduction of point and non-point pollutants. 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 new buildings and a parking structure within the existing developed campus. The project will involve grading, and excess cut material will be moved to the Marie Canyon debris basin and stockpile site. Furthermore, the temporary recreation field will be re-installed. Erosion control measures at these sites that are 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 control measures into the final project plans as detailed in **Special Condition 3**.

Pepperdine has also designed the project in accordance with Los Angeles County's Low Impact Development requirements to reduce flow rates to the storm drain system and reduce pollutant loading. The proposed project is designed to manage stormwater by routing runoff via slope drains, storm drains, paved roadways, gutters, catch basins, roof drains, and other non-erosive devices to the campus' existing and proposed onsite storm drain system during operation. The University has indicated that it would also 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 2**, 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 9**, 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 regard to biological resources and water quality.

2. Visual Resources

The University's LRDP contains policies and provisions to preserve and protect visual resources, including a specific policy on campus lighting. 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 Pepperdine University campus area is located on the coast between Pacific Coast Highway near the Pacific Ocean and the Santa Monica Mountains. 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.

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 subject NOID relates to the construction of: (1) a 140,720 sq. ft. multi-purpose arena facility building with approximately 4,850 seats, sports courts, and related support uses (AEC Building 1); (2) a 40,000 sq. ft. building adjacent to AEC Building 1 with support amenities/facilities for the University's athletics department and student health and wellness programming (AEC Building 2); and (3) a parking structure with five above-grade levels and two below-grade levels that would contain up to 825 parking spaces and be located adjacent to, and behind, AEC Building 1. A patio/courtyard area is proposed between Buildings 1 and 2 with a stairwell tower, hardscaping, and landscaping. Building 1 would be 62 feet in height, with architectural elements extending an additional 15 feet. Building 2 would be 46 feet in height with architectural elements extending an additional 9 feet, 6 inches. The proposed parking structure would be approximately 60 feet in height. Together, AEC Buildings 1 and 2 would total 181,000 sq. ft. The proposed project site is located near the northern, interior margin of the developed core of the campus that currently contains an existing surface parking lot. A visual analysis of the proposed development was performed and the structures would not be visible from the ocean/shoreline, Pacific Coast Highway, or Malibu Canyon Road due to intervening terrain. In addition, views of the ocean and shoreline from inland public trails and viewing locations would not be impacted, nor public views of adjacent ridgelines. The project would also not impact ridgeline views from Malibu Bluffs Park. The project has been designed to protect scenic coastal and

mountain views from public viewing areas and would ensure visual compatibility with the character of surrounding areas. The Project's design will maintain compatibility with the existing aesthetic of the surrounding campus, within the framework of a modern interpretation of a "California spanish revival" style, typified by off-white stucco walls and terracotta-red tile roofs.

The project would involve a total of approximately 96,376 cu. yds. of grading (75,779 cu. yds. cut, 20,597 cu. yds. fill), in addition to 18,600 cu. yds. of removal and re-compaction. The net cut material is proposed to be transported to an existing debris basin and stockpile site in Marie Canyon on-Campus that was previously approved to serve as a balancing pad for approved campus construction projects. Following completion of the project, the University would re-install the existing temporary recreation field (Enhanced Recreation Area) located within the existing Marie Canyon debris basin site that was previously approved in NOID PEP-NOID-0008-16 and intended to be periodically raised or lowered to utilize excess excavated material that is generated during construction of various campus projects such as the subject Athletics/Events Center project. This site is not visible from public trails or other public viewing areas, and the deep canyon is also shielded from public views of the general campus as seen from the southerly expanses of Pacific Coast Highway. Upon completion of construction, the pad would be contoured, and planted with irrigated turf. For these reasons, this component of the project would not adversely impact scenic views from any public viewing areas.

Lighting

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 proposed project site 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 approved 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 replace 45 additional 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 4** requires that the proposed lighting plan 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.

3. New Development and Transportation/Circulation

Any project proposed in a NOID must be consistent with the development totals allocated in the certified LRDP. Furthermore, the certified LRDP contains several policies limiting the allowable development within the campus, requiring energy efficiency for new development, and managing traffic and parking demand for the planned Athletics/Events Center to ensure that events are planned and scheduled to prevent excessive congestion on Pacific Coast Highway during times of peak coastal visitor travel. Specifically, several relevant policies included in the University's LRDP include the following:

At maximum build-out, 668 single student units for 3,678 students, 103 married student units and 120 faculty, staff and administration units will be provided.

All planning and development will be consistent with the LRDP.

New structures will be designed to achieve maximum energy efficiency...

Pepperdine Campus Athletic and Special Events shall be planned, scheduled and managed in a manner that does not impair traffic flow on

Pacific Coast Highway during times of peak coastal visitor travel between the Thursday before Memorial Day through the Tuesday after Labor Day, and all state holidays at other times.

A comprehensive Transportation Demand Management Program (TDM) shall be developed and implemented for large-scale events at the Athletics/Events Center (AEC). The TDM Program shall include measures to decrease the number of vehicular trips generated by people traveling to the AEC during peak times by offering specific facilities, services, and actions designed to reduce automobile dependency, as well as to promote alternative travel modes (e.g., carpool, regional shuttle systems, come early and stay late initiatives, etc.) The TDM Program shall be submitted for review and approval of the Executive Director of the Coastal Commission as part of a future Notice of Impending Development for the AEC facility.

In addition to the TDM Program, for all AEC events with more than 3,500 attendees which occur during the Summer (Memorial day through Labor Day), Pepperdine will implement a Traffic and Parking Management Plan which includes on-campus traffic and parking control measures to ensure rapid flow of event attendees into the campus and reduce any potential impacts to the surrounding street network.

The original conceptual building design and development totals for the Athletics/Events Center at the proposed project site were approved in LRDP Amendment No. 1-11, Part A in 2012, which provided for the Campus Life Project, a development infill project with six main components to provide new and upgraded athletic, student-life, recreation, parking, and residential facilities at the campus and to be phased over twelve years. The proposed NOID includes development of the Athletics/Events Center that was included as a component of the Campus Life Project incorporated into the LRDP in 2012 through Amendment No. 1-11, Part A. As conceptually approved in the LRDP (LRDP Facility 258), the Athletics/Events Center is allocated as a 239,300 sq. ft. facility consisting of an arena with 5,000 fixed seats (and 470 temporary seats), support amenities/facilities for the University's athletics department and student health and wellness programming, and 831 parking spaces (265 net new spaces). The Athletics/Events Center project proposed in the subject NOID encompasses approximately the same development area; however, instead of a single, larger building, the University is proposing a slightly different building configuration and less overall building square footage than originally contemplated (181,000 sq. ft. instead of 239,300 sq. ft.). As such, the proposed project would reduce the size of the facility by approximately 58,000 sq. ft. and reduce arena seating by approximately 620 total seats, when compared with the previous conceptual project design and the maximum facility development totals specified in the LRDP. With the proposed project, the amount of parking on-campus will increase by 265 spaces. However, the project does not propose to increase enrollment, nor increase the total parking spaces that are approved under the LRDP. 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. In addition, this NOID application will not change the number of student beds and will continue to be consistent with the LRDP.

The University currently has 16 electric vehicle (EV) charging spaces, with an additional 19 charging spaces coming soon as part of another project on-campus that is currently under construction. In addition, the University anticipates installing at least 40 EV charging spaces within the proposed parking area of the subject Athletics/Events Center project, which is five percent of the total parking spaces proposed, as well as the necessary infrastructure to support future charging stations. The University has indicated that Los Angeles County's Green Building Standards Code requirements for EV parking would apply to this project and the code currently requires five percent of the proposed parking spaces to contain EV charging stations and 25 percent of the proposed parking spaces to be capable of supporting future installation of EV charging stations. To implement the University's proposal, the Commission finds that **Special Condition 6** is necessary to require the University to submit a final electric vehicle (EV) parking plan prior to the commencement of construction, which shall depict installation of the required number of EV charging stations, and installation of appropriate infrastructure capable of supporting future installation of charging stations for the required number of EV charging spaces, consistent with Los Angeles County's Green Building Standards Code, within the parking area of the Athletics/Events Center project prior to the completion of the approved parking lot construction work.

The proposed Athletics/Events Center structures will also meet the United States Green Building Council's Leadership in Environmental Design (LEED) silver certification standard and will incorporate energy and water efficient components and design features, including the use of occupancy sensors, LED lighting, native vegetation landscaping, low-flow plumbing fixtures, low heat-gain glazing, a highly efficient, centralized, water-cooled air conditioning system, and utilization of an automated energy management system. The Athletics/Events Center's operations will also fold into the University's existing campus-wide recycling program with adequate bins to separate trash into four dedicated waste streams (trash, mixed recyclables, organics, and cardboard). The Athletics/Events Center would include a cafe/concession area; however, no Styrofoam foodware options would be provided (as required by University policy). The University would also provide water bottle refilling stations as part of the Athletics/Events Center project to promote reusable beverage containers instead of single-use items. Collectively, these measures will drastically increase the building's energy efficiency consistent with LRDP policy requirements and reduce waste and single-use items.

Lastly, the proposed Athletics/Events Center with NCAA-competition sports courts would create an attractive venue with 4,850 seats, which could result in increased traffic on Pacific Coast Highway and other roadways used by the public to access the coast. The certified LRDP includes a policy to ensure that events at the planned facility are planned and scheduled so that visitors travelling to the venue will not cause congestion that impairs traffic flow on Pacific Coast Highway during times of peak coastal visitor travel to public access points in Malibu or the Santa Monica Mountains. Coastal visitor travel on Pacific Coast Highway tends to reach the highest levels during the season between Memorial Day and Labor Day weekends, and state holidays. The LRDP policy requires the University to prepare a comprehensive Transportation Demand

Management (TDM) Program for high-attendance events hosted in the proposed Athletics/Events Center, subject to the review and approval of the Executive Director. In addition, for all AEC events with more than 3,500 attendees which occur during the Summer (Memorial day through Labor Day), the University is required to implement a Traffic and Parking Management Plan which includes on-campus traffic and parking control measures to ensure rapid flow of event attendees into the campus and reduce any potential impacts to the surrounding street network.

The University has proposed a number of measures to prevent excessive congestion of Pacific Coast Highway during peak commuter travel times (weekdays from 7:00 - 9:00 A.M. and 4:00 - 6:00 P.M.). As part of the subject NOID, the University has submitted a Preliminary Transportation Demand Management Program (TDMP) and Event Management Plan for the AEC facility. The University's existing campus shuttle system would serve as the primary mobility service connecting visitors to the AEC from other on-campus parking lots that will be utilized. The University has indicated that an event shuttle bus system could be implemented to transport attendees to and from the campus for major events at the AEC. The University's preliminary TDMP also includes a high occupancy vehicle priority parking and incentive program, incentives for major event attendees to come early and stay late to reduce peak traffic flows, and outreach measures to encourage faculty, staff and commuters to stay on campus and attend the AEC major events and to encourage carpooling on major event days to reduce peak hour trips that would otherwise be generated. The preliminary TDMP indicates that the University could also coordinate with applicable agencies to develop special signal timings and major event signage at key intersections for major AEC events, to maximize traffic flows and reduce congestion during peak arrival and departure times. University personnel and signage would also be stationed at the campus entrance and exit routes at the beginning and end of AEC major events to efficiently facilitate traffic and parking flow and to minimize congestion. The University would also ensure that there is adequate signage and sufficient capacity of on-campus parking to reduce potential for event parking to occur in non-campus areas. Since the submitted TDMP and Events Management Plan is preliminary in nature at this time, the Commission finds that **Special Condition 7** is necessary to require that prior to occupancy (use) of the Athletics/Events Center, the University shall submit a Final Transportation Demand Management Program for large-scale events at the Athletics/Events Center, for review and approval by the Executive Director. The final program shall include measures to decrease the number of vehicular trips generated by people traveling to the Athletics/Events Center during peak times by offering specific facilities, services, and actions designed to reduce automobile dependency, as well as to promote alternative travel modes (e.g., carpool, regional shuttle systems, come early and stay late initiatives, etc.), consistent with the relevant policy of the LRDP.

During construction and construction staging for the proposed project, the University may provide temporary parking for on-campus student residences and existing athletic uses in the northern portion of the developed campus core at the Drescher Campus Balance Pad as needed (LRDP Facility 264/265-Lower Pad), which is located to the west of the site, above Huntsinger Circle. The certified LRDP allows the Drescher Campus Balance Pad to be used for temporary construction staging use for approved campus construction projects as an interim use until such time the University decides to

construct the approved academic learning center, academic support facility, and 200-space parking lot at the site. Using this site as needed will serve to offset the temporary loss of parking from loss of the Rho Parking Lot during construction of the AEC development. In addition, the University intends to prioritize construction of the parking structure component of the Athletics/Events Center project first to minimize the amount of time that alternative temporary parking accommodations are needed.

For the reasons stated above, the Commission finds that the subject NOID, as conditioned, is consistent with the applicable LRDP policies that pertain to new development, transportation, and circulation.

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. Geologic hazards common to the Santa Monica Mountains area include landslides, erosion, and flooding. The LRDP includes the following policy in relation to geology and hazards to ensure that new development is 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:

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. Furthermore, the project will also install automatic sprinkler systems, fire-rated doors and walls, a fire-department connection, and fire hydrants.

The project would involve a total of approximately 96,376 cu. yds. of grading (75,779 cu. yds. cut, 20,597 cu. yds. fill), in addition to 18,600 cu. yds. of removal and re-compaction. The net cut material is proposed to be transported to an existing debris basin and stockpile site in Marie Canyon on-Campus that was previously approved to serve as a balancing pad for approved campus construction projects. Following completion of the project, the University would re-install the existing temporary recreation field (Enhanced Recreation Area) located within the existing Marie Canyon debris basin site that was previously approved in NOID PEP-NOID-0008-16 and intended to be periodically raised or lowered to utilize excess excavated material that is generated during construction of various campus projects such as the subject Athletics/Events Center project.

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 1** 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.

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 2** and **Special Condition 3**.

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 potential 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 11**, 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.

The University conducted a field investigation and records search and found no known archaeological or paleontological resources in the vicinity of the project site. Nevertheless, the University has proposed measures to ensure that construction will take place in a manner consistent with the LRDP policies regarding such resources. In the event that the University uncovers unknown archaeological or paleontological resources during project earth-moving or construction activities, work in the immediate vicinity shall be suspended until a qualified archaeological or paleontological monitor can assess the nature and significance of the find, identify appropriate treatment options, and document and report the findings as necessary. These protocols are also required by **Special Condition 12**. **Special Condition 12** further requires that the University then submit, for Executive Director review and approval, a report documenting the results of the analysis and any proposed changes to the project

description, including any avoidance, minimization, and mitigation measures. The Executive Director will subsequently respond in writing with a determination of whether the proposed changes are allowable under the NOID. If human remains are discovered, California Health and Safety Code Section 7050.5 requires that further disturbances and activities shall stop in any area or nearby area suspected to overlie remains, and the county coroner must be contacted. If the remains are thought by the coroner to be Native American, the coroner will notify the Native American Heritage Commission, which, pursuant to Public Resources Code Section 5097.98, will then notify the most likely descendent. At that time, the person who discovered the remains will contact the University, which will work with the most likely descendent on the respectful treatment and disposition of the remains. Further provisions of Public Resources Code 5097.98 are to be followed, as applicable.

For the reasons stated above, the Commission finds that the proposed NOID, as conditioned, is consistent with the applicable LRDP policies that pertain to land resources, paleontological and archaeological resources, and hazards.

D. 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 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 the California Natural 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. For the reasons discussed in this report, 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 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.