

SANTA MONICA MOUNTAINS CONSERVANCY

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Agenda Item 10
SMMC
4/25/11

DRAFT

April 25, 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
Final 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) Final Environmental Impact Report (FEIR). We appreciate Pepperdine University's efforts to meet and coordinate with us to address our concerns with this project. The Conservancy's January 24, 2011 letter on the Draft Environmental Impact Report (DEIR) expressed concerns with respect to potentially significant impacts to biological resources (sensitive plant communities and wildlife habitat), visual resources, recreational resources, land use policies, and traffic/parking. In that letter we included 11 Conservancy primary recommendations, and urged the County to require all of those suggested recommendations.

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 (PCH), new trails, and other support facilities at the Conservancy-owned Malibu Bluffs, just south of the Pepperdine University campus, south of PCH. 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 the FEIR, the County has responded to the Conservancy's comments. We have also met, and had discussions, with Pepperdine University representatives. Pepperdine has agreed to voluntarily incorporate additional measures into the project (beyond those in the FEIR) in order to address the Conservancy's concerns.

Visual Resources and Lighting

In its January 24, 2011 letter on the DEIR, the Conservancy was concerned with the potentially significant impacts (e.g., from lighting) to the Conservancy's proposed new campsites at the Conservancy-owned Malibu Bluffs Property. In the FEIR, the County has provided additional line-of-sight analyses from key camping areas at the Conservancy's Malibu Bluffs, to the proposed new lighting standards at the proposed upgraded National Collegiate Athletics Association (NCAA) soccer field (Component 3) and the Enhanced Recreation Area (Component 5). The County's FEIR has asserted that the Project would not result in any significant light trespass and/or glare impacts at the Bluffs. Based on the FEIR's analysis in support of this conclusion, the Conservancy is focused on ameliorating the effects of night lighting from *existing* non-shielded "globe" lights on campus (not part of the CLP components), closest to Malibu Bluffs proposed campsites and PCH. As part of the CLP, Pepperdine would also replace existing globe lights as part of each new project component.

Pepperdine proposes to replace existing non-shielded clear globe lights with cut-off type light fixtures, which are shielded and directed in such a way as to minimize light spillover as described in more detail below.

Proposed Measure No. 1: As shown on Figure 4 ("Potential Replacement of Clear Globe Lights Not Included in Campus Life Project EIR"), Pepperdine will replace non-shielded clear globe lights with cut-off type light fixtures in Area A1 within 24 months of receiving final regulatory entitlements, including the applicable challenge period, from all applicable agencies. Pepperdine will replace the globe lights with cut-off type light fixtures prior to the issuance of the Certificate of Occupancy for each respective CLP component for areas A2, A3, A4, B1, B2, B3, B4, B5, B6, and B7. Pepperdine will replace the globe lights with cut-off type light fixtures prior to the use of Project Component 3 (Upgraded Soccer Field) Athletic Lights for Area C1. Pepperdine will replace the globe lights with cut-off type light fixtures prior to the use of each respective, related project for areas D1 and E1. With the exception of Area 1, the University may request permission from the Director of Regional

Planning to revise the replacement schedule if significant efficiencies could be achieved based upon design or construction planning information.

The Conservancy notes that it is important to also replace any globe lights that may occur by the ponds in Alumni Park (located in the large lawn area near the intersection of Malibu Canyon Road and PCH). The Conservancy recommends that Pepperdine offer to replace any globe lights in that area also.

Based on the County's FEIR and Pepperdine's assertions that there would be no significant or detrimental new lighting impacts to the camping areas at Malibu Bluffs from the CLP, we agree that the aforementioned measures are adequate to address the lighting issues (with the additional replacement of globe lights at Alumni Park), and we believe that it is more worthwhile to firm up the additional measures associated with our other concerns (see below).

Biological Resources

In the Conservancy's January 24, 2011 letter on the DEIR, the Conservancy expressed concern with potentially significant impacts to sensitive plant communities and habitats, including impacts to an existing restoration/mitigation site, as well as the adequacy of the proposed mitigation.

In the FEIR, the County has asserted (see response to comment SMM-9; p. 2-82) that the native vegetation that would be removed by the Enhanced Recreation Area (Component 5), does not contain any Environmentally Sensitive Habitat Area. The FEIR (p. 2-82) states that areas containing native vegetation have been subject to prior modification by restoration activities, fuel modification, or debris basin and channel maintenance, and that substantial portions of the site are infested by invasive weeds. Based on these assurances, we believe the following additional measure will adequately address our concerns for this issue.

Proposed Measure No. 2: Pepperdine will provide \$100,000 to an entity designated by the Conservancy to conduct enhancement or restoration of 0.48 acre or more of riparian and upland habitat within the same watershed as the riparian habitat to be impacted by the Enhanced Recreation Area (Component 5), and which is suitable for park management and preservation. That recipient entity could be the MRCA. The \$100,000 shall be paid to the designated entity within 60 days of final approval of the project (e.g., judicial challenge periods expired, etc.). Proposed restoration

or enhancement areas within the Marie Canyon watershed on the Conservancy-owned Malibu Bluffs could be subject to potential constraints of any fuel modification requirements for structures located along Malibu Road. The footprint of the restoration/enhancement areas would reflect those constraints.

In its January 24, 2011 letter on the DEIR, the Conservancy expressed concern with assuring the permanent preservation of any proposed habitat mitigation sites on the campus. The Conservancy recommended direct dedication of conservation easements over any new proposed habitat mitigation sites. Pepperdine has proposed the following measure to address this comment.

Proposed Measure No. 3: The mitigation sites shall be designated by the University for restoration within the University's existing practices for biological preserve activities within its Open Space Management Area. The following activities are allowed: scientific research, biological preserve activities, and wildland fire maintenance.

Traffic and Parking

In the Conservancy's January 24, 2011 letter on the DEIR, the Conservancy was concerned with the potentially significant traffic and parking impacts at the Conservancy-owned Malibu Bluffs Property, given the planned campsites. Pepperdine has proposed the following measures to address these concerns.

Proposed Measure No. 4: Per Mitigation Measure 5.8-2 in the FEIR, prior to large events at the Athletic Events Center, the University shall place "No Pepperdine Campus Event Parking" signs at each entrance of the Conservancy-owned Malibu Bluffs campground parking lots. In addition to that mitigation measure described in the FEIR, the University shall commit to a one-time contribution of \$5,000 to an entity designated by the Conservancy for the development and production of signs for placement at the identified parking lots. This funding shall be provided to the recipient entity prior to the issuance of the Certificate of Occupancy for the Athletics Events Center. That recipient entity could be the MRCA.

Proposed Measure No. 5: Mitigation Measure 5.8.3 in the FEIR provides for consultation with the Conservancy for the required Transportation Demand Management Project for Major Events.

Other Recreational Resources

In the Conservancy's January 24, 2011 letter on the DEIR, the Conservancy expressed its desire to achieve complete resolution of the implementation of the trail measures associated with the previously approved development at Pepperdine (i.e., Upper Campus Development Project). Those issues related to the location of the proposed trail in the previously recorded offer to dedicate a trail easement (given the current uncertainties of future trail connections), and the status of the funding for trail construction. Those concerns were expressed in light of the potentially significant impacts to recreational resources (e.g., impacts to Conservancy-owned Malibu Bluffs from lighting and traffic/parking) that could result from the CLP. Pepperdine has proposed the following additional measures to address these concerns.

Proposed Measure No. 6: Pepperdine shall offer to dedicate an easement of new realigned trails, consistent with one of the alignments ("Other Potential Easements") shown on the attached figure entitled "Public Trails/Easements," if determined appropriate in the future by the Conservancy to be more viable than the existing offer to dedicate. Prior to the issuance of the building permit for the first component of the CLP, Pepperdine will provide a binding legal assurance that at some point in the future, if the Conservancy requests a new alignment (consistent with the alignments shown on the attached figure), then Pepperdine will record such offer or will directly grant a trail easement. Such new realigned trail easement shall be 50 feet in width for planning, and shall allow 20 feet in width for construction. The "Current Proposed Mesa Peak Trail" (green line on the Pepperdine property as shown on the attached figure) would continue to remain as part of any final trail easement. If the existing offer to dedicate is set to expire prior to resolution of any guaranteed trail connections on adjacent properties, Pepperdine will extend the existing offer to dedicate for 21 years.

Proposed Measure No. 7: Pepperdine shall continue to maintain the amount of \$58,400, currently held in escrow in an interest-bearing account for the purpose of constructing, maintaining, and realigning trails within the Santa Monica Mountains. Pepperdine shall transfer the \$58,400 to an entity designated by the Conservancy upon the (a) identification and availability of a trail(s) to construct, maintain, and/or realign (as determined by the Conservancy); or (b) three years from the final approval of the project; or (c) prior to the issuance of the building permit of the CLP's first component, whichever comes first. That recipient entity could be MRCA. The funds shall be used for the express purpose of constructing, maintaining, and/or

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Pepperdine University Campus Life Project FEIR
April 25, 2011

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realigning Coastal Slope trails and/or related spurs.

Assurances for Implementation of Additional Measures

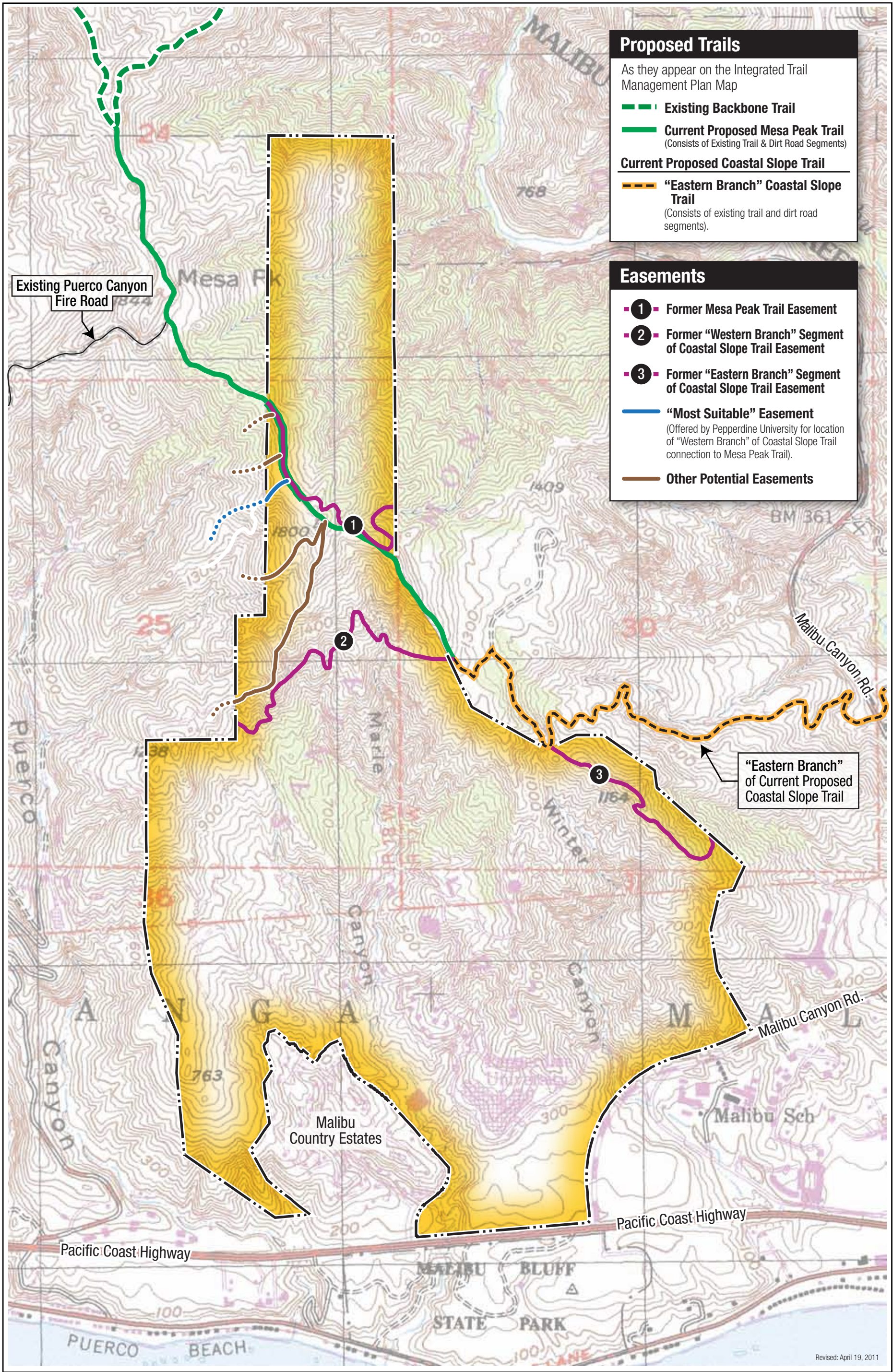
Pepperdine will request to the County that these additional measures be incorporated into the conditions of approval. We support that approach.

If all the above provisions are included in the County's conditions of approval, to the satisfaction of the Conservancy, we will enter into an agreement with Pepperdine University to ensure that these additional measures are effectuated in a timely manner. With effective implementation of these additional measures, we would support the project.

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) , ext. 128 or by email at edelman@smmc.ca.gov.

Sincerely,

ANTONIO GONZALEZ
Chairperson

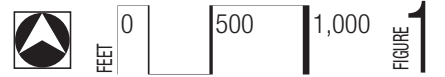


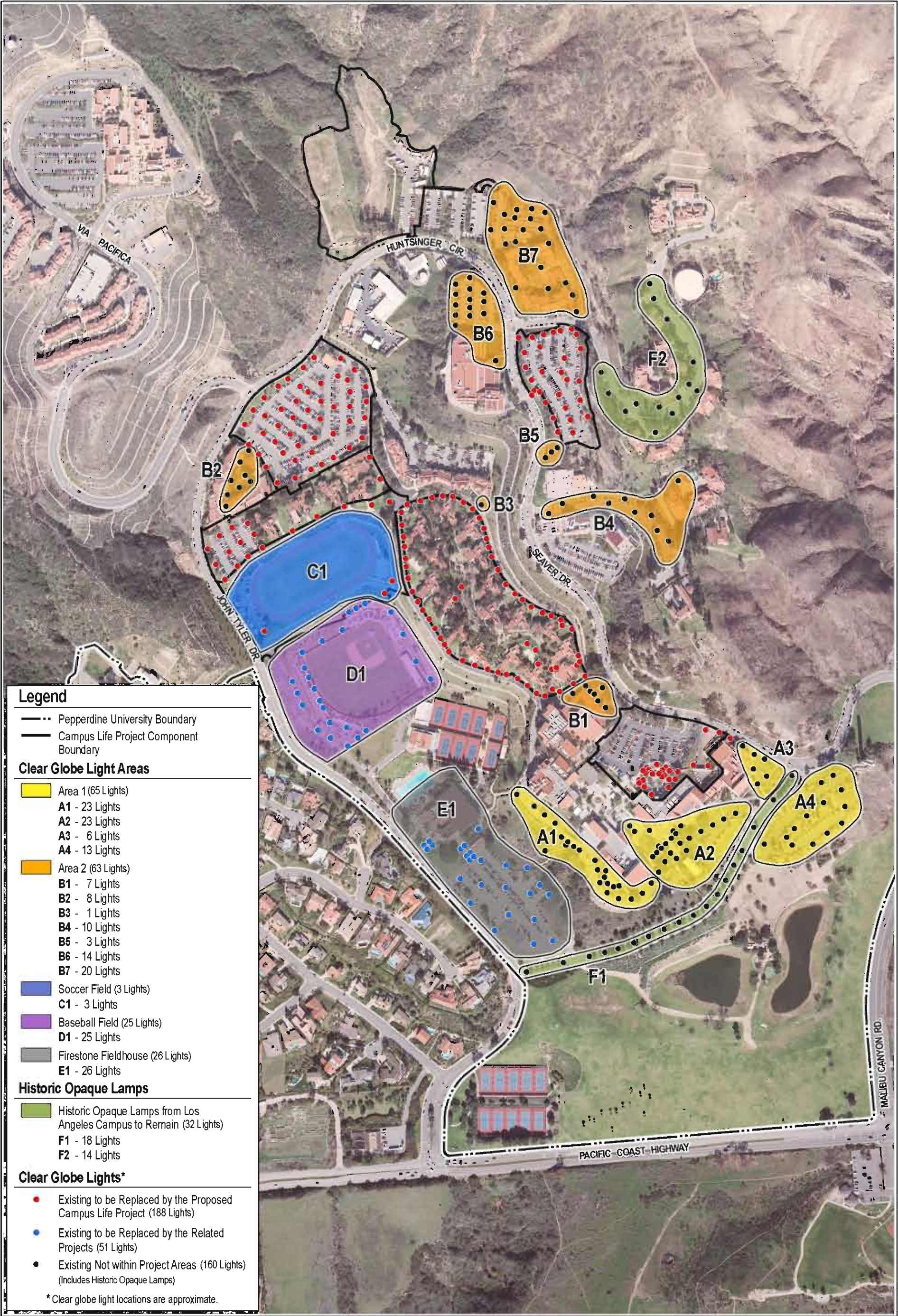
Data Sources: **Base Map** – USGS, Malibu, CA 1:24,000 Topographic Map Quadrangle **Historical Trail Easements** – LA County Assessors maps (APN #s 4457-044-034, 4457-004-039, and 4447-044-044)
Existing Trails – Santa Monica Mountains National Recreation Area Interagency Trail Management Plan Map (September 2005)
Pepperdine University Coastal Slope Easement Dedication Offer – Envicom Corporation map (April 6, 2006) provided to the National Park Service/Melanie Beck showing requested “suitable” easement dedication location of Coastal Slope Trail alternative to Puerco Canyon from Mesa Peak Trail.

PEPPERDINE UNIVERSITY



Public Trails / Easements





Aerial Source: Burbank Aerial, Inc., 2008. Exhibit Date: April 19, 2011.