

### **Conditional Use Permit - Burden of Proof**

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The Pepperdine University property totals approximately 830 acres with development concentrated within an approximate 363-acre core campus area located in the southern portion of the property near PCH. Pepperdine University is located within Los Angeles County's Malibu Coastal Area Plan, and is designated A-1-1-DP (Light Agriculture, 1-acre minimum lot size-Development Program) by the County's Planning and Zoning Code. The A-1-1 zone permits the development of colleges and universities, including appurtenant facilities, with a Conditional Use Permit ("CUP"). On July 7, 1987, Los Angeles County approved a Development Program ("DP") that gave conceptual approval for the facilities on Pepperdine's Malibu Campus described in the Pepperdine University Specific Plan for Development (1982-1997) ("Specific Plan"). The Specific Plan included a master plan list of existing and proposed facilities for the long-term build out of the campus, and the DP established the general extent and character of development for the University, requiring Pepperdine to obtain site-specific approval for conceptually approved facilities through individual CUPs and site-specific environmental analysis under the California Environmental Quality Act ("CEQA"). Also in 1987, the Los Angeles Regional Planning Commission approved CUP 2432-(4), which provided the required site-specific approval for a portion of the facilities that were conceptually approved by the DP. The CUP approved facilities in accordance with the Specific Plan and as shown on the map entitled Proposed Land Use—Pepperdine University Specific Plan for Development.

As stated, the University's long-range development plans were approved by the County under the DP. The California Coastal Commission (the "Commission") subsequently amended and approved the plan through a comprehensive Long Range Development Plan ("LRDP"), which was certified in 1990. The 1990 LRDP approved 1.2 million square feet of academic and support uses. Like the DP, the LRDP provided conceptual approval for campus planning and set forth parameters and policies for long-term development on the Pepperdine University Malibu campus. Since the County's and Commission's long-term planning documents were approved, the University has proceeded with obtaining individual County CUPs and corresponding Commission approvals as they build out the campus and prepare for the future. For example, in 1998, the University realized the LRDP's development plans for an upper graduate campus through the approval of the Graduate Campus Project.

With this Campus Life Project ("CLP" or "Project"), the University proposes to infill the core campus area consistent with its long-term planning process as set forth and approved by the County and the Commission. Specifically, the six CLP components include: (1) Student Housing Rehabilitation; (2) Athletics/Events Center; (3) Upgraded NCAA Soccer Field; (4) Seaver Town Square; (5) Enhanced Recreation Area; and (6) School of Law Parking Structure. These six components total a net increase of approximately 394,137 square feet of academic and

support uses, which remains well below the total maximum uses and square footages envisioned in the County's and the Commission's long term planning approvals for the University.

The CLP will include the renovation and replacement of aging buildings on a thirty-eight year old campus and the improvement of various new facilities throughout the campus. The proposed uses of the facilities within the CLP are consistent with and support the educational use of the campus property. The facilities proposed as part of the CLP would be located within the existing core campus and previously disturbed areas. The remaining, majority acreage that comprises the property will remain undeveloped. The CLP does not propose any increase in Pepperdine's full time equivalent ("FTE") student numbers. Rather, the Project would improve the ability of the campus to better serve the daily needs of existing students, and develop the facilities needed to accommodate existing University programs and goals for student life which require additional space. The CLP is consistent with the County's General Plan Land Use designation and zoning of the Project site.

In designing the Project, Pepperdine University has sought to minimize adverse impacts on the local community and environment by recognizing opportunities to make efficient use of the existing developed and disturbed core campus. In addition, the CLP would be subject to site-specific development standards and special conditions to ensure the compatibility of the Project with the surrounding areas.

Accordingly, the CLP will not: 1) adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; 2) be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; or 3) jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

-----  
B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The improvements proposed as part of the CLP would be located within the existing core campus. The proposed components would be developed in accordance with the requirements set forth in Title 22 of the Zoning Code and with the parking requirements previously established by the County of Los Angeles. The component sites are adequate in size and shape to accommodate the development proposed as part of the Project.

Landscaping and design features of the proposed components would be consistent with existing campus architecture and long-term planning parameters, thus enabling the Project components to integrate well with existing uses in the surrounding area. The landscaping will continue to include a high percentage of native species, where feasible, and will continue to incorporate the University's long-term recycled watering program. Proposed CLP landscape designs are deer resistant and water efficient, and would enhance the overall physical appearance of the campus; particularly at specific building sites. Further, the Project will provide subterranean parking, where feasible, which allows increased area for student quad and landscaping uses to integrate well with the surrounding area. The architectural style and sizes of

the proposed CLP structural components and terrain modifications are in character with the existing on-site university campus facilities and manufactured terrain features. Further, the sizes and heights of the proposed project's structural components are generally compatible with the distribution and scale of existing campus facilities. As such the proposed CLP components would not be out of character with adjacent development.

The proposed CLP facilities are adequate in size and shape to accommodate the design and development standards set forth in the Zoning Ordinance and to integrate well with the proposed academic, housing, and ancillary uses in the surrounding campus area.

----

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required

The campus is adequately served by streets, as well as other service facilities, which are sufficient to account for any increases in traffic or need for public services that would be generated by the CLP. Buildout of the proposed CLP would not result in an increase in FTE student enrollment on the Pepperdine campus. Moreover, the CLP would allow Pepperdine to better meet its goal of providing an adequate supply of student housing on campus, enhancing the student experience and helping mitigate trips to and from campus. By providing more housing and on-campus support, students will be able to eliminate the daily commute as a result of living off-campus, thereby minimizing traffic in the local area. The proposed project would therefore result in a decrease of average daily traffic volumes at the study area intersections during the A.M. and P.M. peak hour periods. In addition, the proposed project would result in an increase in parking spaces that would reduce the occupancy rate of the existing peak parking demand.

Off-site traffic generated by the CLP components would be accommodated by the existing roadway system that serves the Pepperdine University campus, including Seaver Drive and President's Drive. In addition, existing public and private facilities including natural gas, sewer, water, and electrical facilities are considered adequate to serve the proposed components.

Therefore, the CLP would be adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

**PARKING PERMIT – BURDEN OF PROOF CHAPTER 22.56.1020**

In addition to the information required in the attached application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts (use separate sheets if necessary):

A. That there will be no need for the number of parking spaces required by Part 11 of Chapter 22.52 because:

1. The age and/or physical condition of the residents is such that the use of automobiles is unlikely; or
2. The nature of the use is such that there is a reduced occupancy; or
3. The business or use has established a viable transportation program for its employees and/or customers to use transportation modes other than the single-occupant automobile. Such a program shall include positive incentives such as van pools, transit fare subsidies, commuter travel allowances, car pools or bicycle commuter facilities. Where appropriate, proximity to freeways with high-occupancy vehicle (HOV) lanes, bus routes, park-and-ride facilities, people-movers, rapid transit stations, bikeways, or other similar facilities shall be a factor in this consideration; or
4. Sufficient land area is reserved or an alternative arrangement is approved to insure that the parking requirements may be complied with should the use, occupancy, or transportation program change. Such reservation or alternative may be waived for certain senior citizen and handicapped person housing developments where the director finds that it is unnecessary because of the anticipated permanent nature of such use. If required, the reserved land area shall be so located and developed in such a manner that it can be feasibly converted to parking if needed

Pepperdine University is required to provide at least one parking space per each Full Time Equivalent (“FTE”) student. The requirement was originally established under CUP 2342-(4). This parking ratio has continued to be approved in connection with subsequent projects.

The current enrollment at the Malibu campus is approximately 2,650 FTE students, which remains well below the maximum FTE enrollment allowed under the County’s and the California Coastal Commission’s (“Commission”) long term planning approvals for the University.<sup>1</sup> Buildout of the proposed Campus Life Project (“CLP”) improves facilities and programs for existing students. It does not result in an increase in student enrollment. Nevertheless, the proposed parking supply for the campus following implementation of the CLP would increase the parking supply by 796 spaces. Because the number of proposed FTE students will remain the same after the CLP, these additional parking spaces would be sufficient to accommodate the FTE parking requirement. The Student Housing Rehabilitation component of the CLP would also result in additional beds, serving to decrease the use of automobiles and reduce the number of trips from the roads by allowing more of Pepperdine’s undergraduate student body to live on campus.

In addition, several of the CLP’s additional parking spaces would be efficiently housed in subterranean parking facilities, minimizing the land needed to construct such structures. The CLP would also provide parking spaces in close proximity to core campus functions. For example, the Seaver Town Square component proposes to provide the University a quad area for community and aesthetic enhancement as well as additional parking spaces (hidden from view underground) in the campus core. This aspect of the CLP would consist of two levels of subterranean parking with a landscaped quad on the third, or top, level. The School of Law Parking Structure component of the CLP also responds to the University’s need for additional,

---

<sup>1</sup> The County has approved the campus for 3,500 FTE. The LRDP approved the campus for 5,000 FTE.

centralized parking by locating spaces in close proximity to student housing and athletic facilities.

-----  
B. That there will be no conflicts arising from special parking arrangements allowing shared facilities, tandem spaces or compact spaces because:

1. Uses sharing parking facilities operate at different times of the day or days of the week; or
2. Parking facilities using tandem spaces will employ valets or will utilize other means to insure a workable plan; or
3. Apartment houses using compact spaces for a portion of the required parking have a management program or homeowners' association to assure an efficient distribution of all parking spaces.

The CLP will not present any conflicts arising from special parking arrangements allowing shared facilities, tandem spaces or compact spaces. Parking spaces would be distributed throughout the Pepperdine campus in subterranean and above ground parking lots and continued on-street parking would be available adjacent to academic, housing, and support facilities. No shared parking spaces or tandem parking spaces are proposed for the CLP.

-----  
C. That off-site facilities, leases of less than 20 years, rear lot transitional parking lots and uncovered residential parking spaces will provide the required parking for uses because:

1. Such off-site facilities are controlled through ownership, leasing or other arrangement by the owner of the use for which the site serves and are conveniently accessible to the main use; or
2. Such leases are written in such a way as to prevent multiple leasing of the same spaces or cancellation without providing alternate spaces; such leases shall contain other guarantees assuring continued availability of the spaces; or
3. Such transitional lots are designed to minimize adverse effects on surrounding properties; or
4. Uncovered parking for low and moderate income residential developments will be appropriately screened and compatible with the surrounding neighborhood.

No off-site parking facilities are proposed in connection with the CLP. All parking in connection with the CLP will be provided in areas adjoining or nearby the proposed facilities.

-----  
D. That the requested parking permit at the location proposed will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding property.

The CLP would serve the University's strategic student housing plan that aims to provide housing on the Malibu Campus for seventy five percent of the Seaver College student body. By increasing the number of students living on campus, the CLP would reduce the number of trips resulting from students who would otherwise need to commute to campus. Additionally, by providing facilities that further meet the housing, health, and fitness needs of students, students will have less need to leave campus, further reducing traffic in the areas surrounding the property.

As additional parking spaces will be distributed throughout the Pepperdine campus, there will not be any off-site parking that would result from the approval of this parking permit. Further, because these additional parking facilities will be distributed throughout the Pepperdine

campus, the granting of a parking permit would not result in excessive traffic congestion in any one area of the campus. Therefore, the requested parking permit will not result in traffic congestion, excessive off-site parking, or unauthorized use of parking facilities developed to serve surrounding properties.

-----

E. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, loading facilities, landscaping and other development features prescribed in this Title 22.

As the CLP components all include infill within the parameters of the previously disturbed, core campus area, the 363-acre core campus of Pepperdine will more than adequately accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed by the County of Los Angeles. Efforts have been made to propose parking lots in subterranean facilities where possible to maximize the current space of the campus. Improved pedestrian and vehicular access would be provided to accommodate the CLP facilities. In addition, the landscaping and design features of the CLP would be compatible with those policies set forth in the prior County of Los Angeles and Commission approvals.

Therefore, the Pepperdine Campus is adequate in size and shape to accommodate the design and development standards set forth in the Zoning Code.