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Agenda Item 10

SMMC

4/25/11

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

SMM-2

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.

SMM-2

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.

SMM-3

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-televvised 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.

SMM-3

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).

SMM-4

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.

SMM-5

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

SMM-6

addresses the lighting for the baseball field project.

SMM-6

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.

SMM-7

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.

SMM-8

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.

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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

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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.

SMM-10

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).

SMM-11

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.

SMM-12

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.

SMM-13

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.

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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.

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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.

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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 DEIR 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).

SMM-17

Therefore, those impacts should be mitigated at a higher ratio than the proposed 1:1 ratio in the DEIR.

SMM-17

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.

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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

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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 PCI 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

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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.

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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.

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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.

Sincerely,



ANTONIO GONZALEZ
Chairperson

Responses to Comments from Santa Monica Mountains Conservancy

Response to Comment SMM-1

The Santa Monica Mountains Conservancy (“SMMC”) requested an extension of the comment period for the Pepperdine University Campus Life Project (the “CLP” or “Project”) Draft Environmental Impact Report (“DEIR” or “DEIR”) from January 10, 2011 to January 24, 2011. The Los Angeles County Department of Regional Planning did not grant the request to extend the entire comment period; the Department indicated it would receive late comments from the SMMC on January 24, 2011 and respond to those comments in the FEIR. The SMMC submitted a comment letter regarding the Project on January 24, 2011.

Response to Comment SMM-2

The commenter is concerned with the proposed impacts of the Conservancy-owned Malibu Bluffs Property (“the Bluffs”). Please refer to responses to comments SMM-3 through SMM-20 for further discussion of reasons why the Project will not result in any significant impacts to the Bluffs. Comment will be forwarded to the decision makers for their consideration.

Response to Comment SMM-3

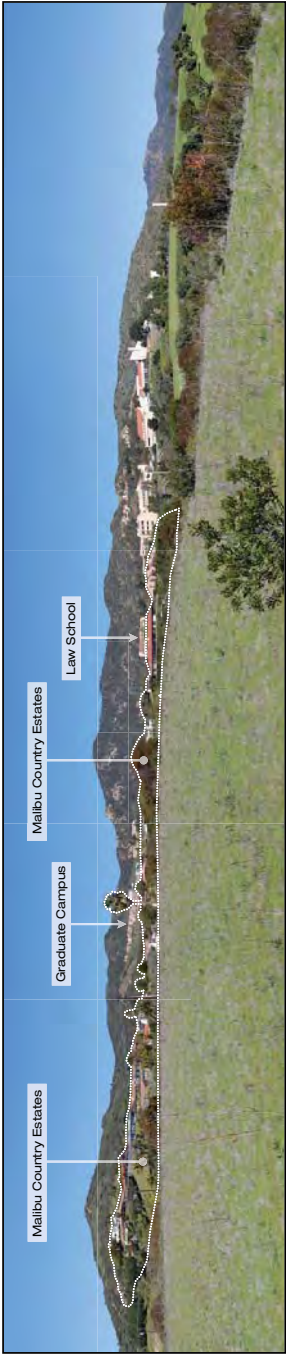
This comment is in regard to potential lighting impacts at the Bluffs. Please refer to Topical Response 2: Lighting for discussion of reasons why the Project will not result in any significant light trespass and/or glare impacts at the Bluffs. See also Topical Response 4: Athletics and Special Events for a discussion of the frequency of events held at the Upgraded NCAA Soccer Field and Athletics/Events Center, and Topical Response 7: Related Projects for a discussion of the baseball field lighting. As stated therein, after mitigation no significant cumulative significant impacts related to lighting will occur upon completion of the Project and other related projects.

A total of 35 campsites are proposed for the Conservancy-owned Bluffs property located to the south of the Pepperdine Campus. These campsites are divided into four camping areas. Camping Areas 1 and 2 contain a combined total of 21 campsites that are located west of the John Tyler Drive/PCH intersection. Camping areas 3 and 4 contain a total of 14 campsites located east of the John Tyler Drive/PCH intersection. As explained in detail below, of the 35 total campsites on the Conservancy-owned Bluffs property, only the eastern 14 have any visibility of the lighting poles proposed as part of the Project. Furthermore, neither the lighting sources nor any interior reflective surfaces of the light fixture hoods will be visible from any of the camping areas on the Bluffs.

None of the light poles proposed for the Upgraded NCAA Soccer Field, Enhanced Recreation Area, and related baseball lights project would be visible from the two Camping Areas (1 and 2), located west of the John Tyler Drive/PCH intersection. This is due to the fact that the lines of sight connecting these Camping Areas to the Upgraded NCAA Soccer Field and Enhanced Recreation Area components pass over and are obstructed by the Malibu Country Estates (“MCE”) residential subdivision. The elevations and structural elements of MCE homes, topography and mature landscaping combine to reach elevations that effectively block potential views of the light poles proposed for the Upgraded NCAA Soccer Field, the Enhanced Recreation Area, and the related baseball lights project (see **Figures 4 and 5**). The obstruction of views applies to the campsites in Camping Area 2a, which are located near John Tyler Drive and PCH and have a higher potential for views of the CLP and related projects (see Figure 4, Profile A). A second terrain view profile, represents a line-of-sight cross-section from the southern-most campsite in Camping Area 1 and it illustrates the distances between the campgrounds and proposed CLP and related projects as well as the intervening obstructions that block views (see Figure 5, Profile B).

Not Visible A Camping Area 2A

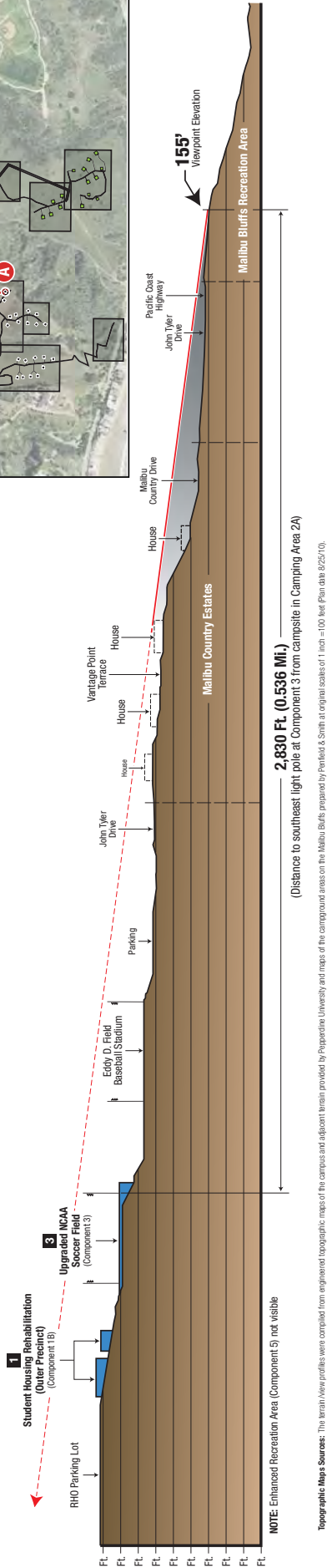
Photographic view corresponds to orientation of terrain view profile from Camping Area 2A.



The elevation of Malibu Country Estates intervenes to block visibility of athletics and recreation areas and associated facilities in views from all campsites in Camping Area 2A.

View profile from Camping Area 2A

View profile from eastern-most campsite in Camping Area 2A represents potentially the "worst-case" view of athletic field light poles at Component 3.



Topographic Maps Sources: The terrain view profiles were compiled from engineered topographic maps of the campus and adjacent terrain provided by Pepperdine University and maps of the campground areas on the Malibu Bluffs prepared by Perfield & Smith at original scales of 1 inch = 100 feet (Plan date 8/25/10).

Not Visible

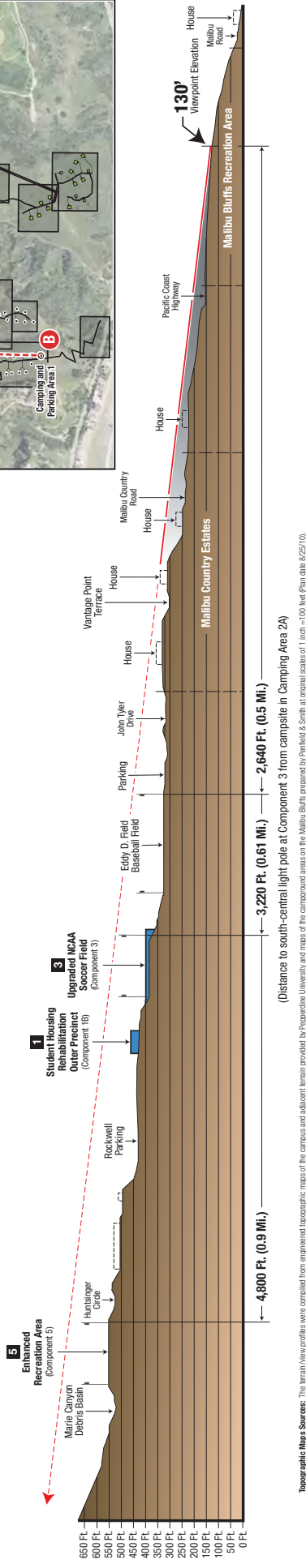
Photographic view corresponds to the orientation of the terrain view profile from Camping Area 1.



The elevation of Malibu Country Estates intervenes to block visibility of all existing, and proposed athletics venues and facilities in views from campsites in Camping Area 1. In this "worst case" view from the southern-most campsite in Camping Area 1, even the water tanks overlooking the Graduate Campus are not visible.

View profile from Camping Area 1

View profile from southern-most campsite in Camping Area 1. Athletic fields light poles are not visible.



Topographic Maps Sources: The terrain/view profiles were compiled from engineered topographic maps of the campus and adjacent terrain provided by Pepperdine University and maps of the campground areas on the Malibu Bluffs prepared by Penfield & Smith at original scales of 1 inch = 100 feet. Plan date 8/25/10.

Camping Areas 3 and 4, when combined, contain 14 campsites. These campsites are situated near the mouth of Marie Canyon as it was originally configured, on the gently sloping surface of the coastal terrace extending south of PCH. They have the least constrained up-the-canyon views that would permit visibility of light poles located at Component 3 and at greater distances at Component 5. The views typically would include varying heights of the light poles proposed for Component 3 and 5.

The illuminated field surfaces of Component 3 and 5 are situated at higher elevations and cannot be seen from any of the campsite locations at the Bluffs. The 14 campsites within Camping Areas 3 and 4 have visibility of the light poles proposed for Component 3 and, as illustrated by Profile C (**Figure 6**), they may also have some visibility of the tops of the light poles located at the related baseball field project. Because these campsites are located at distances of between 3,150 feet and 3,990 feet from the poles, from 0.6-0.7 miles away, visibility of the poles does not constitute a significant view obstruction. Despite some limited visibility of the light standards from these distances, the lighting sources and interior surfaces of the light fixture hoods themselves would not be visible from these campsites.

Response to Comment SMM-4

This comment includes a recommendation for cross-section and detailed graphics depicting potentially significant lighting impacts at the Bluffs. Please refer to response to Comment SMM-3 for references to a number of graphics and an explanation of the conclusion that no significant and unavoidable lighting impacts would occur as a result of the Project.

Response to Comment SMM-5

As discussed in Section 5.7, Visual resources and aesthetic qualities of the EIR and responses to comments SMM-3 and SMM-4, the Project has no significant visual impacts on the Bluffs and thus mitigation such as landscape buffers is not required or necessary under CEQA.

Response to Comment SMM-6

See Topical Response 2: Lighting, for a discussion of lighting impacts to Malibu Bluffs, impacts related to sky glow and CLP consistency with dark sky policies and ordinances. As stated therein, the Project has no significant visual impacts on the Bluffs. Accordingly, the proposed mitigation (i.e., replacement of globe lighting throughout campus, other improvements to existing lighting, mitigation related to the baseball field), is not required or necessary under CEQA.

The proposed CLP implements mitigation measures and design features to minimize light impacts. This includes the replacement of existing globe light fixtures at the proposed Component sites and on-campus related project sites specifically Firestone Fieldhouse and the Baseball Field Lights.

Response to Comment SMM-7

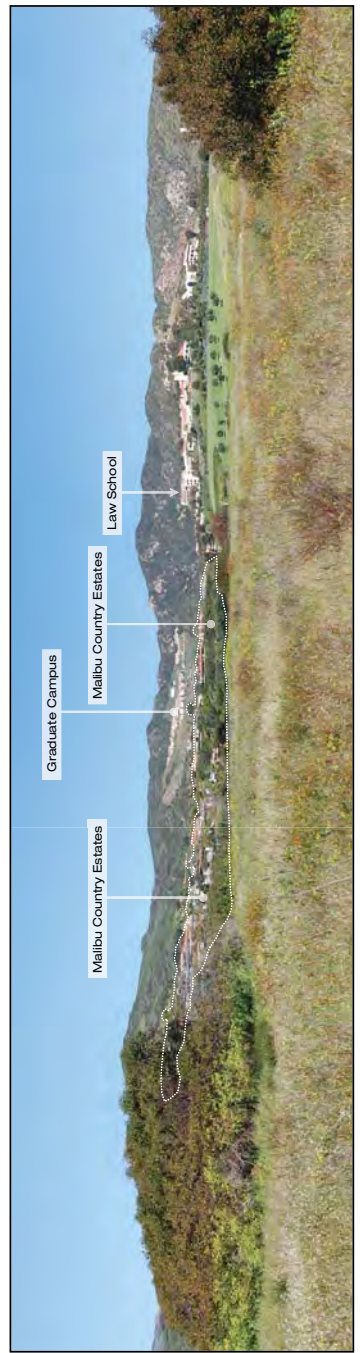
See Topical Response 2: Lighting, for a discussion of lighting impacts to Malibu Bluffs, impacts related to sky glow and CLP consistency with dark sky policies and ordinances. As explained therein, and in response to comment SMM-3, the Project has no significant visual impacts on the Bluffs.

Response to Comment SMM-8

This comment questions the University's previously approved long-range development plan ("LRDP"), and the potential for wildlife such as deer to use the drainage in Marie Canyon. The figures in the DEIR referred to by the commenter (i.e., Figures 5.11-5 and 5.11-6) are intended to show only generalized locations of existing or proposed facilities. The shapes on the figures are not to scale, and the existing and approved facilities depicted on 5.11-5 are not reflective of the actual or proposed entitlements. Both

Visible Camping Area 4

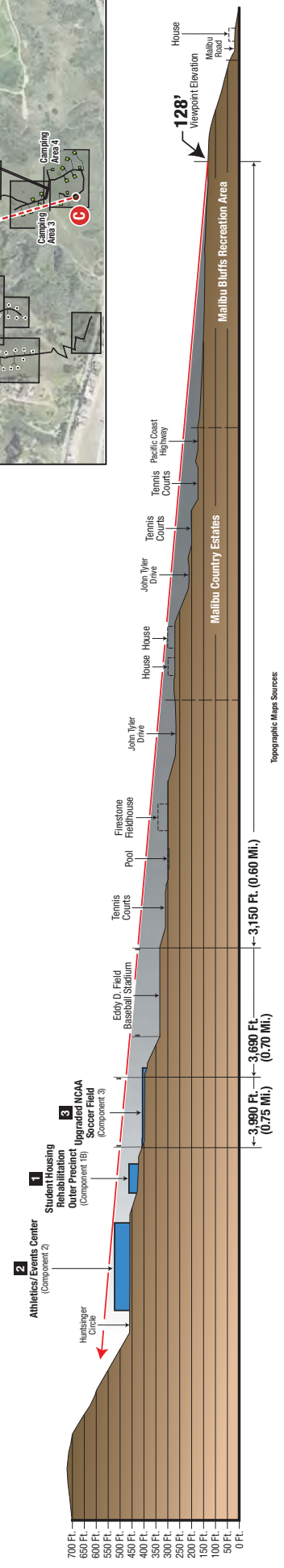
Photographic view corresponds to the orientation of the terrain view profile from Camping Area 4.



The elevation of Malibu Country Estates intervenes to block visibility of all athletics and recreation fields. The tops of light poles at Component 3 could be seen at distances between 3,150 feet and 3,990 feet from campsites in Camping Areas 3 and 4.

View profile from Camping Area 4

View profile from southern-most campsite in Camping Area 4. Top of light poles at Component 3 are visible.



Topographic Maps Sources: The terrain view profiles were compiled from engineered topographic maps of the campus and adjacent terrain provided by Pepperdine University and maps of the Malibu Bluffs prepared by Perfield & Smith at original scales of 1 inch = 100 feet (Plan date 8/25/10).

figures are conceptual only, and they do not precisely define the limits of proposed development footprints.

Contrary to the commenter's assertions, the Project does not propose development beyond that which has long been contemplated in the University's long-range plans. The Enhanced Recreation Area is proposed for an area of the campus that was originally approved as a recreation area and retention basin in the LRDP approved by the Coastal Commission and the Development Program Zone ("DPZ") approved by the County. The proposed Enhanced Recreation Area uses, along with all of the CLP components, are conceptually approved by the LRDP and DPZ. The proposed Enhanced Recreation Area includes the previously approved horseback riding area.

The commenter mentions that wildlife such as deer use the drainage. The analysis of impacts to wildlife movement presented in the DEIR considered the full range of potentially occurring wildlife species, including mule deer. (See, e.g., DEIR pp. 5.3-24, 5.3-26, 5.3-30). Since the proposed Campus Life Project components are all located within the developed areas of the University campus, the Project would not fragment existing natural habitats or be sited within an important area for deer movement, such as a linkage or corridor between larger areas of natural habitat, or an area that would obstruct deer from accessing essential resources for their survival. Further, the deer will still be able to utilize the drainage to the north of the Enhanced Recreation Area as well as other habitats in the surrounding area following completion of the CLP. Accordingly, no significant impacts related to wildlife movement would occur.

Response to Comment SMM-9

In April 1990, the California Coastal Commission certified the LRDP for the University, which, like the DPZ, provided conceptual approval for future build-out of campus facilities. Under the LRDP, site-specific approval of the facilities was required in the form of an LRDP Amendment and/or Notice of Impending Development. Development of the Project will require an Amendment to the LRDP. (See DEIR Section 5.11, Land Use).

The DEIR includes an assessment of the ESHA status of native vegetation that would be removed by the Enhanced Recreation Area, including the relocated debris basin, and concludes that the area does not contain ESHA. (See DEIR page 5.3-18). The assessment was based on criteria established in a California Coastal Commission memorandum referred to as the "Dixon Memo." The entire Enhanced Recreation Area is within the University's developed Campus area and, therefore, contains existing facilities or is subject to regular use and maintenance. The native vegetation occurring at the Enhanced Recreation Area site is not "relatively pristine," as all native vegetation at the site has a history of disturbance. For example, areas containing native vegetation have been subject to prior modification by restoration activities, fuel modification, or debris basin and channel maintenance. Further, substantial portions of the site are infested by invasive weeds.

The Los Angeles County's Malibu Local Coastal Program Land Use Plan and the City of Malibu Local Coastal Program Land Use Plan define, and associated maps identify, ESHAs outside of the Project's proposed development area. ESHAs located outside of the proposed development area are discussed on page 5.3-18 of the DEIR.

Response to Comment SMM-10

The comment asks about the relevance of the existing permits issued by regulatory agencies for activities within jurisdictional areas to approvals for the proposed project. It is important to note that these permits pertain to the use and management of existing facilities within Marie Canyon, and are not approvals for elements of the CLP project. Element of the Enhanced Recreation Area would require new approvals by

regulatory agencies, including the Army Corps of Engineers (ACOE), the California Department of Game and Fish (CDFG), and Los Angeles Regional Water Control Board (RWQCB). The Marie Canyon debris basin and Marie Canyon channel within the Component 5 site were graded during initial construction of the Marie Canyon debris basin, and have been subsequently disturbed periodically to remove debris and plant growth consistent with necessary channel maintenance.

Response to Comment SMM-11

As stated in the DEIR, no significant and unavoidable cumulative impacts to biological resources would result from the Project (See DEIR pgs. 5.3-37). Nor would any significant and unavoidable impacts to wildlife or birdlife occur. (See DEIR pgs. 5.3-34 to 5.3-37). The planned mitigation measures to offset project-level impacts included in the DEIR would address both project-level impacts to biological resources as well as reduce the Project's contribution to potential cumulative impacts to biological resources to a less than significant level. As all project-level and potential cumulative impacts would be mitigated by measures included in the DEIR, additional mitigation involving riparian restoration and offsite land acquisition is not necessary under CEQA.

Response to Comment SMM-12

Pepperdine University has worked in close cooperation with the Los Angeles County Fire Department (LACFD) to develop its fuel modification practices. Both Pepperdine and LACFD have long considered wildland fires a critically serious threat to the campus, an assessment that is validated by historic wildland fire burn patterns. In fact, Pepperdine University's Malibu campus is located in an area designated by the LACFD as Fire Zone 4, which is the highest fire hazard category in Los Angeles County. The Campus and surrounding area are also within an area mapped by the California Department of Forestry and Fire Protection as a Very High Fire Hazard Severity Zone, the zone of highest severity (see page. 5.9-1). The University's fuel modification practices involve clearing or thinning vegetation within 200 feet of buildings and 150 feet of parking lots, standards that were created in close consultation with and approval from the LACFD. Discretion is also used on a case-by-case basis to reduce fuel modification buffer areas where appropriate. The DEIR evaluates the worst-case potential for fuel modification activities around proposed CLP components and therefore states the maximum applicable buffers (i.e., 200 and 150 feet, respectively), consistent with distances developed in collaboration with the LACFD.

Response to Comment SMM-13

The DEIR proposes fuel modification in a limited number of areas surrounding Component 1 and 2 that may extend beyond existing fuel modification boundaries. Although no significant and unavoidable impacts would result, the DEIR has been revised to require mitigation for any new impacts in those areas to ensure that impacts are less than significant. The revised mitigation measure reads as follows:

MM5.3-1 At such time as Component 1 or Component 2 is constructed, the following shall apply: A detailed fuel modification zone shall be identified and areas containing native plant communities shall be delineated. Thereafter, to the satisfaction of the Los Angeles County Director of Planning and the Los Angeles County Fire Department, fuel modification shall be avoided or limited to selective thinning and deadwood removal within areas containing native plant communities within the fuel clearance footprints of Components 1 and 2, in order to avoid or reduce impacts to oak woodland, upland native chaparral and scrub vegetation and nesting birds. If avoidance is not possible, potential fuel modification impacts to nesting birds within native plant communities shall be mitigated by implementation of MM5.3-10. If avoidance is not possible and selective thinning is required, selective thinning shall not involve grubbing (removal) of native species.—The cutting of oak trees shall be limited to deadwood removal only.

If avoidance is not possible, and fuel modification would impact native plant communities within the fuel clearance footprints of Components 1 and/or 2, Pepperdine University shall compensate for the impacted native plant community(ies) at a 1:1 ratio. This shall be accomplished by the permanent preservation of in-kind habitat, a conservation easement to protect in-kind habitat, a contribution to an in-lieu fee program, or by on-site or off-site restoration/enhancement of in-kind habitat.

A mitigation plan shall be developed by a qualified biologist, restoration ecologist or resource specialist, and approved by the Director of Planning prior to issuance of the grading permit for the relevant component, Component 1 or Component 2. The permanent preservation of habitat, the conservation easement, the contribution to an in-lieu fee program, or the commencement of the restoration/enhancement plan shall occur prior to development of relevant component of the CLP project.

In broad terms, the plan shall at a minimum include:

- Description of the project/impact and mitigation sites
- Specific objectives
- Success criteria
- Implementation plan
- Required maintenance activities
- Monitoring plan
- Contingency measures

In the case that the mitigation involves restoration/enhancement, the following success criteria shall be incorporated:

- Successful restoration of the site evaluated based on survival rate and percent cover of planted native species. The re-vegetation site shall have a minimum of 70% survival the first year and 90% survival thereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years; and,
- Eradication or the substantial reduction in cover and the control of invasive plant species. Total cover of all targeted invasive species in treated areas shall be less than 25% by the end of the first year of treatment, less than 10% by the end of the second year of treatment, and less than 5% thereafter for the life of the project.

The native plant palette and the specific methods for evaluating whether the project has been successful at meeting the above-mentioned success criteria shall be determined by the qualified biologist, restoration ecologist or resource specialist and included in the mitigation plan.

The restoration project shall be implemented over a five-year period. The project shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the project plan, as necessary, to achieve desired outcomes and meet success criteria. Five years after project start, a final report shall be submitted to the Director of Planning, which shall at a minimum discuss the implementation, monitoring and management of the project over the five-year period, and indicate whether the project has, in part, or in whole, been successful based on established success criteria for the

project. The project shall be extended if success criteria have not been met at the end of the five-year period to the satisfaction of the Director of Planning. Any modifications to the success criteria, if necessary, shall be to the satisfaction of the Director or Planning.

Response to Comment SMM-14

Draft Figure 5.3-2 has been modified to clarify the extent of the existing fuel modification boundaries at and adjacent to the proposed Component 5 site. As shown, the impacted areas are within the existing fuel modification boundaries.



Aerial Source: IK Cuts Services Inc., 2008.

Legend

- Limits of Component 5 - Enhanced Recreation Area
- Existing Fuel Modification Boundary
- Waters of the U.S. Ephemeral Drainage

Chaparral

- Ch** Mountain Mahogany - *Cercocarpus betuloides*
- Cs** Greenback Ceanothus - *Ceanothus spinosus*
- ML** Laurel Sumac - *Metrosideros laurina*

Coastal Sage Scrub

- Bp** Coyote Brush - *Baccharis pilularis*
- Et** California Sunflower - *Encelia californica*
- Lc** Giant Wild Rye - *Leymus condensatus*
- Sm** Black Sage - *Salvia mellifera*

Riparian

- Bt** Mulefat - *Baccharis salicifolia*

Weed Infestation

- Ag** Non-native Annual Grasses and Forbs (Ruderal)*
- Et** Terracina Spurge - *Euphorbia terracina*
- W** Blue-leaf Wattle - *Acacia saligna*

Landscaped Areas

- A** Acacia - *Acacia redolens*
- E** Eucalyptus - *Eucalyptus* spp.
- L** Leadwort - *Limonium* spp.
- T** Turf

Other

- D** Disturbed
- P** Paved / Parking / Concrete
- R** Rip Rap

NOTE: Mapped vegetated areas are labeled with species that occupy the highest cover within each polygon.

* Areas in existing fuel modification zones classified as Non-native Grasses and Forbs (Ag) may contain low cover of resprouting chaparral shrubs.

Response to Comment SMM-15

The loss of the mitigation site (restoration site) on the western slope of the Marie Canyon debris basin would be mitigated by MM5.3-8. MM5.3-8 has been modified to ensure that the mitigation to compensate for the loss of the restoration site is initiated prior to the site's removal. Therefore, the impacted resource would be compensated for without a substantial delay. The revised mitigation measure reads as follows:

Pepperdine University shall compensate for the loss of 0.84 acres of the re-vegetation site on the western slope of the Marie Canyon debris basin at a 1:1 ratio. This shall be accomplished by the removal of a ~~severe~~ Spanish broom (*Spartium junceum*) infestation on 0.84 ~~95~~ acres west of John Tyler Drive, and restoration of the site to coastal sage scrub. Implementation of MM5.3-8 shall also serve to compensate for the loss of 0.41 acres of the California Encelia Alliance, which is coincident with a portion of the 0.84-acre re-vegetation site on the western slope of the Marie Canyon debris basin. The California Encelia Alliance is considered to be a component of coastal sage scrub. Restoration of 0.41 acres of the site should be to California encelia scrub and other plant species associated with California encelia scrub, as appropriate, given site conditions. The location of the 0.84 ~~95~~-acre mitigation site is shown on Figure 5.3-5 of the DEIR. Spanish broom is also dispersed on surrounding slopes within existing fuel modification zones in the vicinity of the restoration site. Spanish broom shall be removed and controlled in these areas to prevent its spread into surrounding natural areas.

A restoration plan shall be developed by a qualified biologist, restoration ecologist or resource specialist, and approved by the relevant Regulatory Agencies prior to issuance of the grading permit for Component 5. Implementation of the mitigation plan shall commence prior to removal of the re-vegetation site on the western slope of the Marie Canyon debris basin. In broad terms, the plan shall at a minimum include:

- Description of the project/impact and mitigation sites
- Specific objectives
- Success criteria
- Implementation plan
- Required maintenance activities
- Monitoring plan
- Contingency measures

The following success criteria shall be incorporated:

- Eradication or the substantial reduction in cover and the control of invasive plant species, particularly Spanish broom (*Spartium junceum*). Cover of targeted invasive species in treated areas shall be less than 25% by the end of the first year of treatment, less than 10% by the end of the second year of treatment, and less than 5% thereafter for the life of the project; and,
- Successful restoration of the 0.95~~84~~-acre site evaluated, in part, based on survival rates and percent cover of planted native species. The re-vegetation site shall have a minimum of 70% survival the first year and 90% survival thereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years.

The target species and native plant palette, as well as the specific methods for evaluating whether the project has been successful at meeting the above-mentioned success criteria shall be determined by the qualified biologist, restoration ecologist or resource specialist and included in the mitigation plan.

The restoration project shall be implemented over a five-year period. The project shall incorporate an iterative process of annual monitoring and evaluation of progress, and allow for adjustments to the project plan, as necessary, to achieve desired outcomes and meet success criteria. Five years after project start, a final report shall be submitted to the Director of Planning and other relevant agencies, which shall at a minimum discuss the implementation, monitoring and management of the project over the five-year period, and indicate whether the project has, in part, or in whole, been successful based on established success criteria for the project. At the discretion of the Director of Planning and other relevant agencies, the project shall be extended if success criteria have not been met at the end of the five-year period. Any modifications to success criteria, if necessary, shall be to the satisfaction of the Director or Planning and relevant agencies.

The suggested recording of third party conservation easements gives no assurance of a successful mitigation site. The restoration site has been from the onset, surrounded by non-native vegetation on three sides, subject to fuel modification from the adjacent existing recreational field, impacted by required debris clearance and vegetation clearing activities occurring in the adjacent permitted debris basin, and a gully to the north that was subject to filling and restoration of vegetation as mitigation for the permitted stockpile.

Response to Comment SMM-16

A mitigation ratio of 1:1 is recommended to compensate for project impacts to jurisdictional areas and native vegetation at the Component 5 site. The 1:1 ratio is justified due to the current and/or historically disturbed condition of the impacted resources, which is indicative of lower relative ecological value when compared to more pristine habitats. All impacted areas are within the University's developed Campus, and are either currently infested with invasive weeds, subject to fuel modification, and/or subject to routine use or maintenance. The Marie Canyon debris basin and Marie Canyon channel within the Component 5 site were graded during initial construction of the Marie Canyon debris basin, and have been subsequently disturbed by debris basin and channel cleanouts and maintenance. The debris basin and channel are also disturbed by invasive species. The restoration site on the western slope of the debris basin was initially established by regulatory agencies as compensation for impacted resources in Marie Canyon at a 1:1 mitigation ratio. Therefore, the mitigation ratio for replacement of the restoration site is proposed to be consistent with the ratio mandated by the original agreement. Also, the restoration site is severely infested with invasive weeds, approximately one-half of the restoration site is affected by fuel modification, and the site is surrounded on three sides by facilities, i.e., the Marie Canyon debris basin, existing recreational fields, and an unpaved access road. The impacted chaparral vegetation at the Component 5 site has either been subject to prior fuel modification activities, or has been encroached upon by other human activities, including permitted stockpile use and hiking activities.

Response to Comment SMM-17

As stated in the DEIR, no significant and unavoidable impacts to the open space areas on campus would occur as a result of the Project. Accordingly, a mitigation measure that deed restricts this area is not necessary or required under CEQA. As noted by the commenting agency, over 60% of Pepperdine's 830-Acre Campus is Already Reserved as an Open Space Management Area (530 Acres). Please refer to Topical Response 9: Resource Protections and Conservation Efforts, for further information on the numerous resource protections in place on the University's property. The Project maintains each of these protections.

Response to Comment SMM- 18

The commenter proposes additional mitigation in the form of land dedications for conservation in perpetuity, transfer of funds to a public agency to restore and/or acquire riparian habitat, and direct dedications of conservation easements over proposed new habitat mitigation sites. These measures are not necessary as, mitigation is currently identified in the DEIR that would compensate for project impacts to biological resources at a 1:1 ratio. See Comment SMM-16 above for discussion of the 1:1 mitigation ratio. Accordingly, the commenter's proposed additional mitigation is not necessary or required under CEQA.

Response to Comment SMM-19

See Topical Response 4: Special Events, for a discussion of the Athletics/Events Center and mitigation measures addressing traffic impacts from large events.

It is highly unlikely that individuals would park at the Bluffs to attend events at the Athletics/Events Center for numerous reasons. First, PCH is a busy highway that lacks sidewalks and pedestrian lighting along either the northern or southern sides of the highway's frontage with the Pepperdine University campus and Malibu Bluffs Recreation Area. This fact would force pedestrians to walk along poorly lit highway shoulders to reach crosswalks at signalized intersections. Second, the walk from the Bluffs to the Athletics/Events Center would be long and difficult given the steep terrain. The shortest and most direct walking route to the AEC is from intersection at PCH and John Tyler Drive. Such a walk would cover, at a minimum, a distance of 3,950 feet (0.748 miles), uphill all the way, with an elevation gain of approximately 295 feet at an average ascending slope of 7.5 percent. Third, and most importantly, the University would provide ample parking in much closer proximity to the AEC in the interior of the campus, with much of it being made available in the parking structure immediately adjacent to the AEC. Additional parking will be available at the School of Law Parking Structure with shuttles provided to and from the AEC. Given that parking will be plentiful, there would be no reason for individuals to utilize the Bluffs lot, which for the above-described reasons is highly inconvenient in comparison.

Response to Comment SMM-20

See Topical Response 9: Resource Protections and Conservation Efforts for a discussion of trail easement dedication and funding. See Topical Response 1: Average Daily Traffic

See response to comment SMM-19 and Topical Response 4: Special Events, for a discussion of the Athletics/Events Center and mitigation measures addressing traffic and parking from large events.

See Topical Response 2: Lighting for a discussion of potential lighting impacts to the Bluffs.

The commenter proposes mitigation measures including additional trail dedications, easement dedications, and funding donations. However, the commenter does not identify any nexus between the Project impacts and any of the proposed mitigations. To the contrary, the proposed CLP does not propose to alter any previous agreements regarding trail easements or funding donations involving the University. Absent a nexus to Project related impacts, a mitigation measure cannot be imposed. Accordingly, the proposed mitigations are not necessary or required under CEQA.

SMM-21

References to "Malibu Bluffs State Park" will be replaced with "Conservancy-owned Malibu Bluffs" throughout the DEIR.