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**DRAFT**

January 24, 2011

Kim Szalay  
Los Angeles County  
Department of Regional Planning  
Special Projects Section, Room 1362  
320 West Temple Street  
Los Angeles, California 90012

**Pepperdine University Campus Life Project  
Draft Environmental Impact Report  
SCH# 2008041123**

Dear Mr. Szalay:

The Santa Monica Mountains Conservancy (Conservancy) offers the following comments on the Pepperdine University Campus Life Project (CLP) Draft Environmental Impact Report (DEIR). We sincerely appreciate that Pepperdine University representatives hosted a visit to the site for our staff (at our request) on January 19, 2011 to explain the project and answer questions. (Note that in this letter, "Pepperdine representative" means either a Pepperdine employee or one of the hired consultants present at that site visit.) The Conservancy does not object to the concept of the proposed project. However, as described below in more detail, the Conservancy is concerned with potentially significant impacts to biological resources (sensitive plant communities and wildlife habitat), visual resources, recreational resources, land use policies, and traffic/parking. This letter includes several additional critical mitigation measures to address these issues. The 11 Conservancy primary recommendations are numbered separately below with the supporting nexus in the body of the letter. We urge the County to require all of these suggested mitigation measures.

Of note, the California Coastal Commission recently approved the Malibu Parks Public Access Enhancement Plan-Public Works Plan (PWP), which includes 35 new campsites in four camp areas, two new parking areas adjacent to Pacific Coast Highway, new trails, and other support facilities at the Conservancy-owned Malibu Bluffs, just south of the Pepperdine University campus, south of Pacific Coast Highway. The Coastal Commission approved (with some modifications) this plan proposed by the Conservancy and Mountains Recreation and Conservation Authority (MRCA) in October 2010. The PWP includes new

campsites, trails, parking areas, other support facilities and programs, and habitat restoration at five of the Conservancy's and MRCA's parks in the City of Malibu and unincorporated Los Angeles County. This was a multi-year, extensive planning effort and the Conservancy and MRCA are invested in providing a high quality visitor experience. In particular, the Conservancy is concerned with the potentially significant impacts (e.g., from lighting) to the Conservancy's and MRCA's proposed new campsites at the Conservancy-owned Malibu Bluffs Property.

### **Impacts to Visual Resources, Related Land Use Policies, and Needed Mitigation**

Given the proposed new camp areas, trails, and other recreational resources at the Conservancy-owned Malibu Bluffs property just south of the Pepperdine University, the Conservancy is concerned with potentially significant impacts to the Malibu Bluffs viewshed. The DEIR does not include a section addressing potential impacts to recreational resources. While it does address some limited views to Malibu Bluffs, it does not fully address potential lighting impacts on campers at the Conservancy-owned Malibu Bluffs. According to the DEIR (p. 5.11-28), per the City of Malibu Local Coastal Program Land Use Plan (P125), new development shall be sited and designed to protect public views from LCP-designated scenic highways to and along the shoreline and to scenic coastal areas, including public parklands. The City of Malibu Local Coastal Program Land Use Plan Policy 6.23 states in part:

...exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas.

Similarly, in the County's Proposed Local Coastal Program Coastal Zone Plan, Conservation and Open Space Element, Scenic Resources Goals and Policies section, Policy CO-56 states: "Control lighting to preserve the area's scenic beauty, including specific natural features and broad vistas." Policy C/OS 11.4 in the Draft LA County General Plan, Conservation and Open Space Element, Section VI: Scenic Resources, Goals, Policies and Implementation Actions states: "Reduce light trespass and light pollution."

New lighting would result from several elements of the Campus Life Project, including: National Collegiate Athletic Association (NCAA) soccer field (Component Area 3), Enhanced Recreation Area (Component Area 5), and other project elements (e.g., new lighting at new parking structures, building mounted lighting, etc.). For Component Area

3, there would be new lighting for student recreation and non-televised intercollegiate games. During televised events, there would be additional lighting. The DEIR (p. 1-67) states that athletic field lighting levels may be used only on nights in which a game will be nationally or regionally broadcast, up to 10 events per year. It is not clear if 10 is the absolute limit that would occur (e.g., DEIR, p. 1-66 states “infrequent occurrence (likely less than 10 nights...)”

The elevation of the NCAA soccer field would be approximately 10 feet higher than the level of the existing track and field (DEIR, p. 5.11-39). The tops of the light standards would be visible from a 1,300-foot-long stretch of Pacific Coast Highway (PCH), a scenic highway (DEIR, p. 1-62). ) At the Enhanced Recreation Area (Component Area 5), lighting would be replaced and the new lighting consists of six 80-ft.-tall lighting standards (DEIR, p. 5.3-37). The DEIR (p. 5.7-28) states that for the Enhanced Recreation Area the tops of the poles (approximately the top 20 feet of the poles) may be seen from the central of the three proposed camping sites (at Malibu Bluffs Park). The tops of the poles can be seen from distances of 4,750 feet (0.9 mile) and over (DEIR, p. 5.7-28). Even if the bulbs would not be visible from Malibu Bluffs due to the recessed placement of the bulbs within the shielding element (as a Pepperdine representative stated during the site visit), it still seems that Malibu Bluffs campers would be able to see the stream of light below the shielding, but along the portion of the new tall lighting standards that would be visible from Malibu Bluffs. The biology section of the DEIR (p. 5.3-37) states that while contrast, or glare, would increase somewhat at the receptor location within Malibu Bluffs State Park, the distance between the State Park and any of the CLP component sites reduces the likelihood that wildlife would be significantly affected. It is not clear how “more effective shielding and downward angled orientation” would lead to lower illuminance (light trespass) at Malibu Bluffs compared with existing conditions.

The Conservancy is concerned with not only project-specific, but also cumulative, impacts from night lighting. The DEIR (p. 1-66) references a related project (but not part of the Campus Life Project), which includes lighting at the baseball field. In addition, under existing conditions, there is already substantial lighting at the campus that is visible from Malibu Bluffs. Also, some of the existing lighting on campus (e.g., globe lighting) is unshielded and contributes to diminished dark sky conditions. If mitigation is only proposed for the new fields, it may be insufficient. Additional mitigation, not associated with the new fields (component areas 3 and 5), may be needed. The Conservancy is concerned with both new light sources resulting from the project, as well as glow that compromises dark-sky conditions under existing conditions, with the Campus Life Project, and combined with other projects. We urge the University to independently bolster the

mitigation measures as part of this California Environmental Quality Act review process to significantly diminish existing lighting visible from Malibu Bluffs.

Potentially significant impacts to the Malibu Bluffs viewshed, both night-time and day-time should be mitigated to the fullest extent possible. The Final Environmental Impact Report (FEIR) should include at a minimum the following additional analysis and mitigation to address potentially significant impacts to visual resources.

**Conservancy Recommendation No. 1:** The FEIR should include super-detailed oblique views, including cross sections, of the significant new light sources—the NCAA soccer field and the Enhanced Recreation Area. This would include elevations of these project components, locations and dimensions of new light standards including shielding elements, existing and proposed topographic buffers (e.g., berms), and specifics of tree planting to be used for screening (e.g., locations, species, expected heights after a specified amount of years, etc.). This should be presented in relation to views from Pacific Coast Highway and Conservancy-owned Malibu Bluffs approved camping area(s).

**Conservancy Recommendation No. 2:** The FEIR should include a mitigation measure requiring extensive landscaping to screen lighting standards at the NCAA soccer field and Enhanced Recreation Area from views from Malibu Bluffs. Again, the specifics of tree planting to be used for screening (e.g., locations, species, expected heights after a specified amount of years, etc.) should be identified. Pepperdine, or the County, should seek input from the Conservancy staff on the landscape screening plan for these areas. Pepperdine must be held responsible for funding of the installation of the landscape screening and for the maintenance in perpetuity. The landscape screening should be installed prior to (preferred, if construction timing permits), or concurrent with, construction of the respective project element. The landscaped screening areas must be preserved in perpetuity via a conservation easement offered to a public park agency such as MRCA. This measure must be enforceable, and should include contingency measures in case the screening effort is not successful.

**Conservancy Recommendation No. 3:** To address the existing lighting impacts on dark sky conditions, the Conservancy strongly recommends that Pepperdine University implement measures to reduce existing night-time lighting and otherwise mitigate existing night lighting conditions. This would include replacement of globe lighting throughout the campus and improvements to old existing lighting with new

technologically advanced lighting. This analysis would not be complete unless it addresses the lighting for the baseball field project.

**Conservancy Recommendation No. 4:** We urge that the FEIR demonstrate that there will be no significant lighting impacts to campsites at the Conservancy-owned Malibu Bluffs from potentially new light sources visible from Malibu Bluffs, as well as from diminished dark sky conditions. We hope that the additional lighting analysis we recommend above will support this demonstration.

### **Impacts to Biological Resources, Related Land Use Issues, and Needed Mitigation**

Based on a comparison of Figure 5.11-5 (“LRDP Facilities to be Utilized for the CLP”) and Figure 5.11-6 (“LRDP after CLP Approval”), it appears that the proposed Campus Life project would expand the footprint beyond the long range development plan (LRDP) in the Enhanced Recreation Area (Component Area 5). A Pepperdine representative indicated that these are conceptual figures and are not meant to show exact locations. Grading for the Enhanced Recreation Area would be 6.9 acres (DEIR, p. 5.7-22). It does not appear that the Long Range Development Plan (LRDP) contemplated a detention basin in the proposed location, nor an expanded recreational field. The current topography reflecting the base of the naturally vegetated Marie Canyon drainage (maintained occasionally according to a Pepperdine representative) before it enters the developed/hardscaped Pepperdine Campus would be filled and replaced by an expanded recreational field, and the debris basin would be moved to a location further up the canyon. Wildlife such as deer use this drainage.

The DEIR states that an amendment to the LRDP is required (e.g, pp. 5.11-39, 5.11-41). The relocated debris basin would result in new impacts to sensitive plant communities. As the Coastal Commission indicated in its December 16, 2010 letter on the Campus Life Project DEIR, parts of the Enhanced Recreation Area would encroach into native vegetation areas that appear to be Environmentally Sensitive Habitat Areas (ESHAs), and only uses dependent on the resource may be allowed in ESHA. This is potentially a significant impact with respect to biological resources and land use policies. During the LRDP amendment process, the California Coastal Commission will ultimately make the determination of whether these new CLP elements are covered under the LRDP. The DEIR has not demonstrated clearly that the existing approval of the LRDP from the California Coastal Commission “covers” the modified project elements and locations.

On a similar note, the DEIR states that there would be impacts to 0.48 acre of jurisdictional

waters and that impacts to 0.54 acre were covered under previous permits. (The Pepperdine representatives also indicated during the site visit that the new Component Area 5 project elements are within the boundaries of the previous permits.) However, the location of the proposed detention basin is different than that in the previous permit, and it is now being proposed in an area with sensitive plant communities and jurisdictional waters. Also, the previous permit reportedly approved debris basin maintenance, not an expanded recreational field in that area. Because of these new locations and uses, this again raises questions about whether the old permits (from U.S. Army Corps of Engineers, California Department of Fish and Game, and Regional Water Quality Control Board) actually “cover” the new proposed activities. The DEIR has not demonstrated this clearly. It is also not clear whether the regulatory agencies have agreed with this conclusion.

The Conservancy is concerned about cumulative impacts to Marie Canyon watershed. There are numerous deer on and around the Pepperdine property, and substantial bird life. The university has converted most of the original riparian habitat, so that the natural mix of upland and riparian habitat is altered. For this reason, and because of the additional impacts to riparian and upland habitats resulting from the Campus Life Project, the FEIR should evaluate and include a substantial mitigation package, including riparian restoration and offsite land acquisition, or some alternative more effective mitigation measure(s).

The DEIR shows rather large fuel modification areas, even in areas without buildings (e.g., see Figure 5.3-2). The DEIR (pp. 5.3-11, 5.3-12) states that 150 feet is the Los Angeles County Fire Department (LACFD) standard minimum fuel modification for parking lots. The DEIR has not clearly documented that LACFD has required this large fuel modification distance throughout all project areas addressed in the DEIR. With the current project design such broad fuel modification zones seems unnecessary. For example, at the Conservancy-owned Malibu Bluffs, LACFD indicated to MRCA staff in writing, via email, that 10 feet was likely adequate brush clearance from parking areas and roads.

Also, the DEIR appears to present conflicting explanations of the value of fuel modification areas. On the one hand, the DEIR states that for cutting only (no live plant removal) in fuel modification areas, the LRDP does not require mitigation. This implies that some ecological values remain in the fuel modification areas, and mitigation is not proposed in the DEIR for these areas. On the other hand, the DEIR emphasizes that most of the Enhanced Recreation Area is in permitted areas, including fuel modification areas. This seems to imply that it is already disturbed. Based on the site visit, many of these areas contain large and dense native shrubs; fuel modification, if occurring, has been occasional or irregular.

Regardless, the DEIR indicates that at least some of the impacts to chaparral from the proposed Enhanced Recreation Area is not within an area already permitted. On the other hand, during the site visit, a Pepperdine representative indicated that this chaparral area to be impacted southwest of the southerly turf field at Component Area 5 is actually within an existing fuel modification area. However, it has not been demonstrated (for example, on a map) how this is within a required fuel modification area.

Moreover, the proposed Enhanced Recreation Area would impact a mitigation site. This would be contrary to a fundamental goal to achieve a successful mitigation site—to implement timing such that recovery of ecological values is maximized and not delayed, in relation to the timing of project impacts. This points to the importance of recording third party conservation easements to ensure that mitigation sites are permanently preserved, so this scenario does not happen again. Otherwise, there is a substantial lag in any recovery of ecological values from restoration, while project impacts were already incurred.

The DEIR proposed mitigation ratios of 1:1 are typically too low for impacts to jurisdictional areas and to environmentally sensitive habitat areas. Mitigation ratios of approximately 3:1 are more typical (for example, see Malibu Local Coastal Program Land Use Plan) to deal with the uncertainty of restoration efforts, the temporal loss of ecological values, and the overall loss of permanent ecological values (as it is very difficult to get a restoration site to exactly mimic the functions and values of the impact site). Although the existing restoration site may be somewhat compromised due to the presence of invasive weeds (and because fuel modification may be conducted periodically within the restoration site according to Pepperdine representatives), without question it currently provides some wildlife habitat value. It has been providing some habitat value over the years to somewhat mitigate the initial habitat impacts. Once this mitigation site is destroyed, those habitat values will be lost and the restoration effort will need to start at zero again. In particular, when a mitigation site is being impacted, a higher mitigation ratio is warranted.

With respect to impacts to biological resources, the Conservancy previously raised concerns about future degradation of habitat beyond the development area in its September 14, 1998 letter to the County on the Pepperdine University Upper Campus Development DEIR. The Conservancy recommended in that letter that the FEIR include a mitigation measure that deed restricts all remaining open space surrounding the campus that is not entitled to date. An offer to dedicate open space easement was recorded for part of the property (Significant Ecological Area [SEA] 5), but not over the rest of the property. We are concerned with this proposed expansion into sensitive native vegetation and wildlife habitat (coastal sage scrub,

chaparral, and mulefat scrub) for the Enhanced Recreation Areas (Component Area 5). Therefore, those impacts should be mitigated at a higher ratio than the proposed 1:1 ratio in the DEIR.

Because of the potentially significant impacts to biological resources and related land use policies, and the inadequate mitigation proposed in the DEIR, the Conservancy asserts that the following three additional mitigation measures be evaluated and included in the FEIR, or alternatively, be substituted by substantially more effective mitigation measures.

**Conservancy Recommendation No. 5:** Additional land acquisition would be evaluated and included in the FEIR, or alternatively, substituted by a more effective mitigation measure. Additional land in the Santa Monica Mountains Coastal Zone would be offered in fee simple to a public park agency, such as MRCA, for conservation (and passive recreation, if appropriate) in perpetuity. Uses found to be contrary to the goals of conservation would be prohibited.

**Conservancy Recommendation No. 6:** Additional funding for riparian restoration and/or acquisition (including easements) would be evaluated and included in the FEIR. This additional funding would be allocated to a public park agency, such as MRCA, and would be used to restore and/or acquire riparian habitat near to the CLP site—such as in Conservancy-owned Malibu Bluffs or Puerco Canyon, respectively. Alternatively, this measure would be substituted by a substantially more effective mitigation measure.

**Conservancy Recommendation No. #7:** Direct dedication of conservation easements over any new proposed habitat mitigation sites would be evaluated and included in the FEIR. MRCA is an appropriate entity to accept such easements. Any mitigation sites that would satisfy the mitigation ratio requirements would not overlap with fuel modification areas. Uses found to be contrary to the goals of conservation would be prohibited. (In addition to those habitat mitigation sites, MRCA is available to accept conservation easements over areas subject to fuel modification in some cases.) Alternatively, this would be substituted by a substantially more effective mitigation measure.

### **Impacts to Traffic/Parking and Needed Mitigation**

The project would result in significant unavoidable traffic impacts during large and medium size events that start or end during the peak traffic hour periods at eight intersections



studied (DEIR, p. 1-74). It does not appear that the DEIR proposes any limit to the number of large and medium size events during the year. The DEIR proposes a transportation demand and event management program, but this impact would remain significant.

The Conservancy is concerned that during these special events, spectators will park or temporarily stage, in the new parking areas in the Conservancy-owned Malibu Bluffs and walk to events. Campus Life Project parking demand forecast numbers are estimated to be high when the Athletics/Event Center is in use -- in the range of 81-91 percent when there are 4,000-5,470 person spectators [DEIR, p. 5.8-25, Table 5.8-12]. This perceived lack of parking may cause Pepperdine visitors to seek parking elsewhere. This may displace the limited parking at the Conservancy-owned Malibu Bluffs that would be available for trail and camp users. Park rangers will likely need to actively patrol and minimize the use of the park parking lots for sporting events at Pepperdine. Park users will also get stuck in traffic when attempting to visit the Conservancy-owned Malibu Bluffs. In particular, visitors traveling westbound (northbound), cannot make a left turn on PCH into the park and will need to wade through the Pepperdine traffic, make a U-turn, then turn right into the parking lots at Malibu Bluffs. It is clear that park visitors will suffer. To alleviate this potentially significant impact, the FEIR should provide additional mitigation.

**Conservancy Recommendation No. 8:** The FEIR should include a mitigation measure that Pepperdine will compensate MRCA to ensure adequate monitoring and enforcement of parking (a) during all large size events and (b) during medium size events during at peak traffic hours. This funding would be used during these events for staffing of a ranger necessary to do traffic control to minimize impediments to campers' and hikers' access to, and use of, the Malibu Bluffs parking areas. Pepperdine should also be required to notify the Conservancy and MRCA 15 days prior to any large or medium size events, and/or televised event. This funding should be at least \$200 per hour for two rangers and support costs, and should increase with inflation every year. This would cover funding to staff ranger time/benefits/vehicle to monitor both parking lots at the Conservancy-owned Malibu Bluffs just for the duration of these occasional large and medium size events.

### **Impacts to Recreational Resources and Needed Mitigation**

As described above, potentially significant impacts to recreational resources would result from lighting impacts and traffic/parking impacts to the Conservancy-owned Malibu Bluffs. Also stated above, the Conservancy is concerned with the new environmental impacts of the Campus Life Project, in light of the previously approved Upper Campus Development

Project. Many of the mitigation requirements for the Upper Campus Development Project have been fulfilled by the university, and MRCA has accepted some of these dedications. However, several of the trail mitigation measures have not yet been resolved and should be resolved as part of the EIR process for the CLP.

The DEIR explains the history of the Conservancy's recommendation to realign the proposed Coastal Slope Trail to an area with more favorable topography (see red line on Figure 5.7.1-7). However, the land surrounding Pepperdine has not been acquired and trail easements not offered. There are too many unknowns regarding where the Coastal Slope Trail would connect ultimately on adjacent property. For example, we do not know if in the future, whether the only available connection would be along the Coastal Slope Trail (West Branch). Therefore, at this point in time, we need to keep all options open, including the Mesa Peak Trail, the Relocated Coastal Slope Trail (red line), the original Coastal Slope Trail (West Branch), and other unanalyzed potential trail alignments further to the north.

A condition of approval for the existing Pepperdine development indicates that trail construction funding (\$58,400 plus interest) be provided for construction of the Coastal Slope Trail. It appears that the time period may have expired and that now the funds may be used for park improvements to resource areas on campus or adjacent trails. It appears that the current status of this money is uncertain and it is not clear that it will be used in the most effective manner of promoting the Coastal Slope Trail. To address these outstanding recreation issues, the Conservancy asserts that the following three additional mitigation measures must be evaluated and included in the FEIR, or alternatively, be substituted by more effective mitigation measures.

**Conservancy Recommendation No. 9:** An additional trail dedication would be evaluated and included in the FEIR. Pepperdine would directly dedicate a floating trail easement over the portion of the Pepperdine property bounded on the south by the proposed Mesa Peak Trail and Coastal Slope Trail-West Branch (see Figure 5.7.1-7 of DEIR), northward to the north edge of the Pepperdine property boundary. Alternatively, this would be substituted by a more effective mitigation measure broadly acceptable to local, State, and Federal park agencies.

**Conservancy Recommendation No. 10:** Direct dedications, rather than offers to dedicate, for any additional trail easements would be evaluated and included in the FEIR. This is currently the preferred method of California Coastal Commission. Direct dedications ensure immediate benefits and they eliminate additional administrative steps, and they eliminate the possibility of the expiration of any offer

to dedicate. Alternatively, this would be substituted by a more effective mitigation measure.

**Conservancy Recommendation No. 11:** Preservation and/or reinstatement of funding for construction of the Coastal Slope Trail would be evaluated and included in the FEIR. Pepperdine would ensure that the trail construction funding (\$58,400 plus interest) identified as a mitigation measure for the Upper Campus Development Project (plus interest) is preserved. The funding and interest would be reinstated permanently and used for improvements to the Coastal Slope Trail in Corral Canyon Park and/or Malibu Creek State Park east of Las Virgenes Road. Alternatively, this would be substituted by a more effective mitigation measure broadly acceptable to local, State, and Federal park agencies.

#### **Other Comments**

Any references to “Malibu Bluffs State Park” should be replaced with “Conservancy-owned Malibu Bluffs.” The City of Malibu owns the Malibu Bluffs Park adjacent to the Conservancy land. Also, the Conservancy’s and MRCA’s Malibu Parks Public Access Enhancement Plan-Public Works Plan should be included in the list of nearby projects.

Thank you for your consideration. Should you have any questions, please contact Paul Edelman, Deputy Director for Natural Resources and Planning, by phone at (310) 589-3200, ext. 128 or by email at [edelman@smmc.ca.gov](mailto:edelman@smmc.ca.gov).

Sincerely,

ANTONIO GONZALEZ  
Chairperson