



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

DATE: April 28, 2011

TO: Pat Modugno, Chair  
Esther L. Valadez, Vice Chair  
David W. Louie, Commissioner  
Harold Helsley, Commissioner  
Curt Pedersen, Commissioner

FROM: Samuel Z. Dea, Supervising Regional Planner  
Special Projects Section

**SUBJECT: PROJECT NO. R2007-03064-(3)  
PEPPERDINE UNIVERSITY  
CONDITIONAL USE PERMIT NO. 200700203  
PARKING PERMIT NO. 200700014  
AGENDA ITEM NO. 7**

Attached are additional materials pertaining to the above referenced item. Included is a tracked changes version of the revised Draft Conditions followed by a clean final copy of Draft Conditions with all necessary attachments. Changes and additions were made primarily based on agreement between Pepperdine University (Pepperdine) and the Malibu Country Estates Home Owners Association (MCE HOA) and between Pepperdine and the Santa Monica Mountains Conservancy (SMMC). Copies of the memorandum of understanding agreement between Pepperdine and the MCE HOA and of the SMMC letter related to the agreement between Pepperdine and SMMC the are provided. Additional comment letters from the public were received since the March 31, 2011 hearing package. Several letters from the public cite benefits of the Project including relocation of the primary events center away from residences, student benefits, supervised summer camping opportunities for children, and family life benefits of living close to the university. No additional comments with concerns were provided at the time of this writing.

Revisions to the Staff Report and CUP Findings and Conditions, and one Mitigation Measure are as follows:

All corrections use ~~strikeout~~ to indicate deletions and underline to indicate additions.

- 1) A typographical error on Page 2 of the staff report and similarly in CUP Finding No. 4 is corrected from "~~Environmentally Sensitive Ecological Area ("EHSA")~~" to "Environmentally Sensitive Habitat Area (ESHA)". On page 6 of the staff report and similarly in CUP Finding No. 18, ~~M1 (Mountain Lands)~~ is corrected to M2 (Mountain Lands).
- 2) Since writing of the Staff Report and Draft Findings provided to your Commission on March 31, 2011, Pepperdine University and the MCE HOA have reached an agreement on additional areas of concern to MCE HOA. The Draft Conditions of the CUP have further addressed many of these

Project concerns. Consequently, a staff conclusion in the Staff Report requires modification. On page 16 of 24 of the Staff Report, first paragraph, last line, and similarly in the CUP Findings No. 28, last sentence, staff concluded the following, "The Commission finds that the Project, with required mitigation measures and conditions, is compatible with the majority of MCE residences." This conclusion has been revised to the following, "The Commission finds that the Project, with required mitigation measures and conditions, is compatible with the majority of MCE residences."

- 3) Since writing of the Staff Report and Draft Findings, Pepperdine University and the Santa Monica Mountains Conservancy (SMMC) have reached an agreement on additional areas of concern to SMMC. The Draft Conditions of the CUP incorporate key elements of this agreement.
- 4) Revised Draft Conditions are provided as indicated in tracked change format followed by a clean copy without tracked changes. Revisions pertain primarily to four areas of remaining concern to the adjacent residential neighborhood. Pepperdine staff and representatives of the MCE HOA reached agreement on these additional measures. The agreement in part includes the following: Phased replacement of certain existing outdoor lighting fixtures to fixtures with less light spillover and further restrictions on athletic field night lighting hours of operation; Additional restrictions on permitted outdoor sound amplification; Nightly closure of John Tyler Drive access gate and the internal portion of the roadway along Malibu Country Estates; and Establish a maximum limit on the number of certain types of large-scale events which could be held annually at the proposed Athletics/Events Center.
- 5) One mitigation measure from the EIR Mitigation Monitoring and Reporting Program required a correction to more accurately reflect the intent of the measure as follows:

**MM5.5-9** Truck hauling activities shall be restricted to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, except no truck queing or hauling may take place on John Tyler Drive between PCH and south of the northern edge of the soccer field before 8:00 a.m. or after 5:00 p.m. Monday through Friday. Such All truck hauling activities on John Tyler Drive shall be restricted to 8:00 a.m. to 5:00 p.m. on Saturday, with no truck hauling on Sundays and holidays, in order to minimize noise disturbance on surrounding offsite residential uses. Hauling on John Tyler Drive outside these hours shall be permitted only in extremely time-sensitive and/or emergency circumstances such as completion of concrete pouring. The Construction Management Plan shall give strong preference to the use of the Seaver Gate instead of John Tyler Drive as the designated haul and delivery route. John Tyler Drive would be used as a matter of logistical necessity only for hauling of large and unique deliveries such as major concrete, wood, and steel materials, structural components, major grading and similar-sized equipment, and available at all times for emergency and safety-related uses.

#### Attachments

Revised tracked changes version of Draft Conditions of Approval  
Clean final copy of Draft Conditions of Approval with Attachments  
Pepperdine University and Malibu Country Estates HOA MOU Agreement Dated April 25, 2011  
Santa Monica Mountains Conservancy Comment Letter Dated April 25, 2011  
Additional Public Comment Letters  
Condition No. 12 of Graduate Campus CUP No. 97191

SZD:KKS

## PROJECT DESCRIPTION

This grant authorizes a Conditional Use Permit ("CUP") to establish a development program for construction, operation, and maintenance of the Pepperdine University Campus Life Project ("Project") consisting of 394,137 net new square feet of development and onsite grading in excess of 100,000 cubic yards within approximately 365 acres of existing core-campus area on an 830-acre site; and a Parking Permit to establish parking requirements for existing and proposed university facilities in the A-1-1-DP (Light Agricultural-One Acre Minimum Required Area-Development Program) zone, subject to the following conditions of approval:

## GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 9, 10 and 13. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 8, and 10 shall be effective immediately upon final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the California Coastal Commission's action becomes effective pursuant to Section 30622 of the California Public Resources Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Recorder ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the existing university campus and satisfaction of Condition No. 2 shall be considered use of this grant.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$3,000.00** within thirty (30) days of the date of final approval of this grant. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **ten (10) annual and five (5) biennial (every other year) inspections for a total of 20 years** of inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination ("NOD") for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **\$2,914.25** (\$2,839.25 for an Environmental Impact Report plus \$75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which are incorporated by this reference as if set forth fully herein.
12. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record in the office of the Recorder, a covenant and agreement, with attachment of the Mitigation Monitoring and Reporting Program ("MMRP"), and agrees to comply with the mitigation measures imposed by the **Environmental Impact Report** for this project. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
13. The permittee shall deposit an initial sum of **\$6,000.00** with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
14. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission

("Planning Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Planning Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance or otherwise determined by County Code Section 22.60.350.

15. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
16. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
17. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
18. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

19. The subject property shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, four (4) copies of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

#### **PARKING PERMIT SPECIFIC CONDITIONS**

20. The Parking Permit authorizes parking based on parking demand at various phases of Project development. Parking in any parking facility located throughout the campus may be used by any campus use located within the campus except where specific parking lots are managed by specific campus parking lot permits or posted restrictions.

21. Use of Malibu Country Drive and other streets located within the Malibu Country Estates residential neighborhood and use of the Malibu Bluffs Recreation Area is prohibited for campus or campus event parking purposes. Enforcement is subject to coordination with the City of Malibu (local jurisdiction over streets within Malibu Country Estates) and the operators of the Malibu Bluffs Recreation Area.
  
22. The Parking Permit requires a minimum provision of 3,343 onsite parking spaces phased to a minimum of 4,616 onsite spaces at Project build out for an Athletics/Events Center ("AEC") building with a fixed seating capacity of 5,000 seats (no seats on the floor). A minimum parking supply of 4,880 onsite spaces would be required prior to allowing AEC special events that implement floor seating to increase the event capacity beyond 5,000 seats. Existing campus parking currently supplies 4,584 onsite spaces. Proposed campus parking at maximum Project build out would supply up to 5,380 onsite spaces. The table below provides parking requirements by phase and various AEC seating capacities:

**Minimum Parking Requirements  
 Prior to and Subsequent to Project Occupancy**

| Phase Occupancy & AEC Seating Capacity                 | MINIMUM REQUIRED PARKING |  |                        |
|--|--------------------------|--|------------------------|
|  | Standard Operations      | Additional Spaces for Maximum Capacity Event * | Total Required Parking |
| <b>Prior to Project Component Occupancy</b>            | 3,343                    | -  | 3,343                  |
| <b>Phase I – 3,500 to 4,000 Seat Facility</b>          | 3,397                    | 960  | 4,357                  |
| <b>Phase I – 4,001 to 4,500 Seat Facility</b>          | 3,397                    | 1,080  | 4,477                  |
| <b>Phase I – 4,501 to 5,000 Seat Facility</b>          | 3,397                    | 1,200  | 4,597                  |
| <b>Phase I – &gt;5,000 Seat Facility</b>               | 3,397                    | -  | 4,880**                |
| <b>Phase I &amp; II – 3,500 to 4,000 Seat Facility</b> | 3,416                    | 960  | 4,376                  |
| <b>Phase I &amp; II – 4,001 to 4,500 Seat Facility</b> | 3,416                    | 1,080  | 4,496                  |
| <b>Phase I &amp; II – 4,501 to 5,000 Seat Facility</b> | 3,416                    | 1,200  | 4,616                  |
| <b>Phase I &amp; II – &gt;5,000 Seat Facility</b>      | 3,416                    | -  | 4,880**                |

\* Assumes 60% of the spectators would travel to the event from off-campus and an average vehicle occupancy of 2.5 persons per vehicle.  
 \*\* Required by Mitigation Measure 5.8-4 of the Project MMRP.

## PROJECT SITE SPECIFIC CONDITIONS

23. The Campus Life Project as depicted on the approved Exhibit "A" is subject to the following additional conditions and restrictions, including voluntary conditions indicated "as agreed by the permittee".

### Campus Enrollment

- a. Total campus enrollment shall be limited to the existing cap of 3,500 Full Time Equivalent Students ("FTE"). Existing Coastal Commission approved total campus enrollment is limited to 5,000 FTE. In the event the permittee wishes to increase enrollment above 3,500 FTE, additional County approval shall be required according to County Code Section 22.40 Part 2 Development Program Zone requirements.

### Project Component and Grading Parameters

- b. Component 1: Student Housing Rehabilitation is comprised of 468 net new beds and 150,692 net new square feet.
- c. Component 2: The AEC includes a maximum of 5,000 permanent seats, plus a maximum of an additional 470 temporary seats, 235,845 net new square feet, a theme tower 90 feet in height, and two (2) levels of underground and five (5) levels of above-ground structured parking.
- d. Component 3: The Upgraded NCAA Soccer Field is raised approximately an additional ten (10) feet in elevation from the existing field, and the Maintenance Facilities include 1,500 net new square feet. Permanent seating located on the north side of the field shall be provided for approximately 1,000 spectators.
- e. Component 4: The Town Square and Welcome Center, over two (2) levels of underground parking, includes 4,500 net new square feet.
- f. Component 5: The Enhanced Recreation Area includes 1,600 net new square feet of storage and rest room facilities, a redeveloped Debris Basin, and an approximately two million gallon underground chilled water storage tank.
- g. Component 6: Comprised of three-level School of Law Parking Structure.
- h. Grading: Project related earth movement is comprised of approximately 434,000 cubic yards consisting of approximately 198,000 cubic yards of cut (including 70,000 cubic yards of residual cut grading comprised of bedrock from Component 4 Town Square, which may be required to be exported) and

approximately 236,000 cubic yards of fill. Any deficit in fill may use up to approximately 125,000 cubic yards of fill to be obtained from the approved Graduate Campus project site pad and any other usable onsite fill material.

#### County Agency Requirements

- i. Permittee shall comply with all Public Works requirements and comply with all conditions set forth in its letter dated November 2, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department.
- j. Permittee shall comply with all Fire Department requirements specified in its letter dated March 24, 2011, attached hereto and incorporated herein by this reference, to the satisfaction of said department.

#### Landscaping

- k. Permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. ~~Watering facilities shall consist of a temporary~~New irrigation systems for the Project shall utilize reclaimed water where permitted by the Regional Water Quality Control Board. If potable water is necessary for irrigation, Pepperdine shall utilize a water-efficient irrigation system, such as drip irrigation or comparable, which shall be used only to establish the plantings in all landscaped areas.
- l. Permittee shall submit five (5) copies of a landscape plan, comprised of required landscaping for all six components of the Project as depicted on approved Exhibit "A", or, as otherwise required by the Director of Planning ("Director"). The landscape plan shall be submitted to and approved by the Director in consultation with the County Biologist in compliance with applicable Project Mitigation Measures and County Drought Tolerant and Green Building Code regulations, prior to issuance of a building permit. The landscape plan shall depict the site, type and location of all plants, trees, and watering facilities.

#### Night Lighting

- ~~m. Project outdoor night lighting shall comply with Mitigation Measures 5.7.2-4 through 5.7.2-8 of the Project MMRP. When replaced, other than for maintenance, existing globe lighting on campus shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover.~~

- ~~n.m.~~ Outdoor night lighting for the ~~r~~Related ~~p~~Project Baseball Field shall comply with Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP as applicable.
- ~~e.n.~~ Prior to use of night lighting, except for testing purposes, when installed at the redeveloped Soccer Field (Component 3) and redeveloped Recreation Area (Component 5), a compliance report shall be prepared by the designer(s) and/or installer(s) of the Project's outdoor night lighting. The compliance report and actual outdoor night lighting testing shall be verified as compliant with the lighting requirements of Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP. In the event the Project's outdoor night lighting fails to comply with Project outdoor night lighting minimum requirements, the permittee shall correct or manage said lighting so as to comply as verified through retesting by the lighting consultant. At the discretion of the Director, if there is reason to believe that compliance is not being achieved, third party lighting consultant(s), different from the designer and/or installer may be requested to verify the testing and report conclusions. Preparation of lighting report, verification, and any retesting if necessary shall be at permittee's expense.
- ~~p.o.~~ Prior to use of night lighting, except for testing purposes, when installed at the ~~r~~Related ~~p~~Project Baseball Field, a compliance report shall be prepared by the designer(s) and/or installer(s) of the Project's outdoor night lighting. The compliance report and actual outdoor night lighting testing shall be verified as compliant with the lighting requirements of Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP. In the event the Project's outdoor night lighting fails to comply with Project outdoor night lighting minimum requirements, the permittee shall correct or manage said lighting so as to comply as verified through retesting by the lighting consultant. At the discretion of the Director, if there is reason to believe that compliance is not being achieved, third party lighting consultant(s), different from the designer and/or installer may be requested to verify the testing and report conclusions. Preparation of lighting report, verification, and any retesting if necessary shall be at permittee's expense.
- ~~p.~~ Televised or filmed events requiring maximum lighting of 100 foot-candles shall not be held concurrently at both the Soccer Field (Component 3) and the ~~r~~Related ~~p~~Project Baseball Field on the same night.
- ~~q.~~ As agreed by the permittee, provided final approval by the California Coastal Commission is obtained for the entirety of the Project and related projects including all new lighting included in the Project and related projects, the following conditions shall apply.

- 1) Project outdoor night lighting shall comply with Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP. When replaced, other than for maintenance, existing clear globe lighting on campus shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. Clear globe lights at the Upgraded NCAA Soccer Field and related baseball field project shall be replaced as indicated in Table A below.
  
- 2) Though Project lighting impacts are fully mitigated, as an additional public benefit, the University has volunteered to replace other non-Project clear globe lighting as the Project is implemented. The University shall adhere to the schedule below when replacing non-Project or non-related project outdoor night lighting fixtures. Pursuant to these conditions, identified non-Project or non-related project outdoor night lighting fixtures shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. The specific figures shall be replaced as indicated in Table A below.

**Table A: Pepperdine Campus Clear Globe Light Replacement Schedule**

| <u>Clear Globe Light Replacement Area (As identified in Exhibit 4)</u> | <u>Replacement Schedule</u>  |
|--|--|
| A1   | <u>By that date which is 24 months following the receipt of final regulatory entitlements, including the expiration of applicable challenge period, from all applicable agencies; or as a condition of obtaining a Certificate of Occupancy for first component to be constructed, whichever is earlier.</u> |
| A2   | <u>Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed</u>   |
| A3   | <u>Prior to Issuance of the Certificate of Occupancy for Project Component 4 (Town Square)</u>   |
| A4   | <u>Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed</u>   |
| B1   | <u>Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Standard Precinct).</u>  |
| B2   | <u>Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Outer Precinct).</u>   |
| B3   | <u>Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Standard Precinct).</u>  |
| B4   | <u>Prior to Issuance of the Certificate of Occupancy for Project Component 6 (School of Law Parking Structure).</u>  |
| B5   | <u>Prior to Issuance of the Certificate of Occupancy for Project Component 6 (School of Law Parking Structure).</u>  |
| B6   | <u>Prior to Issuance of the Certificate of Occupancy for Project Component 2 (Athletics/Events Center).</u>  |
| B7   | <u>Prior to Issuance of the Certificate of Occupancy for Project Component 5 (Enhanced Recreation Area)</u>  |
| C1   | <u>Prior to the use of Project Component 3 (Upgraded Soccer Field) Athletic Lights</u>   |
| D1   | <u>Prior to the use of related-Project (Baseball Field) Athletic Lights</u>  |
| E1   | <u>Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed</u>   |

The University may request permission from the Director to revise the replacement schedule outlined above in Table A if significant efficiencies could be achieved based upon design or construction planning information. The final approved lighting plan may result in greater or fewer fixtures than currently exist to meet the requirements of the Los Angeles County Code and these Conditions.

Noise/Sound Attenuation

- r. New installations of outdoor sound amplification devices at Project sites, the Related Project Baseball Field, and the Related Project Firestone Fieldhouse renovation facing MCE, beyond those sound amplification devices currently existing, are prohibited in the event such devices create noise which would exceed the County's noise ordinance requirements. Existing sound amplification devices at these sites may be replaced by similar or improved sound amplification equipment of equal or lesser volume than devices being replaced. New installations of outdoor sound amplification devices not facing MCE, as part of Project components, are not prohibited, such as proposed installations of faux rock speakers in the proposed Seaver Town Square, or other similar interior Project applications.
- s. As agreed by the permittee, prior to the issuance of a building permit for the first Project component, the University shall develop and employ a set of best management practices ("BMPs") with respect to outdoor sound amplification. Such BMPs shall include, at a minimum, speaker positioning to avoid projecting noise to Malibu Country Estates residences, volume restrictions, and sound shielding where applicable and feasible. The University will consult with the Malibu Country Estates Homeowners Association Board prior to adoption of the BMPs for use of any new outdoor amplification installed as part of the Project on components that face Malibu Country Estates. BMPs will also be developed for sound amplification used along Campus Walk, and no new sound speakers directly facing Malibu Country Estates shall be placed on the campus walk area, as shown in the attached Exhibit 5 of these Conditions. The University further agrees to continue to maintain a 24-hour phone hotline that Malibu Country Estates residences can call in the event of excessive noise or other campus concerns. This Condition is not intended to apply to systems designed for emergency notifications.
- t. As agreed by the permittee, use of sound amplification during NCAA athletics practices at the baseball and soccer fields, respectively, shall be prohibited between 7:00 p.m. and 8:00 a.m.
- u. Any new or replacement Project HVAC or other Project noise-generating permanent equipment located exterior to campus structures and within view of MCE residences shall require sound screening to ensure they do not

exceed the County's noise ordinance requirements and visual screening to the satisfaction of the Director.

#### AEC Major Events and Limited Events

q.v. AEC Major Events. In addition to annual parking counts and an event management and monitoring plan required by Mitigation Measure 5.8-2 of the MMRP for events exceeding 3,500 attendees, and the Transportation Demand Management ("TDM") Program requirements for Major Events as defined in Mitigation Measure 5.8-3, the permittee shall provide annually to the Director a listing of the number, type, and attendance total of each Major Event held in the AEC starting or ending at morning (7:00-9:00) or evening (4:00-6:00) peak hours weekdays and exceeding 3,750 attendees with 60% or more of attendees coming from off campus. Upon review of the annual listing of Major Events, a report on the TDM results shall also be provided. Unless verification is provided that significant transportation impacts are mitigated by the TDM plan, the permittee shall provide evidence of efforts to improve the performance of the TDM plan in mitigating significant traffic impacts or limit the annual number of future Major Events which are not athletic or University related.

f.w. AEC Limited Events. As agreed by the permittee, the AEC shall host no more than 26 "Limited Events" per year, and no more than 6 of the "Limited Events" will be concerts. For the purposes of this Condition, a "Limited Event" must include all of the following characteristics: at the AEC with over 3,750 attendees, with 60% or more of attendees coming from off-campus. This limitation covers events that start and end during both peak and non-peak hours as defined in the EIR. The following events are not considered "Limited Events" events:

- where Pepperdine Athletics are competing, or are sanctioned by the NCAA;
- where at least two-thirds of the attendees are Pepperdine students, faculty, and/or staff as documented by the permittee; and
- that are Pepperdine University graduations.

The number of Limited Events may be exceeded in the event that Pepperdine obtains written agreement from the Malibu Country Estates Homeowners Association Board for permission to exceed the annual number of Limited Events. Such written agreement shall be available upon request by the Director.

The University shall also report the number of Limited Events annually to the Director, including a listing of the number, type, and attendance total of each

Limited Event held in the AEC. The Malibu Country Estates Homeowners Association Board shall be provided a copy of the annual report by the University.

- x. AEC Parking Protection for MCE. As agreed by the permittee, the University shall provide traffic control officers at the John Tyler Drive/Malibu Country Drive intersection as part of its Event Management Plan for events at the AEC with over 3,500 attendees.

John Tyler Drive

s.y. As agreed by the permittee, upon final approval of this grant, 1) the John Tyler Drive access gate, and 2) the segment of John Tyler Drive located north from Banowsky Boulevard to just below the Stotsenberg Track along the border of Malibu Country Estates, ("Restricted Area of John Tyler Drive") located slightly north of Pacific Coast Highway shall be closed nightly from approximately 10:30 p.m. to approximately 6:30 a.m. except following special campus events or overtime athletic events for which gate shall remain open until event traffic has cleared the site, or, in no event later than 12:00 a.m. In the event the Project AEC component obtains final approval at the same time or at a later time than final approval of the Project, opening time for the Restricted Area of John Tyler Drive shall be changed to 6:00 a.m. following AEC final approval. These shall be the minimum closure requirements and shall not restrict the permittee from voluntarily extending the hours of closure, nor restrict the permittee from acting in the best interest of public health, safety, and welfare. Additional provisions of this condition are as follows:

- 1) This condition shall supersede Condition No. 12 of the Graduate Campus Conditional Use Permit No. 97191 pertaining to John Tyler Drive closure.
- 2) Emergency access shall be made available at all times according to County Fire Department and campus Public Safety protocols. It is recognized that in the event campus Public Safety officers are unable to meet gate closure or opening duties at precisely 10:30 p.m. or 6:30 a.m. in fulfilling such protocols, occasional delays may occur in completing gate closure or require earlier opening to meet Public Safety demands.
- 3) Nothing in this Condition shall be construed to prevent vehicles operated by the permittee, its agents or employees, any emergency vehicles, handicapped access, and vehicles traveling to or from any parking facilities with entrances and exits located along John Tyler Drive, from using John Tyler Drive. Outside of these purposes, these exceptions are not intended to permit the regular use of the Restricted Area of John

Tyler Drive by Pepperdine University faculty, staff, students, or employees.

- ~~4) The section of John Tyler Drive internal to the campus along the boundary of the Malibu Country Estates (MCE) community shall be patrolled at random times, various nights, weekly, by the permittee. Record of standard patrol log shall be made available to the Director upon request.~~
- ~~5)4) The University shall place signs at each end of the Restricted Area of John Tyler Drive to alert drivers of the restricted access/use hours. The University's Public Safety staff shall be responsible for enforcing this restriction through the University's existing enforcement mechanisms, which include the instructing of the University's Public Safety staff of the measures and requesting that the staff patrol the area on a reasonable basis. In the event the section of John Tyler Drive internal to the campus along the boundary of the Malibu Country Estates (MCE) community is closed by the permittee for defined night hours, signage shall be placed at each end of the portion closed to alert drivers that the road is not open for through traffic during the specified hours.~~
- ~~5) Following the date of final approval of the Project and in the event the Project AEC component does not obtain final approval, or, obtains approval at a later date, prior to the time the Project AEC component obtains final approval, the following condition identical to the Graduate Campus Conditional Use Permit No. 97191 Condition No. 12g shall apply:~~

Not later than thirty (30) days prior to the expiration of a trial access restriction period of one (1) year, the permittee shall submit a report to the Director of Planning concerning the trial access restriction of John Tyler Drive and the John Tyler Drive Gate. The Director of Planning shall give notice of the preparation of the report to Malibu Country Estates Homeowners' Association, and solicit their comments on the effectiveness of the trial access restriction. If the Director finds that the trial access restriction of the road, the gate, or both, is no longer necessary or has resulted in security and/or safety problems for the permittee, or has otherwise unreasonably disrupted traffic circulation patterns upon the property, the Director of Planning may elect to modify or discontinue the trial access restriction of John Tyler Drive and/or the John Tyler Drive gate. If the Director finds that the trial access restriction of the road and/or the gate has not resulted in any adverse impacts upon the permittee and is providing a benefit to adjacent property owners that outweighs any inconvenience to the permittee and any other affected individuals, the access restriction may be extended for additional periods

not to exceed one year each following occupancy, subject to the same annual reporting and review provision set forth in this Condition.

A copy of the Director of Planning's determination concerning the trial access restriction shall be mailed to the Malibu Country Estates Homeowners' Association, the Regional Planning Commission, and the Office of Supervisorial District No. 3.

- 6) Upon final approval of the Project and the Project AEC component, the following condition shall apply. In the event the AEC component does not obtain final approval, the following condition shall not apply and Condition No. 23y(5) above shall apply:

If the Director finds that all or a portion of this condition is no longer necessary (e.g., has resulted in security and/or safety problems for the permittee and/or neighboring property owners, or has otherwise unreasonably disrupted traffic circulation patterns upon the property), the Director may elect to modify or discontinue the John Tyler Drive access gate restriction.

If the University or the MCE finds that the restrictions on the John Tyler Drive access gate and Restricted Area of John Tyler Drive have resulted in security and/or safety problems that cannot be resolved between the permittee and/or neighboring property owners, either may petition the Director and the Director may elect to modify or discontinue the John Tyler Drive internal use restriction.

Director of Planning Review. The Parties may, after providing 30-day written notice to the other party, petition the Director of Planning to review this Condition's restrictions. If the Director finds that the access restrictions have resulted in significant security and/or safety problems, then the Director of Planning may elect to modify or discontinue the access restriction of John Tyler Drive and/or the John Tyler Drive gate after weighing the benefits to the adjacent property owners against the security and/or safety problems to the permittee and any other affected individuals.

Regional Planning Commission Review. In order to ensure that the University and the MCE HOA have the right to appeal the Director's determination, the University and the MCE HOA agree jointly to file a written request that the Director's determination be submitted to the Commission, and that the Commission take action on the determination. Public noticing and a public hearing are not required. The Commission's action shall be final (County Code Section 22.60 Part 5 Appeal Procedures).

General Construction

- t.z. Development Table. Each component of the approved Project shall record use of the square feet authorized by the DPZ and LRDP/SPD in the attached development table named *Pepperdine University DPZ/Specific Plan for Development and Long Range Development Plan Square Footage Compilation* ("Development Table"). The Development Table shall be updated after each Regional Planning Commission and Coastal Commission land use approval and updated table submitted with each Revised Exhibit "A" or new development application filed with Regional Planning.
- u.aa. Restoring Construction Site. Temporary structures, outside storage, and staging areas allowed for construction purposes shall be removed from the project site within 120 days of project completion, absent approval to extend the allowable time period for the temporary structures. In the event additional time is needed to complete removal of temporary structures and related materials, the permittee shall submit a written request for a time extension for up to one (1) year maximum to the Director for review and approval. Any other outside storage needed shall comply with the requirements of Section 22.52 Part 7 of the County Code.
- v.bb. Architecture. All new structures shall be compatible with existing campus architecture.
- w.cc. Coloration Compatibility. Under stories and retaining walls higher than six feet in height shall be in tones compatible with surrounding terrain.
- dd. Building Adjustments. ~~Minor Adjustments~~ to the building locations and configurations may be approved by the Director, if necessary. Justification for such adjustments includes avoidance of unanticipated archaeological resources, sensitive biological resources or geologic hazards, reduction of grading or other environmental impacts, compliance with health and safety regulations, or actions otherwise necessary to fulfill the spirit and intent of this grant providing such adjustments are in substantial conformance with the approved Exhibit "A".
- x.ee. LEED Certification. As agreed by the permittee, ~~t~~The AEC shall obtain LEED Silver certification, and the Project Student Housing buildings shall obtain a LEED Certified certification by the United States Green Building Council.
- ff. Truck Hauling. As agreed by the permittee, following the issuance of the building permit for the first Project component, the University shall direct delivery trucks and similar vehicles, where feasible, to use the Seaver Drive entrance to the University at all times of the day. Such restrictions are not considered feasible if delivery trucks are unable to maneuver the Seaver

Drive grade; if they are making deliveries to facilities located along the portion of John Tyler Drive between Banowsky Boulevard and Stotsenberg Track that borders Malibu Country Estates residences; or cause unsafe traffic congestion.

gg. Grading Hours. As agreed by the permittee, pertaining to all components of the Project, the University shall prohibit grading work on Saturdays and Sundays. Notwithstanding the forgoing, grading on Saturday and Sunday shall be permitted, subject to approval of the Director, for emergency grading, such as near term completion of grading prior to rainy season.

hh. Construction Hours. As agreed by the permittee, due to proximity to the Malibu Country Estates residences, construction hours of the Upgraded NCAA Soccer Field and related project Firestone Fieldhouse will be Monday through Friday from 7:00 a.m. to 6:00 p.m. Outdoor construction hours of the Standard Precinct of the Student Housing Component will be Monday through Friday from 7:00 a.m. to 7:00 p.m. Outdoor construction on these components outside of these hours shall be permitted upon written approval by the Director of Regional Planning only where reasonably necessary subject to all County requirements. Examples include completion of concrete pouring and grading prior to the rainy season or completion of all, or a significant portion of, the Project prior to the start of the academic year where an unreasonable impact to the campus community could otherwise occur. Interior finishing work shall not be limited by this condition.

24. As agreed by the permittee in consultation with the Santa Monica Mountains Conservancy, the following voluntary conditions shall apply.

Relocated Coastal Slope Trail

a. The Santa Monica Mountains Conservancy has requested the opportunity to propose a realignment of those portions of the Coastal Slope lateral trails (including Mesa Peak) that are located on the University's property and currently offered for dedication. The location of the new alignments would be one of the alignments ("most suitable" easement" or "other potential easements") identified on Exhibit 1 hereto, including identification of the width and alignment of the dedicated trails (the "New Realigned Trails"). The New Realigned Trails easement shall be fifty (50) feet in width for planning purposes and twenty (20) feet in width for construction, or any lesser width agreed to by the public agency acquiring the easement. Prior to issuance of a building permit for the first component of the Campus Life Project, Pepperdine shall record an amended offer to dedicate public trails showing the existing alignment and potential realignments, consistent with the attached Exhibit 1. Such offer to dedicate shall remain open for up to 21 years from the date of recordation.

b. The University 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. The University shall transfer the \$58,400 to an entity designated by the Santa Monica Mountains Conservancy upon (a) the identification and availability of a trail(s) to construct, maintain, and/or realign (as determined by SMMC); or (b) three (3) years from the Effective Date of the Agreement; or (c) prior to issuance of the building permit of the Project's first component, whichever comes first. The funds shall be used for the express purpose of constructing, maintaining, and/or realigning Coastal Slope trails and/or related spurs.

Project Required Mitigation Sites

y.c. The "Mitigation Sites" required under Campus Life Project Mitigation Monitoring and Reporting Program, Mitigation Measures MM5.3-2, MM5.3-7, and MM5.3-8, as identified on Exhibit 2 attached to these Conditions, shall be designated by the University for restoration within the University's existing practices for biological preserve activities within its Open Space Management Area, as permitted under the three categories below:

- 1) Scientific research may be allowed provided it is done in a manner which is consistent with protection of the resources within the Open Space Management Area;
- 2) Biological preserve activities, including coastal sage scrub and other restoration activities and similar programs; and
- 3) Wildland fire maintenance.

z.d. As additional mitigation for the loss of 0.48 acres of riparian habitat subject to the jurisdiction of CDFG & ACOE within the grading limits of Component 5, Enhanced Recreation Area (the "Habitat"), beyond the 1:1 ratio required by the Campus Life Project Mitigation Monitoring and Reporting Program, Mitigation Measure MM5.3-7, the University shall donate \$100,000 as a contribution to an entity designated by the Conservancy for the purposes of enhancement or restoration of 0.48 acres or more of riparian and upland habitat within the same watershed as the Habitat in the Santa Monica Mountains suitable for park management and preservation (See Exhibit 3). The \$100,000 contribution shall be paid within 60 days of the Effective Date of the Agreement between Santa Monica Mountains Conservancy and Pepperdine University.

Campus Lighting

aa.e. Project outdoor night lighting shall comply with Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP. When replaced, other than for maintenance, existing clear globe lighting on campus shall be replaced with cut-off type light fixtures, which are shielded and directed in such a way as to minimize lighting spillover. Clear globe lights at the Upgraded NCAA Soccer Field and related baseball field project shall be replaced as indicated in Table A of the Night Lighting Condition 23q above.

Though Project lighting impacts are fully mitigated, as an additional public benefit, the University has volunteered to replace other non-Project clear globe lighting as the Project is implemented. The University shall adhere to the schedule below when replacing non-Project or non-related project outdoor night lighting fixtures. Pursuant to these conditions, identified non-Project or non-related project outdoor night lighting fixtures shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. The specific figures shall be replaced as indicated in Table A of the Night Lighting Condition 23q above.

The University shall expedite the replacement of non-Project, clear globe lighting as the Project is implemented in those areas of Campus along "Public Viewshed Areas." For purposes of this Condition, the "Public Viewshed Areas" shall be those identified in Exhibit 4, area A1. The University shall adhere to the schedule in Table A of the Night Lighting Condition 23q above when replacing those identified lighting fixtures within the Public Viewshed Areas and shall replace the fixtures, as appropriate, with cut-off type light fixtures, which are shielded and directed in such a way as to minimize light spillover.

With the exception of Area A1, the University may request permission from the Director to revise the replacement schedule outlined in Table A if significant efficiencies could be achieved based upon design or construction planning information. The final approved lighting plan may result in greater or fewer fixtures than currently exist to meet the requirements of the Los Angeles County Code and these Conditions.

Traffic and Access

f. In response to the Conservancy's concern about potential impacts of events from the proposed new AEC to the Santa Monica Mountains Conservancy-owned Malibu Bluffs, the FEIR Event Management Plan for the Athletic Event Center, defined in MMRP MM 5.8-2 provides that prior to large events (attendance of 3,500 or more) at the AEC, the University shall place signs at each entrance of the Santa Monica Mountains Conservancy-owned Malibu

Bluffs campground parking lot to alert the public that no University event parking is permitted in the subject lot. Prior to issuance of a certificate of occupancy for the AEC, the University shall provide a one-time contribution of \$5,000 to an entity designated by the Conservancy for the development and production of "No Parking" signs for placement at the identified parking lot.

Attachments

Attachment A: Department of Public Works and Fire Department Conditions Letters

Attachment B: MMRP

Attachment C: Conditions Exhibits 1-5

Attachment D: Development Table: *Pepperdine University DPZ/Specific Plan for Development and Long Range Development Plan Square Footage Compilation*

SZD:KKS

4/28/11

## PROJECT DESCRIPTION

This grant authorizes a Conditional Use Permit ("CUP") to establish a development program for construction, operation, and maintenance of the Pepperdine University Campus Life Project ("Project") consisting of 394,137 net new square feet of development and onsite grading in excess of 100,000 cubic yards within approximately 365 acres of existing core-campus area on an 830-acre site; and a Parking Permit to establish parking requirements for existing and proposed university facilities in the A-1-1-DP (Light Agricultural-One Acre Minimum Required Area-Development Program) zone, subject to the following conditions of approval:

## GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition Nos. 9, 10 and 13. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, 8, and 10 shall be effective immediately upon final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the California Coastal Commission's action becomes effective pursuant to Section 30622 of the California Public Resources Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall fully cooperate in the defense. If the County fails to promptly notify the permittee of any claim action or proceeding, or if the County fails to cooperate fully in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of up to \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the

costs or expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Recorder ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the existing university campus and satisfaction of Condition No. 2 shall be considered use of this grant.
9. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of **\$3,000.00** within thirty (30) days of the date of final approval of this grant. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The deposit provides for **ten (10) annual and five (5) biennial (every other year) inspections for a total of 20 years** of inspections. Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

10. Within three (3) days of the date of final approval of this grant, the permittee shall remit processing fees payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination ("NOD") for this project and its entitlements in compliance with Section 21152 of the Public Resources Code. Unless a Certificate of Exemption is issued by the California Department of Fish and Game pursuant to Section 711.4 of the California Fish and Game Code, the permittee shall pay the fees in effect at the time of the filing of the NOD, as provided for in Section 711.4 of the Fish and Game Code, currently **\$2,914.25** (\$2,839.25 for an Environmental Impact Report plus \$75.00 processing fee.) No land use project subject to this requirement is final, vested or operative until the fee is paid.
11. The permittee shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program ("MMRP"), which are incorporated by this reference as if set forth fully herein.
12. Within thirty (30) days of the date of final approval of the grant by the County, the permittee shall record in the office of the Recorder, a covenant and agreement, with attachment of the Mitigation Monitoring and Reporting Program ("MMRP"), and agrees to comply with the mitigation measures imposed by the **Environmental Impact Report** for this project. Prior to recordation of the covenant, the permittee shall submit a draft copy of the covenant and agreement to Regional Planning for review and approval. As a means of ensuring the effectiveness of the mitigation measures, the permittee shall submit annual mitigation monitoring reports to Regional Planning for approval or as required. The reports shall describe the status of the permittee's compliance with the required mitigation measures.
13. The permittee shall deposit an initial sum of **\$6,000.00** with Regional Planning within thirty (30) days of the date of final approval of this grant in order to defray the cost of reviewing and verifying the information contained in the reports required by the MMRP. The permittee shall replenish the mitigation monitoring account if necessary until all mitigation measures have been implemented and completed.
14. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission

("Planning Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Planning Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance or otherwise determined by County Code Section 22.60.350.

15. All development pursuant to this grant must be kept in full compliance with the County Fire Code.
16. All requirements of Title 22 of the County Zoning Ordinance and of the specific zoning of the subject property must be complied with unless otherwise modified as set forth in these conditions or as shown on the approved plans.
17. All development pursuant to this grant shall conform to the requirements of County Department of Public Works.
18. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

19. The subject property shall be developed and maintained in substantial compliance with the approved plans marked Exhibit "A." If changes to the site plan are required as a result of instruction given at the public hearing, four (4) copies of a modified Exhibit "A" shall be submitted to Regional Planning within sixty (60) days of the date of final approval.

#### **PARKING PERMIT SPECIFIC CONDITIONS**

20. The Parking Permit authorizes parking based on parking demand at various phases of Project development. Parking in any parking facility located throughout the campus may be used by any campus use located within the campus except where specific parking lots are managed by specific campus parking lot permits or posted restrictions.

21. Use of Malibu Country Drive and other streets located within the Malibu Country Estates residential neighborhood and use of the Malibu Bluffs Recreation Area is prohibited for campus or campus event parking purposes. Enforcement is subject to coordination with the City of Malibu (local jurisdiction over streets within Malibu Country Estates) and the operators of the Malibu Bluffs Recreation Area.
22. The Parking Permit requires a minimum provision of 3,343 onsite parking spaces phased to a minimum of 4,616 onsite spaces at Project build out for an Athletics/Events Center ("AEC") building with a fixed seating capacity of 5,000 seats (no seats on the floor). A minimum parking supply of 4,880 onsite spaces would be required prior to allowing AEC special events that implement floor seating to increase the event capacity beyond 5,000 seats. Existing campus parking currently supplies 4,584 onsite spaces. Proposed campus parking at maximum Project build out would supply up to 5,380 onsite spaces. The table below provides parking requirements by phase and various AEC seating capacities:

**Minimum Parking Requirements  
 Prior to and Subsequent to Project Occupancy**

| Phase Occupancy & AEC Seating Capacity                 | MINIMUM REQUIRED PARKING |  |                        |
|--|--------------------------|--|------------------------|
|  | Standard Operations      | Additional Spaces for Maximum Capacity Event * | Total Required Parking |
| <b>Prior to Project Component Occupancy</b>            | 3,343                    | -  | 3,343                  |
| <b>Phase I – 3,500 to 4,000 Seat Facility</b>          | 3,397                    | 960  | 4,357                  |
| <b>Phase I – 4,001 to 4,500 Seat Facility</b>          | 3,397                    | 1,080  | 4,477                  |
| <b>Phase I – 4,501 to 5,000 Seat Facility</b>          | 3,397                    | 1,200  | 4,597                  |
| <b>Phase I – &gt;5,000 Seat Facility</b>               | 3,397                    | -  | 4,880**                |
| <b>Phase I &amp; II – 3,500 to 4,000 Seat Facility</b> | 3,416                    | 960  | 4,376                  |
| <b>Phase I &amp; II – 4,001 to 4,500 Seat Facility</b> | 3,416                    | 1,080  | 4,496                  |
| <b>Phase I &amp; II – 4,501 to 5,000 Seat Facility</b> | 3,416                    | 1,200  | 4,616                  |
| <b>Phase I &amp; II – &gt;5,000 Seat Facility</b>      | 3,416                    | -  | 4,880**                |

\* Assumes 60% of the spectators would travel to the event from off-campus and an average vehicle occupancy of 2.5 persons per vehicle.  
 \*\* Required by Mitigation Measure 5.8-4 of the Project MMRP.

## PROJECT SITE SPECIFIC CONDITIONS

23. The Campus Life Project as depicted on the approved Exhibit "A" is subject to the following additional conditions and restrictions, including voluntary conditions indicated "as agreed by the permittee".

### Campus Enrollment

- a. Total campus enrollment shall be limited to the existing cap of 3,500 Full Time Equivalent Students ("FTE"). Existing Coastal Commission approved total campus enrollment is limited to 5,000 FTE. In the event the permittee wishes to increase enrollment above 3,500 FTE, additional County approval shall be required according to County Code Section 22.40 Part 2 Development Program Zone requirements.

### Project Component and Grading Parameters

- b. Component 1: Student Housing Rehabilitation is comprised of 468 net new beds and 150,692 net new square feet.
- c. Component 2: The AEC includes a maximum of 5,000 permanent seats, plus a maximum of an additional 470 temporary seats, 235,845 net new square feet, a theme tower 90 feet in height, and two (2) levels of underground and five (5) levels of above-ground structured parking.
- d. Component 3: The Upgraded NCAA Soccer Field is raised approximately an additional ten (10) feet in elevation from the existing field, and the Maintenance Facilities include 1,500 net new square feet. Permanent seating located on the north side of the field shall be provided for approximately 1,000 spectators.
- e. Component 4: The Town Square and Welcome Center, over two (2) levels of underground parking, includes 4,500 net new square feet.
- f. Component 5: The Enhanced Recreation Area includes 1,600 net new square feet of storage and rest room facilities, a redeveloped Debris Basin, and an approximately two million gallon underground chilled water storage tank.
- g. Component 6: Comprised of three-level School of Law Parking Structure.
- h. Grading: Project related earth movement is comprised of approximately 434,000 cubic yards consisting of approximately 198,000 cubic yards of cut (including 70,000 cubic yards of residual cut grading comprised of bedrock from Component 4 Town Square, which may be required to be exported) and

approximately 236,000 cubic yards of fill. Any deficit in fill may use up to approximately 125,000 cubic yards of fill to be obtained from the approved Graduate Campus project site pad and any other usable onsite fill material.

County Agency Requirements

- i. Permittee shall comply with all Public Works requirements and comply with all conditions set forth in its letter dated November 2, 2010, attached hereto and incorporated herein by this reference, to the satisfaction of said department.
- j. Permittee shall comply with all Fire Department requirements specified in its letter dated March 24, 2011, attached hereto and incorporated herein by this reference, to the satisfaction of said department.

Landscaping

- k. Permittee shall maintain all landscaping in a neat, clean, and healthy condition, including proper pruning, weeding, removal of litter, fertilizing, and replacement of plants when necessary. New irrigation systems for the Project shall utilize reclaimed water where permitted by the Regional Water Quality Control Board. If potable water is necessary for irrigation, Pepperdine shall utilize a water-efficient irrigation system, such as drip irrigation or comparable.
- l. Permittee shall submit five (5) copies of a landscape plan, comprised of required landscaping for all six components of the Project as depicted on approved Exhibit "A", or, as otherwise required by the Director of Planning ("Director"). The landscape plan shall be submitted to and approved by the Director in consultation with the County Biologist in compliance with applicable Project Mitigation Measures and County Drought Tolerant and Green Building Code regulations, prior to issuance of a building permit. The landscape plan shall depict the site, type and location of all plants, trees, and watering facilities.

Night Lighting

- m. Outdoor night lighting for the related project Baseball Field shall comply with Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP as applicable.
- n. Prior to use of night lighting, except for testing purposes, when installed at the redeveloped Soccer Field (Component 3) and redeveloped Recreation Area (Component 5), a compliance report shall be prepared by the designer(s) and/or installer(s) of the Project's outdoor night lighting. The compliance report and actual outdoor night lighting testing shall be verified as compliant with the lighting requirements of Mitigation Measures 5.7.2-1 through 5.7.2-8

of the Project MMRP. In the event the Project's outdoor night lighting fails to comply with Project outdoor night lighting minimum requirements, the permittee shall correct or manage said lighting so as to comply as verified through retesting by the lighting consultant. At the discretion of the Director, if there is reason to believe that compliance is not being achieved, third party lighting consultant(s), different from the designer and/or installer may be requested to verify the testing and report conclusions. Preparation of lighting report, verification, and any retesting if necessary shall be at permittee's expense.

- o. Prior to use of night lighting, except for testing purposes, when installed at the related project Baseball Field, a compliance report shall be prepared by the designer(s) and/or installer(s) of the Project's outdoor night lighting. The compliance report and actual outdoor night lighting testing shall be verified as compliant with the lighting requirements of Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP. In the event the Project's outdoor night lighting fails to comply with Project outdoor night lighting minimum requirements, the permittee shall correct or manage said lighting so as to comply as verified through retesting by the lighting consultant. At the discretion of the Director, if there is reason to believe that compliance is not being achieved, third party lighting consultant(s), different from the designer and/or installer may be requested to verify the testing and report conclusions. Preparation of lighting report, verification, and any retesting if necessary shall be at permittee's expense.
- p. Televised or filmed events requiring maximum lighting of 100 foot-candles shall not be held concurrently at both the Soccer Field (Component 3) and the related project Baseball Field on the same night.
- q. As agreed by the permittee, provided final approval by the California Coastal Commission is obtained for the entirety of the Project and related projects including all new lighting included in the Project and related projects, the following conditions shall apply.
  - 1) Project outdoor night lighting shall comply with Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP. When replaced, other than for maintenance, existing clear globe lighting on campus shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. Clear globe lights at the Upgraded NCAA Soccer Field and related baseball field project shall be replaced as indicated in Table A below.
  - 2) Though Project lighting impacts are fully mitigated, as an additional public benefit, the University has volunteered to replace other non-Project clear globe lighting as the Project is implemented. The University shall adhere

to the schedule below when replacing non-Project or non-related project outdoor night lighting fixtures. Pursuant to these conditions, identified non-Project or non-related project outdoor night lighting fixtures shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. The specific figures shall be replaced as indicated in Table A below.

**Table A: Pepperdine Campus Clear Globe Light Replacement Schedule**

| Clear Globe Light Replacement Area<br>(As identified in Exhibit 4) | Replacement Schedule  |
|--|---|
|  |   |
| A1   | By that date which is 24 months following the receipt of final regulatory entitlements, including the expiration of applicable challenge period, from all applicable agencies; or as a condition of obtaining a Certificate of Occupancy for first component to be constructed, whichever is earlier. |
| A2   | Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed   |
| A3   | Prior to Issuance of the Certificate of Occupancy for Project Component 4 (Town Square)   |
| A4   | Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed   |
| B1   | Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Standard Precinct).  |
| B2   | Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Outer Precinct).   |
| B3   | Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Standard Precinct).  |
| B4   | Prior to Issuance of the Certificate of Occupancy for Project Component 6 (School of Law Parking Structure).  |
| B5   | Prior to Issuance of the Certificate of Occupancy for Project Component 6 (School of Law Parking Structure).  |
| B6   | Prior to Issuance of the Certificate of Occupancy for Project Component 2 (Athletics/Events Center).  |
| B7   | Prior to Issuance of the Certificate of Occupancy for Project Component 5 (Enhanced Recreation Area)  |
| C1   | Prior to the use of Project Component 3 (Upgraded Soccer Field) Athletic Lights   |
| D1   | Prior to the use of related-Project (Baseball Field) Athletic Lights  |
| E1   | Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed   |

The University may request permission from the Director to revise the replacement schedule outlined above in Table A if significant efficiencies could be achieved based upon design or construction planning information. The final approved lighting plan may result in greater or fewer fixtures than currently exist to meet the requirements of the Los Angeles County Code and these Conditions.

Sound Attenuation

- r. New installations of outdoor sound amplification devices at Project sites, the Related Project Baseball Field, and the Related Project Firestone Fieldhouse renovation facing MCE, beyond those sound amplification devices currently existing, are prohibited in the event such devices create noise which would exceed the County's noise ordinance requirements. Existing sound amplification devices at these sites may be replaced by similar or improved sound amplification equipment of equal or lesser volume than devices being replaced. New installations of outdoor sound amplification devices not facing MCE, as part of Project components, are not prohibited, such as proposed installations of faux rock speakers in the proposed Seaver Town Square, or other similar interior Project applications.
- s. As agreed by the permittee, prior to the issuance of a building permit for the first Project component, the University shall develop and employ a set of best management practices ("BMPs") with respect to outdoor sound amplification. Such BMPs shall include, at a minimum, speaker positioning to avoid projecting noise to Malibu Country Estates residences, volume restrictions, and sound shielding where applicable and feasible. The University will consult with the Malibu Country Estates Homeowners Association Board prior to adoption of the BMPs for use of any new outdoor amplification installed as part of the Project on components that face Malibu Country Estates. BMPs will also be developed for sound amplification used along Campus Walk, and no new sound speakers directly facing Malibu Country Estates shall be placed on the campus walk area, as shown in the attached Exhibit 5 of these Conditions. The University further agrees to continue to maintain a 24-hour phone hotline that Malibu Country Estates residences can call in the event of excessive noise or other campus concerns. This Condition is not intended to apply to systems designed for emergency notifications.
- t. As agreed by the permittee, use of sound amplification during NCAA athletics practices at the baseball and soccer fields, respectively, shall be prohibited between 7:00 p.m. and 8:00 a.m.
- u. Any new or replacement Project HVAC or other Project noise-generating permanent equipment located exterior to campus structures and within view of MCE residences shall require sound screening to ensure they do not exceed the County's noise ordinance requirements and visual screening to the satisfaction of the Director.

AEC Major Events and Limited Events

- v. AEC Major Events. In addition to annual parking counts and an event management and monitoring plan required by Mitigation Measure 5.8-2 of the

MMRP for events exceeding 3,500 attendees, and the Transportation Demand Management ("TDM") Program requirements for Major Events as defined in Mitigation Measure 5.8-3, the permittee shall provide annually to the Director a listing of the number, type, and attendance total of each Major Event held in the AEC starting or ending at morning (7:00-9:00) or evening (4:00-6:00) peak hours weekdays and exceeding 3,750 attendees with 60% or more of attendees coming from off campus. Upon review of the annual listing of Major Events, a report on the TDM results shall also be provided. Unless verification is provided that significant transportation impacts are mitigated by the TDM plan, the permittee shall provide evidence of efforts to improve the performance of the TDM plan in mitigating significant traffic impacts or limit the annual number of future Major Events which are not athletic or University related.

- w. AEC Limited Events. As agreed by the permittee, the AEC shall host no more than 26 "Limited Events" per year, and no more than 6 of the "Limited Events" will be concerts. For the purposes of this Condition, a "Limited Event" must include all of the following characteristics: at the AEC with over 3,750 attendees, with 60% or more of attendees coming from off-campus. This limitation covers events that start and end during both peak and non-peak hours as defined in the EIR. The following events are not considered "Limited Events" events:

- Where Pepperdine Athletics are competing, or are sanctioned by the NCAA;
- Where at least two-thirds of the attendees are Pepperdine students, faculty, and/or staff as documented by the permittee; and
- That are Pepperdine University graduations.

The number of Limited Events may be exceeded in the event that Pepperdine obtains written agreement from the Malibu Country Estates Homeowners Association Board for permission to exceed the annual number of Limited Events. Such written agreement shall be available upon request by the Director.

The University shall also report the number of Limited Events annually to the Director, including a listing of the number, type, and attendance total of each Limited Event held in the AEC. The Malibu Country Estates Homeowners Association Board shall be provided a copy of the annual report by the University.

- x. AEC Parking Protection for MCE. As agreed by the permittee, the University shall provide traffic control officers at the John Tyler Drive/Malibu Country

Drive intersection as part of its Event Management Plan for events at the AEC with over 3,500 attendees.

John Tyler Drive

- y. As agreed by the permittee, upon final approval of this grant, 1) the John Tyler Drive access gate, and 2) the segment of John Tyler Drive located north from Banowsky Boulevard to just below the Stotsenberg Track along the border of Malibu Country Estates, ("Restricted Area of John Tyler Drive") shall be closed nightly from 10:30 p.m. to 6:30 a.m. except following special campus events or overtime athletic events for which gate shall remain open until event traffic has cleared the site, or, in no event later than 12:00 a.m. In the event the Project AEC component obtains final approval at the same time or at a later time than final approval of the Project, opening time for the Restricted Area of John Tyler Drive shall be changed to 6:00 a.m. following AEC final approval. These shall be the minimum closure requirements and shall not restrict the permittee from voluntarily extending the hours of closure, nor restrict the permittee from acting in the best interest of public health, safety, and welfare. Additional provisions of this condition are as follows.
- 1) This condition shall supersede Condition No. 12 of the Graduate Campus Conditional Use Permit No. 97191 pertaining to John Tyler Drive closure.
  - 2) Emergency access shall be made available at all times according to County Fire Department and campus Public Safety protocols. It is recognized that in the event campus Public Safety officers are unable to meet gate closure or opening duties at precisely 10:30 p.m. or 6:30 a.m. in fulfilling such protocols, occasional delays may occur in completing gate closure or require earlier opening to meet Public Safety demands.
  - 3) Nothing in this Condition shall be construed to prevent vehicles operated by the permittee, its agents or employees, any emergency vehicles, handicapped access, and vehicles traveling to or from any parking facilities with entrances and exits located along John Tyler Drive, from using John Tyler Drive. Outside of these purposes, these exceptions are not intended to permit the regular use of the Restricted Area of John Tyler Drive by Pepperdine University faculty, staff, students, or employees.
  - 4) The University shall place signs at each end of the Restricted Area of John Tyler Drive to alert drivers of the restricted access/use hours. The University's Public Safety staff shall be responsible for enforcing this restriction through the University's existing enforcement mechanisms, which include the instructing of the University's Public Safety staff of the

measures and requesting that the staff patrol the area on a reasonable basis.

- 5) Following the date of final approval of the Project and in the event the Project AEC component does not obtain final approval, or, obtains approval at a later date, prior to the time the Project AEC component obtains final approval, the following condition identical to the Graduate Campus Conditional Use Permit No. 97191 Condition No. 12g shall apply:

Not later than thirty (30) days prior to the expiration of a trial access restriction period of one (1) year, the permittee shall submit a report to the Director of Planning concerning the trial access restriction of John Tyler Drive and the John Tyler Drive Gate. The Director of Planning shall give notice of the preparation of the report to Malibu Country Estates Homeowners' Association, and solicit their comments on the effectiveness of the trial access restriction. If the Director finds that the trial access restriction of the road, the gate, or both, is no longer necessary or has resulted in security and/or safety problems for the permittee, or has otherwise unreasonably disrupted traffic circulation patterns upon the property, the Director of Planning may elect to modify or discontinue the trial access restriction of John Tyler Drive and/or the John Tyler Drive gate. If the Director finds that the trial access restriction of the road and/or the gate has not resulted in any adverse impacts upon the permittee and is providing a benefit to adjacent property owners that outweighs any inconvenience to the permittee and any other affected individuals, the access restriction may be extended for additional periods not to exceed one year each following occupancy, subject to the same annual reporting and review provision set forth in this Condition.

A copy of the Director of Planning's determination concerning the trial access restriction shall be mailed to the Malibu Country Estates Homeowners' Association, the Regional Planning Commission, and the Office of Supervisorial District No. 3.

- 6) Upon final approval of the Project and the Project AEC component, the following condition shall apply. In the event the AEC component does not obtain final approval, the following condition shall not apply and Condition No. 23y(5) above shall apply:

If the University or the MCE finds that the restrictions on the John Tyler Drive access gate and Restricted Area of John Tyler Drive have resulted in security and/or safety problems that cannot be resolved between the permittee and/or neighboring property owners, either may petition the

Director and the Director may elect to modify or discontinue the John Tyler Drive internal use restriction.

Director of Planning Review. The Parties may, after providing 30-day written notice to the other party, petition the Director of Planning to review this Condition's restrictions. If the Director finds that the access restrictions have resulted in significant security and/or safety problems, then the Director of Planning may elect to modify or discontinue the access restriction of John Tyler Drive and/or the John Tyler Drive gate after weighing the benefits to the adjacent property owners against the security and/or safety problems to the permittee and any other affected individuals.

Regional Planning Commission Review. In order to ensure that the University and the MCE HOA have the right to appeal the Director's determination, the University and the MCE HOA agree jointly to file a written request that the Director's determination be submitted to the Commission, and that the Commission take action on the determination. Public noticing and a public hearing are not required. The Commission's action shall be final (County Code Section 22.60 Part 5 Appeal Procedures).

#### General Construction

- z. Development Table. Each component of the approved Project shall record use of the square feet authorized by the DPZ and LRDP/SPD in the attached development table named *Pepperdine University DPZ/Specific Plan for Development and Long Range Development Plan Square Footage Compilation* ("Development Table"). The Development Table shall be updated after each Regional Planning Commission and Coastal Commission land use approval and updated table submitted with each Revised Exhibit "A" or new development application filed with Regional Planning.
- aa. Restoring Construction Site. Temporary structures, outside storage, and staging areas allowed for construction purposes shall be removed from the project site within 120 days of project completion, absent approval to extend the allowable time period for the temporary structures. In the event additional time is needed to complete removal of temporary structures and related materials, the permittee shall submit a written request for a time extension for up to one (1) year maximum to the Director for review and approval. Any other outside storage needed shall comply with the requirements of Section 22.52 Part 7 of the County Code.
- bb. Architecture. All new structures shall be compatible with existing campus architecture.

- cc. Coloration Compatibility. Under stories and retaining walls higher than six feet in height shall be in tones compatible with surrounding terrain.
- dd. Building Adjustments. Adjustments to the building locations and configurations may be approved by the Director, if necessary. Justification for such adjustments includes avoidance of unanticipated archaeological resources, sensitive biological resources or geologic hazards, reduction of grading or other environmental impacts, compliance with health and safety regulations, or actions otherwise necessary to fulfill the spirit and intent of this grant providing such adjustments are in substantial conformance with the approved Exhibit "A".
- ee. LEED Certification. As agreed by the permittee, the AEC shall obtain LEED Silver certification, and the Project Student Housing buildings shall obtain a LEED Certified certification by the United States Green Building Council.
- ff. Truck Hauling. As agreed by the permittee, following the issuance of the building permit for the first Project component, the University shall direct delivery trucks and similar vehicles, where feasible, to use the Seaver Drive entrance to the University at all times of the day. Such restrictions are not considered feasible if delivery trucks are unable to maneuver the Seaver Drive grade; if they are making deliveries to facilities located along the portion of John Tyler Drive between Banowsky Boulevard and Stotsenberg Track that borders Malibu Country Estates residences; or cause unsafe traffic congestion.
- gg. Grading Hours. As agreed by the permittee, pertaining to all components of the Project, the University shall prohibit grading work on Saturdays and Sundays. Notwithstanding the forgoing, grading on Saturday and Sunday shall be permitted, subject to approval of the Director, for emergency grading, such as near term completion of grading prior to rainy season.
- hh. Construction Hours. As agreed by the permittee, due to proximity to the Malibu Country Estates residences, construction hours of the Upgraded NCAA Soccer Field and related project Firestone Fieldhouse will be Monday through Friday from 7:00 a.m. to 6:00 p.m. Outdoor construction hours of the Standard Precinct of the Student Housing Component will be Monday through Friday from 7:00 a.m. to 7:00 p.m. Outdoor construction on these components outside of these hours shall be permitted upon written approval by the Director of Regional Planning only where reasonably necessary subject to all County requirements. Examples include completion of concrete pouring and grading prior to the rainy season or completion of all, or a significant portion of, the Project prior to the start of the academic year where an unreasonable impact to the campus community could otherwise occur. Interior finishing work shall not be limited by this condition.

24. As agreed by the permittee in consultation with the Santa Monica Mountains Conservancy, the following voluntary conditions shall apply.

Relocated Coastal Slope Trail

- a. The Santa Monica Mountains Conservancy has requested the opportunity to propose a realignment of those portions of the Coastal Slope lateral trails (including Mesa Peak) that are located on the University's property and currently offered for dedication. The location of the new alignments would be one of the alignments ("most suitable" easement" or "other potential easements") identified on Exhibit 1 hereto, including identification of the width and alignment of the dedicated trails (the "New Realigned Trails"). The New Realigned Trails easement shall be fifty (50) feet in width for planning purposes and twenty (20) feet in width for construction, or any lesser width agreed to by the public agency acquiring the easement. Prior to issuance of a building permit for the first component of the Campus Life Project, Pepperdine shall record an amended offer to dedicate public trails showing the existing alignment and potential realignments, consistent with the attached Exhibit 1. Such offer to dedicate shall remain open for up to 21 years from the date of recordation.
- b. The University 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. The University shall transfer the \$58,400 to an entity designated by the Santa Monica Mountains Conservancy upon (a) the identification and availability of a trail(s) to construct, maintain, and/or realign (as determined by SMMC); or (b) three (3) years from the Effective Date of the Agreement; or (c) prior to issuance of the building permit of the Project's first component, whichever comes first. The funds shall be used for the express purpose of constructing, maintaining, and/or realigning Coastal Slope trails and/or related spurs.

Project Required Mitigation Sites

- c. The "Mitigation Sites" required under Campus Life Project Mitigation Monitoring and Reporting Program, Mitigation Measures MM5.3-2, MM5.3-7, and MM5.3-8, as identified on Exhibit 2 attached to these Conditions, shall be designated by the University for restoration within the University's existing practices for biological preserve activities within its Open Space Management Area, as permitted under the three categories below:
  - 1) Scientific research may be allowed provided it is done in a manner which is consistent with protection of the resources within the Open Space Management Area;

- 2) Biological preserve activities, including coastal sage scrub and other restoration activities and similar programs; and
  - 3) Wildland fire maintenance.
- d. As additional mitigation for the loss of 0.48 acres of riparian habitat subject to the jurisdiction of CDFG & ACOE within the grading limits of Component 5, Enhanced Recreation Area (the "Habitat"), beyond the 1:1 ratio required by the Campus Life Project Mitigation Monitoring and Reporting Program, Mitigation Measure MM5.3-7, the University shall donate \$100,000 as a contribution to an entity designated by the Conservancy for the purposes of enhancement or restoration of 0.48 acres or more of riparian and upland habitat within the same watershed as the Habitat in the Santa Monica Mountains suitable for park management and preservation (See Exhibit 3). The \$100,000 contribution shall be paid within 60 days of the Effective Date of the Agreement between Santa Monica Mountains Conservancy and Pepperdine University.

#### Campus Lighting

- e. Project outdoor night lighting shall comply with Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP. When replaced, other than for maintenance, existing clear globe lighting on campus shall be replaced with cut-off type light fixtures, which are shielded and directed in such a way as to minimize lighting spillover. Clear globe lights at the Upgraded NCAA Soccer Field and related baseball field project shall be replaced as indicated in Table A of the Night Lighting Condition 23q above.

Though Project lighting impacts are fully mitigated, as an additional public benefit, the University has volunteered to replace other non-Project clear globe lighting as the Project is implemented. The University shall adhere to the schedule below when replacing non-Project or non-related project outdoor night lighting fixtures. Pursuant to these conditions, identified non-Project or non-related project outdoor night lighting fixtures shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. The specific figures shall be replaced as indicated in Table A of the Night Lighting Condition 23q above.

The University shall expedite the replacement of non-Project, clear globe lighting as the Project is implemented in those areas of Campus along "Public Viewshed Areas." For purposes of this Condition, the "Public Viewshed Areas" shall be those identified in Exhibit 4, area A1. The University shall adhere to the schedule in Table A of the Night Lighting Condition 23q above when replacing those identified lighting fixtures within the Public Viewshed Areas and shall replace the fixtures, as appropriate, with cut-off type light

fixtures, which are shielded and directed in such a way as to minimize light spillover.

With the exception of Area A1, the University may request permission from the Director to revise the replacement schedule outlined in Table A if significant efficiencies could be achieved based upon design or construction planning information. The final approved lighting plan may result in greater or fewer fixtures than currently exist to meet the requirements of the Los Angeles County Code and these Conditions.

#### Traffic and Access

- f. In response to the Conservancy's concern about potential impacts of events from the proposed new AEC to the Santa Monica Mountains Conservancy-owned Malibu Bluffs, the FEIR Event Management Plan for the Athletic Event Center, defined in MMRP MM 5.8-2 provides that prior to large events (attendance of 3,500 or more) at the AEC, the University shall place signs at each entrance of the Santa Monica Mountains Conservancy-owned Malibu Bluffs campground parking lot to alert the public that no University event parking is permitted in the subject lot. Prior to issuance of a certificate of occupancy for the AEC, the University shall provide a one-time contribution of \$5,000 to an entity designated by the Conservancy for the development and production of "No Parking" signs for placement at the identified parking lot.

#### Attachments

Attachment A: Department of Public Works and Fire Department Conditions Letters

Attachment B: MMRP

Attachment C: Conditions Exhibits 1-5

Attachment D: Development Table: *Pepperdine University DPZ/Specific Plan for Development and Long Range Development Plan Square Footage Compilation*

SZD:KKS

4/28/11

**Attachment A**

**Department of Public Works and Fire Department  
Conditions Letters**



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

GAIL FARBER, Director

November 2, 2010

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE  
REFER TO FILE: LD-1

TO: Sam Dea  
Special Projects  
Department of Regional Planning

Attention Kim Szalay

FROM: Steve Burger  
Land Development Division  
Department of Public Works

**CONDITIONAL USE PERMIT (CUP) NO. RCUP 200700203**  
**PROJECT NO. R2007-03064**  
**24255 PACIFIC COAST HIGHWAY**  
**PEPPERDINE UNIVERSITY'S CAMPUS LIFE PROJECT**  
**UNINCORPORATED COUNTY AREA OF MALIBU**

- Public Works recommends approval of this CUP.
- Public Works does **NOT** recommend approval of this CUP.

We reviewed the site plan for CUP No. RCUP 200700203 located at 24255 Pacific Coast Highway in the unincorporated County area of Malibu. Pepperdine University's Campus Life project consists of six upgrade/infill components for student housing rehabilitation, Seaver Town Square, and subterranean parking; a multi-purpose recreation and parking facility; soccer field; athletics/events center; and a recreation and health center conversion. The project also contains lot grading.

**Upon approval of the site plan, we recommend the following conditions:**

1. Grading\Soils\Geology

- 1.1 Submit a grading plan to Public Works' Land Development Division for approval. The grading plans must show and call out the construction of at least all drainage devices and details, paved driveways, elevation and drainage of all pads, and the Standard Urban Stormwater Mitigation Plan (SUSMP) devices, if applicable. The applicant is required to show and call out all existing easements on the grading plan and obtain the easement holder(s) approvals.

- 1.2 A maintenance agreement may be required prior to grading plan approval for privately maintained drainage devices including any on-site SUSMP devices.
- 1.3 Obtain soil/geology approval from Public Works' Geotechnical and Materials Engineering Division if applicable, of the grading plan.
- 1.4 Obtain and submit any jurisdictional permits if required.
- 1.5 Obtain and submit drainage acceptance letters, if applicable, from all impacted off-site owners.
- 1.6 The grading required for a portion of the proposed enhanced recreation area and debris basin as well as the potential construction of a tie-back wall, which would be constructed in the event that a landslide event causes the basin to fail, in conjunction with the mitigations identified in the Environmental Impact Report for the project, provides adequate mitigation of the Geological Hazard to the satisfaction of Public Works. Given the unique circumstances of the project including the improvement in the stability of the adjoining terrain as compared to the existing conditions in the area, as well as the measures set forth in the Mitigation Monitoring Program designed to mitigate potential hazards associated with the enhanced recreation area, the grading for the recreational field and debris basin as well as construction of the tie-back wall, in the event of basin failure due to a landslide event, are not required to meet otherwise applicable County of Los Angeles factor of safety policies. Public Works will issue permits for the proposed work provided the work complies with the conditions and mitigations outlined in the environmental document and provided that the project geotechnical consultants are able to make a finding under Section J104.3 of the County Grading Code that the site is adequate for the intended use, as affected by soils engineering factors, including the stability of slopes and Section 111 of the County Building Code that the site is safe against (as opposed to free from) the hazard from landslide, settlement, or slippage, and that there is no net negative effect to geological stability on the area outside the proposed work.

For questions regarding the grading conditions, please contact Mathew Dubiel at (626) 458-4921 or by e-mail at [mdubiel@dpw.lacounty.gov](mailto:mdubiel@dpw.lacounty.gov).

For questions regarding soils and geology, please contact Jeremy Wan at (626) 458-4925 or by e-mail at [jwan@dpw.lacounty.gov](mailto:jwan@dpw.lacounty.gov).

## 2. Drainage

- 2.1 Submit a hydrology study for review and approval and comply with the requirements of the Drainage Study prepared by RJR Engineering dated October 20, 2010, which was included as part of the Environmental Impact Report, to the satisfaction of Public Works.
  - 2.1.1 Plans must be approved to provide for the proper distribution of drainage and for contributory drainage from adjoining properties and eliminate the sheet overflow, ponding, and protect the lots from high velocity scouring action and comply with National Pollutant Discharge Elimination System, Stormwater Management Plan, and SUSMP requirements.
  - 2.1.2 Debris basin and catchment areas shall be sized and designed to accommodate tributary debris from natural watershed and surficial failure to the satisfaction of Public Works.
  - 2.1.3 Debris basin capacity may increase from what is shown on the site plan to accommodate tributary debris to the satisfaction of Public Works.
- 2.2 Submit contingency plan to protect downstream structures in the event of basin failure to the satisfaction of Public Works.
- 2.3 Submit restoration plan for debris basin to the satisfaction of Public Works.
- 2.4 Deed restrictions shall be required for all catchment areas to the satisfaction of Public Works.
- 2.5 Obtain approval or letter of nonjurisdiction from the State Department of Fish and Game.
- 2.6 Obtain approval or letter of nonjurisdiction from the State Water Resources Control Board.
- 2.7 Obtain approval or letter of nonjurisdiction from the Corps of Engineers.
- 2.8 A maintenance permit is required from the State Department of Fish and Game, the Corps of Engineers, and the State Water Resources Control Board to the satisfaction of Public Works.

For questions regarding the grading conditions, please contact Lizbeth Cordova at (626) 458-4921 or by e-mail at [lcordova@dpw.lacounty.gov](mailto:lcordova@dpw.lacounty.gov).

3. Waterworks

- 3.1 Pepperdine University (University) shall coordinate closely with the Malibu Mesa Water Reclamation Plant (MMWRP) to control the ramp-up and ramp-down of sewage flow from the Wastewater Flow Equalization Station (WFES) so as not to cause a process upset or violation of waste discharge requirements at the MMWRP. The University shall also provide timely information regarding anticipated flow decreases.
- 3.2 The University shall prepare an operations and maintenance manual that identifies steps to operate the WFES to provide equalized sewage flow to the MMWRP. This manual will address the necessary steps and control methodology to facilitate equalized flow and will include input from the County of Los Angeles Department of Public Works' Sewer Maintenance Division to ensure such.
- 3.3 The University shall meter all flow from the WFES to the MMWRP and shall provide copies of the flow record upon request to Public Works' Sewer Maintenance Division.

For questions regarding the waterworks conditions, please contact John Walker at (626) 300-3312 or by e-mail at [jwalker@dpw.lacounty.gov](mailto:jwalker@dpw.lacounty.gov)

4. Sewer

- 4.1 Prior to permit issuance, the sewer area study Private Contract No. 12126AS must be approved by Public Works' Land Development Division. If the sewer system is found to have insufficient capacity, upgrade of the proposed and existing sewerage system is required to the satisfaction of Public Works.
- 4.2 Prior to issuance of permits, obtain a Will Serve letter from the Las Virgenes Municipal Water District for the discharge of sewage.

For questions regarding the sewer conditions, please contact Tony Khalkhali at (626) 458-4921 or by e-mail at [tkhalkh@dpw.lacounty.gov](mailto:tkhalkh@dpw.lacounty.gov).

Sam Dea  
November 2, 2010  
Page 5

If you have any other questions or require additional information, please contact Ruben Cruz at (626) 458-4910 or by e-mail at [rcruz@dpw.lacounty.gov](mailto:rcruz@dpw.lacounty.gov).

RC:ca

Project R2007-03064\_CUP 200700203\_24255 Pacific Coast Hwy\_Pepperdine University final.docx



GAIL FARBER, Director

# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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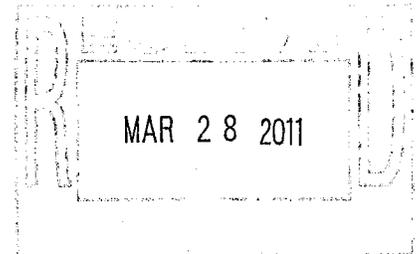
ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE: **WW-3**

March 23, 2011

Ms. Cheryl Hogan  
Envicom Corporation  
28328 Agoura Road  
Agoura Hills, CA 91301



Dear Ms. Hogan:

### **LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU PEPPERDINE UNIVERSITY LIFE CAMPUS PROJECT**

This letter is in response to your request for the Los Angeles County Waterworks District No. 29, Malibu (District) to issue a will-serve letter for the Pepperdine Life Campus (Pepperdine) project.

We have determined that based on the District's present system capacity and current system conditions, the District is able to provide water service to the proposed project as well as public fire flow for up to 3,500 gallons per minute for a duration of 2 hours. However, additional water system facilities may have to be installed to serve the proposed project to meet the requirements of the County Engineer and County Fire Chief, which at this time have not been specifically set. As a condition of receiving water service from the District, Pepperdine will have to install required facilities at their expense and pay the District applicable charges and fees. In addition, Pepperdine must grant any necessary easements to the District before the District will provide permanent water service to the project.

This letter is not a will-serve letter and is only intended as a statement of water availability to the proposed project components as described in the project's environmental documents. The District will only issue will-serve letters for the project when specific written public and/or private fire flow requirements, estimated domestic demands, approved water plans for additional water system facilities (if required), and the applicable fees are paid.

Ms. Cheryl Hogan  
March 23, 2011  
Page 2

If you have any questions, please contact Mr. Ramy Gindi at (626) 300-3349 or rgindi@dpw.lacounty.gov or Mr. Tam Vo at (626) 300-3361 or tvo@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER  
Director of Public Works



FOR ADAM ARIKI  
Assistant Deputy Director  
Waterworks Division

RG:dvt  
LTS284

cc: Department of Regional Planning



# COUNTY OF LOS ANGELES

## FIRE DEPARTMENT

5823 Rickenbacker Road  
Commerce, California 90040-3027

**DATE:** March 24, 2011

**TO:** Kim Szalay  
Los Angeles County Department of Regional Planning  
Special Project Section

**PROJECT #:** CUP R2007-03064

**LOCATION:** Pepperdine University, Malibu (Co.)

### **WATER REQUIREMENTS FOR ALL SIX COMPONENTS**

- The required fire flow for the proposed development of the six Components of the Campus of Life project will be determined when architectural plan are submitted to the Los Angeles County Fire Department for review and approval prior to building permit issuance. Fire flow data submitted to our office dated 02/17/11 indicate that the existing water supply on the Pepperdine Campus is capable of supplying a flow ranging between 1529gpm to 8137gpm calculated at 20psi.
- All additional fire hydrants for this development shall be of a standard size measuring 6" X 4" X 2 1/2", conforming to AWWA C503-75 or approved equal. All installations must meet Fire Department specifications. Fire hydrant systems must be installed in accordance with the Utility Manual of Ordinance 7834 and all installations must be inspected and flow tested prior to building permit issuance.

### **VERY HIGH FIRE HAZARD SEVERITY ZONE REQUIREMENTS FOR ALL SIX COMPONENTS**

- This property is located within the area described by the Fire Department as the Very High Fire Hazard Severity Zone (VHFHSZ). An approved Fuel Modification Plan shall be submitted simultaneously with the architectural plans prior to issuance of any building permit. For Fuel Modification Plan details, contact the Fuel Modification Unit, Fire Station 32, 605 North Angeleno Avenue, Azusa, CA 91702-2904. They may be reached at (626) 969-5205.
- Compliance with all applicable LA County Fire Code and LA County Building Code sections for specific construction and automatic fire sprinkler systems requirements within the Malibu-Santa Monica Mountains area shall be reviewed and approved prior to issuance of any building permit.

### **ACCESS REQUIREMENTS FOR COMPONENT 1 (Student Housing Rehabilitation)**

- Fire apparatus access roads shall be paved and maintain a minimum width of 28 feet clear to the sky.
- All fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- Existing fire apparatus access roads, such as the Pedestrian Promenade and Pepperdine Pier, shall be capable to support a live load of 75,000lbs. Provide written confirmation to Fire Prevention during final design review.
- Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround, per department standards. Turnaround designs to be correctly indicated on design drawings.
- Fire apparatus access roads shall maintain a minimum centerline turning radius of 32 feet on all turns.
- The grade on all fire apparatus access roads shall not exceed 15%.
- Any proposed gates within a fire apparatus road and fire fighter access shall comply with the LACoFD Regulation #5.
- Clearly depict on the connection between the northerly Fire Lane, as indicated on the Seaver Residence Halls – Outer Precinct conceptual site plan, and Huntsinger Circle within the same site plan and within the Component 1 plans.

### **ACCESS REQUIREMENTS FOR COMPONENT 2 (Athletics and Events Center)**

- Fire apparatus access roads shall be paved and maintain a minimum width of 28 feet clear to the sky. Required fire department access shall be capable of supporting a live load of 75,000lbs. Indicate compliance on final design plans.
- All fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround.

## ACCESS REQUIREMENTS FOR COMPONENT 2 (Athletics and Events Center) *continuation from page 1*

- Fire apparatus access roads shall maintain a minimum centerline turning radius of 32 feet on all turns.
- The grade on all fire apparatus access roads shall not exceed 15%.

## ACCESS REQUIREMENTS FOR COMPONENT 3 (NCAA Soccer Field)

- The Fire Department has no access requirements at this time for the proposed component 3.

## ACCESS REQUIREMENTS FOR COMPONENT 4 (Town Square)

- Fire apparatus access roads shall be paved and maintain a minimum width of 28 feet clear to the sky. The proposed pedestrian bridges over the proposed secondary access fire lanes are not approved by the Fire Department at this time.
- All fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- All proposed fire apparatus access roads shall be capable to support a live load of 75,000lbs. Confirmation on this requirement shall be provided to fire prevention engineering prior to architectural plan approval for permit clearance.
- Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround, location and dimensions shall be clearly depicted on the plan submitted for review and approval.
- Fire apparatus access roads shall maintain a minimum centerline turning radius of 32 feet on all turns.
- The grade on all fire apparatus access roads shall not exceed 15%.

## ACCESS REQUIREMENTS FOR COMPONENT 5 (Enhanced Recreation Field)

- The Fire Department has no access requirements at this time for the proposed component 5.

## ACCESS REQUIREMENTS FOR COMPONENT 6 (School of Law Parking Structure)

- Provide an approved fire apparatus access road parallel to the entire side of the west wall of the parking structure. Said access shall be paved and maintain a minimum width of 20 feet clear to the sky. Said access shall be placed so as to maintain a centerline distance of 30 feet maximum. Compliance for access shall be clearly depicted on the site plan and submitted for review and approval during the architectural plan review.
- All fire apparatus access roads shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- All proposed fire apparatus access roads shall be capable to support a live load of 75,000lbs.
- Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround.
- Fire apparatus access roads shall maintain a minimum centerline turning radius of 32 feet on all turns.
- The grade on all fire apparatus access roads shall not exceed 15%.

## STANDARDS REQUIREMENTS FOR ALL SIX COMPONENTS

- This project is subject to compliance with all applicable state and county codes and regulations enforced by the County of Los Angeles Fire Department.
- No construction permit shall be issued for the proposed development without an approval by the County of Los Angeles Fire Department.
- Submit architectural plans to the County of Los Angeles Fire Department Regional Fire Prevention Office in Calabasas for review and approval prior to building permit issuance. Contact 818-880-0341
- Proposed pedestrian access which traverses over required fire department access shall only be placed in locations considered secondary access. Proposals shall be submitted for review and approved prior to building permit clearance. The minimum vertical clearance of obstructions is 13'6".

Fire Protection facilities; including access must be provided prior to and during construction. Should any questions arise regarding this matter, please feel free to call our office at 818-880-0341.

Chief A. Gryzwa

## **Attachment B**

# **Mitigation Monitoring and Reporting Program**

**Pepperdine University Campus Life Project  
Mitigation Monitoring and Reporting Program**

| MITIGATION MONITORING AND REPORTING PROGRAM |   |  |                   |   |          |      |
|---|---|--|-------------------|---|----------|------|
| Mitigation                                  | Action  | Party Responsible for Implementation   | Time of Clearance | Party Responsible for Verification/Monitoring           | Sign Off | Date |
| <b>GEOLOGY AND SOILS</b>                    |   |  |                   |   |          |      |
| MM5.1-1                                     | All grading and earthwork shall be performed in accordance with the various geotechnical reports and as specified in typical Grading Ordinances of the County of Los Angeles and the applicable portions of the General Earthwork and Grading Specifications. Specific additional exploration, testing, and analysis shall be performed as required by and in coordination with the County of Los Angeles. Should this additional information disclose previously unexpected conditions (e.g., more extensive unstable soil removals, a need for greater fill compaction, debris dam and basin design/construction modifications, the need for earth material stockpiles), analyses shall define design and construction changes that would be compatible with County building code requirements. | Report Review and Plan Check<br><br>Field Inspection and Verification<br><br>As Needed Annual Report | Applicant         | Prior to Grading Permit<br><br>Prior to Building Permit | LACDPW   |      |
| MM5.1-2                                     | Standard subdrain measures detailed in the various geotechnical reports or as specified in typical General Earthwork and Grading Specifications, and prudent irrigation practices, shall be used to mitigate occurrences of perched groundwater or water originating from landslide planes, faults, and shear zones. Based on the County of Los Angeles review, additional surface and subsurface drainage systems may be added as required during a review of 40-scale plans and/or during grading operation/field inspections.  | Report Review and Plan Check<br><br>Field Inspection and Verification                                | Applicant         | Prior to Grading Permit<br><br>Prior to Building Permit | LACDPW   |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action   | Party Responsible for Implementation | Time of Clearance  | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--|--------------------------------------|--|---|----------|------|
| <b>MM5.1-3</b> Design and mitigation measures for seismic ground shaking shall conform to applicable building code regulations at the time of construction, specifically the latest version of the California Building Code and Title 23. However, based upon damage assessments of fills due to the 1994 Northridge earthquake, fills deeper than 30 feet shall be compacted to at least 95 percent relative compaction if required by Los Angeles County Department of Public Works.  | Preparation/ approval of grading plans<br><br>Field Inspection and Verification                                | Applicant                            | Prior to Grading Permit<br><br>Prior to Building Permit    | LACDPW  |          |      |
| <b>MM5.1-4</b> During earthwork construction, all unacceptable compressible soils shall be removed to firm, competent bedrock, or landslide material. Acceptability shall be defined by final geotechnical reports and in-grading inspections by a qualified geotechnical engineer or engineering geologist.  | Field Inspection and Verification  | Applicant                            | Field Inspection and Verification Prior to Building Permit | LACDPW  |          |      |
| <b>MM5.1-5</b> Within the non-restricted use area, the subject site grading and proposed structure will be safe from landslides and excessive settlement. The proposed project will not adversely impact adjoining properties. The local areas of landslides Qls-1, Qls-3, and Qls-4 (in the lower "toe" areas) associated with Component 5 (Enhanced Recreation Area) shall be stabilized by appropriate means to assure that no foreseeable movements would endanger proposed facilities within the non-restricted use areas of the proposed CLP development. Any landslide repair dimensions and locations shall be subject to review and approval by the County of Los Angeles. | Preparation/ approval of grading plans<br><br>Field Inspection and Verification<br><br>As Needed Annual Report | Applicant                            | Prior to Grading Permit<br><br>Prior to Building Permit    | LACDPW  |          |      |
| <b>MM5.1-6</b> Landslides or portions of landslides inside the CLP grading envelope, but outside areas of habitable structures that have factors of safety of less than 1.5 (Qls-1, Qls-3, and Qls-4) and   | Preparation/ approval of grading plans   | Applicant                            | Prior to Grading Permit                                    | LACDPW  |          |      |

| MITIGATION MONITORING AND REPORTING PROGRAM |   |   |                   |   |          |      |
|---|---|---|-------------------|---|----------|------|
| Mitigation                                  | Action  | Party Responsible for Implementation  | Time of Clearance | Party Responsible for Verification/Monitoring           | Sign Off | Date |
|   | that are not removed or fully mitigated by remedial grading (areas not intended for current development) shall be designated as "Restricted Use Areas"  | Field Inspection and Verification   |                   |   |          |      |
| MM5.1-7                                     | All cut slopes shall be observed by a qualified engineering geologist during excavation. If unanticipated adverse geologic conditions are encountered, the cut slope shall be provided with a stabilization fill or be laid back to 2:1 (h:v) or flatter as field conditions dictate.   | Field Inspection and Verification   | Applicant         | Prior to Building Permit                                | LACDPW   |      |
| MM5.1-8                                     | The cut portion of the cut/fill transition pad below all structural areas shall be over-excavated a minimum of 36 inches below the bottom of the footings and replaced with compacted fill cap material. Over-excavation shall extend to a distance of 5 feet outside the footprint of the structure. In lieu of over-excavation or deepening foundations, post-tensioned structural mats shall be used provided they are designed by a structural engineer. Detailed design data for mat foundations shall be provided if such option is selected. | Preparation/ approval of grading plans<br><br>Field Inspection and Verification | Applicant         | Prior to Grading Permit<br><br>Prior to Building Permit | LACDPW   |      |
| MM5.1-9                                     | Cut slopes may encounter out-of-slope bedding components and will require construction of stabilization fills with a minimum key depth of 2 feet and a minimum width of 15 feet, or flattening of the slope. Each slope shall be evaluated during grading and stabilization methods shall be approved by the County of Los Angeles.   | Preparation/ approval of grading plans<br><br>Field Inspection and Verification | Applicant         | Prior to Grading Permit<br><br>Prior to Building Permit | LACDPW   |      |
| MM5.1-10                                    | Fill slopes constructed with proper conventional terracing shall be no steeper than 2:1 and no greater than 90 feet in height. All proposed fill slopes shall be planted with vegetation that will reduce erosion and provide reinforcing of soils through deep and broad root systems.   | Field Inspection and Verification   | Applicant         | Prior to Building Permit                                | LACDPW   |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action   | Party Responsible for Implementation | Time of Clearance  | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--|--------------------------------------|--|---|----------|------|
| <p><b>MM5.1-11</b> If fill slopes steeper than 2:1 are required, geogrid reinforcement, or the equivalent are required to provide adequate stability. Surficial stability is expected to meet County standards with approved application of geogrid reinforcement. However, in the event prescribed stability levels are not met with geogrid reinforcement, they shall be met by either design of appropriate retaining walls or by the engineered placement of the outer five feet (measured perpendicular to the slope face) of the slope face with fine-grained cohesive soil with a cohesion value of 250 psf. This shall be verified by the geotechnical consultant during rough grading. Authorization to use these geogrid materials shall be obtained from the County of Los Angeles.</p> | <p>Preparation/<br/>approval of<br/>grading plans</p> <p>Field Inspection<br/>and Verification</p> | <p>Applicant</p>                     | <p>Prior to Grading<br/>Permit</p> <p>Prior to Building<br/>Permit</p> | <p>LADPW</p>                                  |          |      |
| <p><b>MM5.1-12</b> Street, driveway, and parking area pavement sections may vary due to the actual R-Value of the subgrade after rough grading is completed. All pavement sections shall be determined by field and laboratory testing of the rough graded surface. These sections shall be subject to the review and approval of the County of Los Angeles. For planning purposes (subject to change with final design specifications) the minimum section thicknesses shall be used as follows:</p> <p><u>Arterial street</u><br/>4 inches AC over 11 inches PMB</p> <p><u>Secondary driveway</u><br/>4 inches AC over 8 inches PMB</p> <p><u>Parking driveway</u><br/>3 inches AC over 8 inches PMB</p> <p><u>Parking area/lot</u><br/>3 inches AC over 8 inches PMB</p>                        | <p>Preparation/<br/>approval of<br/>grading plans</p> <p>Field Inspection<br/>and Verification</p> | <p>Applicant</p>                     | <p>Prior to Grading<br/>Permit</p> <p>Prior to Building<br/>Permit</p> | <p>LACDPW</p>                                 |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

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|---|--|--------------------------------------|--------------------------|---|----------|------|
| <b>MM5.1-13</b> The County of Los Angeles shall approve the proper planting, runoff control and use of selected fine-grained material within one equipment width of the finished slope surfaces or geogrid reinforcement. The approved design and construction method shall reduce the potential of surficial failures of fill slopes constructed of the typical onsite sandy materials.                                  | Preparation/<br>approval of<br>grading plans<br><br>Field Inspection<br>and Verification | Applicant                            | Prior to Grading Permit  | LACDPW  |          |      |
| <b>MM5.1-14</b> Proposed slope irrigation shall avoid excessive watering in areas of marginally acceptable stability, e.g., those areas of Components 5 and 6 associated with ancient landslides to be partially removed or left in their present state. All designs shall be consistent with the University's existing Hydrogeologic Monitoring Program and subject to review and approval by the County of Los Angeles. | Preparation/<br>approval of<br>grading plans<br><br>Field Inspection<br>and Verification | Applicant                            | Prior to Grading Permits | LACDPW  |          |      |
| <b>MM5.1-15</b> Surficial stability of all graded slopes shall be confirmed based on field sampling, laboratory testing, and stability analysis (using County of Los Angeles approved techniques and methods) at the end of rough grading.  | Field Inspection and Verification  | Applicant                            | End of rough grading     | LACDPW  |          |      |
| <b>MM5.1-16</b> Based on the results of sulphate testing of representative onsite materials, if these materials exhibit a moderate to high potential for sulphate attack of concrete, Type V cement or equivalent shall be used in construction at this site.   | In-Grading Sampling, Testing, and Report Submittal                                       | Applicant                            | Prior to building permit | LACDPW  |          |      |
| <b>MM5.1-17</b> Any geologic faults shown on existing (pre-development) or future maps that trend through or near one of the component habitable structures shall be evaluated by a California Certified Engineering Geologist for fault rupture potential related to an earthquake on the local Malibu Coast fault zone. Such evaluation shall be conducted in a manner  | In-Grading Sampling, Testing, and Report Submittal                                       | Applicant                            | Prior to building permit | LACDPW  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

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|--|--|--------------------------------------|--|---|----------|------|
| <p>consistent with professional practice and with California Geological Survey Note 48.</p>  |  |                                      |  |   |          |      |
| <p><b>MM5.1-18</b> The following components of the Pepperdine Hydrogeologic Monitoring Program, which are within the footprint of the proposed Campus Life Project components, must be restored to service or replaced after construction: (1) soil moisture access casings VN-03 and VN-12 and (2) groundwater monitoring wells MW-1A, MW-14, and MW-15.</p>  | <p>Preparation/ approval of site plans</p>   | <p>Applicant</p>                     | <p>Plan Check Prior to Grading Permit</p>      | <p>LACDPW</p>                                 |          |      |
| <p><b>WATER QUALITY</b></p>  |  |                                      |  |   |          |      |
| <p><u>Surface Water Quality</u></p>  |  |                                      |  |   |          |      |
| <p><b>MM5.2-1</b> Prior to the issuance of a grading permit, the University shall file a Notice of Intent (NOI) with the State and comply with the requirements of the NPDES General Construction Permit, including the preparation of a SWPPP incorporating BMPs for construction and post-construction control of runoff. The SWPPP shall be prepared by a Civil Engineer for review and approval by the County for compliance with applicable Total Maximum Daily Loads under the LARWQCB. The plans shall indicate a design to reduce the discharge of pollutants, including sediment, to the maximum extent practical using management practices, control techniques and systems, design and engineering methods, and other appropriate methods.</p> <p>A SWPPP shall be developed prior to issuance of grading permits in accordance with LARWQCB requirements. The plan shall identify the BMPs for use during construction of the proposed CLP to minimize the pollution from stormwater runoff. Such practices shall include, but not necessarily be limited to the</p> | <p>Preparation/ approval of SWPPP</p> <p>Implement SWPPP BMPs</p> <p>Maintain SWPPP BMPs</p> | <p>Applicant</p>                     | <p>Prior to Grading Permit</p> <p>On-going</p> | <p>LACDPW</p>                                 |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>following:</p> <ul style="list-style-type: none"> <li>• Control of impervious area runoff, including filtering devices, energy dissipaters, pervious drainage systems, and porous pavement alternatives;</li> <li>• Contractors shall be required to control runoff during periods of rain in order to minimize surface water contamination during construction of the proposed CLP in accordance with the CSQA BMP Handbook.</li> </ul> <p>In order to intercept sediment-laden runoff generated during construction activities, and trap and retain sediment, sediment basins or trapping facilities shall be employed within the CLP project site;</p> <ul style="list-style-type: none"> <li>• Filter fences designed to intercept and detain sediment while decreasing the velocity of runoff shall be employed within the CLP project site during construction;</li> <li>• Diversion of off-site runoff away from the construction site;</li> <li>• Prompt re-vegetation of proposed landscaped areas;</li> <li>• Perimeter sandbagging and silt fences and/or temporary basins to trap sediment;</li> <li>• Regular sprinkling of exposed soils to control dust during construction;</li> <li>• Installation of a minor retention basin(s) to alleviate discharge of increased flows; and</li> <li>• Post-construction BMPs (e.g., terraces, drains, vegetation) shall be in place as specified in the SWPPP prior to filing</li> </ul> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>for a notice of termination.</p> <ul style="list-style-type: none"> <li>i. Implement regular sweeping of impervious surfaces such as streets and driveways (without the use of hoses/water).</li> <li>ii. Use of efficient irrigation practices.</li> <li>iii. Provision of infiltration trenches and basins.</li> <li>iv. Linings for urban runoff conveyance channels.</li> <li>v. Vegetated swales and strips.</li> <li>vi. Landscape design such as xeriscape or other designs minimizing use of fertilizers.</li> <li>vii. Provide covered trash enclosures.</li> <li>viii. Add drought-resistant planting with geosynthetic matting to stabilize the slopes, provided permissions are obtained from the adjoining lot owners as needed.</li> <li>ix. Comply with County standards pertaining to properly designed and maintained oil and grease removal components in new storm drain systems designed to treat water before it leaves the project site, or at an existing on-campus location which is properly sized, properly permitted, and maintained for this purpose.</li> </ul> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation | Action   | Party Responsible for Implementation  | Time of Clearance   | Party Responsible for Verification/Monitoring | Sign Off | Date |
|------------|--|---|---|---|----------|------|
| MM5.2-2    | <p>Large scale grading activities within the CLP site shall be planned to occur during the southern California dry season (normally April through October). Any grading activities that extend into the wet season will require implementation of an approved wet weather erosion control/storm water management plan and comply with the SWPPP standards. Erosion control measures shall be implemented 48 hours prior to a forecasted storm event. Grading during the remainder of the year may continue to the extent that surface water quality standards of the SWPPP are maintained.</p> | <p>Preparation/<br/>Approval of Plan</p> <p>Implementation/<br/>maintenance of<br/>control measures</p> | <p>Applicant</p> <p>Prior to Grading Permit</p> <p>On-going</p> | LACDPW  |          |      |
| MM5.2-3    | <p>In order to retain soils, reduce the potential for erosion, and minimize sedimentation of adjacent waters, stabilization of cut-and-fill slopes and exposed areas after construction activities shall be accomplished through landscaping.</p>  | Maintenance of landscaped slopes  | <p>Applicant</p> <p>On-going</p>                                | LACDPW<br>LACDRP                              |          |      |
| MM5.2-4    | <p>The relocated debris basin shall be fitted with a debris wall or trash rack at the inlets to prevent floating solids from entering the storm drain and shall be available for maintenance.</p>  | Installation/maintenance of inlets  | <p>Applicant</p> <p>Prior to Building Permit</p>                | LACDPW  |          |      |
| MM5.2-5    | <p>Any hazardous materials associated with maintenance and University programs shall be located and stored in a manner in compliance with applicable regulations that preclude contact with precipitation and runoff. Monitoring and cleanup programs for spills and leaks of hazardous materials shall be maintained.</p> <ul style="list-style-type: none"> <li>Storage of hazardous materials shall be in conformance with the project SUSMP plans and state/local ordinances.</li> </ul>   | Proper storage of hazardous materials   | <p>Applicant</p> <p>On-going</p>                                | LACDPW<br>LACFD                               |          |      |
| MM5.2-6    | <p>Any increase in runoff due to increased impervious area within individual component areas shall be mitigated to existing flow rates.</p>  | Preparation of Drainage / Construction  | <p>Applicant</p> <p>Prior to grading permit</p>                 | LACDPW  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action  | Party Responsible for Implementation | Time of Clearance                              | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|---|--------------------------------------|--|---|----------|------|
| <p>The project engineer shall design a properly sized detention basin or alternative method to attenuate any increase in storm flows. A drainage plan and hydraulic calculations for the final project design shall be prepared by a civil engineer and submitted for review and approval to the Los Angeles County Land Development Division.</p> <ul style="list-style-type: none"> <li>• Divert storm flows to grass swales to increase the Time of Concentration.</li> <li>• Design landscape planters to attenuate storm flow runoff prior to entering the storm drain system.</li> <li>• Implement underground detention basins which detain runoff for sufficient time duration as to ensure to attenuate or retard the peak flows. The detention basins should be designed with flow restrictors and secondary emergency overflow provisions.</li> </ul> | <p>plans</p> <p>Maintenance of drainage structures</p>          |                                      | <p>On-going</p>                                |   |          |      |
| <p><b>MM5.2-7</b> The University shall be responsible for the collection and disposal of waste products, prevention of oil leaks, and maintenance of equipment to prevent or reduce the contamination of urban runoff.</p>   | <p>Proper handling of contaminants</p>                          | <p>Applicant</p>                     | <p>On-going</p>                                | <p>LACDPW</p>                                 |          |      |
| <p><b>MM5.2-8</b> Implement a maintenance covenant, inspection and maintenance program, and regular monitoring for all proposed mitigation measures and devices to ensure they are in accordance with SWPPP. Quarterly inspections shall occur during dry season construction activities. Monthly wet season sampling shall be conducted during qualifying storm events. Reporting shall be implemented annually describing the actions taken to comply with the storm water regulations and submitted to the</p>  | <p>Implement maintenance covenant</p> <p>Routine inspection</p> | <p>Applicant</p>                     | <p>Prior to Grading Permit</p> <p>On-going</p> | <p>LACDPW</p>                                 |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

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|---|---|--------------------------------------|---|---|----------|------|
| LARWQCB. This includes water quality testing to assess and verify the adequacy of the devices and programs. Any areas of non-compliance shall be evaluated and solutions shall be provided. Maintenance and inspection of permanent post construction mitigation devices (catch basin inserts) shall be inspected and cleaned bi-annually.                                    |   |                                      |   |   |          |      |
| <b>MM5.2-9</b> A SWPPP manager shall oversee and monitor BMP and storm water management programs in order to remain in compliance with the approved SWPPP. The SWPPP manager shall be responsible for correcting any areas of non-compliance and coordinating the monitoring/reporting requirements outlined within the general permit.                                       | Maintenance of SWPPP BMPs   | Applicant                            | On-going  | LACDPW  |          |      |
| <b>MM5.2-10</b> Pepperdine shall prepare an Action Plan Report that provides contingencies for the appropriate remedial measures and steps to address the potential maintenance measures. The report should provide an outline for the required assets for various failure and repair scenarios.  | Preparation/implementation of Action Plan Report                          | Applicant                            | Prior to Plan Check   | LACDPW  |          |      |
| <b>MM5.2-11</b> During final design, prepare pile support, retaining wall structural plans that would be reviewed and approved by the County. The plans would be in place in the event of a future system failure that requires Pepperdine to respond in an emergency.  | Preparation/approval of plans   | Applicant                            | Prior to Building Permit                                      | LACDPW  |          |      |
| <u>Groundwater Elevation and Gradient Impacts</u><br><b>COMPONENT 4 ONLY</b><br><b>MM5.2-12</b> The de-watering sub-drains that would be installed at the Town Square will require a contingency plan for disposal. Pepperdine shall develop a contingency plan to dispose up to 80 AF per year of water. The actual amount of water may prove to be considerably less and be | Preparation of contingency plan<br><br>Implementation of contingency plan | Applicant                            | <u>Component 4</u><br><br>Prior to Plan Check<br><br>On-going | LACDPW  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action  | Party Responsible for Implementation | Time of Clearance  | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|---|--------------------------------------|--|---|----------|------|
| <p>seasonal in nature after an initial draindown of the near-surface fracture zone has occurred. Options for the disposal of groundwater include diversion of water to the (1) irrigation system, (2) Malibu Mesa Wastewater Treatment Plant, (3) Tapia Wastewater Treatment Plant, (4) Pumped to a nearby bio-swale area for treatment via a sump pump system, (5) diversion to the storm water system or (6) a combination of these alternatives. Of these options, diversion to the storm water system is the most feasible. Permitting for re-use of groundwater intercepted by the subdrains in the campus irrigation system could be obtained; however it may require some treatment before delivery to the irrigation system storage reservoirs.</p>   |   |                                      |  |   |          |      |
| <b>BIOLOGICAL RESOURCES</b>   |   |                                      |  |   |          |      |
| <p><b>Fuel Modification</b><br/> <b>COMPONENTS 1 &amp; 2 ONLY</b><br/> <b>MM5.3-1</b> 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 within areas containing native plant communities within the fuel clearance footprints of Components 1 and 2, in order to avoid 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</p> | <p>Preparation of fuel modification zone map</p> <p>Field survey</p> <p>Preparation/ implementation of mitigation plan</p> <p>Preparation of monitoring reports</p> | <p>Applicant</p>                     | <p><u>Components 1 &amp; 2</u></p> <p>Prior to Grading</p> <p>On-going</p> <p>Prior to fuel modification</p> <p>On-going</p> | <p>LACDRP</p> <p>LACFD</p>                    |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--------|--------------------------------------|-------------------|---|----------|------|
| <p>implementation of MM5.3-10. The cutting of oak trees shall be limited to deadwood removal only.</p> <p>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.</p> <p>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 the relevant component of the CLP project.</p> <p>In broad terms, the plan shall at a minimum include:</p> <ul style="list-style-type: none"> <li>• Description of the project/impact and mitigation sites</li> <li>• Specific objectives</li> <li>• Success criteria</li> <li>• Implementation plan</li> </ul> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <ul style="list-style-type: none"> <li>• Required maintenance activities</li> <li>• Monitoring plan</li> <li>• Contingency measures</li> </ul> <p>In the case that the mitigation involves restoration/enhancement, the following success criteria shall be incorporated:</p> <ul style="list-style-type: none"> <li>• 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,</li> <li>• 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.</li> </ul> <p>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.</p> <p>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</p> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action  | Party Responsible for Implementation | Time of Clearance   | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|---|--------------------------------------|---|---|----------|------|
| <p>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.</p>   |   |                                      |   |   |          |      |
| <p><u>Vegetation and Sensitive Plant Communities</u></p> <p><b>COMPONENT 5 ONLY</b></p> <p><b>MM5.3-2</b> Pepperdine University shall compensate for the loss of 0.29 acres of upland chaparral within the Component 5 footprint at a 1:1 ratio. This shall be accomplished by the on-site restoration to upland chaparral of 0.29 acres of mechanically disturbed areas located north of a water tank and the re-vegetated manufactured slopes to the north of the Drescher Graduate Campus. The location of the mitigation site is shown on <b>Figure 5.3-5</b>.</p> <p>A restoration 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 Component 5. Implementation of the mitigation plan shall be concurrent with development of Component 5 of the CLP project. In broad terms, the plan</p> | <p>Preparation/ approval of restoration plan</p> <p>Implementation of restoration plan</p> <p>Preparation of monitoring reports</p> | <p>Applicant</p>                     | <p><u>Component 5</u></p> <p>Prior to Grading</p> <p>Prior to Grading</p> <p>On-going</p> | <p>LACDRP</p>                                 |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--------|--------------------------------------|-------------------|---|----------|------|
| <p>shall at a minimum include:</p> <ul style="list-style-type: none"> <li>• Description of the project/impact and mitigation sites</li> <li>• Specific objectives</li> <li>• Success criteria</li> <li>• Implementation plan</li> <li>• Required maintenance activities</li> <li>• Monitoring plan</li> <li>• Contingency measures</li> </ul> <p>The following success criteria shall be incorporated:</p> <ul style="list-style-type: none"> <li>• Successful restoration of the 0.29-acre 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,</li> <li>• 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.</li> </ul> <p>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</p> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action   | Party Responsible for Implementation | Time of Clearance                       | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--|--------------------------------------|---|---|----------|------|
| <p>resource specialist and included in the mitigation plan.</p> <p>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.</p> |  |                                      |   |   |          |      |
| <p><b>MM5.3-3</b> An Exotic Plant Management Plan shall be approved by the Director of Planning prior to issuance of a grading permit for the Project. The Plan will emphasize control of exotic, weedy non-native plants at all CLP component sites and within the fuel modification zones of all CLP components, and prevent the spread of exotic invasive species into surrounding natural areas. If invasive species from CLP component sites or surrounding fuel modification zones spread into natural areas, control of invasive species shall extend to these areas as well. Implementation of the Plan within fuel modification zones shall be to the satisfaction of</p>   | <p>Preparation/ approval of management plan</p> <p>Implementation of management plan</p> | <p>Applicant</p>                     | <p>Prior to Grading</p> <p>On-going</p> | <p>LACDRP</p> <p>LACFD</p>                    |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>the Los Angeles County Fire Department. In broad terms, this Plan shall at a minimum include:</p> <ul style="list-style-type: none"> <li>• Specific objectives;</li> <li>• Target species and problem areas;</li> <li>• Prioritization of threats;</li> <li>• Success criteria;</li> <li>• Management strategies that would result in eradication and/or control of problem species;</li> <li>• Implementation plan;</li> <li>• Monitoring plan; and,</li> <li>• Contingency measures.</li> </ul> <p>The following success criteria shall be incorporated:</p> <ul style="list-style-type: none"> <li>• Eradication or the substantial reduction in cover and the control of invasive plant species, and prevention of the spread of invasive plant species from the Component 5 site to surrounding natural areas. 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.</li> </ul> <p>The target species as well as 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</p> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>resource specialist and included in the Exotic Plant Management Plan.</p> <p>The target species as well as 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 Exotic Plant Management Plan.</p> <p>Implementation of the Plan shall begin with initial grading for the Project and continue until development of the Project has been completed, and for an additional five years into the operational phase. The Plan shall also be implemented at the Component 5 site and within its fuel modification zone whenever the Component 5 site is used as a staging area for construction equipment and for storage of fill for the CLP project. The Plan shall be developed and all necessary reports prepared by a qualified biologist, restoration ecologist or resource specialist, in consultation with personnel responsible for management of weed control on the University property. The Plan shall allow for adaptation of management strategies, as necessary, and shall include annual monitoring, reporting, and evaluation of progress. The project shall be extended if success criteria have not been met to the satisfaction of the Director of Planning. Any modifications to success criteria, if necessary, shall be to the satisfaction of the Director or Planning.</p> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action   | Party Responsible for Implementation | Time of Clearance  | Party Responsible for Verification/ Monitoring | Sign Off | Date |
|--|--|--------------------------------------|--|--|----------|------|
| <p><b>MM5.3-4</b> Any pesticides, herbicides, or fertilizers used shall be applied with techniques that avoid over-spraying and control application to avoid excessive concentrations. The use of chemical pesticides and fertilizers shall be limited to the immediate vicinity of buildings and exotic landscape plantings. Pest control shall not include Bt (<i>Bacillus thuringiensis kursaki</i>) nor shall non-native predatory snails (i.e., decollate snails) be allowed. Rodent eradication efforts shall emphasize the use of traps and shall avoid chemical controls. Anticoagulant rodenticides shall not be used, as anticoagulants are a risk to non-target species and have been identified as a factor in the deaths of large predators in the Santa Monica Mountains. If non- anticoagulant rodenticides are used, their applications shall be limited to the campus buildings and shall not extend to natural areas, areas landscaped with native plants, or buffer zones established between the development and open space.</p> | <p>Routine application control techniques</p>  | <p>Applicant</p>                     | <p><u>Component 5</u><br/>On-going</p>                     | <p>LACDRP</p>                                  |          |      |
| <p><b>COMPONENT 5 ONLY</b><br/><b>MM5.3-5</b> Where practical, fire retardant native and introduced shrubs/trees shall be used to buffer the proposed Enhanced Recreation Area from the adjacent naturally vegetated wildlife habitat. These native and introduced species shall be planted so as to be beneficial to wildlife in a manner consistent with LACFD requirements.</p>   | <p>Preparation of landscape plan, if applicable<br/><br/>Maintenance of landscaped areas</p> | <p>Applicant</p>                     | <p><u>Component 5</u><br/>Plan Check<br/><br/>On-going</p> | <p>LACFD<br/><br/>LACDRP</p>                   |          |      |
| <p><u>Jurisdictional Areas</u><br/><b>COMPONENT 5 ONLY</b><br/><b>MM5.3-6</b> The removal and filling of jurisdictional areas within the Marie Canyon drainage and its tributaries within the Component 5 footprint shall require the authorization of the ACOE, CDFG, and RWQCB. The applicant shall</p>  | <p>Obtain ACOE, CDFG, LARWQCB approval/ permit</p>   | <p>Applicant</p>                     | <p><u>Component 5</u><br/>Prior to Grading</p>             | <p>ACOE<br/>LARWQCB<br/>CDFG</p>               |          |      |

| MITIGATION MONITORING AND REPORTING PROGRAM   |  |                                      |   |  |          |      |
|---|--|--------------------------------------|---|--|----------|------|
| Mitigation  | Action   | Party Responsible for Implementation | Time of Clearance                       | Party Responsible for Verification/Monitoring        | Sign Off | Date |
| obtain all appropriate permits and agreements prior to grading, and shall adhere to all mitigation measures issued in the permits and agreements.   |  |                                      |   |  |          |      |
| <b>COMPONENT 5 ONLY</b>   |  |                                      | <u>Component 5</u>                      |  |          |      |
| <p><b>MM5.3-7</b> The removal and filling of 0.48 acres of CDFG jurisdictional habitat and 0.35 acres of ACOE non-wetland waters of the United States shall require enhancement of jurisdictional areas at a 1:1 ratio. Due to the overlap of impacted jurisdictional areas, a total of 0.48 acres shall be mitigated, consisting of 0.13 acres of CDFG jurisdictional habitat and 0.35 acres of non-wetland waters/CDFG jurisdictional habitat. This shall be accomplished on-site on University property within 0.48 acres of the Winter Canyon drainage. The location of the mitigation site is shown on Figure 5.3-5 of the DEIR. Mitigation in the Winter Canyon drainage shall involve removal of invasive species and planting of appropriate native species where invasive species have been removed. Invasive species targeted in Winter Canyon drainage shall include, but not be limited to pampas grass, Terracina spurge, sweet fennel (<i>Foeniculum vulgare</i>), and umbrella sedge (<i>Cyperus involucratus</i>).</p> <p>A mitigation plan shall be developed by a qualified biologist, restoration ecologist or resource specialist and approved by the relevant Regulatory Agencies prior to issuance of a grading permit for Component 5 of the CLP project. The Plan shall be based on the ACOE <i>Final Mitigation Guidelines and Monitoring Requirements</i> (April 19, 2004) and the Los Angeles District's Recommended Outline for</p> | <p>Preparation/ approval of mitigation plan</p> <p>Implementation of mitigation plan</p> <p>Preparation of monitoring report</p> | <p>County Applicant</p>              | <p>Prior to Grading</p> <p>On-going</p> | <p>LACDRP</p> <p>ACOE</p> <p>LARWQCB</p> <p>CDFG</p> |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--------|--------------------------------------|-------------------|---|----------|------|
| <p>Draft and Final Compensatory Mitigation and Monitoring Plans.<sup>1</sup> In broad terms, this Plan shall at a minimum include:</p> <ul style="list-style-type: none"> <li>• Description of the project/impact and mitigation sites</li> <li>• Specific objectives</li> <li>• Implementation plan</li> <li>• Success criteria</li> <li>• Required maintenance activities</li> <li>• Monitoring plan</li> <li>• Contingency measures</li> </ul> <p>The following success criteria shall be incorporated:</p> <ul style="list-style-type: none"> <li>• 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; and,</li> <li>• Successful enhancement of areas where invasive plant species are removed, which shall be evaluated based on survival rates and percent cover of planted native species. Re-vegetated areas shall have a minimum of 70% survival the first year and 90% survival</li> </ul> |        |                                      |                   |   |          |      |

<sup>1</sup> The ACOE's *Final Mitigation Guidelines and Monitoring Requirements* (April 19, 2004) is available at the Army Corps of Engineers Los Angeles District Regulatory Division webpage at [www.spl.usace.army.mil/regulatory/](http://www.spl.usace.army.mil/regulatory/). This document contains the Los Angeles District's Recommended Outline for Draft and Final Compensatory Mitigation and Monitoring Plans. This publication is intended to serve as a technical guide for permit applicants preparing compensatory mitigation plans and identifies the types and extent of information that agency personnel need to assess the likelihood of the success of mitigation proposals. The Los Angeles District's outline is adapted to specific issues encountered in the region.

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>thereafter and/or shall attain 75% cover after 3 years and 90% cover after 5 years.</p> <p>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.</p> <p>Enhancement work shall be commenced prior to issuance of a grading permit for Component 5. The enhancement 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 relevant Regulatory Agencies and 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 restoration or enhancement 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 to the satisfaction of the Director of Planning and relevant Regulatory Agencies. Any modifications to the success criteria, if necessary, shall be to the satisfaction of the Director or Planning and relevant Regulatory Agencies.</p> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action   | Party Responsible for Implementation | Time of Clearance   | Party Responsible for Verification/ Monitoring | Sign Off | Date |
|---|--|--------------------------------------|---|--|----------|------|
| <b>COMPONENT 5 ONLY</b>   |  |                                      |   |  |          |      |
| <p><b>MM5.3-8</b> 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 Spanish broom (<i>Spartium junceum</i>) infestation on 0.84 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 the 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-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:</p> | <p>Preparation / approval of restoration plan</p> <p>Implementation of restoration plan</p> <p>Preparation of monitoring reports</p> | <p>Applicant</p>                     | <p><u>Component 5</u></p> <p>Prior to Grading</p> <p>On-going</p> | <p>LACDRP</p>                                  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--------|--------------------------------------|-------------------|---|----------|------|
| <ul style="list-style-type: none"> <li>• Description of the project/impact and mitigation sites</li> <li>• Specific objectives</li> <li>• Success criteria</li> <li>• Implementation plan</li> <li>• Required maintenance activities</li> <li>• Monitoring plan</li> <li>• Contingency measures</li> </ul> <p>The following success criteria shall be incorporated:</p> <ul style="list-style-type: none"> <li>• Eradication or the substantial reduction in cover and the control of invasive plant species, particularly Spanish broom (<i>Spartium junceum</i>). 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,</li> <li>• Successful restoration of the 0.84-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.</li> </ul> <p>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.</p> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action  | Party Responsible for Implementation | Time of Clearance  | Party Responsible for Verification/ Monitoring | Sign Off | Date |
|---|---|--------------------------------------|--|--|----------|------|
| <p>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.</p> |   |                                      |  |  |          |      |
| <p><u>Direct Loss of Sensitive Wildlife Species</u><br/> <b>COMPONENT 5 ONLY</b><br/> <b>MM5.3-9</b> Two weeks prior to grading at Component 5, a survey for sensitive wildlife species shall be conducted by a qualified biologist. The results of the survey shall be documented and submitted to the Director of Planning. The Director of Planning and the California Department of Fish and Game shall be notified and consulted regarding the presence of any sensitive species found onsite. Should a federally listed species be found, the United States Fish and Wildlife Service will be notified. If a sensitive species is found, impacts to the species shall be avoided. If avoidance is</p>   | <p>Field survey<br/><br/>                     Additional action as required by Director of Planning</p> | <p>Applicant</p>                     | <p><u>Component 5</u><br/><br/>                     Prior to Grading</p> | <p>LACDRP</p>                                  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action   | Party Responsible for Implementation | Time of Clearance   | Party Responsible for Verification/Monitoring | Sign Off | Date |
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| <p>not feasible, appropriate measures to mitigate for the presence of the species onsite shall be determined by consultation with the Director of Planning and the relevant agencies, and may involve the capture and transfer of the species to an appropriate habitat and location where the species would not be harmed by project activities.</p>  |  |                                      |   |   |          |      |
| <p><u>Disturbance or Direct Loss of Nesting Birds and Nests:</u><br/> <b>MM5.3-10</b> No earlier than 14 days prior to the commencement of grading, construction or fuel modification activities that would occur during the nesting/breeding season (February 1 through September 15) of native bird species potentially nesting on or in the vicinity of any CLP component site, a field survey for nesting birds shall be conducted by a qualified biologist. Nesting bird surveys shall also be conducted periodically by a qualified biologist for the duration of project activities that involve the removal or disturbance of shrubs, trees, or native vegetation. If development of a project component occurs during multiple nesting seasons, such as in the case of Component 5, which is expected to occur over several years, the above-mentioned surveys shall be conducted each nesting season, provided that the project would have the potential, during the particular nesting season, to harm or disturb nesting birds at or in the vicinity of the site.</p> <p>The field surveys shall determine if active nests of any bird species protected by the state or federal Endangered Species Acts, Migratory Bird Treaty Act, and/or the California Fish and Game Code Sections 3503, 3503.5, or 3511 are present in the limits of disturbance, or within</p> | <p>Field survey</p> <p>Additional actions as required by project biologist</p> | <p>Applicant</p>                     | <p>Plan Check<br/>Prior to Grading<br/>Prior to Construction<br/>On-going</p> | <p>LACDRP</p>                                 |          |      |

| MITIGATION MONITORING AND REPORTING PROGRAM  |                                     |                                      |                   |   |          |      |
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| Mitigation   | Action                              | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
| 200 feet of the limits of disturbance for songbirds and within 500 feet of the limits of disturbance for raptors. If active nests are found within the survey area, grading, construction, or fuel modification activities shall stop in the vicinity until a qualified biologist identifies an appropriate setback or other measures to avoid harm and disturbance, and the Director of Planning, CDFG and USFWS (when applicable) are notified. A qualified biologist shall monitor the active nest. If a setback is used, a fence barrier shall be erected around the buffer and clearing and construction within the fenced area shall be postponed or halted, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. |                                     |                                      |                   |   |          |      |
| <u>Introduction of Invasive, Non-native Plants in Landscaping</u><br><b>MM5.3-11</b> The CLP shall require that only non-invasive ornamental plant species or appropriate native plant species are used for landscaping at all CLP component sites. Plant species shall be selected from the County of Los Angeles' Drought Tolerant Plant List. No landscape specimens shall be used that are listed in the California Invasive Plant Council's (Cal-IPC) California Invasive Plant Inventory, or which are listed as 'noxious weeds' by the State of California or the U.S. Federal Government. The selected plant list shall be reviewed by a County of Los Angeles approved qualified biologist to exclude any potentially invasive species.   | Preparation/ approval of plant list | Applicant                            | Plan Check        | LACDRP  |          |      |
| <u>Riparian Environmentally Sensitive Habitat Area (ESHA) in lower Marie Canyon, Malibu Coastline Significant Ecological Area (SEA) #1 and Marine ESHAs</u>  |                                     |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action  | Party Responsible for Implementation | Time of Clearance                                  | Party Responsible for Verification/ Monitoring | Sign Off | Date |
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| <b>MM5.3-12</b> The applicant shall implement a Storm Water Pollution Prevention Plan (SWPPP), Standard Urban Storm Water Mitigation Plan (SUSMP), and observance of proper BMPs, which would be addressed by mitigation measures within the Hydrology and Water Quality section of the DEIR.   | Preparation / approval of SWPPP and SUSMP<br><br>Implementation of BMPs                   | Applicant                            | Plan Check Prior to Grading Permit<br><br>On-going | LACDPW   |          |      |
| <b>AIR QUALITY</b>  |   |                                      |  |  |          |      |
| <b>MM5.4-1</b> The applicant shall prepare a Construction Management Plan to control fugitive dust. At a minimum, the Plan shall include the following dust control measures: <ul style="list-style-type: none"> <li>• The simultaneous disturbance site should be minimized as much as possible.</li> <li>• The proposed project shall comply with SCAQMD established minimum requirements for construction activities to reduce fugitive dust and PM-10 emissions. A plan to control fugitive dust through the implementation of best available control measures shall be prepared and submitted to the County for approval prior to the issuance of grading permits. The plan shall specify the dust control measures to be implemented.</li> <li>• Appoint a construction relations officer to act as community liaison concerning on-site construction activity including resolution of issues related to PM-10 generation.</li> </ul> | Preparation of construction management plan<br><br>Implementation of plan recommendations | Applicant                            | Plan Check Prior to Grading Permit<br><br>On-going | LACDRP   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>Such measures may include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Application of soil stabilizers to inactive areas according to manufacturers specifications (previously graded areas inactive for ten days or more);</li> <li>• Preparation of a high wind dust control plan and implement plan elements and terminate soil disturbance when winds gusts exceed 25 mph;</li> <li>• Stabilization of previously disturbed areas if subsequent construction is delayed; and</li> <li>• Covering all stockpiles with tarps.</li> <li>• All trucks hauling dirt, sand, soil or other loose materials are to be covered.</li> <li>• The project proponent shall comply with all applicable SCAQMD Rules and Regulations including Rule 403 insuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile or disturbed surface area visible beyond the property line of the emission source. Particulate matter on public roadways is also prohibited.</li> <li>• Adequate watering techniques shall be employed to mitigate the impact of construction-related dust particulates. Portions of the site that are undergoing surface earth moving operations shall be watered such that a crust will be formed on the ground surface, and then watered again at the end of each day. Exposed surfaces and haul roads will be watered three times/day.</li> </ul> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action   | Party Responsible for Implementation | Time of Clearance   | Party Responsible for Verification/ Monitoring | Sign Off | Date |
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| <ul style="list-style-type: none"> <li>Any vegetative cover to be utilized onsite shall be planted as soon as possible to reduce the disturbed area subject to wind erosion. Irrigation systems required for these plants shall be installed as soon as possible to maintain good ground cover and to minimize wind erosion of the soil.</li> <li>Any construction access roads (other than temporary access roads) shall be paved as soon as possible and cleaned after each work day. The maximum vehicle speed on unpaved roads shall be 15 mph.</li> <li>Grading operations shall be suspended during any first stage ozone episodes.</li> </ul>  |  |                                      |   |  |          |      |
| <p><b>MM5.4-2</b> Non-particulate construction activity emissions are not predicted to exceed SCAQMD CEQA thresholds. Nonetheless, to further reduce potential construction emissions, the applicant shall prepare a Construction Management Plan to control vehicle and equipment emissions during construction. Recommended mitigation measures include:</p> <ul style="list-style-type: none"> <li>Construction parking shall be configured to minimize the potential for traffic interference and vehicle idling.</li> <li>Any construction equipment using diesel internal combustion engines shall use a diesel fuel with a maximum of 0.05 percent sulfur and a four-degree retard.</li> <li>Equipment and vehicle engines shall be maintained in good condition and in proper tune, according to manufacturer's specifications and per SCAQMD rules.</li> </ul> | <p>Preparation of construction management plan</p> <p>Implementation of plan recommendations</p> | <p>Applicant</p>                     | <p>Plan Check Prior to Grading Permit</p> <p>On-going</p> | <p>LACDRP</p>                                  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>to minimize exhaust emissions. Tier 3 rated engines shall be used for all equipment during site grading, if available.</p> <ul style="list-style-type: none"> <li>• Equipment whose engines are equipped with diesel oxidation catalysts shall be utilized, if available. Construction operations affecting off-site roadways shall be scheduled by implementing traffic hours and shall minimize obstruction of through-traffic lanes. Construction operations that may affect traffic flow on the arterial system shall be limited to off-peak hours, as permitted. Truck deliveries occurring during construction shall be consolidated to the extent feasible.</li> <li>• Idling trucks or heavy equipment shall turn off their engines if the expected duration of idling exceeds five (5) minutes as required by law.</li> <li>• On-site heavy equipment used during grading and construction shall be equipped with diesel particulate filters if feasible.</li> <li>• All building construction shall comply with energy use guidelines in Title 24 of the California Code of Regulations.</li> <li>• Construction equipment operations shall be suspended during any second stage smog alert.</li> <li>• Low VOC architectural and asphalt coatings shall be used on site and shall comply with AQMD Rule 1113-Architectural Coatings.</li> </ul> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action  | Party Responsible for Implementation | Time of Clearance   | Party Responsible for Verification/Monitoring | Sign Off | Date |
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| <b>NOISE</b>   |   |                                      |   |   |          |      |
| <b>COMPONENT 3</b>   |   |                                      |   |   |          |      |
| <u>Construction Noise:</u>   |   |                                      |   |   |          |      |
| <b>MM5.5-1</b> Prior to the issuance of grading permits for the construction of the Upgraded NCAA Soccer Field, the applicant shall prepare a Construction Noise Mitigation Plan. Because construction details are not yet known with certainty, and because there are multiple noise control options, the plan will be structured to achieve a performance standard at any off-site residential property line. Consistent with the Los Angeles County Code, the maximum allowable construction activity noise shall not exceed the 75 dB threshold for construction activity noise for 10 days or less, or, the 60 dB noise threshold for construction activity noise for more than 10 days duration to be measured at the nearest off-site residential property. Measures should be applied to ensure the threshold is not exceeded, such as: <ul style="list-style-type: none"> <li>• Using smaller, quieter equipment, or</li> <li>• Installing sound absorbing curtains or erecting a temporary berm to interrupt the line-of-sight between source and receiver.</li> </ul> | Preparation of construction noise mitigation plan<br><br>Implementation of plan recommendations | Applicant                            | <u>Component 3</u><br><br>Prior to Grading Permit<br><br>Construction<br><br>On-going | LACDRP  |          |      |
| <b>MM5.5-2</b> Grading work shall be limited to between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Grading outside these hours shall be permitted only upon request to, and approval by the Director of Planning for emergency grading such as near term completion of grading prior to rainy season.  | Enforcement of work hours   | Applicant                            | Construction On-going   | LACDRP  |          |      |
| <b>MM5.5-3</b> All on-site construction equipment fixed and mobile, shall be in proper operating condition and fitted with standard silencing devices. Proper  | Preparation of monitoring program   | Applicant/ Contractor                | Prior to Construction   | LACDRP  |          |      |

| MITIGATION MONITORING AND REPORTING PROGRAM |  |   |                          |   |          |      |
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| Mitigation                                  | Action   | Party Responsible for Implementation                        | Time of Clearance        | Party Responsible for Verification/Monitoring | Sign Off | Date |
|   | engineering noise controls shall be implemented when necessary on fixed equipment. A monitoring program shall be implemented to monitor mobile sources when construction is scheduled to occur within 280 feet of offsite residences.  | Enforcement of operating conditions                         |                          | On-going                                      |          |      |
| MM5.5-4                                     | Residences within the Malibu County Estates subdivision shall be informed of the anticipated start date, duration, noise impact, and other pertinent information prior to the construction of each of the proposed components. Notification shall also include a phone number where people can register questions or complaints. Notification shall also be delivered by U.S. mail to the MCE Homeowners Association and the City of Malibu with a 72-hour lead-time target. | Notification of construction activities                     | Applicant                | Prior to Construction<br>On-going             | LACDRP   |      |
| MM5.5-5                                     | Project applicant shall post a notice at the construction site and along the proposed truck haul route. The notice shall contain information on the type of project, anticipated duration of construction activity, and provide a phone number where people can register questions or complaints. The notice shall be posted no later than 72 hours prior to the planned activity where feasible.  | Post notice at construction site and along haul route       | Applicant/<br>Contractor | Prior to Construction<br>On-going             | LACDRP   |      |
| MM5.5-6                                     | Construction staging and delivery areas shall be located as far as feasible from existing residences and shall be scheduled to take place from the mid-morning to mid-afternoon to take advantage of times when residential zones are less susceptible to annoyance from outside noise. Construction workers are expected to park on the job site and no closer than 185 feet from any off-site campus residence.  | Enforcement of setbacks, staging, and delivery restrictions | Applicant/<br>Contractor | Construction<br>On-going                      | LACDRP   |      |
| MM5.5-7                                     | Limit allowable idling to 5 minutes for trucks and heavy equipment.  | Enforcement of idling limits                                | Applicant/<br>Contractor | Construction<br>On-going                      | LACDRP   |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action                           | Party Responsible for Implementation | Time of Clearance                | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|----------------------------------|--------------------------------------|----------------------------------|---|----------|------|
| <p><b>MM5.5-8</b> During construction any semi-stationary piece of equipment that operates under full power for more than sixty minutes per day shall have a temporary ¾ inch plywood screen if there is a direct line of site to any residence located offsite within 280 feet from the equipment. Said screen shall be at least 3 feet higher and 6 feet wider in size from all outer edges of the noise generator.</p>  | <p>Installation of screen</p>    | <p>Applicant/<br/>Contractor</p>     | <p>Construction<br/>On-going</p> | <p>LACDRP</p>                                 |          |      |
| <p><b>MM5.5-9</b> Truck hauling activities shall be restricted to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, except no truck queuing or hauling may take place on John Tyler Drive between PCH and south of the northern edge of the soccer field before 8:00 a.m. or after 5:00 p.m. Monday through Friday. Such activities on John Tyler Drive shall be restricted to 8:00 a.m. to 5:00 p.m. on Saturday, with no truck hauling on Sundays and holidays, in order to minimize noise disturbance on surrounding off site residential uses. Hauling on John Tyler Drive outside these hours shall be permitted only in extremely time-sensitive and/or emergency circumstances such as completion of concrete pouring. The Construction Management Plan shall give strong preference to the use of the Seaver Gate instead of John Tyler Drive as the designated haul and delivery route. John Tyler Drive would be used as a matter of logistical necessity only for hauling of large and unique deliveries such as major concrete, wood, and steel materials, structural components, major grading and similar-sized equipment, and available at all times for emergency and safety-related uses.</p> | <p>Enforcement of work hours</p> | <p>Applicant/<br/>Contractor</p>     | <p>Construction<br/>On-going</p> | <p>LACDRP</p>                                 |          |      |

| MITIGATION MONITORING AND REPORTING PROGRAM   |   |                                      |  |   |          |      |
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| Mitigation  | Action  | Party Responsible for Implementation | Time of Clearance  | Party Responsible for Verification/Monitoring | Sign Off | Date |
| <u>Athletic/Events Center – Chiller Plant Noise</u><br><b>COMPONENT 2 ONLY</b><br>MM5.5-10 The chillers shall be contained within a substantially or fully enclosed, ventilated building with louvers directed away from residential and other noise-sensitive land uses. | Preparation of building plans<br><br>Construction of enclosure        | Applicant                            | <u>Component 2</u><br><br>Prior to Building Permit                 | LACDRP  |          |      |
| <b>COMPONENT 2 ONLY</b><br>MM5.5-11 The mechanical cooling tower shall be placed in a location that utilizes other physical structures to interrupt the direct line-of-sight to the nearest noise-sensitive uses, as feasible.  | Preparation of building plans<br><br>Implementation of building plans | Applicant                            | <u>Component 2</u><br><br>Prior to Building Permit                 | LACDRP  |          |      |
| <b>COMPONENT 2 ONLY</b><br>MM5.5-12 Cooling towers shall be equipped with variable speed drives that allow nocturnal fan speed reduction during periods of reduced cooling demand.  | Preparation of building plans<br><br>Implementation of building plans | Applicant                            | <u>Component 2</u><br><br>Prior to Building Permit<br><br>On-going | LACDRP  |          |      |
| <u>Updated NCAA Soccer Field – Operational Noise</u><br><b>COMPONENT 3 ONLY</b><br>MM5.5-13 Lighted use of the updated NCAA Soccer Field shall cease at 10p.m with flexibility provided for games extending into overtime.  | Enforcement of lighting curfew  | Applicant                            | <u>Component 3</u><br><br>On-going                                 | LACDRP  |          |      |
| <u>Related Project - Baseball Field Lighting – Operational Noise</u><br>MM5.5-14 Lighted use of the baseball field shall cease at 10 p.m. with flexibility provided for games extending into overtime.  | Enforcement of lighting curfew  | Applicant                            | On-going   | LACDRP  |          |      |
| <b>CULTURAL RESOURCES</b>   |   |                                      |  |   |          |      |
| <b>COMPONENT 5 ONLY</b><br>MM5.6-1 A protective fence shall be installed and maintained surrounding Site 19-002472 prior to   | Install fencing   | Applicant                            | <u>Component 5</u><br><br>Prior to Grading                         | LACDRP  |          |      |

| MITIGATION MONITORING AND REPORTING PROGRAM  |   |                                      |                          |  |          |      |
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| Mitigation   | Action  | Party Responsible for Implementation | Time of Clearance        | Party Responsible for Verification/Monitoring                | Sign Off | Date |
| all earth moving activities that occur within 100-feet of the Site (Component 5).  |   |                                      | On-going                 |  |          |      |
| <b>COMPONENT 5 ONLY</b>  |   |                                      |                          |  |          |      |
| <b>MM5.6-2</b> A professional archaeological monitor shall be onsite during all earth moving activities occurring within 100-feet of Site 19-002472 (Component 5).   | Field monitoring  | Archaeological Monitor               | On-going                 | LACDRP   |          |      |
| <b>MM5.6-3</b> In the event that unknown archaeological or paleontological resources are discovered during project construction, work in the immediate vicinity shall be suspended, until a qualified archaeological or paleontological monitor has inspected the resources, identified appropriate treatment, and document and report as necessary.   | Stop work/<br>Consultation and implementation of monitor recommendations as necessary                             | Archaeological Monitor               | On-going                 | LACDRP   |          |      |
| <b>MM5.6-4</b> In the event that human remains are encountered during construction or any other phase of development, work in the area of the discovery must be halted in that area and directed away from the discovery. No further disturbance shall occur until the county coroner makes the necessary findings as to origin pursuant to Public Resources Code 5097.98-99, Health and Safety Code 7050.5. If the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) would be notified within 24 hours as required by Public Resources Code 5097. The NAHC would notify the designated Most Likely Descendants who would provide recommendations for the treatment of the remains within 24 hours. The NAHC mediates any disputes regarding treatment of remains. | Stop work/<br>Notification and implementation of coroner recommendations<br><br>Notification of NAHC if necessary | Applicant                            | On-going                 | LACDRP<br>Coroner<br><br>Native American Heritage Commission |          |      |
| <b>VISUAL RESOURCES AND AESTHETIC QUALITIES</b>  |   |                                      |                          |  |          |      |
| <b>Visual Character, Quality and Compatibility:</b>  | Preparation/<br>approval of   | Applicant                            | Prior to Building Permit | LACDRP   |          |      |
| <b>MM5.7.1-1</b> Building materials that are compatible in color   |   |                                      |                          |  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action                                   | Party Responsible for Implementation | Time of Clearance           | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--|--------------------------------------|-----------------------------|---|----------|------|
| tone and/or texture with the surrounding natural terrain are to be employed on fences, retaining walls, and parking structures at each of the CLP component sites and where prominent above ground portions of structures are to be built or refurbished the tones and textures of their building exteriors will be painted and/or textured to match and/or resemble those of existing campus development.   | building plans                           |                                      |                             |   |          |      |
| <b>MM5.7.1-2</b> Walls higher than six feet shall be in tones compatible with surrounding terrain and similar to existing campus buildings and facilities and/or covered in stone accent materials as appropriate. Their surfaces must be prepared with appropriate construction methods and/or covered with building materials designed to create a textured effect.  | Preparation/ approval of building plans  | Applicant                            | Prior to Building Permit    | LACDRP  |          |      |
| <b>COMPONENTS 1 &amp; 2 ONLY</b>   |  |                                      | <u>Components 1 &amp; 2</u> |   |          |      |
| <b>MM5.7.1-3</b> Architecturally compatible screening to conceal rooftop mechanical equipment such as air conditioning units from view will be constructed on the tops of all the proposed new and refurbished residential structures and the Athletics/Events Center. Equivalent architecturally compatible screening, alone or in combination with landscaping, will also be installed near parking garage structure openings and/or along their ingress and egress drives to contain vehicle lights to the maximum extent feasible. | Preparation/ approval of building plans  | Applicant                            | Prior to Building Permit    | LACDRP  |          |      |
| <b>MM5.7.1-4</b> The applicant shall prepare a detailed landscape plan that is designed to provide aesthetically compatible accenting to and/or visual screening of hardscape features and walls for each component of the Campus Life Project. The landscaping shall be consistent with the existing  | Preparation/ approval of landscape plans | Applicant                            | Prior to Building Permit    | LACDRP<br>LACFD                               |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--------|--------------------------------------|-------------------|---|----------|------|
| <p>campus landscaping and be subject to the review and approval by the County of Los Angeles Department of Regional Planning and Fire Department, as appropriate, and shall address the following:</p> <ul style="list-style-type: none"> <li>Landscaping shall be provided on all the unpaved surfaces internal to, and along the perimeters, of each of the CLP components. The landscaping shall include ground covers, tree clusters, and shrub clusters, in a manner consistent with fire safety needs, to help conceal visible linear elements and hard edge surface effects resulting from site grading, the use of retaining walls and the construction of new buildings and exposed walls of parking garages, including along the southerly side of the Upgraded NCAA Soccer Field in Component 3 and visible sides of the School of Law Parking Structure (Component 6).</li> <li>Street trees and parking lot median trees, compatible with adjacent and campus development, shall be planted along Huntsinger Circle, John Tyler Drive, and Seaver Drive and in their adjacent surface parking areas to minimize views of paved surfaces and to create vegetative color patterns and textures of visual interest internal to the project (specifically for Components 1 [Outer Precinct], 2, 3, 4, and 5) that are sufficiently located away from the natural wildland/project landscaped-edge interface.</li> </ul> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action                                  | Party Responsible for Implementation | Time of Clearance   | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|---|--------------------------------------|---|---|----------|------|
| <ul style="list-style-type: none"> <li>• Appropriate landscaping, including trees and vegetated walls, shall be planted to minimize views of retaining walls, including the tiered retaining potentially visible from John Tyler Drive that will buttress the southern side of the Upgraded NCAA Soccer Field (Component 3).</li> <li>• Graded slopes at the Enhanced Recreation Area (Component 5) shall be landscaped to provide suitable ground cover and create vegetative color patterns and textures of visual interest. Planting palette shall include species selected for both short-term (first five years) and long-term aesthetic characteristics.</li> <li>• Project landscaping shall consist of native fire retardant species included on the Los Angeles County Fire Department Fuel Modification Plan and/or as otherwise approved by the Los Angeles County Fire Department to partially screen views of the project from surrounding uses. Landscaping shall be compatible with the character of the surroundings and architectural style of the structures.</li> </ul> |   |                                      |   |   |          |      |
| <p><b>COMPONENTS 3 &amp; 5 ONLY</b></p> <p><b>MM5.7.1-5</b> To reduce the contrast and presence of the proposed Enhanced Recreation Area and of the Upgraded NCAA Soccer Field light poles, the applicant should utilize a flat earth-tone finish on the metal surfaces.</p>   | Preparation/ approval of building plans | Applicant                            | <p align="center"><u>Components 3 &amp; 5</u></p> <p>Prior to Building Permit</p> | LACDRP  |          |      |
| <p><u>Lighting:</u></p> <p><b>MM5.7.2-1</b> The applicant shall prepare lighting plans for</p>   | Preparation/ approval of                | Applicant                            | Prior to Building Permit  | LACDRP  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action                     | Party Responsible for Implementation | Time of Clearance  | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|----------------------------|--------------------------------------|--|---|----------|------|
| <p>submission and prior approval by the County of Los Angeles, that identify the type, layout, and luminaire wattage of all exterior fixtures to be employed at each of the CLP component sites. The plans shall include any and all lighting standards proposed for the nighttime illumination of playing fields at the Upgraded NCAA Soccer Field and the Enhanced Recreation Area, and for a related project, the proposed lighting improvements at the Eddie D. Field Baseball Stadium. At a minimum the plan shall address and conform to the requirements defined below, and the County of Los Angeles Department of Regional Planning must approve all aspects of the final submitted lighting plans.</p> <p><i>Nuisance Prevention:</i> All outdoor lighting shall be designed, located, installed, hooded and aimed downward or in project-interior directions toward structures. No lights shall be directed toward nearby residences or open space.</p> <p><i>Lighting Levels:</i> Outdoor lighting installations shall be designed to avoid harsh contrasts in lighting levels between the project site and adjacent properties. Lighting trespass levels as measured at nearby residential land use boundaries shall be limited to 0.5 footcandles.</p> | lighting plans             |                                      |  |   |          |      |
| <p><b>COMPONENT 3 ONLY AND RELATED PROJECT BASEBALL FIELD</b></p> <p><b>MM5.7.2-2</b> For ordinary athletic field lighting levels employed at Component 3 (Upgraded NCAA Soccer Field) during non-televised intercollegiate games and during student recreation, the lighting system shall provide a <i>Maintained Illuminance</i> at field level of 50</p>  | Enforcement of restriction | Applicant                            | <p><u>Component 3 and Related Project Baseball Field</u></p> <p>Prior to Building Permit</p> | LACDRP  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action                               | Party Responsible for Implementation | Time of Clearance               | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--------------------------------------|--------------------------------------|---------------------------------|---|----------|------|
| <p>footcandles (fc). Lighting employed at the Eddie D. Field Baseball Stadium during non-televised intercollegiate games shall be restricted to the maintained illuminance levels specified by the NCAA (75 fc in the infield and 50 fc in the outfield). Use of athletic field lighting shall employ a curfew and be used for events scheduled to end no later than 10pm with flexibility provided for overtime. Athletic field lighting levels of a maintained illuminance of 100 horizontal and vertical footcandles (fc) may be used only on nights in which a game will be nationally or regionally broadcast, up to 10 events per year per field.</p>  |                                      |                                      |                                 |   |          |      |
| <p><b>MM 5.7.2-3</b> In the event that athletic field lighting standards are installed in the future at the Eddie D. Field Baseball Stadium (considered a Related Project, but not a part of the CLP) tree and shrub landscaping or other baseball field visibility screening devices shall be installed and maintained east of John Tyler Drive to block direct line-of-sight visibility of the baseball field surfaces to the maximum extent feasible. The visibility screening device shall block more than 80% of luminance in a uniform distribution prior to the installation of the Baseball Field lighting. This can be achieved through a combination of landscaping and artificial screening devices. The landscaping shall be maintained so as not to block distant visibility of the Santa Monica Mountains.</p> | <p>Enforcement of restriction</p>    | <p>Applicant</p>                     | <p>Prior to Building Permit</p> | <p>LACDRP</p>                                 |          |      |
| <p><b>MM5.7.2-4</b> The CLP Components shall employ Lighting Guidelines adopted from design principles and recommendations provided by the IESNA and the IDA to minimize all forms of light pollution, including glare, and light trespass. At a minimum the Project lighting design shall</p>   | <p>Preparation of building plans</p> | <p>Applicant</p>                     | <p>Prior to Building Permit</p> | <p>LACDRP</p>                                 |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>incorporate the following:</p> <p><b><u>Exterior Lighting</u></b></p> <p>Pole- and post-mounted lighting within the direct view of any residential property shall be located and/or shielded so that the light source is not directly visible, and the view of the fixture lens and reflector is minimized.</p> <p>Sports lighting fixtures shall be aimed at an angle of 62° or less, normal to the horizon.</p> <p>Bollard luminaires shall be specified to prevent direct view of the light source. Where louvered bollards are specified, they shall utilize coated lamps.</p> <p>All up lighting fixtures shall be aimed and/or shielded to constrain the light to the object being illuminated and minimize the amount of illumination escaping into the night sky; and they shall be focused and confined to highlighting or emphasizing architectural features and significant landscaping elements without resulting in significant lighting impacts.</p> <p><b><u>Site Lighting (pedestrian area and walkway lighting)</u></b></p> <p>All pole and post mounted luminaires over fifteen (15) feet in height shall meet all IESNA requirements for "cutoff" and current LEED requirements for fixture cutoff within the Lighting Zone specified by CEC for the Project, and shall be aimed downward.</p> <p>All pole- and post-mount luminaires less than fifteen (15) and greater than six (6) feet in</p> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>height shall meet all IESNA requirements for “cutoff” and current LEED requirements for fixture cutoff within the Lighting Zone specified by CEC for the Project.</p> <p>All luminaires of less than six (6) feet in height, such as bollards, shall meet all IESNA requirements for “semi-cutoff”.</p> <p>For pedestrian walkways and plazas, all lighting configurations shall comply with IESNA RP-33-99 14.0 Walkway and Bikeway Lighting, in accordance with best practice recommendations.</p> <p><b><u>Parking Lot and Parking Structure Lighting</u></b></p> <p>All interior lighting for parking structures that is visible from areas exterior of the parking structure shall utilize shielding that blocks direct view of the light source and minimizes the view of reflector or diffuser.</p> <p>For open-air and roof-top parking facilities, all lighting configurations shall comply with IESNA RP-20-98, 4.0 Illuminance Recommendations – Parking Lots, best practice recommendations for typical conditions.</p> <p>Landscape screens, hedge walls, or other recommended shielding screens/opaque walls should be installed along the open sides of the parking structures along Huntsinger Circle and Seaver Drive to contain, to the extent feasible, the glare of headlights and tail lights of vehicles utilizing the structure.</p> <p>Landscape screens, berms, and/or hedges should be placed near driveway entries to parking</p> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation  | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|---|--------|--------------------------------------|-------------------|---|----------|------|
| <p>structures and around surface parking areas near the Athletics/Events Center and the western end of the Upgraded NCAA Soccer Field to contain, to the extent feasible, the glare of headlights and tail lights of vehicles visiting the campus facilities.</p> <p><b><u>Building Mounted Lighting</u></b></p> <p>Building mounted fixtures shall be shielded so that the light sources (lamps) are not directly visible from potentially sensitive receptor locations and the view of the fixture lens and reflector is minimized.</p> <p>Building mounted fixtures that are not full-cut-off shall be primarily for architectural accent purposes and be decorative in nature. The predominance of illumination for such areas where accent lighting and decorative fixtures are used shall be provided by other luminaires.</p> <p><i>Security Lighting:</i> All areas deemed as security risks, shall comply with horizontal and vertical illuminance recommendations, as provided by the IESNA for Security Lighting per site area.</p> <p><i>Lamp Types:</i> All exterior lighting shall use High Efficiency light sources, as defined by California Energy Code, Title 24 and Los Angeles County Code (Section 22.52.2130).</p> <p><i>Fixture Types:</i> All outdoor lighting shall use cut-off luminaires from which light shall be downcast and fully shielded with no light emitted above the horizontal plane so that light sources in the fixtures are not visible to the surroundings.</p> |        |                                      |                   |   |          |      |

| MITIGATION MONITORING AND REPORTING PROGRAM  |                               |                                      |   |   |          |      |
|--|-------------------------------|--------------------------------------|---|---|----------|------|
| Mitigation   | Action                        | Party Responsible for Implementation | Time of Clearance                                       | Party Responsible for Verification/Monitoring | Sign Off | Date |
| <i>Accent Lighting:</i> Architectural features may be illuminated by uplighting provided that the light is effectively contained by the structures, the lamps are low intensity and are used only to provide subtle lighting effects and that no significant glare or light trespass is produced.  |                               |                                      |   |   |          |      |
| <b>MM5.7.2-5</b> Project structures shall utilize non-reflective materials to avoid glare intruding onto adjacent properties and open spaces.  | Preparation of building plans | Applicant                            | Prior to Building Permit                                | LACDRP  |          |      |
| <b>MM5.7.2-6</b> All exterior texture and color coatings of athletic poles and lighting fixtures visible to the general public should be selected to blend with the prevailing background colors and textures to minimize their visual intrusiveness and/or prominence.  | Preparation of building plans | Applicant                            | Prior to Building Permit                                | LACDRP  |          |      |
| <b>MM5.7.2-7</b> All lighting fixtures visible to the general public should be consistent with the overall architectural style of the project with respect to design, materials, and color.  | Preparation of building plans | Applicant                            | Prior to Building Permit                                | LACDRP  |          |      |
| <b>COMPONENTS 3 &amp; 5 ONLY</b><br><b>MM5.7.2-8</b> All outdoor lighting utilized in the Enhanced Recreation Area and the Upgraded NCAA Soccer Field components shall utilize directional lighting methods with shielding and cut-off type light fixtures to minimize glare and incidental upward directed lighting effects and that will prevent significant light trespass into dark naturally vegetated areas. | Preparation of building plans | Applicant                            | <u>Components 3 &amp; 5</u><br>Prior to Building Permit | LACDRP  |          |      |
| <b>TRAFFIC AND ACCESS</b>  |                               |                                      |   |   |          |      |
| <b>COMPONENT 2 ONLY</b>  |                               |                                      |   |   |          |      |
| <b>M5.8-1</b> Prior to occupancy of the new AEC, the University shall provide and maintain a minimum of 100 net new beds over existing conditions. During the construction of the first phase of the Student Housing Rehabilitation, if the University utilizes off-campus housing to accommodate  | Provide additional beds       | Applicant                            | <u>Component 2</u><br>Prior to Building Permit          | LACDRP  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action   | Party Responsible for Implementation | Time of Clearance  | Party Responsible for Verification/ Monitoring | Sign Off | Date |
|--|--|--------------------------------------|--|--|----------|------|
| displaced student residents the University shall provide regularly scheduled shuttles to transport relocated students between the off-campus housing sites and the campus.   |  |                                      |  |  |          |      |
| <p><b>COMPONENT 2 ONLY</b><br/> <b>MM5.8-2</b> Prior to any events at the new AEC, the University shall develop an Event Management Plan which addresses issues on campus and adjacent to campus as to events with greater than 3,500 attendees for review and approval by the County of Los Angeles. At a minimum the plan shall include the following elements:</p> <ul style="list-style-type: none"> <li>• Route inbound and outbound traffic through both of the University gates at Seaver Drive and John Tyler Drive in order to minimize the level and duration of congestion at the beginning and end of events. Use of both gates is required to accommodate peak inbound and outbound traffic flows and avoid significant congestion at the campus access intersections.</li> <li>• Develop an event information and advertising plan that provides information to attendees regarding the access and parking system planned for the event. The plan would include posting information on the University's web site, providing access and parking information with event invitations or tickets that are mailed, providing event parking and access information at the on-campus ticket sales offices, etc.</li> <li>• Post "No Event Parking" signs as permitted through the City of Malibu at the entrance to the Malibu Country Estates</li> </ul> | <p>Preparation of event management plan</p> <p>Implementation of event management plan</p> | <p>Applicant</p>                     | <p align="center"><u>Component 2</u></p> <p>Prior to Building Permit</p> <p>On-going</p> | <p>LACDRP</p>                                  |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--------|--------------------------------------|-------------------|---|----------|------|
| <p>subdivision to prohibit parking in the neighborhood during large events.</p> <ul style="list-style-type: none"> <li>• Post "No Pepperdine Campus Event Parking" signs as permitted at the entrance to the Conservancy-owned Malbu Bluffs Property to prohibit parking in its lots during large events.</li> <li>• Require annual parking counts be submitted to the Director of Planning to ensure sufficient capacity of on-campus parking so that no event parking takes place in the Malibu Country Estates or Conservancy-owned Malibu Bluffs property.</li> <li>• Implement signage at the two campus access kiosks to route inbound event traffic through without having to stop for a parking pass. This would minimize driver confusion and vehicles stopping at the entry gates, which can create congestion.</li> <li>• Implement temporary signage at the Seaver Drive/Banowsky Boulevard and John Tyler Drive/Banowsky Boulevard intersections to efficiently direct attendees to the event parking areas in the northern portion of the campus.</li> <li>• Given the proximity of the new AEC to the intersection of Huntsinger Circle and Via Pacifica, traffic control shall be required at this intersection to direct vehicles and pedestrians at the start and end of events.</li> <li>• Use signage and/or traffic control officers at the on-campus parking structures and lots. The plan should place officers/signage such that the new parking structures planned adjacent at the</li> </ul> |        |                                      |                   |   |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action   | Party Responsible for Implementation                               | Time of Clearance  | Party Responsible for Verification/Monitoring                                      | Sign Off | Date |
|--|--|--|--|--|----------|------|
| <p>Athletics/Events Center, the School of Law Student Lot and at the Terrace Lot as well as the surface parking areas located in the campus interior are used to the greatest extent feasible.</p> <ul style="list-style-type: none"> <li>• Employ the campus shuttle system to transport attendees to/from parking facilities used for events. Increase the number of shuttles as needed based on event size.</li> <li>• Include event monitoring that reviews the adequacy of the Event Management Plan and parking availability after the events are held and allows for adjustments to the Plan. In general, the Plan elements would be fine-tuned and adjusted based on the results of the monitoring efforts.</li> </ul>   |  |  |  |  |          |      |
| <p><b>COMPONENT 2 ONLY</b></p> <p><b>MM5.8-3</b> A comprehensive Transportation Demand Management Program (TDM) shall be developed and implemented for large-scale events at the AEC attended by over 3,750 persons that start or end during the A.M. (7:00-9:00) or P.M. (4:00-6:00) peak periods weekdays and draw more than 60 percent of attendees from off-campus sources. Such events, which shall be considered Major Events, shall not include athletic events which begin before 4 P.M. or after 7:00 P.M. providing said events do not end between 4:00-6:00 p.m. Pepperdine shall establish a method to track admissions tickets or vouchers for on-campus attendees and off-campus attendees for the Athletic/Events Center, and shall supply data from such events to the Department of Regional Planning upon request. A report shall be provided to the Department of Regional Planning on an annual basis that lists the Major Events held at the Athletic/Events Center in the previous year. The</p> | <p>Preparation of Preliminary TDM Program</p> <p>Preparation of Final TDM Program</p> <p>Implementation of TDM Program</p> | <p>Applicant/ County</p> <p>Applicant/ County</p> <p>Applicant</p> | <p align="center"><u>Component 2</u></p> <p>Prior to Building Permit</p> <p>Prior to AEC Occupancy</p> <p>On-going</p> | <p>LACDPW<br/>LACDRP<br/>TAC</p> <p>LACDPW<br/>LACDRP</p> <p>LACDPW<br/>LACDRP</p> |          |      |

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--------|--------------------------------------|-------------------|---|----------|------|
| <p>majority of such events shall be athletic or student-related programs.</p> <p>The TDM Program shall be designed to mitigate, to the extent feasible, the significant impacts of traffic in connection with such events. It shall include measures, such as those listed in the Traffic Impact Study (Appendix H of the Draft EIR), to decrease the number of vehicular trips generated by people traveling to the Athletics/Events Center during these times by offering specific facilities, services, and actions designed to reduce automobile dependency, as well as to promote alternative travel modes (e.g., carpool, regional shuttle systems, come early and stay late initiatives, etc.). The TDM Program shall be developed in conjunction with the County of Los Angeles and subject to their final approval. A Preliminary TDM Program shall be developed in conjunction with the County of Los Angeles prior to issuance of a building permit for the AEC. The Preliminary TDM Program shall be reviewed with Pepperdine's Transportation Advisory Committee, which includes the City of Malibu and Caltrans, and with representatives of Conservancy-owned Malibu Bluffs and Malibu Country Estates as adjacent neighbors. The Final TDM Program shall be approved solely by the County of Los Angeles to the satisfaction of the Director of Public Works and the Director of Planning prior to issuance of any Certificate of Occupancy for the AEC. A copy of the approved TDM shall be submitted to the City of Malibu and Caltrans for their use.</p> |        |                                      |                   |   |          |      |

| MITIGATION MONITORING AND REPORTING PROGRAM   |  |                                      |  |   |          |      |
|---|--|--------------------------------------|--|---|----------|------|
| Mitigation  | Action   | Party Responsible for Implementation | Time of Clearance                              | Party Responsible for Verification/Monitoring | Sign Off | Date |
| <b>COMPONENT 2 ONLY</b>   |  |                                      |  |   |          |      |
| <b>MM5.8-4</b> The maximum size event at the AEC during the peak parking period shall be limited to 5,000 attendees until a parking supply of 4,880 parking spaces is provided.   | Enforcement of attendance limit                              | Applicant                            | <u>Component 2</u><br>Prior to Building Permit | LACDRP  |          |      |
| <b>PUBLIC SERVICES</b>  |  |                                      |  |   |          |      |
| <u>Fire Protection:</u>   |  |                                      |  |   |          |      |
| <b>MM5.9.1-1</b> As recommended by the LACFD, the incremental impact of the proposed CLP project on fire protection and emergency medical services within the Pepperdine University service area shall be mitigated by Pepperdine University's participation in the City of Malibu's adopted Developer Fee Program <sup>2</sup> for new residential, commercial, and industrial construction, which benefits the Consolidated Fire Protection District of Los Angeles County. Program fees levied by the County of Los Angeles shall support fire stations and apparatus necessary to deliver service to the City of Malibu, which would due to their geographic proximity, provide fire suppression and emergency services to Pepperdine University. | Payment of fees  | Applicant                            | Prior to Building Permit                       | LACFD   |          |      |
| <b>MM5.9.1-2</b> The University's Sheltering/Evacuation Plan, which is an element of the University's Emergency Plan shall be updated to include all the CLP elements and structural facilities. The updated plan in its entirety will be subject to the review and approval by the LACFD.  | Preparation/ approval of updated Sheltering/ Evacuation Plan | Applicant                            | Prior to Building Permit                       | LACFD   |          |      |
| <b>MM5.9.1-3</b> The proposed CLP Components shall comply with all applicable County Code and LACFD   | Preparation of building plans                                | County                               | Prior to Building Permit                       | LACFD   |          |      |

<sup>2</sup> The City of Malibu has adopted the Los Angeles County Developer Fee Program. Administration and collection of the Developer Fee within the territorial limits of the City of Malibu is the responsibility of the Consolidated Fire Protection District of Los Angeles County. The developer fee revenues supplement funds available to the Consolidated Fire Protection District of Los Angeles County to provide for the acquisition, construction, improvement and equipping of facilities necessary for the District to deliver fire protection services within the City of Malibu (City of Malibu Council Agenda Report, Agenda Item #4A, January 6, 2009).

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action                           | Party Responsible for Implementation | Time of Clearance                | Party Responsible for Verification/ Monitoring | Sign Off | Date |
|--|----------------------------------|--------------------------------------|----------------------------------|--|----------|------|
| ordinance requirements for Commercial and High Density Residential development located in high fire danger areas regarding the following: building construction methods and materials; the ease of site access; the adequacy of water mains, namely of fire-flow pressures and volumes; the location and numbers of fire hydrants; the use of indoor sprinklers and sensors; and the re-vegetation of all manufactured slopes with fire retardant (native) landscaping; and strict and timely adherence to LACFD-mandated fire-safety brush clearance regulations. |                                  |                                      |                                  |  |          |      |
| <b>MM5.9.1-4</b> The proposed CLP shall comply with all applicable State Fire Marshall requirements for the installation of fire alarms, firewalls and dampers, and detector devices.  | Preparation of building plans    | Applicant                            | Prior to Building Permit         | LACFD  |          |      |
| <b>MM5.9.1-5</b> Reclaimed water from the University's storage lakes at Alumni Park will continue to be used for fire suppression purposes as needed by campus Public Safety officers and the LACFD <sup>3</sup> .   | Enforcement as necessary         | County/ Applicant                    | Prior to Building Permit Ongoing | LACFD  |          |      |
| <b>MM5.9.1-6</b> Pepperdine University shall provide detailed site plan maps and facilities drawings of the completed CLP Component facilities and areas to the LACFD, which clearly illustrate access routes, building recognition/identification numbers/names, addresses, building and parking structure floor plans, the locations of emergency exits, and any other pertinent information that would facilitate LACFD response.   | Preparation/ approval site plans | Applicant                            | Prior to Building Permit         | LACFD  |          |      |
| <b>MM5.9.1-7</b> Pepperdine University shall post no smoking and/or use of open flame signage at all trail and dirt road entry points to undeveloped (natural)   | Post signage                     | Applicant                            | Prior to Building Permit         | LACDRP   |          |      |

<sup>3</sup> The continued presence of water in the reservoirs is assured, as the University is mandated by the RWQCB to receive all reclaimed water from the Malibu Mesa Wastewater Treatment Plant.

**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action   | Party Responsible for Implementation | Time of Clearance                                  | Party Responsible for Verification/Monitoring | Sign Off | Date |
|--|--|--------------------------------------|--|---|----------|------|
| areas of the campus and shall continue to prohibit and enforce the "no smoking" policy in undeveloped (natural) areas of the Malibu campus by means of the recording of violations by campus safety officers, the issuance of campus citations for violations, and the prompt reporting of such instances to the appropriate law enforcement authorities as necessary.   | Enforcement of restriction                           |                                      | On-going   |   |          |      |
| <b>MM5.9.1-8</b> Pepperdine University shall continue to post "fire danger" signs and restrict entry to all unauthorized persons into naturally vegetated hillside terrain during officially declared high fire hazard weather conditions. The University's Department of Public Safety shall continue to provide regular patrols and enforcement within the University property to prevent unlawful activity that could result in urban fires or wildfires.                                   | Post signage<br><br>Enforcement of restrictions      | Applicant                            | Prior to Building Permit<br><br>On-going           | LACDRP  |          |      |
| <u>Police Protection Services:</u><br><b>MM5.9.2-1</b> The University's Department of Public Safety shall hire one additional public safety officer for every 35,000 square feet of new non-residential development.   | Hire additional public safety personnel              | Applicant                            | Prior to occupancy                                 | LACDRP  |          |      |
| <b>PUBLIC UTILITIES</b>  |  |                                      |  |   |          |      |
| <u>Sewage Disposal:</u><br><b>MM5.10.2-1</b> Applicant shall upgrade the existing Wastewater Flow Equalization Station with an additional pump with 180 gpm capacity that would provide the Wastewater Flow Equalization Station pumping station with 50 percent redundancy at 360 gpm of duty capacity. With a third pump added, the capacity of the Wastewater Flow Equalization Station would be more than adequate to accommodate the additional flows expected during wet weather events. | Prepare building plans<br><br>Upgrade existing WWFES | Applicant                            | Prior to Building Permit<br><br>Prior to Occupancy | LACDPW  |          |      |

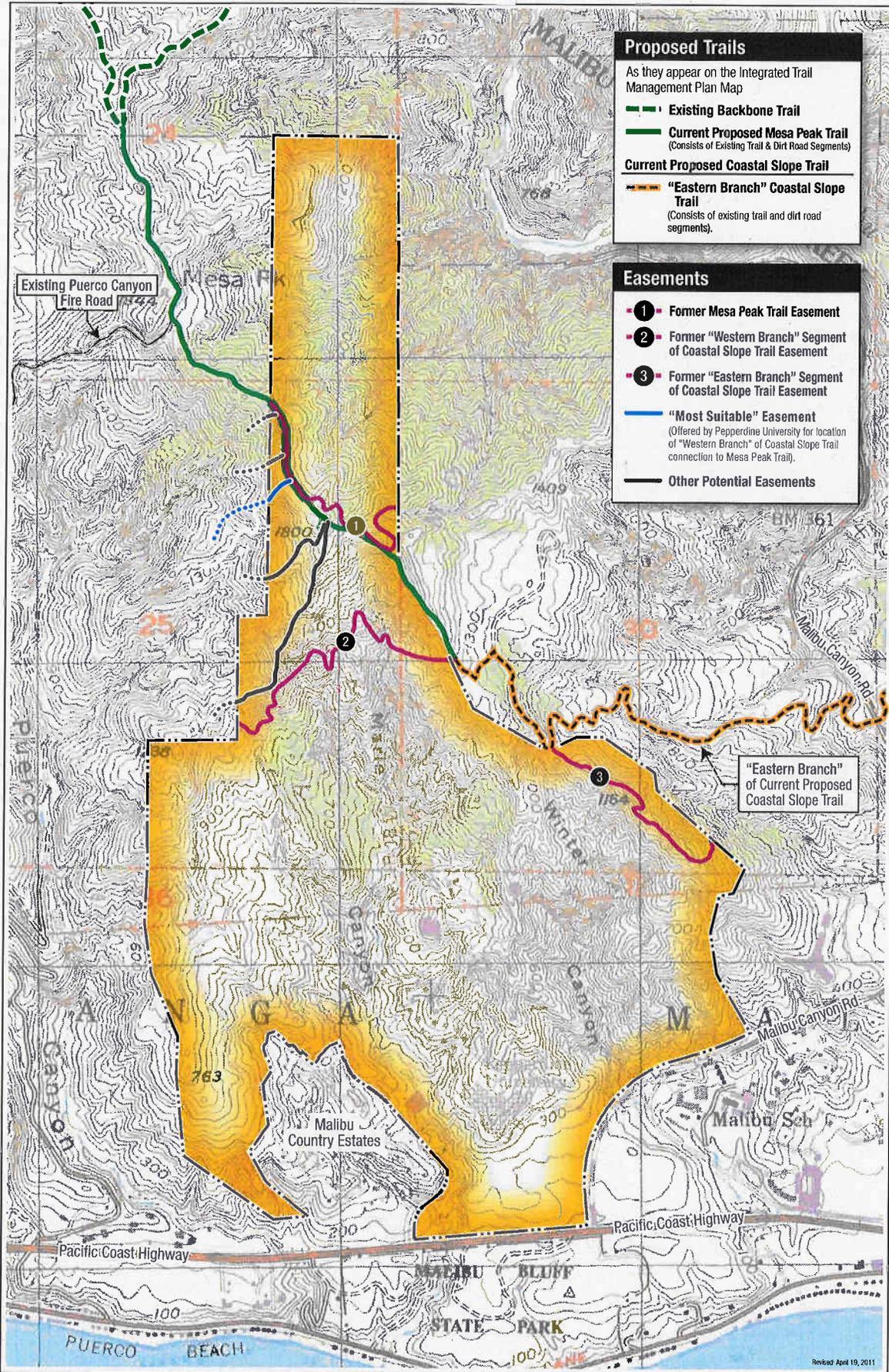


**MITIGATION MONITORING AND REPORTING PROGRAM**

| Mitigation   | Action | Party Responsible for Implementation | Time of Clearance | Party Responsible for Verification/Monitoring | Sign Off | Date |
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| <ul style="list-style-type: none"> <li>• Faculty, staff and students shall be encouraged to utilize double-sided printing whenever possible.</li> <li>• Batteries, toner cartridges and other office tech equipment such as computer monitors, printers, and cell phones shall be recycled.</li> <li>• Offices shall encourage recycled paper usage that contains at least 30 percent recycled content and is Green Seal Certified.</li> <li>• The campus shall maintain usage of 100 percent recycled products (e.g. hand towels) for the janitorial products for common area restrooms, break rooms, etc.</li> </ul> |        |                                      |                   |   |          |      |

**ATTACHMENT C**  
**CONDITIONS EXHIBITS 1-5**

# EXHIBIT 1



**Proposed Trails**  
As they appear on the Integrated Trail Management Plan Map

- Existing Backbone Trail
- Current Proposed Mesa Peak Trail  
(Consists of Existing Trail & Dirt Road Segments)

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**Current Proposed Coastal Slope Trail**

- "Eastern Branch" Coastal Slope Trail  
(Consists of existing trail and dirt road segments).

**Easements**

- 1 Former Mesa Peak Trail Easement
- 2 Former "Western Branch" Segment of Coastal Slope Trail Easement
- 3 Former "Eastern Branch" Segment of Coastal Slope Trail Easement
- "Most Suitable" Easement  
(Offered by Pepperdine University for location of "Western Branch" of Coastal Slope Trail connection to Mesa Peak Trail).
- Other Potential Easements

**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 – Environix Corporation map (April 6, 2005) 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

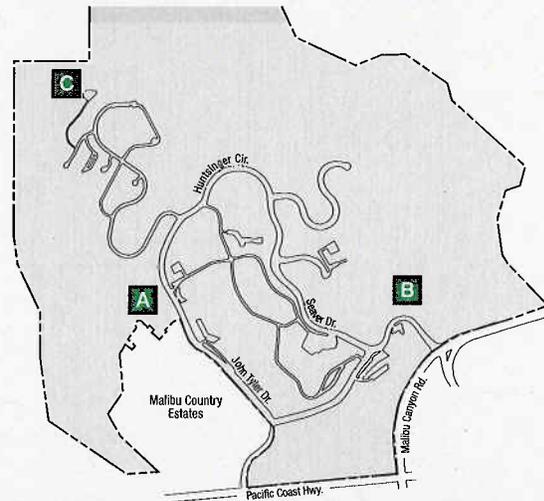
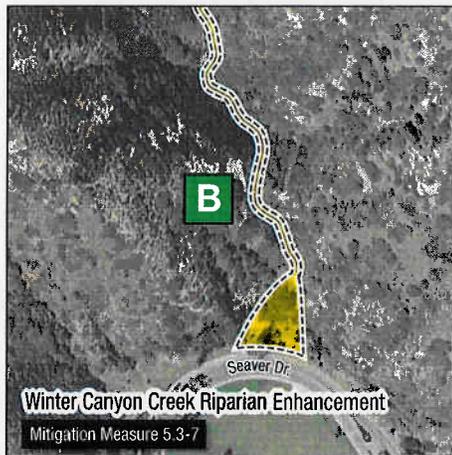
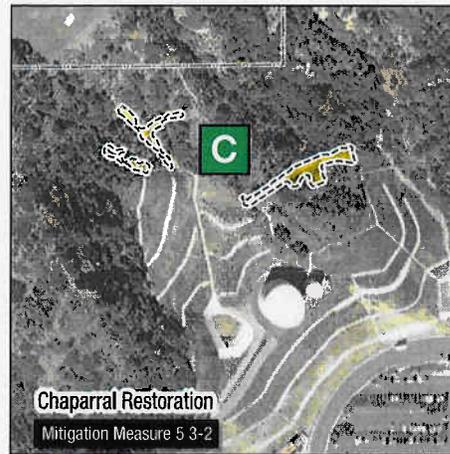


**Public Trails/Easements**



FIGURE 1

# EXHIBIT 2



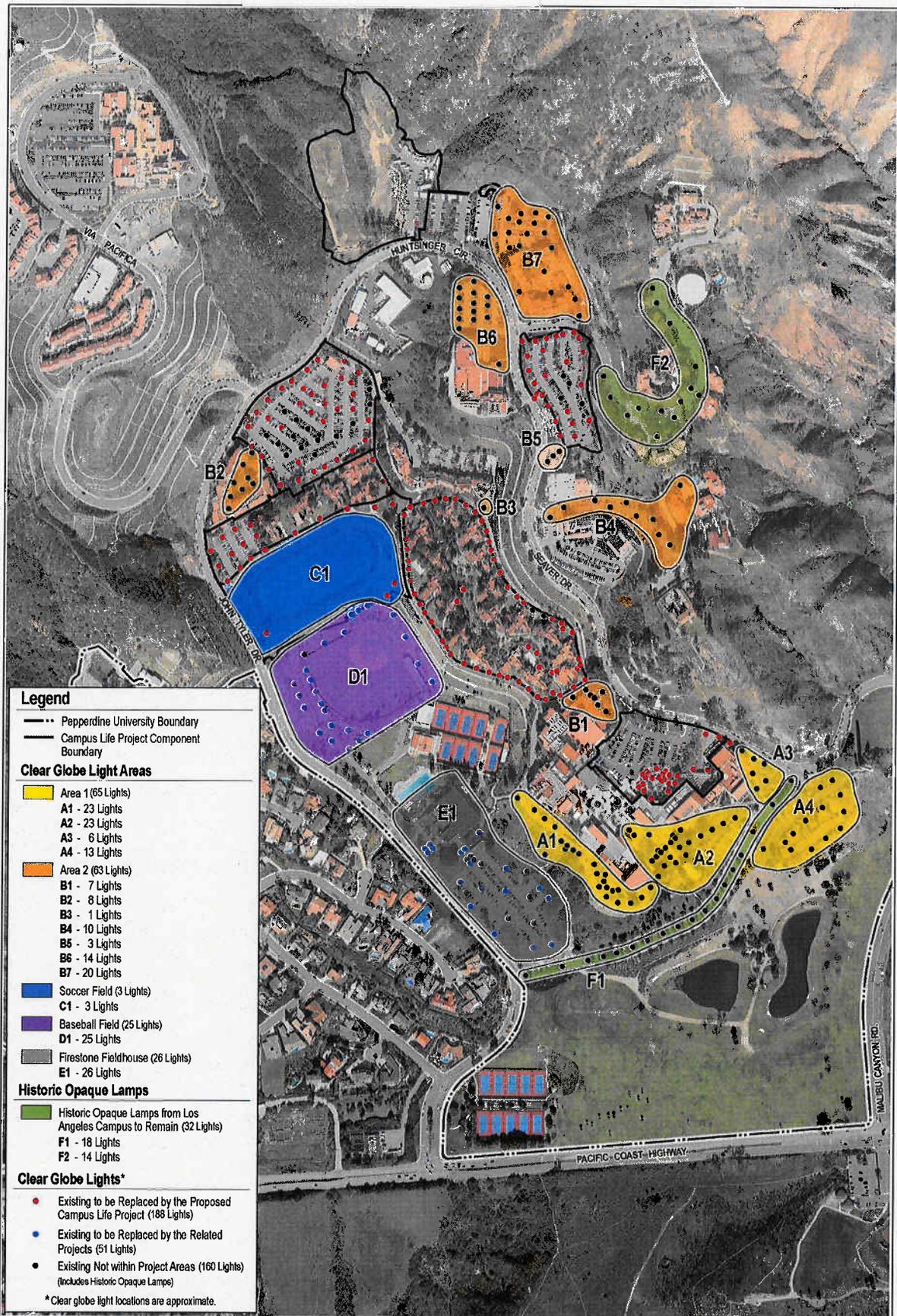
| Mitigation   | Description  | Location  | Acreage  | Ratio | Impact Mitigated   |
|--|--|---|--|-------|--|
| <b>A</b><br><b>Spanish Broom Removal and Coastal Sage Scrub Restoration</b><br>Mitigation Measure 5.3-8            | Removal of a Spanish broom infestation and restoration of the site to coastal sage scrub. At least a 0.41-acre portion of the mitigation site will be restored to California encelia scrub, which is considered to be a component of coastal sage scrub. Mitigation also involves the removal and control of dispersed Spanish broom within existing fuel modification zones on the slopes surrounding the restoration site, and the eradication or substantial reduction in cover and control of other invasive species at the restoration site.                                  | On slopes just west of John Tyler Drive; generally west of the Tari Frahm Rokus Field (see Figure 5.3 of FEIR)                        | 0.84   | 1:1   | Removal of 0.84 acres of the re-vegetation site (ACOE mitigation site) on the western slope of the Marie Canyon debris basin within the grading limits of CLP Component 5. Also, removal of the sensitive California Encelia Alliance plant community. |
| <b>B</b><br><b>Winter Canyon Creek Riparian Enhancement</b><br>Mitigation Measure 5.3-7                            | Removal of invasive species and planting of appropriate native species where invasive species have been removed within Army Corps of Engineers (ACOE) and Department of Fish and Game (DFG) jurisdictional areas in Winter Canyon. Invasive species to be targeted include, but are not limited to, pampas grass, Terracina spurge, sweet fennel, and umbrella sedge.  | Winter Canyon drainage and debris basin to the north of Seaver Drive (see Figure 5.3-5 of FEIR).                                      | 0.48   | 1:1   | Removal and filling of DFG jurisdictional habitat and ACOE non-wetland Waters of the U.S. within the grading limits of CLP Component 5.  |
| <b>C</b><br><b>Chaparral Restoration</b><br>Mitigation Measure 5.3-2   | Restoration of disturbed areas to chaparral. Also involves eradication or substantial reduction in cover and the control of invasive plant species within these areas.   | North of the water tank and re-vegetated manufactured slopes to the north of the Drescher Graduate Campus (see Figure 5.3-5 of FEIR). | 0.29   | 1:1   | Removal of upland native chaparral within the grading limits of CLP Component 5.   |
| <b>Compensation for Impacts to Native Plant Communities in Fuel Modification Zones</b><br>Mitigation Measure 5.3-1 | Compensatory mitigation will be necessary if fuel modification activities associated with CLP Components 1 and/or 2 impact native plant communities, in which case the mitigation method(s) and site(s) are "to be determined." Impacts will be dependent upon LACFD fuel modification requirements surrounding these components. Mitigation may be accomplished by 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. | To be determined.   | Potentially up to 0.54 acres (0.35 acres associated with CLP Component 1 and 0.19 acres associated with CLP Component 2) | 1:1   | Impacts to native plant communities within the fuel modification zones of CLP Components 1 and/or 2.   |

# EXHIBIT 3



Revised: April 21, 2011

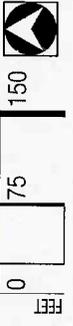
# EXHIBIT 4



Aerial Source: Burbank Aerial, Inc., 2008.

Exhibit Date: April 19, 2011.

# EXHIBIT 5



PEPPERDINE UNIVERSITY CAMPUS LIFE PROJECT

## Screening Hedges and Outdoor Sound Amplification Restricted Zone at Campus Walk

## **Attachment D**

### **Development Table:**

***Pepperdine University DPZ/Specific Plan for  
Development and Long Range Development Plan  
Square Footage Compilation***

As of March 17, 2011

**PEPPERDINE UNIVERSITY**  
**DPZ/SPECIFIC PLAN FOR DEVELOPMENT AND LONG RANGE DEVELOPMENT PLAN SQUARE FOOTAGE COMPILATION**

| FACILITY NO. | LRDP/DPZ APPROVED FACILITY     | APPROVED SQUARE FOOTAGE ("SF") | AVAILABLE SF OR AVAILABLE USES            | SF APPLIED FOR CLP (IF APPLICABLE) | REMAINING SF AFTER CLP |
|--------------|--------------------------------|--------------------------------|---|------------------------------------|------------------------|
| 1            | Theme Tower                    | 140                            | Complete                                  | 0                                  | 0                      |
| 1A           | Night Lighting of Theme Tower  | N/A                            | Use Still Available (Not Yet Implemented) | N/A                                | N/A                    |
| 2            | Chapel                         | 2,775                          | Complete                                  | 0                                  | 0                      |
| 100          | Student Housing Buildings      | 180,000                        | Complete                                  | 0                                  | 0                      |
| 101          | Housing Director Residence     | 1,400                          | 784                                       | 784                                | 0                      |
| 102          | Student Housing Building       | 16,000                         | Complete                                  | 0                                  | 0                      |
| 103          | Student Housing                | 75,000                         | Complete                                  | 0                                  | 0                      |
| 103A         | Central Reception Center       | 4,000                          | 1,136                                     | 0                                  | 1,136                  |
| 104          | Student Housing                | 40,000                         | 3,478                                     | 3,478                              | 0                      |
| 104A         | Central Reception Center       | 3,000                          | 620                                       | 620                                | 0                      |
| 105          | Faculty/Staff Housing -- Pad 1 | 36,000                         | 2,808                                     | 2,808                              | 0                      |
| 106          | Faculty/Staff Housing -- Pad 2 | 24,000                         | 1,110                                     | 1,110                              | 0                      |
| 107          | Faculty/Staff Housing -- Pad 3 | 36,000                         | 7,957                                     | 7,957                              | 0                      |
| 108          | Faculty/Staff Housing -- Pad 4 | 24,000                         | 2,253                                     | 2,253                              | 0                      |
| 109          | Faculty/Staff Housing -- Pad 5 | 24,000                         | 6,259                                     | 6,259                              | 0                      |
| 110          | Executive Housing              | 26,100                         | 5,637                                     | 5,637                              | 0                      |
| 111          | Executive                      | 4,500                          | Complete                                  | 0                                  | 0                      |

As of March 17, 2011

| FACILITY NO.     | LRDP/DPZ APPROVED FACILITY                | APPROVED SQUARE FOOTAGE ("SF") | AVAILABLE SF OR AVAILABLE USES | SF APPLIED FOR CLP (IF APPLICABLE) | REMAINING SF AFTER CLP |
|------------------|---|--------------------------------|--------------------------------|------------------------------------|------------------------|
|                  | <b>Residence / Office</b>                 |                                |                                |                                    |                        |
| 112              | <b>Executive Residence / Office</b>       | 9,000                          | Complete                       | 0                                  | 0                      |
| 150 <sup>1</sup> | <b>Student Housing</b>                    | 105,000*                       | Deleted                        | 0                                  | 0                      |
| 151              | <b>Student Housing</b>                    | 74,000*                        | Complete                       | 0                                  | 0                      |
| 152 <sup>2</sup> | <b>Student Housing</b>                    | 90,000*                        | Reallocated                    | 0                                  | 0                      |
| 153              | <b>Student Housing</b>                    | 38,000*                        | 600                            | 600                                | 0                      |
| 154              | <b>Faculty / Staff Housing</b>            | 8,000*                         | Complete                       | 0                                  | 0                      |
| 155 <sup>3</sup> | <b>Student Housing</b>                    | 171,000*                       | Deleted                        | 0                                  | 0                      |
| 156              | <b>Student Housing</b>                    | 104,000*                       | 4,843                          | 4,843                              | 0                      |
| 157              | <b>Faculty Condominiums</b>               | 100,800*                       | Complete                       | 0                                  | 0                      |
| 158              | <b>Faculty / Staff Housing</b>            | 30,000*                        | 2,623                          | 2,623                              | 0                      |
| 159              | <b>Student Housing</b>                    | 75,000                         | 75,000                         | 75,000                             | 0                      |
| 160              | <b>Faculty / Staff Housing</b>            | 30,697*                        | Complete                       | 0                                  | 0                      |
| 161              | <b>Student Housing</b>                    | 36,000                         | 36,000                         | 36,000                             | 0                      |
| 162 <sup>4</sup> | <b>Student Housing</b>                    | 171,000*                       | Deleted                        | 0                                  | 0                      |
| 200              | <b>Administrative Computer Facilities</b> | 7,000                          | Complete                       | 0                                  | 0                      |
| 201              | <b>Academic Complex</b>                   | 72,431                         | Complete                       | 0                                  | 0                      |
| 202              | <b>Campus Center</b>                      | 49,000                         | Complete                       | 0                                  | 0                      |

<sup>1</sup> Facility 150 was approved in the Los Angeles County DPZ/Specific Plan for Development ("DPZ") and deleted at the approval of the California Coastal Commission Long Range Development Program ("LRDP").

<sup>2</sup> Facility 152 was combined with Facility 151 per CUP 91-156(3) and LRDP Amendment 1-92.

<sup>3</sup> Facility 155 was approved in the DPZ and deleted at the approval of the LRDP.

<sup>4</sup> Facility 162 was approved in the DPZ and deleted at the approval of the LRDP.

As of March 17, 2011

| FACILITY NO.      | LRDP/DFZ APPROVED FACILITY          | APPROVED SQUARE FOOTAGE ("SF") | AVAILABLE SF OR AVAILABLE USES | SF APPLIED FOR CLP (IF APPLICABLE) | REMAINING SF AFTER CLP |
|-------------------|-------------------------------------|--------------------------------|--------------------------------|------------------------------------|------------------------|
| 202A              | Campus Center Expansion             | 24,300*                        | 9,900                          | 0                                  | 9,900                  |
| 202B <sup>5</sup> | Campus Center Expansion             | 1,000*                         | Reallocated                    | 0                                  | 0                      |
| 203               | Greenhouse Facility                 | 500                            | Complete                       | 0                                  | 0                      |
| 204               | Meeting / Office Training Building  | 10,000                         | Complete                       | 0                                  | 0                      |
| 205               | Science Complex                     | 41,900                         | Complete                       | 0                                  | 0                      |
| 206               | Lecture Hall                        | 6,080                          | Complete                       | 0                                  | 0                      |
| 206A              | Lecture Hall Expansion and Addition | 9,500                          | Complete                       | 0                                  | 0                      |
| 207               | Fine Arts Complex                   | 24,000                         | Complete                       | 0                                  | 0                      |
| 208               | Music Wing of Fine Arts Complex     | 20,000                         | Complete                       | 0                                  | 0                      |
| 209               | Student Housing Office              | 9,216*                         | Complete                       | 0                                  | 0                      |
| 210               | School of Law - Phase I             | 80,000                         | Complete                       | 0                                  | 0                      |
| 250               | Administration Building             | 95,000                         | Complete                       | 0                                  | 0                      |
| 251               | Academic Building                   | 59,000*                        | Complete                       | 0                                  | 0                      |
| 252               | Auditorium                          | 70,000                         | 70,000<br>3,500 seats          | 70,000<br>1,896 seats              | 0<br>1,604 seats       |
| 253               | Academic Complex                    | 33,000*                        | Complete                       | 0                                  | 0                      |
| 254               | Housing Reception                   | 4,000                          | 4,000                          | 4,000                              | 0                      |

<sup>5</sup> Facility 202B was combined with Facility 202A per LRDP Amendment 2-91 and NOID 1-91.

As of March 17, 2011

| FACILITY NO.     | LRDP/DPZ APPROVED FACILITY       | APPROVED SQUARE FOOTAGE ("SF") | AVAILABLE SF OR AVAILABLE USES | SF APPLIED FOR CLP (IF APPLICABLE) | REMAINING SF AFTER CLP |
|------------------|----------------------------------|--------------------------------|--------------------------------|------------------------------------|------------------------|
| 255              | Academic / Professional Building | 60,000                         | Complete                       | 0                                  | 0                      |
| 256              | Academic / Professional Building | 40,000                         | 40,000                         | 0                                  | 40,000                 |
| 257              | School of Law - Phase II         | 47,100*                        | 2,133                          | 0                                  | 2,133                  |
| 258 <sup>6</sup> | Student Union                    | 75,000 / 100,000*              | 75,000 / 100,000               | 75,000 / 100,000                   | 0                      |
| 259              | Student Support Facility         | 25,000                         | 25,000                         | 0                                  | 25,000                 |
| 260 <sup>7</sup> | Graphic Arts Facility            | 35,000*                        | Deleted                        | 0                                  | 0                      |
| 261              | Professional School              | 95,500*                        | Complete                       | 0                                  | 0                      |
| 262 <sup>8</sup> | Conference Center                | 25,000*                        | Reallocated                    | 0                                  | 0                      |
| 263 <sup>9</sup> | University Housing               | 80,000*                        | Deleted                        | 0                                  | 0                      |
| 264              | Academic Learning Center         | 25,000                         | 25,000                         | 0                                  | 25,000                 |
| 265              | Academic Support Facility        | 30,000                         | 30,000                         | 0                                  | 30,000                 |
| 266              | Information /                    | 300                            | Complete                       | 0                                  | 0                      |

<sup>6</sup> Facility 258 was approved for 75,000 square feet ("sf") in the DPZ and 100,000 sf in the LRDP.  
<sup>7</sup> Facility 260 was approved in the DPZ and deleted at the approval of the LRDP.  
<sup>8</sup> Facility 262 was combined with Facility 261 per CUP 97-191, LRDP Amendment 1-99, and NOID 3-99.  
<sup>9</sup> Facility 263 was approved in the DPZ and deleted at the approval of the LRDP.

As of March 17, 2011

| FACILITY NO.       | LRDP/DFZ APPROVED FACILITY                       | APPROVED SQUARE FOOTAGE ("SF")    | AVAILABLE SF OR AVAILABLE USES            | SF APPLIED FOR CLP (IF APPLICABLE) | REMAINING SF AFTER CLP |
|--------------------|--|-----------------------------------|---|------------------------------------|------------------------|
|                    | <b>Traffic Control Booths</b>                    |                                   |   |                                    |                        |
| 267 <sup>10</sup>  | <b>University Reception Center</b>               | 25,000*                           | 17,800                                    | 4,500                              | 13,300                 |
| 300                | <b>Tennis Facilities</b>                         | 300*                              | Complete                                  | 0                                  | 0                      |
| 301                | <b>Playing Field</b>                             | 125,000<br>2 softball-size fields | Complete                                  | 0                                  | 0                      |
| 302                | <b>Gymnasium</b>                                 | 31,360                            | Complete                                  | 0                                  | 0                      |
| 302A <sup>11</sup> | <b>Gymnasium Expansion</b>                       | 10,377*                           | 7,992                                     | 0                                  | 7,992                  |
| 303                | <b>Swimming Pool</b>                             | 14,000                            | Complete                                  | 0                                  | 0                      |
| 304                | <b>Swim Building</b>                             | 1,500                             | Complete                                  | 0                                  | 0                      |
| 305                | <b>Tennis Facilities</b>                         | 3 courts*                         | Complete                                  | N/A                                | N/A                    |
| 306                | <b>Baseball Stadium</b>                          | N/A                               | Complete                                  | N/A                                | N/A                    |
| 306A <sup>12</sup> | <b>Baseball Field Lighting</b>                   | N/A                               | Use Still Available (Not Yet Implemented) | N/A                                | N/A                    |
| 307                | <b>Running Track / Soccer Field</b>              | Track surrounding soccer field    | Complete                                  | N/A                                | N/A                    |
| 308                | <b>Faculty / Staff Swimming Pool / Play Area</b> | 65,000                            | Complete                                  | 0                                  | 0                      |
| 351                | <b>Tennis Courts and Snack Deck</b>              | 10,810*                           | 5,310                                     | 0                                  | 5,310                  |
| 352 <sup>13</sup>  | <b>Racquetball</b>                               | 5,000*                            | Deleted                                   | 0                                  | 0                      |

<sup>10</sup> A portion of facility 267 amounting to 7,200 sf was allocated to facility 209 per LRDP amendment 2-91.

<sup>11</sup> This facility, in conjunction with facility 355, is associated with the previously approved 25,992 sf expansion of the Firestone Fieldhouse, which is listed and analyzed in the CLP DEIR as a related project.

<sup>12</sup> This facility is associated with the lighting of the baseball field, which is listed and analyzed in the CLP DEIR as a related project.

As of March 17, 2011

| FACILITY NO.      | LRDP/DPZ APPROVED FACILITY           | APPROVED SQUARE FOOTAGE ("SF") | AVAILABLE SF OR AVAILABLE USES                      | SF APPLIED FOR CLP (IF APPLICABLE) | REMAINING SF AFTER CLP |
|-------------------|--------------------------------------|--------------------------------|---|------------------------------------|------------------------|
|                   | <b>Courts</b>                        | 6 Courts                       |   |                                    |                        |
| 353               | <b>Paddle Tennis Courts</b>          | 6 Courts                       | Use Still Available (Not Yet Implemented)           | N/A                                | N/A                    |
| 354               | <b>Racquetball Courts</b>            | 3,500*<br>9 Courts             | 3,500<br>Use Still Available (Not Yet Implemented)  | 3,500                              | 0                      |
| 355 <sup>14</sup> | <b>Gymnasium Facilities</b>          | 50,000                         | 50,000  | 32,000                             | 18,000                 |
| 356 <sup>15</sup> | <b>Playing Field</b>                 | 1 Field*                       | Deleted   | N/A                                | N/A                    |
| 357               | <b>Equestrian Center</b>             | 6,000<br>Riding Ring           | Complete  | 0                                  | 0                      |
| 358 <sup>16</sup> | <b>Recreation Areas</b>              | 4.5 acres*                     | Deleted   | N/A                                | N/A                    |
| 359               | <b>Running Track</b>                 | 0.8 mile track                 | Use still available (Not Yet Implemented)           | N/A                                | N/A                    |
| 401               | <b>Effluent Storage Reservoirs</b>   | 80,000<br>2 reservoirs         | Complete  | 0                                  | 0                      |
| 401A              | <b>Effluent Storage Reservoir</b>    | 40,000<br>1 reservoir          | 40,000<br>Use still available (Not Yet Implemented) | N/A                                | 40,000                 |
| 403               | <b>Telephone Switchgear Building</b> | 1,200                          | Complete  | 0                                  | 0                      |
| 404               | <b>Domestic Water Storage Tank</b>   | N/A                            | Complete  | N/A                                | N/A                    |
| 405               | <b>Reclaimed Water Storage Tank</b>  | N/A                            | Complete  | N/A                                | N/A                    |

<sup>13</sup> Facility 352 was approved in the DPZ and deleted at the approval of the LRDP.

<sup>14</sup> A portion of this facility (i.e., 18,000 sf), in conjunction with facility 302A, is associated with the previously approved 25,992 sf expansion of the Firestone Fieldhouse, which is listed and analyzed in the CLP DEIR as a related project.

<sup>15</sup> Facility 356 was approved in the DPZ and deleted at the approval of the LRDP.

<sup>16</sup> Facility 358 was approved in the DPZ and deleted at the approval of the LRDP.

As of March 17, 2011

| FACILITY NO.      | LRDP/DPZ APPROVED FACILITY  | APPROVED SQUARE FOOTAGE ("SF")             | AVAILABLE SF OR AVAILABLE USES                      | SF APPLIED FOR CLP (IF APPLICABLE) | REMAINING SF AFTER CLP |
|-------------------|---|--|---|------------------------------------|------------------------|
| 406               | Domestic Water Storage Tank   | N/A  | Complete  | N/A                                | N/A                    |
| 407               | Telephone Switchgear Building   | 300  | Complete  | 0                                  | 0                      |
| 410               | Information / Security Booth  | 50   | Complete  | 0                                  | 0                      |
| 450               | Expansion and Modification of the Existing Malibu Mesa Wastewater Reclamation Plant | 10,000<br>Increase Capacity to 500,000 gpd | 10,000<br>Use still available (Not Yet Implemented) | 0                                  | 10,000                 |
| 451               | Reclaimed Water Storage Tank  | N/A  | Complete  | N/A                                | N/A                    |
| 452               | Maintenance Facility  | 200,000                                    | 178,000   | 58,445 / 33,445 <sup>17</sup>      | 119,555 / 144,555      |
| 453               | Domestic Water Storage Tank   | N/A  | Complete  | N/A                                | N/A                    |
| 470               | Extension of Campus Road System   | Internal Roadway System                    | Complete  | N/A                                | N/A                    |
| 471 <sup>18</sup> | Extension of Campus Road System   | Internal Roadway System*                   | Reallocated   | N/A                                | N/A                    |
| 472 <sup>19</sup> | Extension of Campus Road  | Internal Roadway System*                   | Reallocated   | N/A                                | N/A                    |

<sup>17</sup> The sf required for reallocation from facility 452 for the Athletics/Events Center is either 58,445 sf (assuming 75,000 total sf approved at facility 258 per the DPZ) or 33,445 sf (assuming 100,000 total sf approved at facility 258 per the LRDP). The remaining square footage, either 119,555 or 144,555 sf, would be retained at its existing planned location for future campus projects.

<sup>18</sup> Combined with facilities 470 and 472 per CUP 97-191-(3), LRDP amendment 1-99, and NOID 3-99.

<sup>19</sup> Combined with facilities 470 and 471 per CUP 97-191-(3), LRDP amendment 1-99, and NOID 3-99.

As of March 17, 2011

| FACILITY NO.   | LRDP/DPZ APPROVED FACILITY | APPROVED SQUARE FOOTAGE (#SF <sup>20</sup> ) | AVAILABLE SF OR AVAILABLE USES | SF APPLIED FOR CLP (IF APPLICABLE) | REMAINING SF AFTER CLP |
|--|----------------------------|--|--------------------------------|------------------------------------|------------------------|
|  | <b>System</b>              |  |                                |                                    |                        |
| <b>473</b>   | <b>Intracampus Road</b>    | Internal Roadway System                      | Complete                       | N/A                                | N/A                    |
| <b>RB</b>  | <b>Retention Basins</b>    | N/A  | Complete                       | N/A                                | N/A                    |
| <b>480</b>   | <b>Stockpile</b>           | 37,000 Site & Drainage                       | Complete                       | 0                                  | 0                      |
| <b>TOTAL SF AVAILABLE, APPLIED, AND REMAINING<sup>20</sup></b> |                            |  |                                |                                    |                        |
|  |                            | <b>Total Available Sq. Ft. Prior to CLP</b>  |                                | <b>744,743 / 769,743</b>           |                        |
|  |                            | <b>Total SF Used for CLP</b>                 |                                | <b>397,417<sup>21</sup></b>        |                        |
|  |                            | <b>Total Remaining After CLP</b>             |                                | <b>347,326 / 372,326</b>           |                        |

| KEY                       |   |
|---------------------------|---|
| *                         | Altered square footage allocation or use from originally approved DPZ per the LRDP, subsequent CUPs, and/or LRDP amendments.<br><br>Further clarification provided in footnotes.                                  |
| <del>STRIKE-THROUGH</del> | Square feet and/or use that were approved in the Specific Plan and subsequently deleted or reallocated via the LRDP, subsequent CUPs, and/or LRDP amendments.<br><br>Further clarification provided in footnotes. |

<sup>20</sup> Facility 258 states 75,000 sf in the DPZ and 100,000 sf in the LRDP, which results in two separate running totals of available and remaining sf in the following order: County / Coastal.

<sup>21</sup> The Campus Life Project requires 394,137 net new square feet while the portions of facilities proposed for use in the Campus Life Project total 397,417 square feet, resulting in an overage of 3,280 square feet.

**PEPPERDINE UNIVERSITY**  
**AND**  
**MALIBU COUNTRY ESTATES HOME OWNERS**  
**ASSOCIATION**

**MEMORANDUM OF UNDERSTANDING AGREEMENT**  
**DATED APRIL 25, 2011**

# PEPPERDINE UNIVERSITY

CHIEF ADMINISTRATIVE OFFICER

April 25, 2011

Board of Directors  
Malibu Country Estates  
Homeowners Association

Re: Memorandum of Understanding Regarding Pepperdine University's Campus Life Project

Dear Malibu Country Estates Homeowners Association and Board of Directors:

We appreciate our continued discussions surrounding the concerns presented by the Malibu Country Estates Homeowners Association (the "HOA") regarding our proposed Campus Life Project (the "Project"), including County of Los Angeles Regional Planning Commission's Conditional Use Permit No. 2007-00203 and related applications. The Project means the entirety of the six components of the Project, together with the two related projects Baseball Field Lighting and Firestone Fieldhouse Renovation, as more fully described in Attachment B. For purposes of this Agreement, the term HOA shall mean the Malibu Country Estates Homeowners Association.

We are pleased that Pepperdine University (the "University") and the HOA (collectively, the "Parties") have decided to work out any outstanding issues related to the Project by entering into this voluntary Agreement.

The University has designed the Project and committed to numerous mitigation measures already included in the County conditions to be responsive to and address the HOA's suggestions. In addition, as consideration for this Agreement, the University hereby agrees to request that the County of Los Angeles (the "County") incorporate the voluntary conditions set forth in Attachment A to this Agreement (the "Voluntary Conditions") and otherwise impose the Voluntary Conditions as obligations of the Project. In return, the HOA agrees not to oppose, directly or indirectly, any of the Project as defined in Attachment B, or any approvals, permits, and entitlements as well as environmental clearances under the California Environmental Quality Act ("CEQA"), which are collectively referred to in this Agreement as the Project Approvals, and to support all Project Approvals subject to the conditions in this Agreement. By signing this Agreement, all parties memorialize this mutual understanding. The Agreement summarizes the resolution of each issue for the entirety of the Project and all its components and related projects at defined in Attachment B.

When the Agreement becomes effective as defined herein, this Agreement shall replace those provisions of the "Memorandum of Understanding Regarding Graduate Campus Project" executed by Armand Grant as President on behalf of the Malibu Country Estates Homeowners Association on May 27, 1999 (the "Previous Agreement"), to the extent that the terms of this

Agreement are inconsistent with any provisions of the Previous Agreement. In all other respects, the terms of the Previous Agreement shall remain in full force and effect.

## 1. PEPPERDINE UNIVERSITY COMMITMENTS

- 1.1 Voluntary Project Conditions. The University believes that all Project impacts will be fully mitigated. However, in order to address concerns expressed by the HOA and in consideration of its desire to be a good neighbor, the University will request that the County include in the final Conditional Use Permit (2007-00203) for Project No. 2007-03064-(3) (the "CUP") the Voluntary Conditions listed in Attachment A of this Agreement, and otherwise agrees that the University will comply with the Voluntary Conditions, even those not adopted by the County, in accordance with the following conditions:
  - 1.1.1 Approving Agency for Project Voluntary Conditions. The Parties acknowledge that the County is the approving agency for the Project and will make independent determinations as to the conditions to be imposed in the Project Approvals, in addition to any other approvals that may be required by other federal, state or local governmental agencies under applicable laws. While the University will request that the Los Angeles County Regional Planning Commission (the "Regional Planning Commission") include the Voluntary Conditions proposed in Attachment A in the final CUP, the Parties understand that the County may change wording though the substance is included. The Parties further acknowledge that compliance with the Voluntary Conditions for the Project shall be determined by the County Director of Planning, or as appropriate, those agencies listed in the Project Mitigation Monitoring and Reporting Program as being responsible for verification/monitoring. Those Voluntary Conditions which do not become Project conditions (Other University Agreements) shall be enforceable as provided in section 1.1.2 below.
  - 1.1.2 Alternative Compliance for Other University Agreements. In the event the County does not agree to include a particular condition as a Project Voluntary Condition, but does not impose any contrary obligation which would make it impossible or impractical for the University to comply with such condition, the parties shall work together to prepare a document to be recorded or agree to record this Agreement as evidence of its obligation to comply with such condition (collectively, "Alternative Compliance"). If a contrary obligation is imposed, the Parties shall meet and confer to identify an alternate method of compliance with the intent of such condition. In all events, the Parties intend that the Other University Agreements shall remain binding through Alternative Compliance.
- 1.2 Project Conditions and Mitigation Measures. After consulting with the HOA over a number of years as the Project was designed, the University has worked with County staff to develop proposed County conditions and mitigation measures

("MMs") contained in the Project's Staff Report and Final Environmental Impact Report ("FEIR"). The Conditions and MMs either directly or indirectly benefit the HOA, and many were developed through dialogue with the HOA. As part of this Agreement, the University commits to support the adoption of these Conditions and MMs. In all events these obligations shall remain binding on the Parties. The County or other governmental agencies may impose additional conditions on the Project, which are in addition to the obligations.

## **2. PROJECT NON-OPPOSITION AND SUPPORT**

In consideration for the benefits the University agrees to provide, described above and listed in Attachment A:

- 2.1 The HOA agrees to support the Project subject to these conditions and not to appeal, seek additional conditions upon, or oppose any of the Project Approvals, either orally or in writing or in the news media, before the County or California Coastal Commission or any other agency with jurisdiction over the Project. Additionally, the HOA agrees not to lobby or advocate, directly or indirectly, to any individual, organization, agency, appointed or elected official, or their staff in opposition to the Project Approvals, and to sign the attached support letter (Attachment C). Further, the HOA agrees not to bring or support, directly or indirectly, any litigation, claim, cause of action or similar proceeding challenging the Project Approvals or otherwise adverse to the Project.
- 2.2 Clarifications. In the event that an individual member or members of the HOA publicly oppose(s) the Project Approvals, either in the news media or before the County, California Coastal Commission or any other agency with jurisdiction over the Project, the HOA agrees that the University shall be authorized to provide the attached support letter (Attachment C) to provide clarification concerning the HOA's position of support for the Project, subject to the conditions of the Agreement. Such clarification shall provide that the member or members do not represent the HOA's position concerning the Project Approvals.
- 2.3 The HOA will provide written Letter Attachment C upon reasonable request by the University (which the University can then deliver), in any proceedings involving the Project Approvals before the County, California Coastal Commission or any other agency having jurisdiction over the Project. In addition, upon reasonable request by the University in order to respond to specific issues, additional written correspondence consistent with this Agreement shall be provided, in the spirit of cooperation referenced in Section 5.3 below, for use at such proceedings.

## **3. EFFECTIVE DATE AND TERMINATION**

- 3.1 This Agreement shall become effective immediately upon its signing by the parties ("Effective Date"); however the Parties recognize that subsequent approvals must be obtained and that each Voluntary Condition in Attachment A

specifies the aspects of the Project to which it applies. If any component of the Project or related projects as defined in Attachment B is not approved, the condition in Attachment A related to that component or related project shall be of no further force and effect (unless otherwise stated in Attachment A), except where it is specified on Exhibit A or in this Agreement that a condition will be effective on the Effective Date (then such condition is effective on the Effective Date and shall remain in effect except as otherwise specified in Attachment A).

- 3.2 Termination. In the event either party fails to comply with its obligations under this Agreement, the other party shall meet and confer in a good faith effort to obtain compliance. Any dispute arising out of or relating to this Agreement, or the breach thereof, which the parties are unable to resolve among themselves through good faith negotiations, shall be mediated with a mediator mutually agreed upon in good faith by the Parties. No other dispute resolution mechanisms shall be initiated prior to the completion of the mediation, unless applicable statutes of limitation are about to run or immediate equitable relief is necessary. In the event mediation is not successful, the Parties retain the ability to seek to obtain injunctive relief or other available remedies. In the event of any litigation under this Agreement none of the signors to this Agreement and HOA Board Members shall be named individually as a party in such litigation nor shall they individually be considered an indispensable party.

#### 4. COUNTERPARTS

- 4.1 This Agreement may be executed by facsimile or email (PDF) and in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

#### 5. GENERAL PROVISIONS

- 5.1 Time is of the essence with respect to all provisions of this Agreement that specify a time for performance.
- 5.2 In consideration of the mutual covenants, promises and undertakings set forth in this Agreement and other consideration, the receipt and adequacy of which all parties to this Agreement hereby acknowledge, this Agreement shall constitute a binding contract by and between each of the parties who sign it. Such contract shall be binding on the successors and assigns of the HOA and the University
- 5.3 In recognition of the spirit of cooperation in which this Agreement is entered and to accommodate each other's interests going forward, the parties to this Agreement further agree to execute such other documents and to take such other actions as may reasonably be necessary to implement the terms of this Agreement.
- 5.4 This Agreement, including the proposed Voluntary Conditions contained in this Attachment A, may be amended, modified, or supplemented by a written agreement signed by the Parties.

6. AUTHORITY

- 6.1 HOA. Each person signing this Agreement represents and warrants that he or she has been duly authorized by the Board of Directors of the HOA to sign on behalf of, and to legally bind, that organization as a member of its Board of Directors, and thereby to bind that organization fully to the terms of this Agreement.
- 6.2 University. Each person signing this Agreement represents and warrants that he or she has been duly authorized by the University to sign on behalf of, and to legally bind the University, and thereby to bind the University fully to the terms of this Agreement.

We recognize that our ability to reach a mutual understanding is a positive step toward ensuring our future neighborly cooperation.

Sincerely,

Andrew K. Benton

Agreed and accepted:  
Date: \_\_\_\_\_, 2011

By: \_\_\_\_\_

Title: President  
On behalf of: Pepperdine University

Gary A. Hanson

Agreed and accepted:  
Date: \_\_\_\_\_, 2011

By: \_\_\_\_\_

Title: Executive Vice President and Chief Operating  
Officer  
On behalf of: Pepperdine University

Phil E. Phillips

Agreed and accepted:  
Date: \_\_\_\_\_, 2011

By: \_\_\_\_\_

Title: Chief Administrative Officer  
On behalf of: Pepperdine University

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Lucinda Starrett  
Attorney for the University

By: \_\_\_\_\_

John Murdock,  
Attorney for HOA



Phil E. Phillips

Agreed and accepted:  
Date: \_\_\_\_\_, 2011

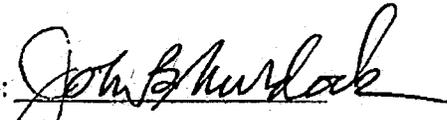
By: \_\_\_\_\_

Title: Chief Administrative Officer  
On behalf of: Pepperdine University

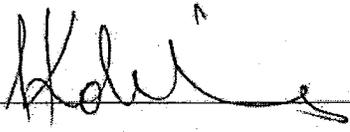
**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Lucinda Starrett  
Attorney for the University

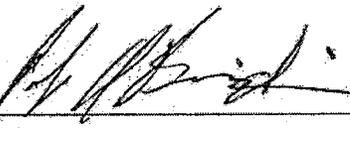
By:   
John Murdock,  
Attorney for HOA

Agreed and Accepted.

By:  Date: 4/25/2011

Hiro Kotechounian, Malibu Country Estates Homeowners Association President, on behalf of the Malibu Country Estates Homeowners Association

Agreed and Accepted.

By:  Date: 4/25/11

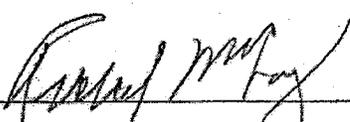
Robert Briskin, Malibu Country Estates Homeowners Association Board Member, on behalf of the Malibu Country Estates Homeowners Association

Agreed and Accepted.

By:  Date: 4/25/11

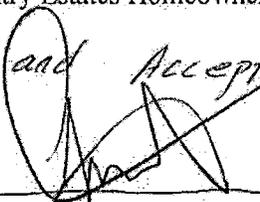
Bill Cacciatore, Malibu Country Estates Homeowners Association Board Member, on behalf of the Malibu Country Estates Homeowners Association

Agreed and Accepted.

By:  Date: 4/25/11

Dick Gary, Malibu Country Estates Homeowners Association Board Member, on behalf of the Malibu Country Estates Homeowners Association

Agreed and Accepted.

By:  Date: 4/25/11

Armand Grant, Malibu Country Estates Homeowners Association Board Member, on behalf of the Malibu Country Estates Homeowners Association



ATTACHMENT A  
Proposed Voluntary Conditions

**Proposed Voluntary Conditions for Inclusion in Pepperdine CUP Conditional  
Use Permit No. R2007- 00203) (MCE Agreement)**

1. AEC Limited Events. The Athletics Event Center ("AEC") shall host no more than 26 "Limited Events" per year, and no more than 6 of the "Limited Events" will be concerts. For the purposes of this Condition, a "Limited Event" must include all of the following characteristics: at the AEC with over 3,750 attendees, with 60% or more of attendees coming from off-campus. This limitation covers events that start and end during both peak and non-peak hours as defined in the EIR. The following events are not considered "Limited Events": Events:
  - where Pepperdine Athletics are competing, or are sanctioned by the NCAA;
  - where at least two-thirds of the attendees are Pepperdine students, faculty, and/or staff; and
  - that are Pepperdine University graduations.

The number of Limited Events may be exceeded in the event that Pepperdine obtains agreement from the Malibu Country Estates Homeowners Association Board for permission to exceed the annual number of Limited Events.

In addition to the Transportation Demand Management CUP Condition 23.u for Major Events, the University shall also report the number of Limited Events to the Director of Regional Planning annually. The Malibu Country Estates Homeowners Association Board shall be provided a copy of the annual report
2. Intentionally left blank.
3. Intentionally left blank.
4. AEC Curfew. All Limited Events, as defined above, shall be scheduled to end no later than 12:00 a.m., with an average scheduled ending time of 10:30 p.m. For Limited Events held at the AEC that end at or after 11:30 p.m. or later, traffic shall be routed to avoid the Restricted Portion of John Tyler Drive that is adjacent to the MCE as defined in these Conditions.
5. AEC Ticket Limit. The Athletics Events Center (AEC) shall be prohibited from selling "standing-room only" tickets that would result in exceeding the AEC's stated 5,470-person seating capacity. For purposes of this condition, the seating capacity shall not be construed to include staff, security, or other AEC event support personnel.
6. AEC Parking Protection for MCE. The University shall provide traffic control officers at the John Tyler Drive/Malibu Country Drive intersection as part of its Event Management Plan for events at the Athletics Events Center (AEC) with over 3,500 attendees.

For all AEC events, event parking in Malibu Country Estates shall be prohibited. The University's Public Safety staff shall be responsible for enforcing this restriction through the University's existing enforcement mechanisms, which include but are not limited to instructing the University's Public Safety staff of the measures, requesting that the staff patrol the area on a reasonable basis, and posting personnel when necessary to avoid parking intrusion. The University further agrees to monitor its existing 24-hour phone hotline so that MCE residents can alert the University if parking for the AEC is occurring in



Malibu Country Estates. The 24-hour phone hotline shall be available to residents for all events held at the AEC. The University shall offer to erect permanent signs in Malibu Country Estates to aid in the enforcement of this Condition, subject to all applicable regulatory approvals.

7. Intentionally left blank.

8. Baseball Field Lighting, Soccer Field Lighting and Firestone Fieldhouse Renovation--Additional Screening for Adjacent Residences.

a. Identified Screening for Baseball field lighting. In the event that athletic field lighting standards are installed at the Eddie D. Field Baseball Stadium Project MMRP mitigation measure MM5.7.2-3 requires the University to install and maintain trees and shrub landscaping or other baseball field visibility screening devices to block direct line-of-sight visibility of the baseball field surfaces to the maximum extent feasible. The University has identified potential screening locations for the related project baseball field lights to help reduce impacts on Malibu Country Estates residences (see Exhibit I). This screening shall be installed prior to the issuance of a building permit for new athletic lights at the Eddie D. Field Baseball Stadium.

b. Additional potential screening for Baseball field lighting, Soccer field lighting and Firestone Fieldhouse Renovation. Prior to the issuance of a building permit for the first component of the three located on John Tyler Drive (baseball field lighting, the new athletic field lights at the Upgraded NCAA Soccer Field or the Firestone Fieldhouse Renovation) (collectively, Adjacent Projects), the University shall complete the following process.

The 16 properties adjacent to John Tyler Drive which are referred to herein as the "Identified Properties" collectively, and individually as the "Identified Property" (see Exhibit 1-A for the Identified Properties), have been identified as candidate properties that would potentially benefit from and experience further reduced impacts with the installation of soundwalls and/or landscaping. Identified Property homeowners will receive an initial explanatory letter from the University prior to written notice. The written notice would be sent from the University by such date which is the earlier of (i) twenty-four (24) months of the Effective Date of this Agreement, or (ii), if the building permit for construction of the first Adjacent Project referenced above is to be sought earlier, such notice shall be supplied no less than 90 days before such permit is scheduled to be obtained. Within 30 days of receipt of such notice, each Identified Property homeowner should advise the University in writing of their interest in soundwalls or screening for their property. Nothing herein shall modify any MCE residents' duties under applicable view protection ordinances or CC&Rs.

Funding. If the process above results in a request from the homeowner for assistance in mitigating the impact of noise and light on the Identified Property, then the University shall provide the requested funding for the construction or installation of the Screening (up to \$5,000 for such Identified Property). Payment shall be conditioned on receipt from the Identified Property owner of an acknowledgment that such improvements will mitigate the impacts caused by University's Project's uses, provided that University's Project's uses are consistent with Project conditions.

The University shall complete the offer to transfer funds to the individual Identified Property homeowner (where funding is requested) prior to the issuance the first building permit for any of the Adjacent Projects referenced above.

9. Intentionally left blank.

10. Intentionally left blank.
11. Soccer Field Lights Curfew. (a) The University shall further restrict the time of use of the field lights at the Upgraded NCAA Soccer Field beyond the requirements of the Project MMRP, which provides that athletic competitions shall end by 10:00 pm with flexibility provided for games extending into overtime. For uses other than for Pepperdine Athletic competitions, field lights shall be turned off by 9:00 p.m. The University may allow the use of field lights at the Upgraded NCAA Soccer Field after 9:00 p.m. on a limited basis (no more than 24 events per year for uses other than for Pepperdine Athletic competitions.)
- Baseball Field Lights Curfew. (b) The University shall further restrict the time of use of the field lights at the Eddy D. Field Baseball Stadium beyond the requirements of the MMRP, which provides that athletic competitions shall end by 10:00 pm with flexibility provided for games extending into overtime. For uses other than for Pepperdine Athletic competitions, field lights shall be turned off by 9:00 p.m. The University may allow the use of field lights at the Baseball Stadium after 9:00 p.m. on a limited basis (no more than 10 events per year for uses other than Pepperdine Athletic competitions.)
- (C) This number may be exceeded in the event that Pepperdine obtains agreement from the Malibu Country Estates Homeowners Association Board to allow additional uses or later uses for either of the athletic fields.
12. Intentionally left blank.
13. Intentionally left blank.
14. Soccer Lighting and Baseball Lighting – MCE Parking Protection. The University shall prohibit parking in Malibu Country Estates by participants and attendees of any night athletics events held at either the Upgraded NCAA Soccer Field or the Eddy D. Field Baseball Stadium. The University shall further prohibit team buses from parking on John Tyler Drive adjacent to the Malibu Country Estates homes in the Restricted Area, as defined below, during the night time use of the athletics fields.
- For all night athletics events held at the Upgraded NCAA Soccer Field or the Eddy D. Field Baseball Stadium, event parking in Malibu Country Estates shall be prohibited. The University's Public Safety staff shall assist with enforcing this restriction through the University's existing enforcement mechanisms, which include but are not limited to instructing the University's Public Safety staff of the measures, requesting that the staff patrol the area on a reasonable basis, coordinating with the Los Angeles County Sheriff's Department, and posting personnel when necessary to avoid parking intrusion. The University further agrees to monitor its existing 24-hour phone hotline so that MCE residents can alert the University if parking for the AEC is occurring in Malibu Country Estates. The 24-hour phone hotline shall be available to residents for all events held at the AEC. The University shall offer to erect permanent signs in Malibu Country Estates to aid in the enforcement of this Condition, subject to all applicable regulatory approvals.
15. Intentionally left blank.
16. Project Sound Amplification for all Components. Prior to the issuance of a building permit for the first Project component, the University shall develop and employ a set of best management practices ("BMPs") with respect to outdoor sound amplification. Such BMPs shall include, at a minimum, speaker positioning to avoid projecting noise to Malibu Country Estates residences, volume restrictions, and

sound shielding where applicable and feasible. The University will consult with the Malibu Country Estates Homeowners Association Board prior to adoption of the BMPs for use of any new outdoor amplification installed as part of the Project on components that face Malibu Country Estates. BMPs will also be developed for sound amplification used along Campus Walk, and no new sound speakers directly facing Malibu Country Estates shall be placed on the campus walk area, as shown in attached Exhibit 3. The University further agrees to continue to maintain a 24-hour phone hotline that Malibu Country Estates residences can call in the event of excessive noise or other campus concerns. This Condition is not intended to apply to systems designed for emergency notifications.

Following Installation of Baseball Field Lighting and Soccer Field Lighting, use of sound amplification during NCAA athletics practices at the baseball and soccer fields, respectively, shall be prohibited between 7:00 p.m. and 8:00 a.m.

17. Firestone Fieldhouse Renovation. Prior to the issuance of a Certificate of Occupancy for the Firestone Fieldhouse renovation, during such times when the internal use of the "Restricted Area of John Tyler Drive", as defined in these Conditions, is restricted, the University shall restrict access to parking in the Firestone Fieldhouse parking lot as designated as Phase 1 in Exhibit 2. If additional parking is needed the University shall restrict access as designated in Phase 2 in Exhibit 2.
18. Intentionally left blank.
19. Firestone Fieldhouse Renovation. During the related project Firestone Fieldhouse renovation planning phase, and prior to pulling a building permit for remodeling of the Fieldhouse, the University shall consult with the Malibu Country Estates Homeowners Association Board as to the feasibility, using commercially reasonable best efforts, of adding an "after-hours" entrance in or near the east side (which is the backside) of such Fieldhouse. Such feasibility review shall also include consideration of the HOA request that such entrance/exit shall then be used after 10:30 p.m. recognizing the University must also consider handicapped access, fire safety, security and other issues in its feasibility review.
20. Firestone Fieldhouse Renovation. Upon issuance of a Certificate of Occupancy for the related project Firestone Fieldhouse renovation, special events hosted at the Firestone Fieldhouse shall have traffic exit along Banowsky Boulevard and the Seaver Gate rather than the John Tyler Drive Gate starting at 11:00 p.m. For special events at the Firestone Fieldhouse ending after 10:30 p.m., the University further agrees to have a representative on-site to remind event attendees of the adjacency of neighboring residences and to encourage a quiet egress. Further, the University will continue to monitor its existing 24-hour phone hotline so that MCE residents can alert the University of excessive noise or other concerns affecting Malibu Country Estates.
21. Firestone Fieldhouse Renovation. As part of the Project Approvals, Pepperdine will not seek to exercise any existing approval for, or seek new entitlements to, construct a multi-level parking structure on the existing Firestone Fieldhouse parking lot.
22. As a condition to the issuance of the building permit for the first Project component, the University shall direct delivery trucks and similar vehicles, where feasible, to use the Seaver Drive entrance to the University at all times of the day. Such restrictions are not considered feasible if delivery trucks are unable to maneuver the Seaver Drive grade; if they are making deliveries along the portion of John Tyler Drive, between Banowsky Boulevard and Stotsenberg Track, that borders Malibu Country Estates residences; or cause unsafe traffic congestion.

As a condition to the issuance of the building permit for the first Project Component, the University will further prohibit deliveries to the loading dock area of "Campus Walk" located adjacent to the Tyler

Campus Center, which have the potential to cause noise disturbance at the MCE, between 10 p.m. and 7:00 a.m. unless necessary due to safety, security, or extraordinary circumstances.

The University will notify its vendors of this restriction, include such provisions in vendor contracts entered into following the date of this agreement where appropriate, send internal memoranda to ensure that University staff is aware of this restriction, and enforce it through University Public Safety pursuant to patrol on a reasonable basis.

23. Following the Effective Date, the University shall keep the "northern fire gate" across from the Eddy D. Field Baseball Stadium closed at all times. This condition shall not be construed to prevent vehicles operated by the University, its agents or employees from opening the northern fire gate at any time for emergency and/or public safety purposes.
24. John Tyler Drive Night Closure. In 1999, the University agreed with the County to impose a one-year trial closure in connection with the construction of the Drescher campus, a large development project above the HOA homes (Condition 12 (a) and (c) of CUP 97-191). The University then agreed with the HOA to extend this night road closure for an additional three year period and to modify the interpretation by the University and the HOA of other aspects of Condition 12 ("Previous Agreement"). The University has since extended the night road closure which has been maintained in effect for 12 years as of the Effective Date of this Agreement.

In consideration of the construction of the entirety of the Project, as defined in this Agreement, the HOA has requested further extension of the night road closure. The HOA has also requested to eliminate the temporary nature of such closure and to further restrict the ability to modify the closure in the future. The University has agreed to further extend the closure and modify certain provisions, which extension and modification shall take effect following the Final Approval of the CUP by the County of Los Angeles and the necessary approvals from the California Coastal Commission including an LRDP amendment of the AEC component of the Project, including the expiration of the legal challenge periods therefore (collectively, AEC Final Approval). In the event that the AEC component of the Project in substantially the same form as described in the application for CUP does not receive Final Approval, the provisions of section (b) below shall not take effect and the existing provisions of Condition 12(g), as interpreted by the Previous Agreement, shall continue to be in effect unless the parties jointly request further revisions at that time.

a. Following the date of AEC Final Approval, the following restrictions shall apply and shall modify the prior condition 12 c, d, e and f as set forth in Condition 12 and in the Previous Agreement:

Except following special campus events or overtime athletic events for which John Tyler Drive shall remain open until event traffic has cleared the site, or no later than 12:00 a.m. the University shall restrict the internal use of the "Restricted Area of John Tyler Drive" (defined below), nightly from 10:30 p.m. to 6:30 a.m., which shall be changed to 6:00 a.m. upon Final Approval of the California Coastal Commission permit for the AEC component of the Project. This condition shall not be construed to prevent vehicles operated by the University, its agents or employees from accessing the Restricted Area of John Tyler Drive during restricted times for emergency, public safety, or plant operation purposes. The Condition shall not apply to any vehicles requiring handicap access, parking on John Tyler Drive or exiting parking facilities that do not have alternative ingress or egress. Outside of these purposes, these exceptions are not intended to permit the regular use of the Restricted Area of John Tyler Drive by Pepperdine University faculty, staff, students, or employees.

The University shall place signs at each end of the Restricted Area of John Tyler Drive to alert drivers of the restricted access/use hours. The University's Public Safety staff shall be responsible for enforcing this restriction through the University's existing enforcement mechanisms, which include the instructing of the University's Public Safety staff of the measures and requesting that the staff patrol the area on a

reasonable basis.

Restricted Area Defined. For purposes of this Condition, the "Restricted Area of John Tyler Drive" is defined to include those portions of John Tyler Drive that border the Malibu Country Estates homes. This area of John Tyler Drive runs north from Banowsky Boulevard to just below the Stotsenberg Track.

b. Following the date of AEC Final Approval, the following restriction shall replace Condition 12(g) and the provisions related thereto in the Previous Agreement.

If the University or the MCE finds that this restriction has resulted in security and/or safety problems that cannot be resolved between the permittee and/or neighboring property owners, either may petition the Director and the Director may elect to modify or discontinue the John Tyler Drive internal use restriction. As of the Effective Date of this Agreement the parties agree that there is no known security or safety problem for purposes of this condition 24.

Director of Planning Review. The Parties may, after providing 30-day written notice to the other party, petition the Director of Planning to review this Condition's restrictions. If the Director finds that the access restrictions have resulted in significant security and/or safety problems (which the parties agree on the Effective Date there is none known), then the Director of Planning may elect to modify or discontinue the access restriction of John Tyler Drive and/or the John Tyler Drive gate, after weighing the benefits to the adjacent property owners against the security and/or safety problems to the permittee and any other affected individuals.

Regional Planning Commission Review. In order to ensure that the University and the HOA have the right to appeal the Director's determination, the University and the HOA agree jointly to file a written request that the Director's determination be submitted to the Commission, and that the Commission take action on the determination. Under the County Code, any interested person dissatisfied with the action of the Commission may then file an appeal from such action (County Code § 22.60.210).

c. Following the date of AEC Final Approval, the following restriction shall replace Condition 12(b) and the provisions related thereto in the Previous Agreement.

The John Tyler Drive access gate located slightly north of Pacific Coast Highway shall be closed nightly from 10:30 p.m. to 6:00 a.m. except following special campus events or overtime athletic events for which the gate shall remain open until event traffic has cleared the site, or, no later than 12:00 a.m.

25. Consistent with Condition 23.s. of the Project Conditions, any new or replacement Project HVAC or other Project noise-generating permanent equipment located exterior to campus structures and within view of Malibu Country Estates residences shall require sound screening to compliance with the County's noise ordinance requirements and visual screening to the satisfaction of the Director.

Firestone Fieldhouse Renovation. When remodeling the related project Firestone Fieldhouse, the University shall install, where appropriate and commercially and economically feasible to reduce noise, sound screens, sound footings, and/or other rooftop mechanical system sound-reducing devices.

26. As a condition to issuance of a building permit for the first Component to be constructed, the University shall plant foliage screening along Campus Walk behind the Keck Science Center and Tyler Campus Center (see Exhibit 3).

27. Within 90 days after the Effective Date of this Agreement, the University shall conduct a traffic feasibility study for a stop sign for southbound traffic on John Tyler Drive at the intersection of Malibu Country Drive.

28. Night Lighting – provided approval is obtained for the entirety of the Project and related projects including all new lighting included in the Project and related projects, the following applies.

Night Lighting

- a. Project outdoor night lighting shall comply with Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP. When replaced, other than for maintenance, existing clear globe lighting on campus shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. Clear globe lights at the Upgraded NCAA Soccer Field and related baseball field project shall be replaced as indicated in Table A below.
- b. Though Project lighting impacts are fully mitigated, as an additional public benefit, the University has volunteered to replace other non-Project clear globe lighting as the Project is implemented. The University shall adhere to the schedule below when replacing non-Project or non-related Project outdoor night lighting fixtures. Pursuant to these conditions, identified non-Project or non-related Project outdoor night lighting fixtures shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. The specific figures shall be replaced as indicated in Table A below.

Table A: Pepperdine Campus Clear Globe Light Replacement Schedule

| Clear Globe Light Replacement Area<br>(As identified in Exhibit 4) | Replacement Schedule  |
|--|---|
|  |   |
| A1   | By that date which is 24 months following the receipt of final regulatory entitlements, including the expiration of applicable challenge period, from all applicable agencies; or as a condition of obtaining a Certificate of Occupancy for first component to be constructed, whichever is earlier. |
| A2   | Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed   |
| A3   | Prior to Issuance of the Certificate of Occupancy for Project Component 4 (Town Square)   |
| A4   | Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed   |
| B1   | Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Standard Precinct).  |
| B2   | Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Outer Precinct).   |
| B3   | Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Standard Precinct).  |
| B4   | Prior to Issuance of the Certificate of Occupancy for Project Component 6 (School of Law Parking Structure).  |
| B5   | Prior to Issuance of the Certificate of Occupancy for Project Component 6 (School of Law Parking Structure).  |
| B6   | Prior to Issuance of the Certificate of Occupancy for Project Component 2 (Athletics/Events Center).  |
| B7   | Prior to Issuance of the Certificate of Occupancy for Project Component 5   |

|    |   |
|----|---|
|    | (Enhanced Recreation Area)  |
| CI | Prior to the use <sup>1</sup> of Project Component 3 (Upgraded Soccer Field) Athletic Lights    |
| DI | Prior to the use <sup>1</sup> of related-Project (Baseball Field) Athletic Lights               |
| EI | Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed |

The University may request permission from the Director to revise the replacement schedule outlined above in Table A if significant efficiencies could be achieved based upon design or construction planning information. The final approved lighting plan may result in greater or fewer fixtures than currently exist to meet the requirements of the Los Angeles County Code and these Conditions.

29. Grading Impacts for all Components. The University shall prohibit grading work on Saturdays and Sundays. However, grading on Saturday and Sunday shall be permitted upon request to, and approval by the Director of Planning for emergency grading such as near term completion of grading prior to rainy season.
30. Construction and Hauling Impacts for all Components. At all times in which construction is allowed on-campus, the Construction Management Plan for the Campus Life Project shall use the Seaver Gate instead of John Tyler Drive as the designated haul and delivery route for all construction vehicles. However, John Tyler Drive may be used as a matter of logistical necessity for hauling of large and unique deliveries such as major concrete, wood, and steel materials, structural components, major grading and similar-sized equipment, and available at all times for emergency and safety related uses.

Truck hauling activities shall be restricted to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and 8:00 am – 5:00 pm on Saturday. Trucking hauling and queuing activities on John Tyler Drive between PCH and south of the northern edge of the soccer field is prohibited before 8:00 a.m. or after 5:00 p.m. Monday – Friday. Saturday truck hauling may only occur on John Tyler Drive in the case of extremely time sensitive and/or emergency circumstances such as the completion of concrete pouring. All truck hauling activities are prohibited on Sundays and holidays, in order to minimize noise disturbance on surrounding off-site residential uses. Hauling on John Tyler Drive outside these restricted hours shall be permitted only in extremely time sensitive and/or emergency circumstances such as completion of concrete pouring.

The staging, idling, and parking of Project component construction vehicles along the Restricted Area of John Tyler Drive adjacent to homes in Malibu Country Estates shall be prohibited at all times, except for very brief periods, and as necessary for construction of the related project Firestone Fieldhouse Renovation. Construction staging and delivery areas shall be located as far as feasible from existing residences and shall be scheduled to take place from the mid-morning to mid-afternoon to take advantage of times when residential zones are less susceptible to annoyance from outside noise. Construction staging is prohibited south of Malibu Country Drive unless required by logical necessity due to weight and emergency or safety uses. Construction staging is prohibited at all times in the Malibu Country Estates subdivision. Construction workers are expected to park on the job site and are prohibited from parking in the Malibu Country Estates subdivision and no closer than 185 feet from any off-site campus residence, and shall be directed to use the Seaver gate.

Due to proximity to the Malibu Country Estates residences, construction hours of the Upgraded NCAA Soccer Field and related project Firestone Fieldhouse will be Monday through Friday from 7:00 a.m. to 6:00 p.m. Outdoor construction hours of the Standard Precinct of the Student Housing Component will be Monday through Friday from 7:00 a.m. to 7:00 p.m. Outdoor construction on these components outside of these hours shall be permitted upon written approval by the Director of Regional Planning

only where reasonably necessary subject to all County requirements. Examples include completion of concrete pouring and grading prior to the rainy season or completion of all, or a significant portion of, the Project prior to the start of the academic year where an unreasonable impact to the campus community could otherwise occur. Interior finishing work shall not be limited by this condition.

31. Construction Dust for all Components. The University shall employ additional watering during construction activities beyond what is required under the MMRP to reduce the impact of construction-related dust particulates. The University shall water three times per day unless restricted by regulation. The schedule and timing of additional watering beyond MMRP requirements shall be included in the Construction Management Plan.
32. Night Lighting for Soccer Field and Baseball Field. All athletic field lights shall be used and designed so as not to result in light trespass at Malibu Country Estate residences beyond the threshold of significance of 0.5 footcandles as defined in the Project EIR.

**Attachment B:  
Definition of "Project"**

This Agreement applies to the entirety of the Project. As used in this Agreement, the term "Project" means the six components as described below and analyzed in the Campus Life Project (CLP) EIR, and the Related Projects Firestone Fieldhouse Renovation and Baseball Field Lighting, which were both analyzed as to cumulative impacts in the CLP EIR. In the event the University modifies any component of the Project or either Related Project, this Agreement shall continue to apply provided that such modification does not increase the size, expand the footprint or otherwise intensify the uses included in any such Component or Related Project in comparison to that analyzed in the CLP EIR.

**Campus Life Project: Project Components**

The CLP is made up of six components including new infill and replacement facilities as well as the renovation of existing facilities. The proposed improvements involve athletic and residential facilities, parking structures, and other facilities situated within the already-developed campus core. The CLP has been planned within the densities of existing long-term plans for the campus. The CLP components are designed to enhance the existing campus environment and improve the campus life experience for students. The CLP meets existing needs for the current campus population and does not propose to increase enrollment. Specifically, the six CLP components include:

- 1) Student Housing Rehabilitation
- 2) Athletics/Events Center
- 3) Upgraded NCAA Soccer Field
- 4) Town Square
- 5) Enhanced Recreation Area
- 6) School of Law Parking Structure

**Related Projects**

**Firestone Fieldhouse Renovation.** The Related Project Firestone Fieldhouse Renovation refers to the previously approved expansion and conversion of recreation facilities to provide enhanced multi-sport athletics, recreation and related supplementary facilities. 3,104 permanent seats would be removed and up to 25,992 square feet would be added.

**Sports Lighting at Eddy D. Field Baseball Stadium.** The Related Project Sports Lighting at Eddy D. Field Baseball Stadium refers to the previously approved addition of sports lighting at Pepperdine University's Eddy D. Field Baseball Stadium.

X

**ATTACHMENT [C]: Letter of Support**

[Insert Malibu Country Estates Letterhead]

TO WHOM IT MAY CONCERN:

On behalf of the Malibu Country Estates Homeowners Association (the "Association"), this letter is to inform you that the Association has reached an agreement ("Agreement") with Pepperdine University as to its Campus Life Project, which includes six components including (1) Student Housing Rehabilitation, (2) Athletics/Event Center, (3) Upgraded NCAA Soccer Field, (4) Town Square, (5) Enhanced Recreation Area, and (6) School of Law Parking Structure and other University projects and activities, including the night lighting of the Baseball Field and renovation of the Firestone Fieldhouse (collectively, the "Project"). Pursuant to that Agreement which is attached to this letter, the University has agreed to numerous conditions on the Project for our benefit, and we support the Project as conditioned pursuant to the Agreement.

We appreciate that the Project includes design considerations to address the concerns of our Association and other community stakeholders. We support the Project as described in the Agreement.

The Association appreciates the University's demonstrated commitment to design the Project in consideration of its neighbors and with input from the Association. Based upon the foregoing understandings, the Association supports the Project per the attached Agreement and the issuance of all approvals, entitlements and permits requested in connection with the Project.

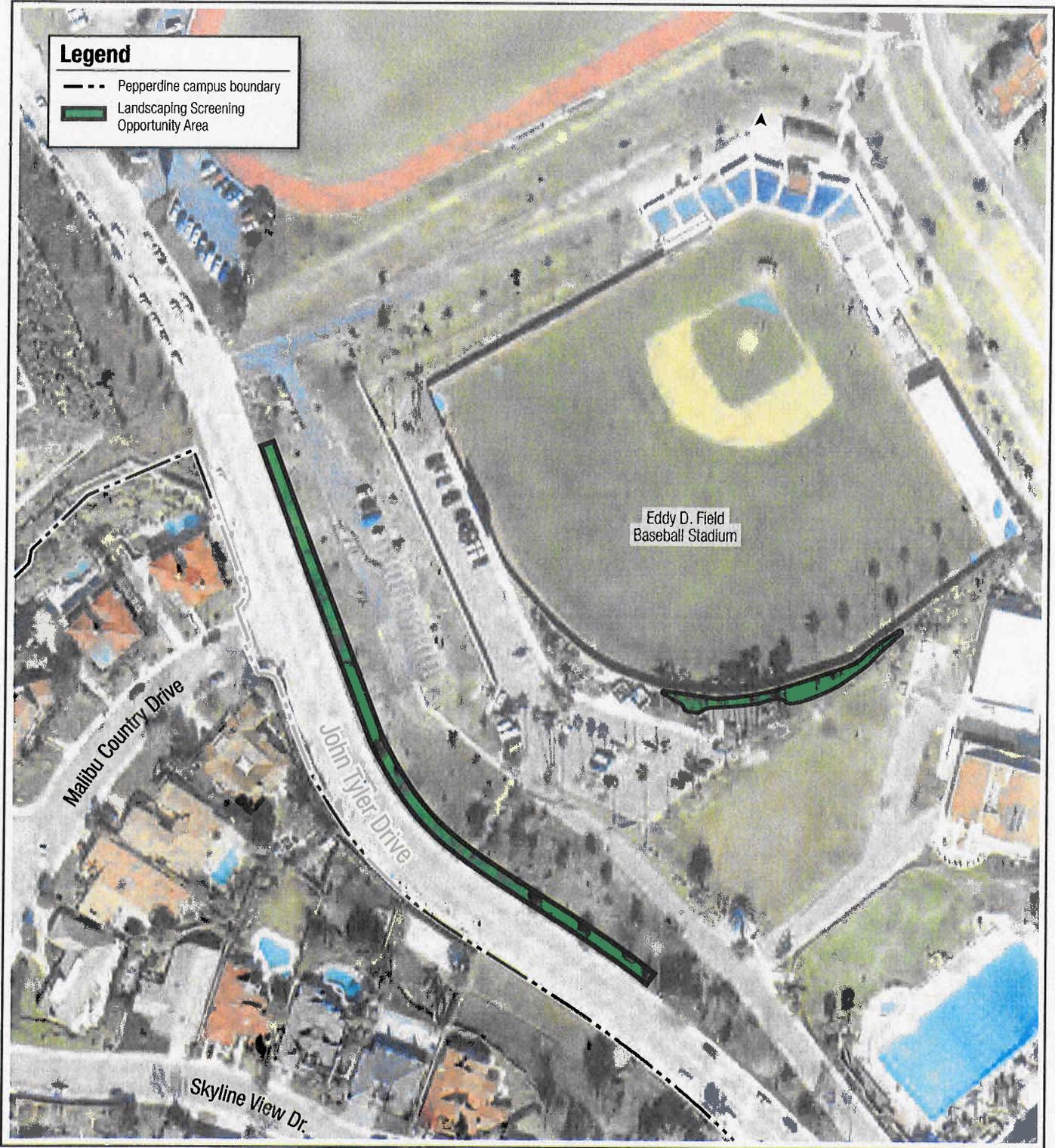
We appreciate your consideration.

Sincerely,

[Name]

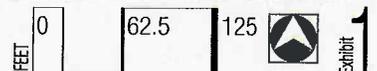
President, Malibu Country Estates Homeowners Association





Revised: April 20, 2011

# Potential View Screening Locations





**Legend**

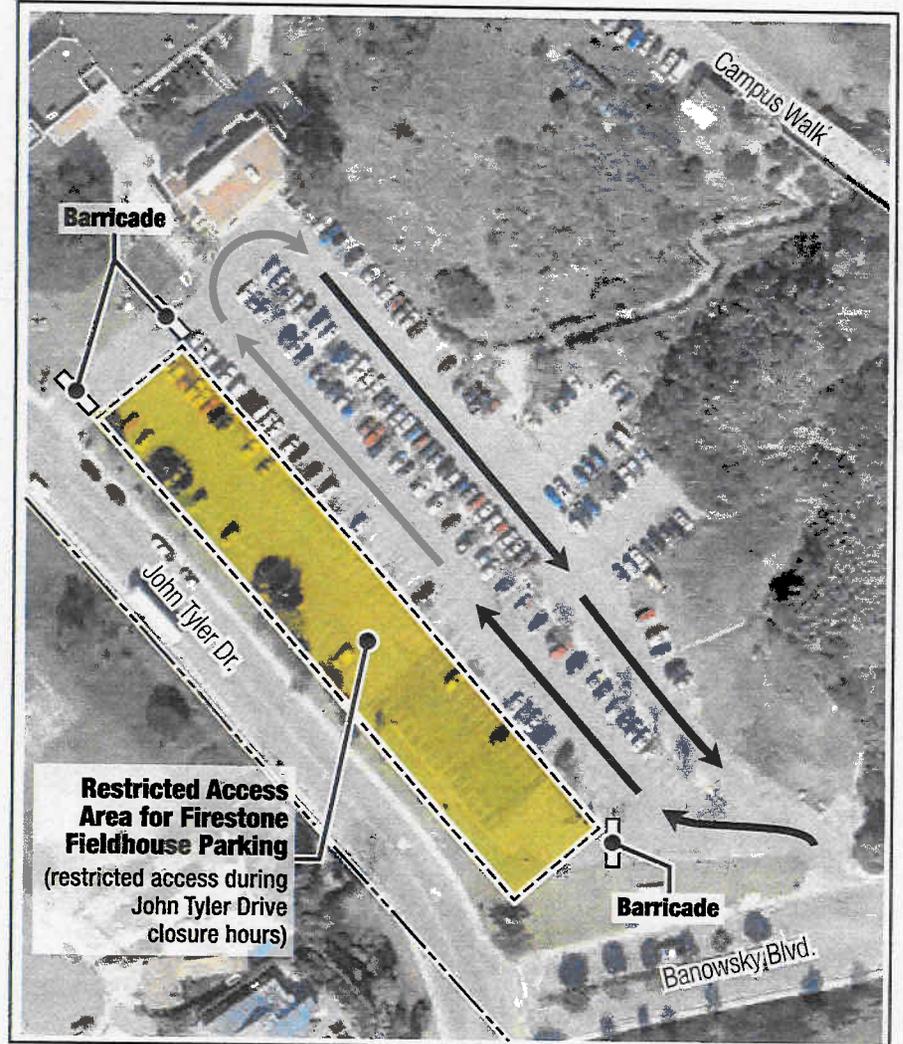
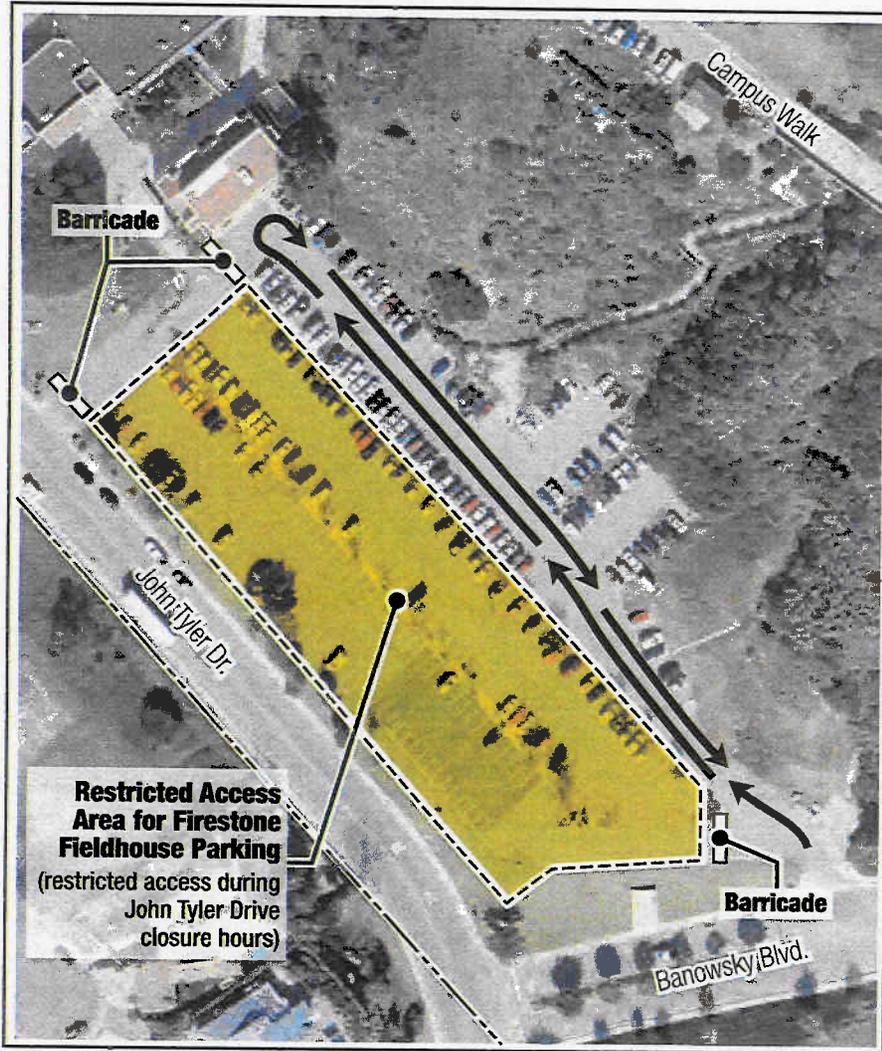
--- Pepperdine Campus Boundary

**Participating Residences**

- 1 3505 Malibu Country Dr.
- 2 3506 Malibu Country Dr.
- 3 24615 Skyline View Dr.
- 4 24609 Skyline View Dr.
- 5 24605 Skyline View Dr.
- 6 24603 Skyline View Dr.
- 7 3601 Forest Gate Cir.
- 8 3602 Forest Gate Cir.
- 9 24539 Vantage Point Ter.
- 10 24531 Vantage Point Ter.
- 11 Vacant
- 12 Vacant
- 13 24507 Vantage Point Ter.
- 14 24503 Vantage Point Ter.
- 15 24500 Vantage Point Ter.
- 16 3858 Malibu Country Dr.

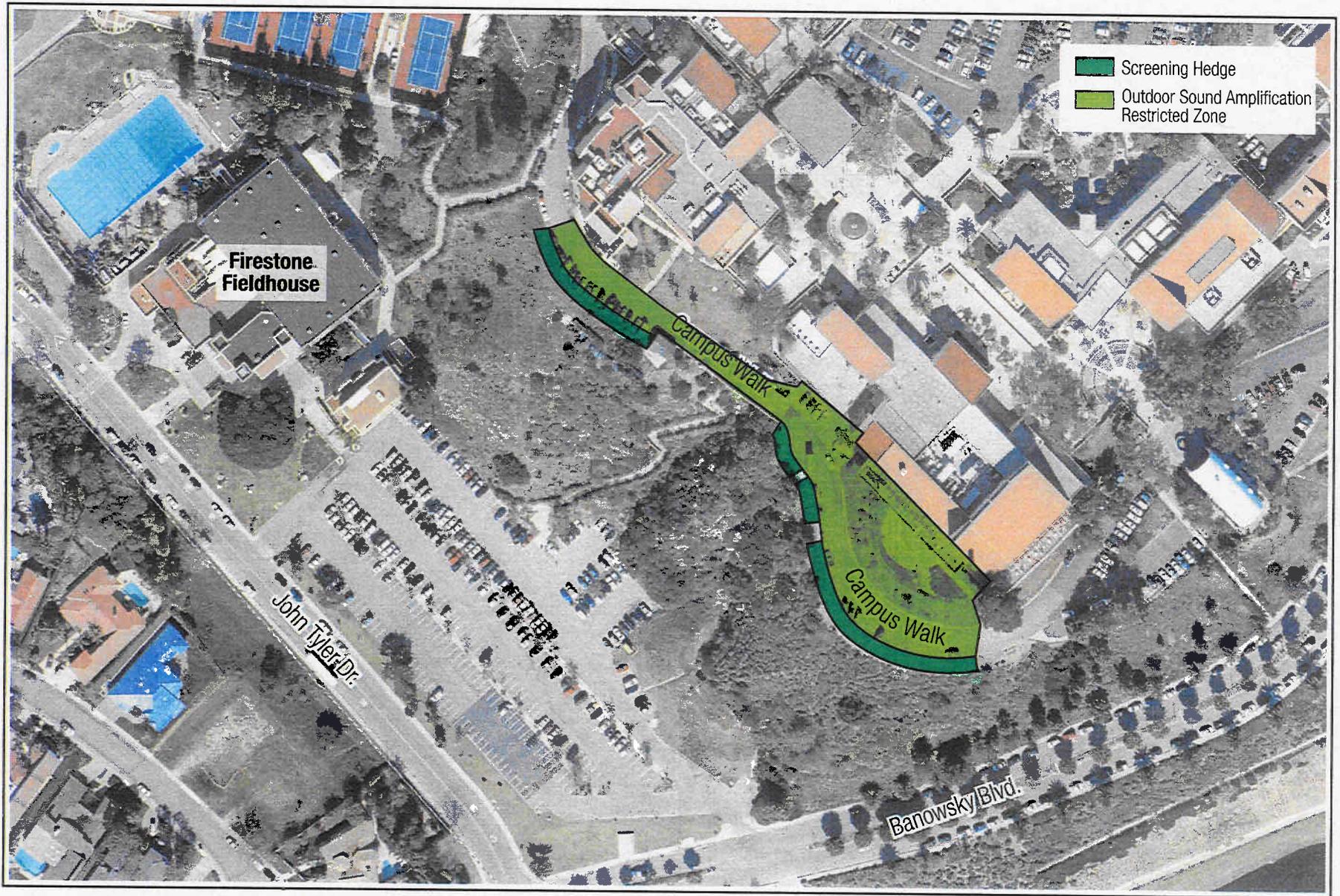
# Phase I

# Phase II

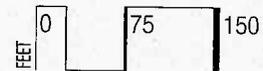


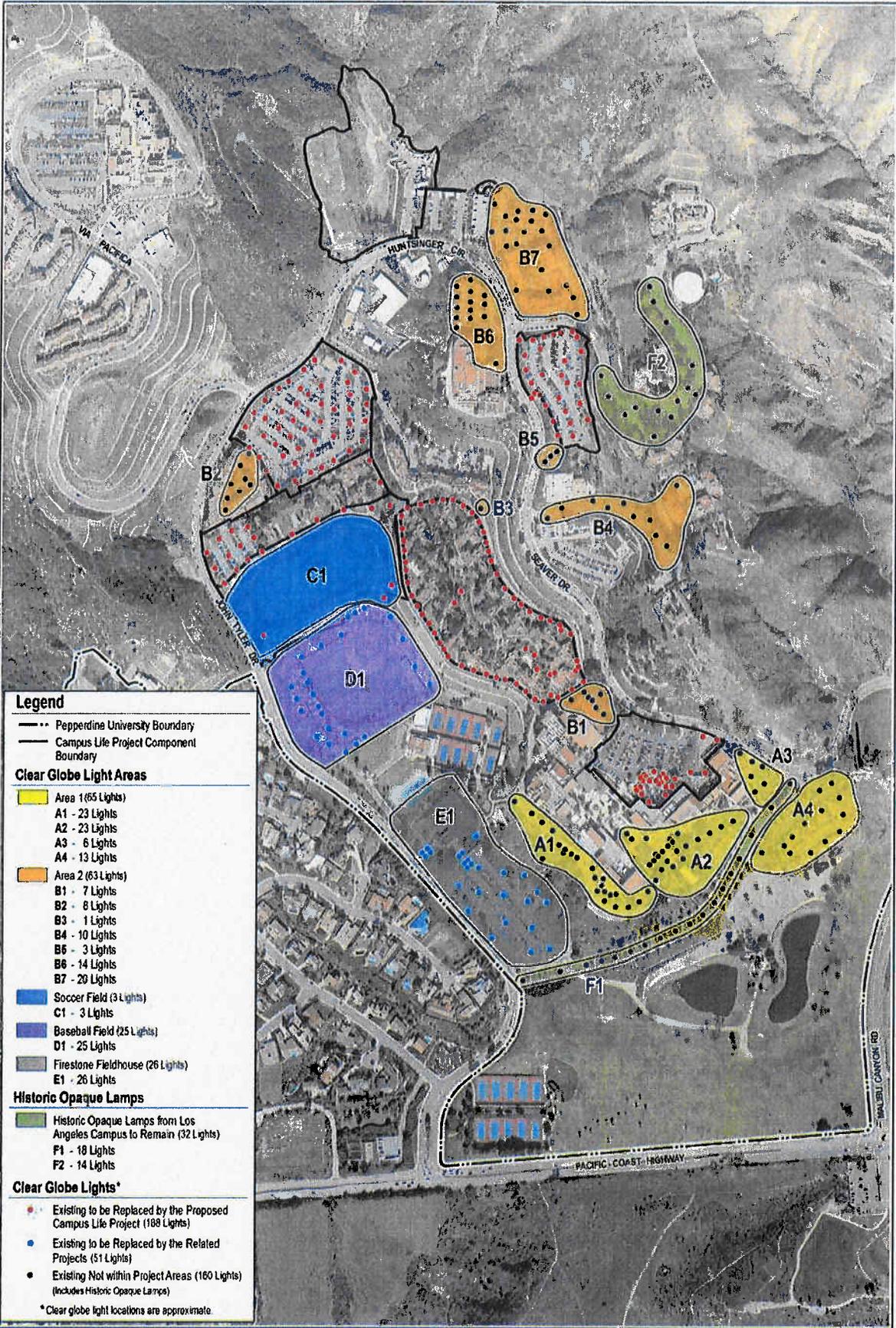
Revised: April 20, 2011





# Screening Hedges and Outdoor Sound Amplification Restricted Zone at Campus Walk





Aerial Source: Burtank Aerial, Inc. 2008

ENR Date April 19, 2011

# PEPPERDINE UNIVERSITY

CHIEF ADMINISTRATIVE OFFICER

April 25, 2011

Board of Directors  
Malibu Country Estates  
Homeowners Association

Re: Memorandum of Understanding Regarding Pepperdine University's Campus Life Project

Dear Malibu Country Estates Homeowners Association and Board of Directors:

We appreciate our continued discussions surrounding the concerns presented by the Malibu Country Estates Homeowners Association (the "HOA") regarding our proposed Campus Life Project (the "Project"), including County of Los Angeles Regional Planning Commission's Conditional Use Permit No. 2007-00203 and related applications. The Project means the entirety of the six components of the Project, together with the two related projects Baseball Field Lighting and Firestone Fieldhouse Renovation, as more fully described in Attachment B. For purposes of this Agreement, the term HOA shall mean the Malibu Country Estates Homeowners Association.

We are pleased that Pepperdine University (the "University") and the HOA (collectively, the "Parties") have decided to work out any outstanding issues related to the Project by entering into this voluntary Agreement.

The University has designed the Project and committed to numerous mitigation measures already included in the County conditions to be responsive to and address the HOA's suggestions. In addition, as consideration for this Agreement, the University hereby agrees to request that the County of Los Angeles (the "County") incorporate the voluntary conditions set forth in Attachment A to this Agreement (the "Voluntary Conditions") and otherwise impose the Voluntary Conditions as obligations of the Project. In return, the HOA agrees not to oppose, directly or indirectly, any of the Project as defined in Attachment B, or any approvals, permits, and entitlements as well as environmental clearances under the California Environmental Quality Act ("CEQA"), which are collectively referred to in this Agreement as the Project Approvals, and to support all Project Approvals subject to the conditions in this Agreement. By signing this Agreement, all parties memorialize this mutual understanding. The Agreement summarizes the resolution of each issue for the entirety of the Project and all its components and related projects at defined in Attachment B.

When the Agreement becomes effective as defined herein, this Agreement shall replace those provisions of the "Memorandum of Understanding Regarding Graduate Campus Project" executed by Armand Grant as President on behalf of the Malibu Country Estates Homeowners Association on May 27, 1999 (the "Previous Agreement"), to the extent that the terms of this

Agreement are inconsistent with any provisions of the Previous Agreement. In all other respects, the terms of the Previous Agreement shall remain in full force and effect.

## **1. PEPPERDINE UNIVERSITY COMMITMENTS**

1.1 **Voluntary Project Conditions.** The University believes that all Project impacts will be fully mitigated. However, in order to address concerns expressed by the HOA and in consideration of its desire to be a good neighbor, the University will request that the County include in the final Conditional Use Permit (2007-00203) for Project No. 2007-03064-(3) (the "CUP") the Voluntary Conditions listed in Attachment A of this Agreement, and otherwise agrees that the University will comply with the Voluntary Conditions, even those not adopted by the County, in accordance with the following conditions:

1.1.1 **Approving Agency for Project Voluntary Conditions.** The Parties acknowledge that the County is the approving agency for the Project and will make independent determinations as to the conditions to be imposed in the Project Approvals, in addition to any other approvals that may be required by other federal, state or local governmental agencies under applicable laws. While the University will request that the Los Angeles County Regional Planning Commission (the "Regional Planning Commission") include the Voluntary Conditions proposed in Attachment A in the final CUP, the Parties understand that the County may change wording though the substance is included. The Parties further acknowledge that compliance with the Voluntary Conditions for the Project shall be determined by the County Director of Planning, or as appropriate, those agencies listed in the Project Mitigation Monitoring and Reporting Program as being responsible for verification/monitoring. Those Voluntary Conditions which do not become Project conditions (Other University Agreements) shall be enforceable as provided in section 1.1.2 below.

1.1.2 **Alternative Compliance for Other University Agreements.** In the event the County does not agree to include a particular condition as a Project Voluntary Condition, but does not impose any contrary obligation which would make it impossible or impractical for the University to comply with such condition, the parties shall work together to prepare a document to be recorded or agree to record this Agreement as evidence of its obligation to comply with such condition (collectively, "Alternative Compliance"). If a contrary obligation is imposed, the Parties shall meet and confer to identify an alternate method of compliance with the intent of such condition. In all events, the Parties intend that the Other University Agreements shall remain binding through Alternative Compliance.

1.2 **Project Conditions and Mitigation Measures.** After consulting with the HOA over a number of years as the Project was designed, the University has worked with County staff to develop proposed County conditions and mitigation measures

("MMs") contained in the Project's Staff Report and Final Environmental Impact Report ("FEIR"). The Conditions and MMs either directly or indirectly benefit the HOA, and many were developed through dialogue with the HOA. As part of this Agreement, the University commits to support the adoption of these Conditions and MMs. In all events these obligations shall remain binding on the Parties. The County or other governmental agencies may impose additional conditions on the Project, which are in addition to the obligations.

## **2. PROJECT NON-OPPOSITION AND SUPPORT**

In consideration for the benefits the University agrees to provide, described above and listed in Attachment A:

- 2.1 The HOA agrees to support the Project subject to these conditions and not to appeal, seek additional conditions upon, or oppose any of the Project Approvals, either orally or in writing or in the news media, before the County or California Coastal Commission or any other agency with jurisdiction over the Project. Additionally, the HOA agrees not to lobby or advocate, directly or indirectly, to any individual, organization, agency, appointed or elected official, or their staff in opposition to the Project Approvals, and to sign the attached support letter (Attachment C). Further, the HOA agrees not to bring or support, directly or indirectly, any litigation, claim, cause of action or similar proceeding challenging the Project Approvals or otherwise adverse to the Project.
- 2.2 Clarifications. In the event that an individual member or members of the HOA publicly oppose(s) the Project Approvals, either in the news media or before the County, California Coastal Commission or any other agency with jurisdiction over the Project, the HOA agrees that the University shall be authorized to provide the attached support letter (Attachment C) to provide clarification concerning the HOA's position of support for the Project, subject to the conditions of the Agreement. Such clarification shall provide that the member or members do not represent the HOA's position concerning the Project Approvals.
- 2.3 The HOA will provide written Letter Attachment C upon reasonable request by the University (which the University can then deliver), in any proceedings involving the Project Approvals before the County, California Coastal Commission or any other agency having jurisdiction over the Project. In addition, upon reasonable request by the University in order to respond to specific issues, additional written correspondence consistent with this Agreement shall be provided, in the spirit of cooperation referenced in Section 5.3 below, for use at such proceedings.

## **3. EFFECTIVE DATE AND TERMINATION**

- 3.1 This Agreement shall become effective immediately upon its signing by the parties ("Effective Date"); however the Parties recognize that subsequent approvals must be obtained and that each Voluntary Condition in Attachment A

specifies the aspects of the Project to which it applies. If any component of the Project or related projects as defined in Attachment B is not approved, the condition in Attachment A related to that component or related project shall be of no further force and effect (unless otherwise stated in Attachment A), except where it is specified on Exhibit A or in this Agreement that a condition will be effective on the Effective Date (then such condition is effective on the Effective Date and shall remain in effect except as otherwise specified in Attachment A).

- 3.2 Termination. In the event either party fails to comply with its obligations under this Agreement, the other party shall meet and confer in a good faith effort to obtain compliance. Any dispute arising out of or relating to this Agreement, or the breach thereof, which the parties are unable to resolve among themselves through good faith negotiations, shall be mediated with a mediator mutually agreed upon in good faith by the Parties. No other dispute resolution mechanisms shall be initiated prior to the completion of the mediation, unless applicable statutes of limitation are about to run or immediate equitable relief is necessary. In the event mediation is not successful, the Parties retain the ability to seek to obtain injunctive relief or other available remedies. In the event of any litigation under this Agreement none of the signors to this Agreement and HOA Board Members shall be named individually as a party in such litigation nor shall they individually be considered an indispensable party.

#### 4. COUNTERPARTS

- 4.1 This Agreement may be executed by facsimile or email (PDF) and in any number of counterparts, each of which shall be deemed an original, and all of which together shall constitute one instrument.

#### 5. GENERAL PROVISIONS

- 5.1 Time is of the essence with respect to all provisions of this Agreement that specify a time for performance.
- 5.2 In consideration of the mutual covenants, promises and undertakings set forth in this Agreement and other consideration, the receipt and adequacy of which all parties to this Agreement hereby acknowledge, this Agreement shall constitute a binding contract by and between each of the parties who sign it. Such contract shall be binding on the successors and assigns of the HOA and the University
- 5.3 In recognition of the spirit of cooperation in which this Agreement is entered and to accommodate each other's interests going forward, the parties to this Agreement further agree to execute such other documents and to take such other actions as may reasonably be necessary to implement the terms of this Agreement.
- 5.4 This Agreement, including the proposed Voluntary Conditions contained in this Attachment A, may be amended, modified, or supplemented by a written agreement signed by the Parties.

6. AUTHORITY

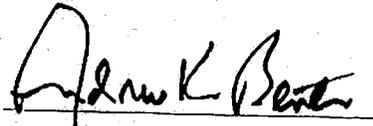
- 6.1 HOA. Each person signing this Agreement represents and warrants that he or she has been duly authorized by the Board of Directors of the HOA to sign on behalf of, and to legally bind, that organization as a member of its Board of Directors, and thereby to bind that organization fully to the terms of this Agreement.
- 6.2 University. Each person signing this Agreement represents and warrants that he or she has been duly authorized by the University to sign on behalf of, and to legally bind the University, and thereby to bind the University fully to the terms of this Agreement.

We recognize that our ability to reach a mutual understanding is a positive step toward ensuring our future neighborly cooperation.

Sincerely,

Andrew K. Benton

Agreed and accepted:  
Date: 4/25, 2011

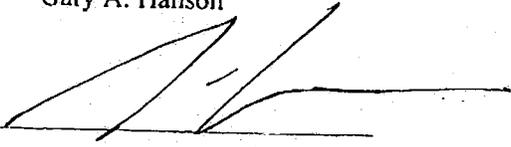
By: 

Title: President

On behalf of: Pepperdine University

Gary A. Hanson

Agreed and accepted:  
Date: 4/25, 2011

By: 

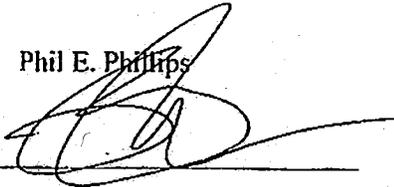
Title: Executive Vice President and Chief Operating Officer

On behalf of: Pepperdine University

Agreed and accepted:  
Date: 4/25, 2011

Phil E. Phillips

By: \_\_\_\_\_



Title: Chief Administrative Officer  
On behalf of: Pepperdine University

**APPROVED AS TO FORM:**

By: Lucinda Starrett

Lucinda Starrett  
Attorney for the University

By: \_\_\_\_\_

John Murdock,  
Attorney for HOA

Agreed and Accepted.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Hiro Kotchounian, Malibu Country Estates Homeowners Association President, on behalf of the Malibu Country Estates Homeowners Association

Agreed and Accepted.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Robert Briskin, Malibu Country Estates Homeowners Association Board Member, on behalf of the Malibu Country Estates Homeowners Association

Agreed and Accepted.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Bill Cacciatore, Malibu Country Estates Homeowners Association Board Member, on behalf of the Malibu Country Estates Homeowners Association

Agreed and Accepted.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Dick Gary, Malibu Country Estates Homeowners Association Board Member, on behalf of the Malibu Country Estates Homeowners Association

**ATTACHMENT A**  
**Proposed Voluntary Conditions**

**Proposed Voluntary Conditions for Inclusion in Pepperdine CUP Conditional  
Use Permit No. R2007- 00203) (MCE Agreement)**

1. AEC Limited Events. The Athletics Event Center ("AEC") shall host no more than 26 "Limited Events" per year, and no more than 6 of the "Limited Events" will be concerts. For the purposes of this Condition, a "Limited Event" must include all of the following characteristics: at the AEC with over 3,750 attendees, with 60% or more of attendees coming from off-campus. This limitation covers events that start and end during both peak and non-peak hours as defined in the EIR. The following events are not considered "Limited Events": Events:
  - where Pepperdine Athletics are competing, or are sanctioned by the NCAA;
  - where at least two-thirds of the attendees are Pepperdine students, faculty, and/or staff; and
  - that are Pepperdine University graduations.

The number of Limited Events may be exceeded in the event that Pepperdine obtains agreement from the Malibu Country Estates Homeowners Association Board for permission to exceed the annual number of Limited Events.

In addition to the Transportation Demand Management CUP Condition 23.u for Major Events, the University shall also report the number of Limited Events to the Director of Regional Planning annually. The Malibu Country Estates Homeowners Association Board shall be provided a copy of the annual report

2. Intentionally left blank.
3. Intentionally left blank.
4. AEC Curfew. All Limited Events, as defined above, shall be scheduled to end no later than 12:00 a.m., with an average scheduled ending time of 10:30 p.m. For Limited Events held at the AEC that end at or after 11:30 p.m. or later, traffic shall be routed to avoid the Restricted Portion of John Tyler Drive that is adjacent to the MCE as defined in these Conditions.
5. AEC Ticket Limit. The Athletics Events Center (AEC) shall be prohibited from selling "standing-room only" tickets that would result in exceeding the AEC's stated 5,470-person seating capacity. For purposes of this condition, the seating capacity shall not be construed to include staff, security, or other AEC event support personnel.
6. AEC Parking Protection for MCE. The University shall provide traffic control officers at the John Tyler Drive/Malibu Country Drive intersection as part of its Event Management Plan for events at the Athletics Events Center (AEC) with over 3,500 attendees.

For all AEC events, event parking in Malibu Country Estates shall be prohibited. The University's Public Safety staff shall be responsible for enforcing this restriction through the University's existing enforcement mechanisms, which include but are not limited to instructing the University's Public Safety staff of the measures, requesting that the staff patrol the area on a reasonable basis, and posting personnel when necessary to avoid parking intrusion. The University further agrees to monitor its existing 24-hour phone hotline so that MCE residents can alert the University if parking for the AEC is occurring in

Malibu Country Estates. The 24-hour phone hotline shall be available to residents for all events held at the AEC. The University shall offer to erect permanent signs in Malibu Country Estates to aid in the enforcement of this Condition, subject to all applicable regulatory approvals.

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8. Baseball Field Lighting, Soccer Field Lighting and Firestone Fieldhouse Renovation--Additional Screening for Adjacent Residences.

a. Identified Screening for Baseball field lighting. In the event that athletic field lighting standards are installed at the Eddie D. Field Baseball Stadium Project MMRP mitigation measure MM5.7.2-3 requires the University to install and maintain trees and shrub landscaping or other baseball field visibility screening devices to block direct line-of-sight visibility of the baseball field surfaces to the maximum extent feasible. The University has identified potential screening locations for the related project baseball field lights to help reduce impacts on Malibu Country Estates residences (see Exhibit 1). This screening shall be installed prior to the issuance of a building permit for new athletic lights at the Eddie D. Field Baseball Stadium.

b. Additional potential screening for Baseball field lighting, Soccer field lighting and Firestone Fieldhouse Renovation. Prior to the issuance of a building permit for the first component of the three located on John Tyler Drive (baseball field lighting, the new athletic field lights at the Upgraded NCAA Soccer Field or the Firestone Fieldhouse Renovation) (collectively, Adjacent Projects), the University shall complete the following process.

The 16 properties adjacent to John Tyler Drive which are referred to herein as the "Identified Properties" collectively, and individually as the "Identified Property" (see Exhibit 1-A for the Identified Properties), have been identified as candidate properties that would potentially benefit from and experience further reduced impacts with the installation of soundwalls and/or landscaping. Identified Property homeowners will receive an initial explanatory letter from the University prior to written notice. The written notice would be sent from the University by such date which is the earlier of (i) twenty-four (24) months of the Effective Date of this Agreement, or (ii), if the building permit for construction of the first Adjacent Project referenced above is to be sought earlier, such notice shall be supplied no less than 90 days before such permit is scheduled to be obtained. Within 30 days of receipt of such notice, each Identified Property homeowner should advise the University in writing of their interest in soundwalls or screening for their property. Nothing herein shall modify any MCE residents' duties under applicable view protection ordinances or CC&Rs.

Funding. If the process above results in a request from the homeowner for assistance in mitigating the impact of noise and light on the Identified Property, then the University shall provide the requested funding for the construction or installation of the Screening (up to \$5,000 for such Identified Property). Payment shall be conditioned on receipt from the Identified Property owner of an acknowledgment that such improvements will mitigate the impacts caused by University's Project's uses, provided that University's Project's uses are consistent with Project conditions.

The University shall complete the offer to transfer funds to the individual Identified Property homeowner (where funding is requested) prior to the issuance the first building permit for any of the Adjacent Projects referenced above.

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11. Soccer Field Lights Curfew. (a) The University shall further restrict the time of use of the field lights at the Upgraded NCAA Soccer Field beyond the requirements of the Project MMRP, which provides that athletic competitions shall end by 10:00 pm with flexibility provided for games extending into overtime. For uses other than for Pepperdine Athletic competitions, field lights shall be turned off by 9:00 p.m. The University may allow the use of field lights at the Upgraded NCAA Soccer Field after 9:00 p.m. on a limited basis (no more than 24 events per year for uses other than for Pepperdine Athletic competitions.)

Baseball Field Lights Curfew. (b) The University shall further restrict the time of use of the field lights at the Eddy D. Field Baseball Stadium beyond the requirements of the MMRP, which provides that athletic competitions shall end by 10:00 pm with flexibility provided for games extending into overtime. For uses other than for Pepperdine Athletic competitions, field lights shall be turned off by 9:00 p.m. The University may allow the use of field lights at the Baseball Stadium after 9:00 p.m. on a limited basis (no more than 10 events per year for uses other than Pepperdine Athletic competitions.)

(C) This number may be exceeded in the event that Pepperdine obtains agreement from the Malibu Country Estates Homeowners Association Board to allow additional uses or later uses for either of the athletic fields.

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13. Intentionally left blank.

14. Soccer Lighting and Baseball Lighting – MCE Parking Protection. The University shall prohibit parking in Malibu Country Estates by participants and attendees of any night athletics events held at either the Upgraded NCAA Soccer Field or the Eddy D. Field Baseball Stadium. The University shall further prohibit team buses from parking on John Tyler Drive adjacent to the Malibu Country Estates homes in the Restricted Area, as defined below, during the night time use of the athletics fields.

For all night athletics events held at the Upgraded NCAA Soccer Field or the Eddy D. Field Baseball Stadium, event parking in Malibu Country Estates shall be prohibited. The University's Public Safety staff shall assist with enforcing this restriction through the University's existing enforcement mechanisms, which include but are not limited to instructing the University's Public Safety staff of the measures, requesting that the staff patrol the area on a reasonable basis, coordinating with the Los Angeles County Sheriff's Department, and posting personnel when necessary to avoid parking intrusion. The University further agrees to monitor its existing 24-hour phone hotline so that MCE residents can alert the University if parking for the AEC is occurring in Malibu Country Estates. The 24-hour phone hotline shall be available to residents for all events held at the AEC. The University shall offer to erect permanent signs in Malibu Country Estates to aid in the enforcement of this Condition, subject to all applicable regulatory approvals.

15. Intentionally left blank.

16. Project Sound Amplification for all Components. Prior to the issuance of a building permit for the first Project component, the University shall develop and employ a set of best management practices ("BMPs") with respect to outdoor sound amplification. Such BMPs shall include, at a minimum, speaker positioning to avoid projecting noise to Malibu Country Estates residences, volume restrictions, and

sound shielding where applicable and feasible. The University will consult with the Malibu Country Estates Homeowners Association Board prior to adoption of the BMPs for use of any new outdoor amplification installed as part of the Project on components that face Malibu Country Estates. BMPs will also be developed for sound amplification used along Campus Walk, and no new sound speakers directly facing Malibu Country Estates shall be placed on the campus walk area, as shown in attached Exhibit 3. The University further agrees to continue to maintain a 24-hour phone hotline that Malibu Country Estates residences can call in the event of excessive noise or other campus concerns. This Condition is not intended to apply to systems designed for emergency notifications.

Following Installation of Baseball Field Lighting and Soccer Field Lighting, use of sound amplification during NCAA athletics practices at the baseball and soccer fields, respectively, shall be prohibited between 7:00 p.m. and 8:00 a.m.

17. Firestone Fieldhouse Renovation. Prior to the issuance of a Certificate of Occupancy for the Firestone Fieldhouse renovation, during such times when the internal use of the "Restricted Area of John Tyler Drive", as defined in these Conditions, is restricted, the University shall restrict access to parking in the Firestone Fieldhouse parking lot as designated as Phase 1 in Exhibit 2. If additional parking is needed the University shall restrict access as designated in Phase 2 in Exhibit 2.
18. Intentionally left blank.
19. Firestone Fieldhouse Renovation. During the related project Firestone Fieldhouse renovation planning phase, and prior to pulling a building permit for remodeling of the Fieldhouse, the University shall consult with the Malibu Country Estates Homeowners Association Board as to the feasibility, using commercially reasonable best efforts, of adding an "after-hours" entrance in or near the east side (which is the backside) of such Fieldhouse. Such feasibility review shall also include consideration of the HOA request that such entrance/exit shall then be used after 10:30 p.m. recognizing the University must also consider handicapped access, fire safety, security and other issues in its feasibility review.
20. Firestone Fieldhouse Renovation. Upon issuance of a Certificate of Occupancy for the related project Firestone Fieldhouse renovation, special events hosted at the Firestone Fieldhouse shall have traffic exit along Banowsky Boulevard and the Seaver Gate rather than the John Tyler Drive Gate starting at 11:00 p.m. For special events at the Firestone Fieldhouse ending after 10:30 p.m., the University further agrees to have a representative on-site to remind event attendees of the adjacency of neighboring residences and to encourage a quiet egress. Further, the University will continue to monitor its existing 24-hour phone hotline so that MCE residents can alert the University of excessive noise or other concerns affecting Malibu Country Estates.
21. Firestone Fieldhouse Renovation. As part of the Project Approvals, Pepperdine will not seek to exercise any existing approval for, or seek new entitlements to, construct a multi-level parking structure on the existing Firestone Fieldhouse parking lot.
22. As a condition to the issuance of the building permit for the first Project component, the University shall direct delivery trucks and similar vehicles, where feasible, to use the Seaver Drive entrance to the University at all times of the day. Such restrictions are not considered feasible if delivery trucks are unable to maneuver the Seaver Drive grade; if they are making deliveries along the portion of John Tyler Drive, between Banowsky Boulevard and Stotsenberg Track, that borders Malibu Country Estates residences; or cause unsafe traffic congestion.

As a condition to the issuance of the building permit for the first Project Component, the University will further prohibit deliveries to the loading dock area of "Campus Walk" located adjacent to the Tyler

Campus Center, which have the potential to cause noise disturbance at the MCE, between 10 p.m. and 7:00 a.m. unless necessary due to safety, security, or extraordinary circumstances.

The University will notify its vendors of this restriction, include such provisions in vendor contracts entered into following the date of this agreement where appropriate, send internal memoranda to ensure that University staff is aware of this restriction, and enforce it through University Public Safety pursuant to patrol on a reasonable basis.

23. Following the Effective Date, the University shall keep the "northern fire gate" across from the Eddy D. Field Baseball Stadium closed at all times. This condition shall not be construed to prevent vehicles operated by the University, its agents or employees from opening the northern fire gate at any time for emergency and/or public safety purposes.
24. John Tyler Drive Night Closure. In 1999, the University agreed with the County to impose a one-year trial closure in connection with the construction of the Drescher campus, a large development project above the HOA homes (Condition 12 (a) and (c) of CUP 97-191). The University then agreed with the HOA to extend this night road closure for an additional three year period and to modify the interpretation by the University and the HOA of other aspects of Condition 12 ("Previous Agreement"). The University has since extended the night road closure which has been maintained in effect for 12 years as of the Effective Date of this Agreement.

In consideration of the construction of the entirety of the Project, as defined in this Agreement, the HOA has requested further extension of the night road closure. The HOA has also requested to eliminate the temporary nature of such closure and to further restrict the ability to modify the closure in the future. The University has agreed to further extend the closure and modify certain provisions, which extension and modification shall take effect following the Final Approval of the CUP by the County of Los Angeles and the necessary approvals from the California Coastal Commission including an LRDP amendment of the AEC component of the Project, including the expiration of the legal challenge periods therefore (collectively, AEC Final Approval). In the event that the AEC component of the Project in substantially the same form as described in the application for CUP does not receive Final Approval, the provisions of section (b) below shall not take effect and the existing provisions of Condition 12(g), as interpreted by the Previous Agreement, shall continue to be in effect unless the parties jointly request further revisions at that time.

a. Following the date of AEC Final Approval, the following restrictions shall apply and shall modify the prior condition 12 c, d, e and f as set forth in Condition 12 and in the Previous Agreement:

Except following special campus events or overtime athletic events for which John Tyler Drive shall remain open until event traffic has cleared the site, or no later than 12:00 a.m. the University shall restrict the internal use of the "Restricted Area of John Tyler Drive" (defined below), nightly from 10:30 p.m. to 6:30 a.m., which shall be changed to 6:00 a.m. upon Final Approval of the California Coastal Commission permit for the AEC component of the Project. This condition shall not be construed to prevent vehicles operated by the University, its agents or employees from accessing the Restricted Area of John Tyler Drive during restricted times for emergency, public safety, or plant operation purposes. The Condition shall not apply to any vehicles requiring handicap access, parking on John Tyler Drive or exiting parking facilities that do not have alternative ingress or egress. Outside of these purposes, these exceptions are not intended to permit the regular use of the Restricted Area of John Tyler Drive by Pepperdine University faculty, staff, students, or employees.

The University shall place signs at each end of the Restricted Area of John Tyler Drive to alert drivers of the restricted access/use hours. The University's Public Safety staff shall be responsible for enforcing this restriction through the University's existing enforcement mechanisms, which include the instructing of the University's Public Safety staff of the measures and requesting that the staff patrol the area on a

reasonable basis.

**Restricted Area Defined.** For purposes of this Condition, the "Restricted Area of John Tyler Drive" is defined to include those portions of John Tyler Drive that border the Malibu Country Estates homes. This area of John Tyler Drive runs north from Banowsky Boulevard to just below the Stotsenberg Track.

b. Following the date of AEC Final Approval, the following restriction shall replace Condition 12(g) and the provisions related thereto in the Previous Agreement.

If the University or the MCE finds that this restriction has resulted in security and/or safety problems that cannot be resolved between the permittee and/or neighboring property owners, either may petition the Director and the Director may elect to modify or discontinue the John Tyler Drive internal use restriction. As of the Effective Date of this Agreement the parties agree that there is no known security or safety problem for purposes of this condition 24.

**Director of Planning Review.** The Parties may, after providing 30-day written notice to the other party, petition the Director of Planning to review this Condition's restrictions. If the Director finds that the access restrictions have resulted in significant security and/or safety problems (which the parties agree on the Effective Date there is none known), then the Director of Planning may elect to modify or discontinue the access restriction of John Tyler Drive and/or the John Tyler Drive gate, after weighing the benefits to the adjacent property owners against the security and/or safety problems to the permittee and any other affected individuals.

**Regional Planning Commission Review.** In order to ensure that the University and the HOA have the right to appeal the Director's determination, the University and the HOA agree jointly to file a written request that the Director's determination be submitted to the Commission, and that the Commission take action on the determination. Under the County Code, any interested person dissatisfied with the action of the Commission may then file an appeal from such action (County Code § 22.60.210).

c. Following the date of AEC Final Approval, the following restriction shall replace Condition 12(b) and the provisions related thereto in the Previous Agreement.

The John Tyler Drive access gate located slightly north of Pacific Coast Highway shall be closed nightly from 10:30 p.m. to 6:00 a.m. except following special campus events or overtime athletic events for which the gate shall remain open until event traffic has cleared the site, or, no later than 12:00 a.m.

25. Consistent with Condition 23.s. of the Project Conditions, any new or replacement Project HVAC or other Project noise-generating permanent equipment located exterior to campus structures and within view of Malibu Country Estates residences shall require sound screening to compliance with the County's noise ordinance requirements and visual screening to the satisfaction of the Director.

**Firestone Fieldhouse Renovation.** When remodeling the related project Firestone Fieldhouse, the University shall install, where appropriate and commercially and economically feasible to reduce noise, sound screens, sound footings, and/or other rooftop mechanical system sound-reducing devices.

26. As a condition to issuance of a building permit for the first Component to be constructed, the University shall plant foliage screening along Campus Walk behind the Keck Science Center and Tyler Campus Center (see Exhibit 3).

27. Within 90 days after the Effective Date of this Agreement, the University shall conduct a traffic feasibility study for a stop sign for southbound traffic on John Tyler Drive at the intersection of Malibu Country Drive.

28. Night Lighting – provided approval is obtained for the entirety of the Project and related projects including all new lighting included in the Project and related projects, the following applies.

Night Lighting

- a. Project outdoor night lighting shall comply with Mitigation Measures 5.7.2-1 through 5.7.2-8 of the Project MMRP. When replaced, other than for maintenance, existing clear globe lighting on campus shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. Clear globe lights at the Upgraded NCAA Soccer Field and related baseball field project shall be replaced as indicated in Table A below.
- b. Though Project lighting impacts are fully mitigated, as an additional public benefit, the University has volunteered to replace other non-Project clear globe lighting as the Project is implemented. The University shall adhere to the schedule below when replacing non-Project or non-related Project outdoor night lighting fixtures. Pursuant to these conditions, identified non-Project or non-related Project outdoor night lighting fixtures shall be replaced with cut-off type light fixtures which are shielded and directed in such a way as to minimize lighting spillover. The specific figures shall be replaced as indicated in Table A below.

**Table A: Pepperdine Campus Clear Globe Light Replacement Schedule**

| Clear Globe Light Replacement Area (As identified in Exhibit 4) | Replacement Schedule  |
|---|---|
| A1  | By that date which is 24 months following the receipt of final regulatory entitlements, including the expiration of applicable challenge period, from all applicable agencies; or as a condition of obtaining a Certificate of Occupancy for first component to be constructed, whichever is earlier. |
| A2  | Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed   |
| A3  | Prior to Issuance of the Certificate of Occupancy for Project Component 4 (Town Square)   |
| A4  | Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed   |
| B1  | Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Standard Precinct).  |
| B2  | Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Outer Precinct).   |
| B3  | Prior to Issuance of the Certificate of Occupancy for Project Component 1 (Student Housing - Standard Precinct).  |
| B4  | Prior to Issuance of the Certificate of Occupancy for Project Component 6 (School of Law Parking Structure).  |
| B5  | Prior to Issuance of the Certificate of Occupancy for Project Component 6 (School of Law Parking Structure).  |
| B6  | Prior to Issuance of the Certificate of Occupancy for Project Component 2 (Athletics/Events Center).  |
| B7  | Prior to Issuance of the Certificate of Occupancy for Project Component 5 (Enhanced Recreation Area)  |

|    |   |
|----|---|
| C1 | Prior to the use of Project Component 3 (Upgraded Soccer Field) Athletic Lights                 |
| D1 | Prior to the use of related-Project (Baseball Field) Athletic Lights                            |
| E1 | Prior to Issuance of the Certificate of Occupancy for first Project Component to be constructed |

The University may request permission from the Director to revise the replacement schedule outlined above in Table A if significant efficiencies could be achieved based upon design or construction planning information. The final approved lighting plan may result in greater or fewer fixtures than currently exist to meet the requirements of the Los Angeles County Code and these Conditions.

29. Grading Impacts for all Components. The University shall prohibit grading work on Saturdays and Sundays. However, grading on Saturday and Sunday shall be permitted upon request to, and approval by the Director of Planning for emergency grading such as near term completion of grading prior to rainy season.
30. Construction and Hauling Impacts for all Components. At all times in which construction is allowed on-campus, the Construction Management Plan for the Campus Life Project shall use the Seaver Gate instead of John Tyler Drive as the designated haul and delivery route for all construction vehicles. However, John Tyler Drive may be used as a matter of logistical necessity for hauling of large and unique deliveries such as major concrete, wood, and steel materials, structural components, major grading and similar-sized equipment, and available at all times for emergency and safety related uses.

Truck hauling activities shall be restricted to between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday, and 8:00 am – 5:00 pm on Saturday. Trucking hauling and queuing activities on John Tyler Drive between PCH and south of the northern edge of the soccer field is prohibited before 8:00 a.m. or after 5:00 p.m. Monday – Friday. Saturday truck hauling may only occur on John Tyler Drive in the case of extremely time sensitive and/or emergency circumstances such as the completion of concrete pouring. All truck hauling activities are prohibited on Sundays and holidays, in order to minimize noise disturbance on surrounding off-site residential uses. Hauling on John Tyler Drive outside these restricted hours shall be permitted only in extremely time sensitive and/or emergency circumstances such as completion of concrete pouring.

The staging, idling, and parking of Project component construction vehicles along the Restricted Area of John Tyler Drive adjacent to homes in Malibu Country Estates shall be prohibited at all times, except for very brief periods, and as necessary for construction of the related project Firestone Fieldhouse Renovation. Construction staging and delivery areas shall be located as far as feasible from existing residences and shall be scheduled to take place from the mid-morning to mid-afternoon to take advantage of times when residential zones are less susceptible to annoyance from outside noise. Construction staging is prohibited south of Malibu Country Drive unless required by logical necessity due to weight and emergency or safety uses. Construction staging is prohibited at all times in the Malibu Country Estates subdivision. Construction workers are expected to park on the job site and are prohibited from parking in the Malibu Country Estates subdivision and no closer than 185 feet from any off-site campus residence, and shall be directed to use the Seaver gate.

Due to proximity to the Malibu Country Estates residences, construction hours of the Upgraded NCAA Soccer Field and related project Firestone Fieldhouse will be Monday through Friday from 7:00 a.m. to 6:00 p.m. Outdoor construction hours of the Standard Precinct of the Student Housing Component will be Monday through Friday from 7:00 a.m. to 7:00 p.m. Outdoor construction on these components outside of these hours shall be permitted upon written approval by the Director of Regional Planning only where reasonably necessary subject to all County requirements. Examples include completion of concrete pouring and grading prior to the rainy season or completion of all, or a significant portion of,

the Project prior to the start of the academic year where an unreasonable impact to the campus community could otherwise occur. Interior finishing work shall not be limited by this condition.

31. **Construction Dust for all Components.** The University shall employ additional watering during construction activities beyond what is required under the MMRP to reduce the impact of construction-related dust particulates. The University shall water three times per day unless restricted by regulation. The schedule and timing of additional watering beyond MMRP requirements shall be included in the Construction Management Plan.
32. **Night Lighting for Soccer Field and Baseball Field.** All athletic field lights shall be used and designed so as not to result in light trespass at Malibu Country Estate residences beyond the threshold of significance of 0.5 footcandles as defined in the Project EIR.

## **Attachment B: Definition of "Project"**

This Agreement applies to the entirety of the Project. As used in this Agreement, the term "Project" means the six components as described below and analyzed in the Campus Life Project (CLP) EIR, and the Related Projects Firestone Fieldhouse Renovation and Baseball Field Lighting, which were both analyzed as to cumulative impacts in the CLP EIR. In the event the University modifies any component of the Project or either Related Project, this Agreement shall continue to apply provided that such modification does not increase the size, expand the footprint or otherwise intensify the uses included in any such Component or Related Project in comparison to that analyzed in the CLP EIR.

### **Campus Life Project: Project Components**

The CLP is made up of six components including new infill and replacement facilities as well as the renovation of existing facilities. The proposed improvements involve athletic and residential facilities, parking structures, and other facilities situated within the already-developed campus core. The CLP has been planned within the densities of existing long-term plans for the campus. The CLP components are designed to enhance the existing campus environment and improve the campus life experience for students. The CLP meets existing needs for the current campus population and does not propose to increase enrollment. Specifically, the six CLP components include:

- 1) Student Housing Rehabilitation
- 2) Athletics/Events Center
- 3) Upgraded NCAA Soccer Field
- 4) Town Square
- 5) Enhanced Recreation Area
- 6) School of Law Parking Structure

### **Related Projects**

**Firestone Fieldhouse Renovation.** The Related Project Firestone Fieldhouse Renovation refers to the previously approved expansion and conversion of recreation facilities to provide enhanced multi-sport athletics, recreation and related supplementary facilities. 3,104 permanent seats would be removed and up to 25,992 square feet would be added.

**Sports Lighting at Eddy D. Field Baseball Stadium.** The Related Project Sports Lighting at Eddy D. Field Baseball Stadium refers to the previously approved addition of sports lighting at Pepperdine University's Eddy D. Field Baseball Stadium.

**ATTACHMENT [C]: Letter of Support**

[Insert Malibu Country Estates Letterhead]

TO WHOM IT MAY CONCERN:

On behalf of the Malibu Country Estates Homeowners Association (the "Association"), this letter is to inform you that the Association has reached an agreement ("Agreement") with Pepperdine University as to its Campus Life Project, which includes six components including (1) Student Housing Rehabilitation, (2) Athletics/Event Center, (3) Upgraded NCAA Soccer Field, (4) Town Square, (5) Enhanced Recreation Area, and (6) School of Law Parking Structure and other University projects and activities, including the night lighting of the Baseball Field and renovation of the Firestone Fieldhouse (collectively, the "Project"). Pursuant to that Agreement which is attached to this letter, the University has agreed to numerous conditions on the Project for our benefit, and we support the Project as conditioned pursuant to the Agreement.

We appreciate that the Project includes design considerations to address the concerns of our Association and other community stakeholders. We support the Project as described in the Agreement.

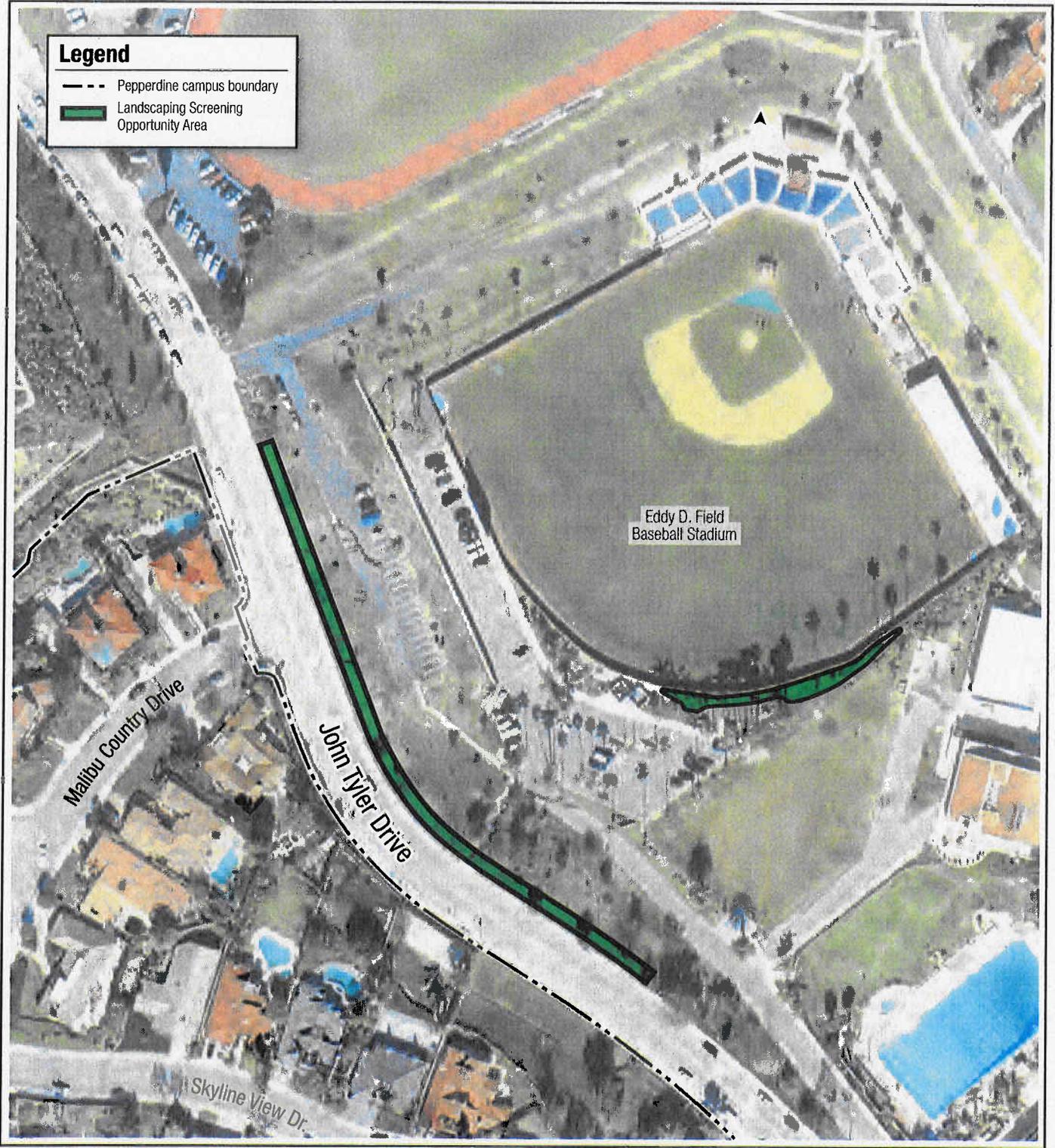
The Association appreciates the University's demonstrated commitment to design the Project in consideration of its neighbors and with input from the Association. Based upon the foregoing understandings, the Association supports the Project per the attached Agreement and the issuance of all approvals, entitlements and permits requested in connection with the Project.

We appreciate your consideration.

Sincerely,

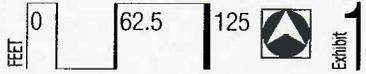
[Name]

President, Malibu Country Estates Homeowners Association



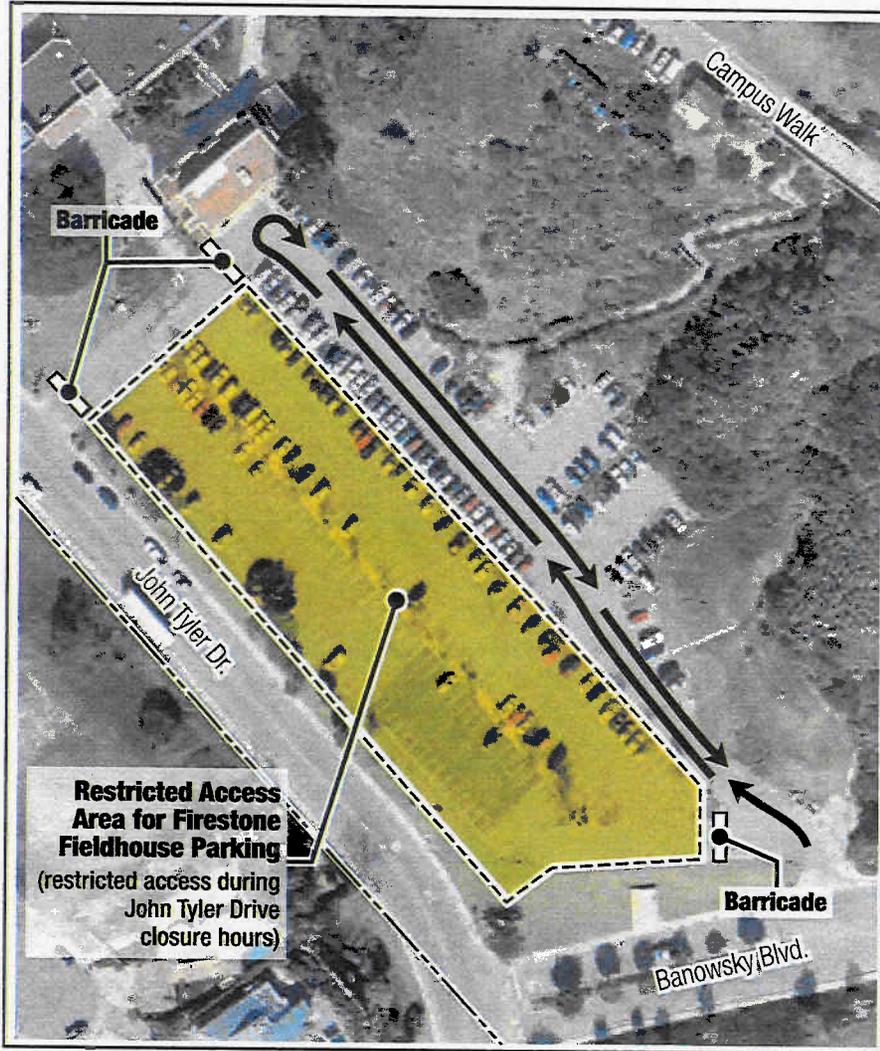
Revised: April 20, 2011

**Potential View Screening Locations**

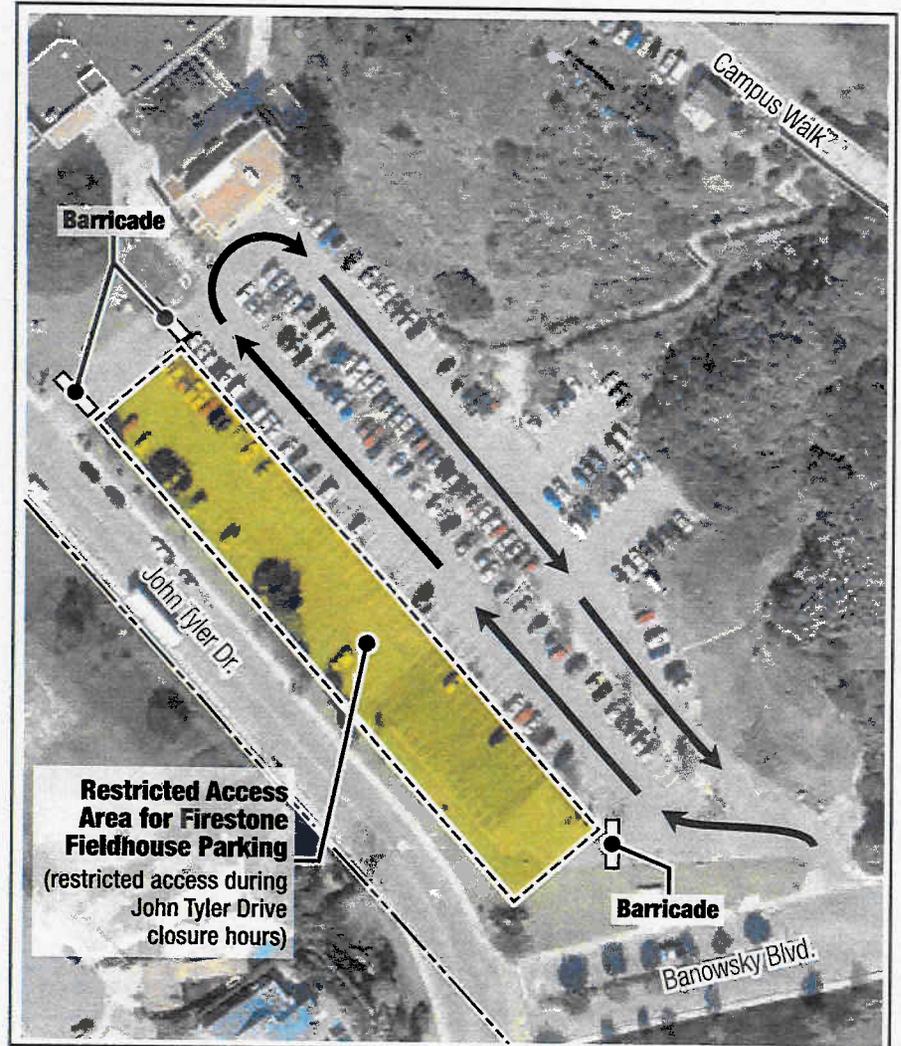




# Phase I



# Phase II

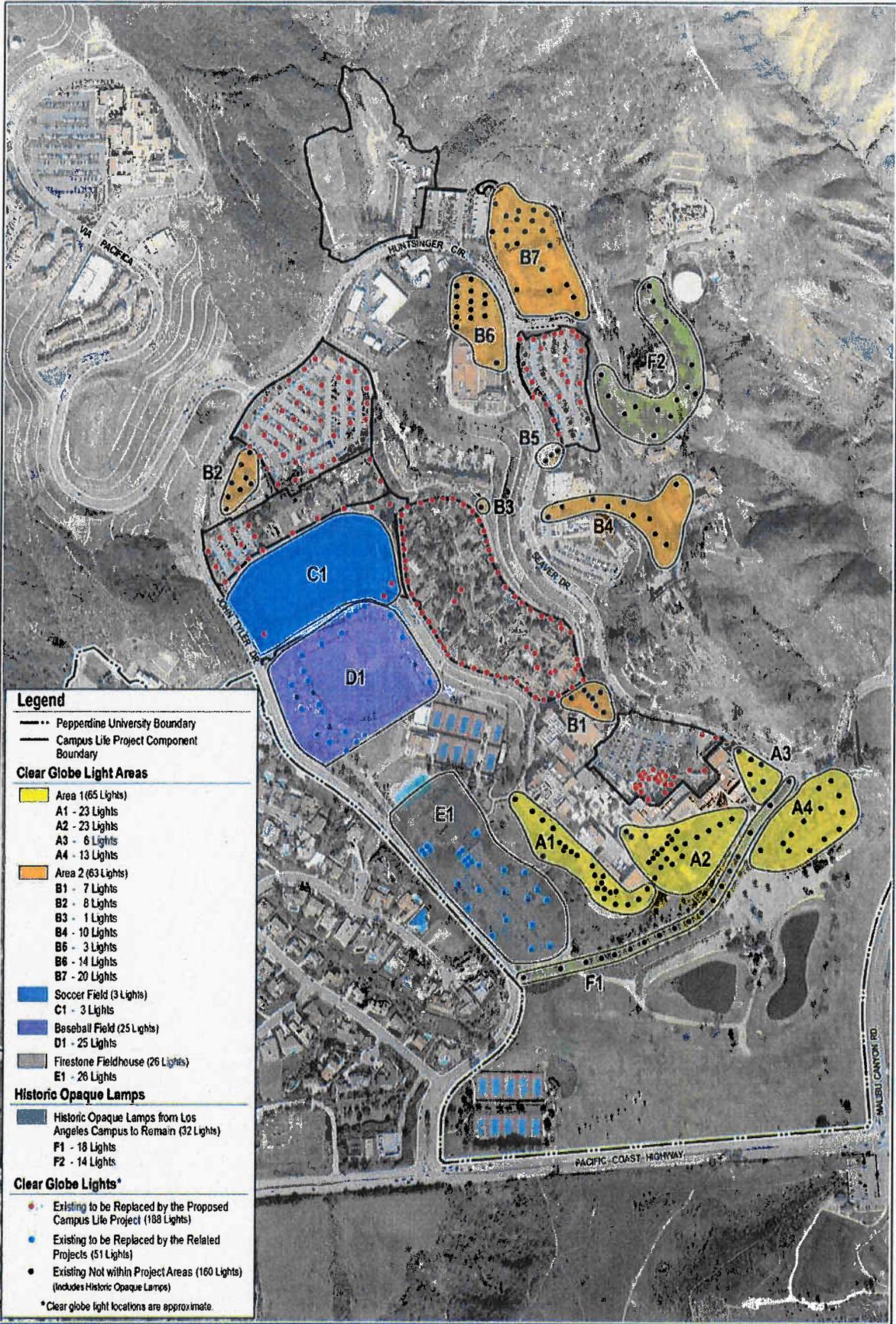


Revised: April 20, 2011





# Screening Hedges and Outdoor Sound Amplification Restricted Zone at Campus Walk



Aerial Source: Burbank Aerial, Inc. 2008

Exhibit Date April 10, 2011

**SANTA MONICA MOUNTAINS CONSERVANCY  
COMMENT LETTER DATED APRIL 25, 2011**

**SANTA MONICA MOUNTAINS CONSERVANCY**

RAMIREZ CANYON PARK  
5750 RAMIREZ CANYON ROAD  
MALIBU, CALIFORNIA 90265  
PHONE (310) 589-3200  
FAX (310) 589-3207  
WWW.SMMC.CA.GOV



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 or before Certificate of Occupancy for first component, whichever is earlier. Pepperdine will replace the globe lights with cut-off type light fixtures prior to the issuance of the Certificate of Occupancy for the first Project Component to be constructed for areas A2 and A4. 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 A3, 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 Area D1. Pepperdine will replace the globe lights with cut-off type light fixtures prior to the Certificate of Occupancy for first Project Component to be constructed for Area E1. With the exception of Area A1, 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

Kim Szalay  
Pepperdine University Campus Life Project FEIR  
April 25, 2011

Page 6

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 realigning Coastal Slope trails and/or related spurs.

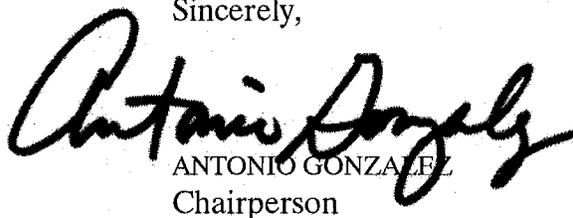
#### **Assurances for Implementation of Additional Measures**

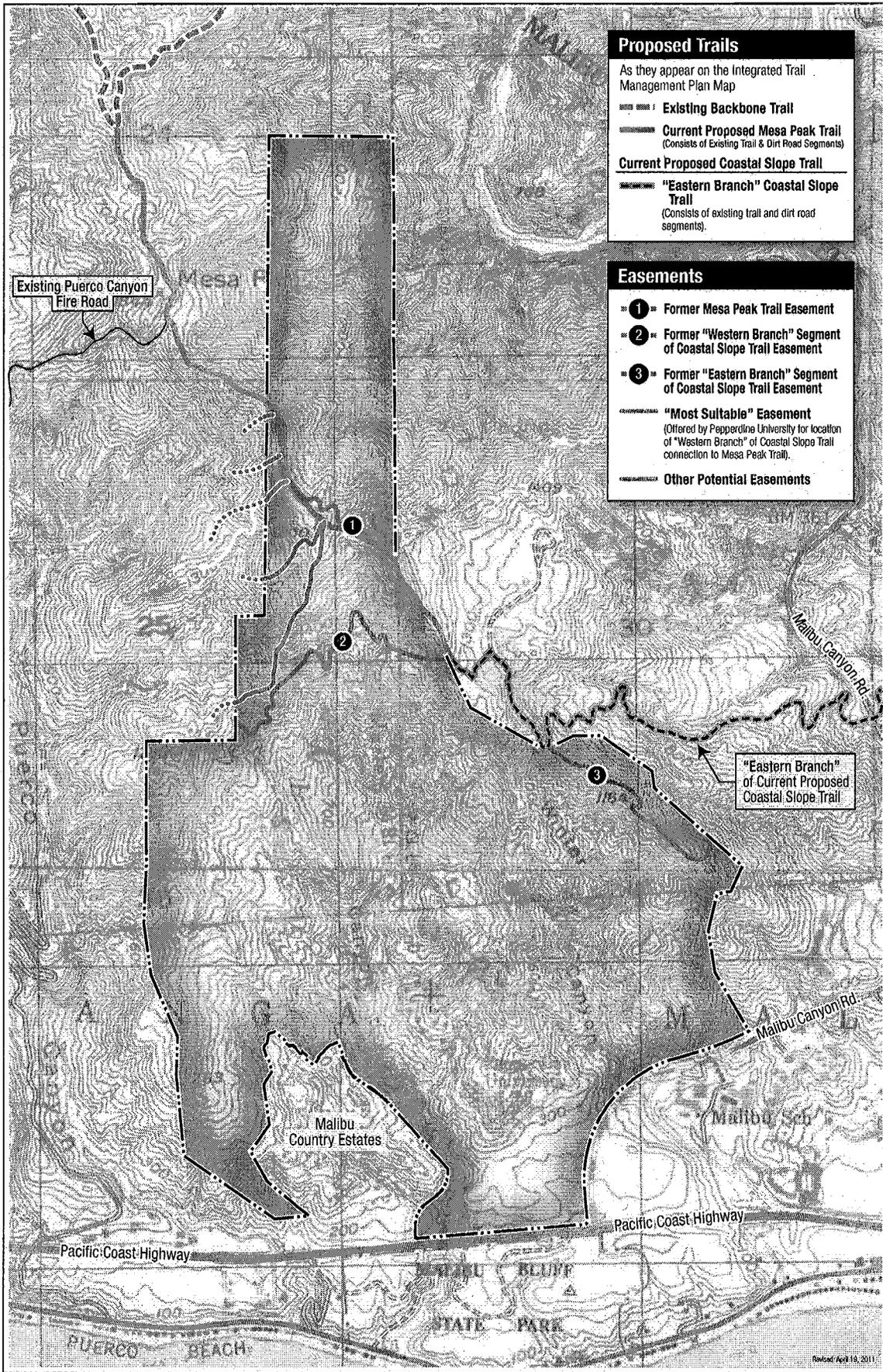
Pepperdine will request to the County that these additional measures be incorporated into the conditions of approval. We support that approach.

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](mailto:edelman@smmc.ca.gov).

Sincerely,

  
ANTONIO GONZALEZ  
Chairperson



**Proposed Trails**

As they appear on the Integrated Trail Management Plan Map

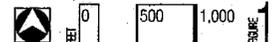
- Existing Backbone Trail**
- Current Proposed Mesa Peak Trail**  
(Consists of Existing Trail & Dirt Road Segments)
- Current Proposed Coastal Slope Trail**
- "Eastern Branch" Coastal Slope Trail**  
(Consists of existing trail and dirt road segments).

**Easements**

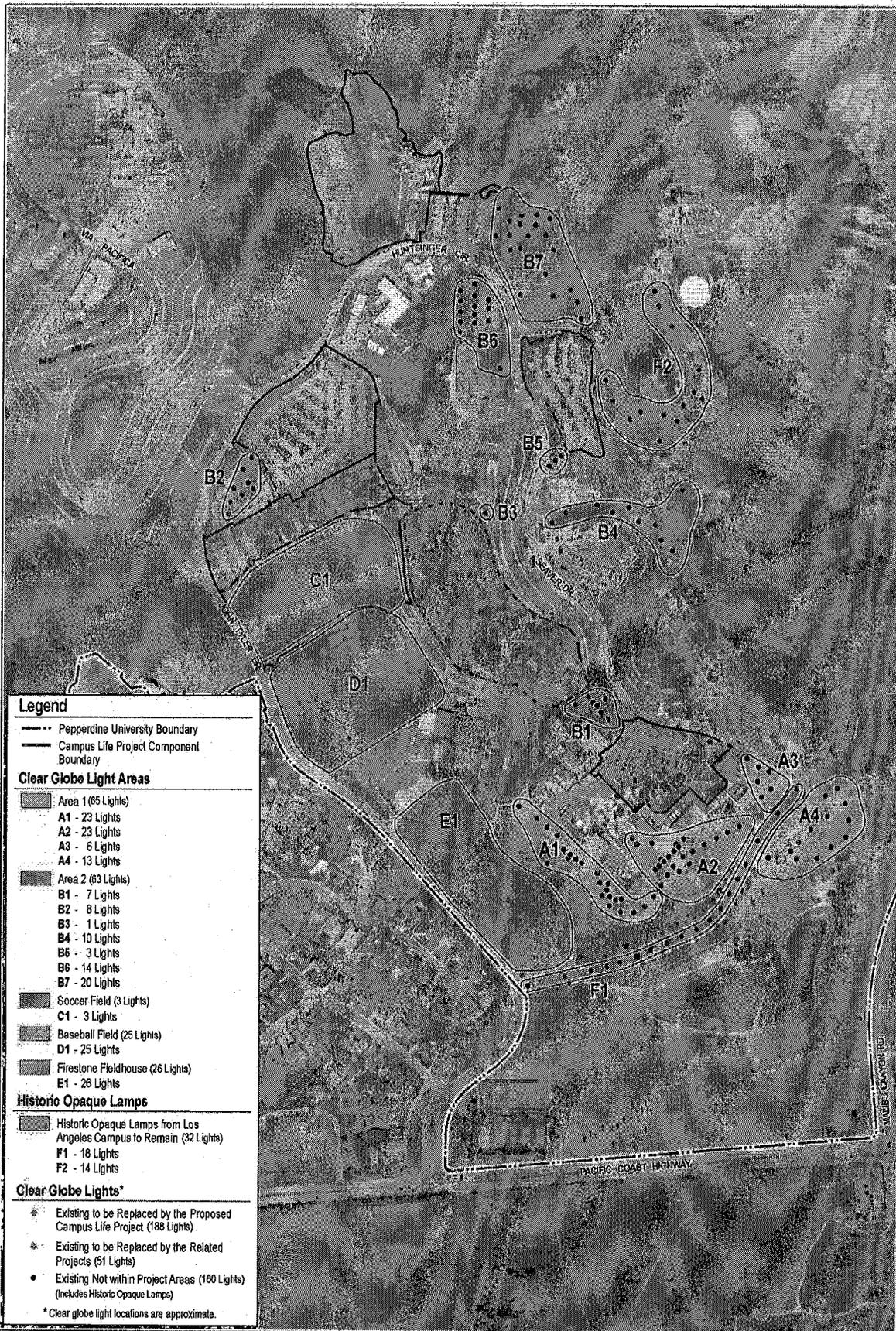
- 1 Former Mesa Peak Trail Easement**
- 2 Former "Western Branch" Segment of Coastal Slope Trail Easement**
- 3 Former "Eastern Branch" Segment of Coastal Slope Trail Easement**
- "Most Suitable" Easement**  
(Offered by Pepperdine University for location of "Western Branch" of Coastal Slope Trail connection to Mesa Peak Trail).
- Other Potential Easements**

Data Sources: Base Map - USGS, Malibu, CA 1:24,000 Topographic Map Quadangle; Historical Trail Easements - LA County Assessor's 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/Malibu Back showing requested "suitable" easement dedication location of Coastal Slope Trail alternative to Puerco Canyon from Mesa Peak Trail.

PEPPERDINE UNIVERSITY



Revised: April 19, 2011



Aerial Source: Burbank Aerial, Inc., 2008.

Exhibit Date: April 10, 2011.

**CONDITION NO. 12 OF GRADUATE CAMPUS  
CONDITIONAL USE PERMIT NO. 97191**

Pepperdine University Graduate Campus

Conditional Use Permit No. 97191-(3)

Attachment. Condition No. 12 pertaining to the following:

- 1) Nightly closure of access gate for John Tyler Drive from Pacific Coast Highway
- 2) Nightly closure of internal section of John Tyler Drive from the access gate to the end of the adjacent Malibu Country Estates subdivision boundary

- dd. Reclaimed water shall be used in irrigation systems to the extent permitted by the State of California Department of Health Services.
- ee. Water conservation measures, as required by the State of California, shall be incorporated into building plans for the project. These include, but are not limited to, measures described in Health and Safety Code Section 17921.3, Title 24 of the California Code of Regulations sections 2-5352 (l) and (j), and Government Code Section 7800.
11. Total campus enrollment shall be limited to 3,500 full time equivalent ("FTE") students.
12. Prior to the issuance of the first building permit, the permittee shall submit a plan to temporarily restrict access (trial access restriction) to the portion of John Tyler Drive adjacent to the Malibu Country Estates, and the John Tyler Drive gate during nighttime and early morning hours, to the Department of Regional Planning for its review and approval. The plan shall commence upon the issuance of the first building permit for development authorized under this grant, and shall provide for the following:
- a. The trial access restriction shall be for a period of one (1) year from the date of issuance of the first building permit for any building authorized by this permit;
  - b. The John Tyler Drive gate shall be closed to all through traffic, at a minimum, between the hours of 12:00 a.m. to 6:00 a.m., and, at an average, between the hours of 10:30 p.m. and 6:30 a.m., except during special events. This shall be the minimum closure required, and shall not restrict the permittee from voluntarily extending the hours of closure;
  - c. Through traffic shall be prohibited upon the portion of John Tyler Drive subject to this condition, at a minimum, between the hours of 12:00 a.m. to 6:00 a.m., and, at an average, between the hours of 10:30 p.m. and 6:30 a.m., except during special events. This shall be the minimum closure required, and shall not restrict the permittee from voluntarily extending the hours of closure;

- d. Signage shall be placed at each end of the portion of John Tyler Drive subject to this trial access restriction to alert drivers that the road is not open for through traffic during the hours specified above;
- e. These provisions shall not apply to any vehicles traveling to or from any parking facilities with entrances located along the portion of John Tyler Drive subject to this trial access restriction;
- f. Nothing in this Condition shall be construed to prevent vehicles operated by the permittee, its agents or employees or any emergency vehicles from using the John Tyler Drive gate or this portion of John Tyler Drive at any time;
- g. Not later than thirty (30) days prior to the expiration of the trial access restriction period of one (1) year, the permittee shall submit a report to the Director of Planning concerning the trial access restriction of John Tyler Drive and the John Tyler Drive gate. The Director of Planning shall give notice of the preparation of the report to Malibu Country Estates Homeowners' Association, and solicit their comments on the effectiveness of the trial access restriction. If the Director finds that the trial access restriction of the road, the gate, or both, is no longer necessary or has resulted in security and/or safety problems for the permittee, or has otherwise unreasonably disrupted traffic circulation patterns upon the property, the Director of Planning may elect to modify or discontinue the trial access restriction of John Tyler Drive and/or the John Tyler Drive gate. If the Director finds that the trial access restriction of the road and/or the gate has not resulted in any adverse impacts upon the permittee and is providing a benefit to adjacent property owners that outweighs any inconvenience to the permittee and any other affected individuals, the access restriction may be extended for additional periods not to exceed one year each following occupancy, subject to the same annual reporting and review provisions set forth in this Condition.

A copy of the Director of Planning's determination concerning the trial access restriction shall be mailed to the Malibu Country Estates Homeowners' Association, the Regional Planning Commission, and the Office of Supervisorial District No. 3.

**ADDITIONAL PUBLIC COMMENT LETTERS**

**SINCE APRIL 28, 2011 SUBMITTALS**

# Malibu Yogurt & Ice Cream

Dear Regional Planning Commission

As a small business owner and operator of Malibu Yogurt & Ice Cream, I feel compelled to write to you and share my support for Pepperdine University's Campus Life Plan. I can tell you from personal experience that the last three years have been very trying for the area's small businesses, as we have watched profits drop and our customer base decline,

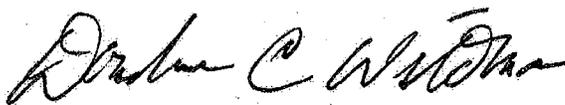
One bright spot for the community, providing a certain level of stability, has been the student and staff of Pepperdine University. On a person level with respect to Malibu Yogurt & Ice Cream, the Pepperdine Student's are not only valued customers, but help fill valuable staffing needs with respect to our business model. It's clear these students are invested in the community and are regularly seen in our local shops and restaurants.

Over and over Pepperdine has proven itself an important community partner and the Campus Life Plan helps to make an important community partner a stronger University.

By investing in their students and the student experience and adding additional housing to campus, there will be more students living full time in Malibu which means more customers and more patrons with the additional benefit of cutting down on commuter traffic.

On behalf of my business, my employees and myself, I hope that the Planning Commission will allow this important community partner to move forward with the Campus Life Project.

Thank you,



Donahue C. Wildman, Owner

23755 West Malibu Road, Malibu, California 90265 (310)456-3522

## Szalay, Kim

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**From:** Jones, Hillary (student) [Hillary.Jones@pepperdine.edu]  
**Sent:** Wednesday, April 27, 2011 5:32 PM  
**To:** Szalay, Kim  
**Subject:** Pepperdine Campus Life Project - Letter of Support (County Project No. R2007-03064-(3))

April 27, 2011

Dear Ms. Szalay:

As a student, I am writing to express my strong support for the Pepperdine Campus Life project. The project will bring a number of much-needed improvements to the Malibu campus. The proposed improvements will help the University meet the ever-changing educational, student housing, athletic, and recreational needs of a modern day educational institution. The project will enhance the student experience and will allow Pepperdine to retain and enhance its reputation as one of our nation's premier Universities.

In addition to enhancing the student experience at the University, I am particularly pleased to learn about the Campus Life Project's commitment to environmental sustainability. In addition to the student housing and the Athletics and Events Center being built toward LEED certification, the planned improvements will increase the number of beds on campus, cutting down on the number of student commuters, and will incorporate native vegetation and recycled materials whenever possible. It will also provide Pepperdine with the capacity to use reclaimed water for irrigation across the Malibu Campus. Colleges and Universities across the country have initiated similar upgrades to their campuses, and in an effort to remain competitive with these institutions, it is vital that Pepperdine pursue the planned improvements set forth in the Campus Life Project.

I am extremely excited about this proposal and I strongly urge the County of Los Angeles to approve the Campus Life Project. These improvements will bring numerous benefits to the University, our students, and to Malibu as a community. Thank you very much for your attention on this matter.

Sincerely,  
Hillary Jones  
Pepperdine BSM Student - Class of 2011  
Graziadio School of Business and Management

To Whom It May Concern:

As a small business owner I feel compelled to write to you and share my support for Pepperdine University's Campus Life Plan. I can tell you from personal experience that the last three years have been very trying for the area's small businesses, as we have watched profits drop and our customer base decline.

One bright spot for the community, providing a certain level of stability, has been the student and staff of Pepperdine University. It's clear these students are invested in the community and are regularly seen in our local shops and restaurants.

Over and over Pepperdine has proven itself an important community partner and the Campus Life Plan helps to make an important community partner a stronger University.

By investing in their students and the student experience and adding additional housing to campus, there will be more students living full time in Malibu which means more customers and more patrons with the additional benefit of cutting down on commuter traffic.

On behalf of my business, my employees and myself, I hope that the Planning Commission will allow this important community partner to move forward with the Campus Life Project.

Vassil Pertchinkov

c/o Guido's Malibu

3874 Cross Creek Rd

Malibu, CA 90265

310 456-1979

Grant Adamson

P.O. Box 2485  
Malibu, Ca 90265  
310-456-3230  
Fax 310-456-3182

April 16, 2011

Hon. Zev Yaroslavsky  
Los Angeles County Supervisor, 3<sup>rd</sup> District  
821 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Re: Pepperdine Campus Life Project – County Project No. R2007-03064(3)

Dear Supervisor Yaroslavsky:

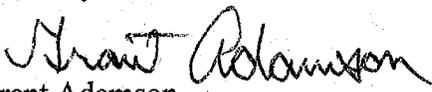
As a lifelong resident of Malibu and a neighbor of the Pepperdine campus, I have seen the progression of this campus from a cattle pasture to where it is today. While I have been happy with the University's stewardship of this land, I have been particularly impressed with the quality of the students that have been attending and graduating from this ever improving educational institution. It is my opinion that the proposed Campus Life Project will be completed in a way which complements the University's good stewardship of the land and furthers the mission of the school which includes continuing to improve the quality of the students which graduate from there.

I am extremely happy with the presence of Pepperdine University in our community. Pepperdine has been and continues to be a benefit to the community of Malibu. Many of us who are neighbors have joined the Crest Associates which allows us to use the athletic facilities and library. Many Malibu residents enjoy the theater, athletic events and displays in the University's Weisman Art Museum. Most importantly, many of us enjoy interacting with the wonderful students that are a product of this great institution.

Pepperdine has spent an abundance of time and effort to design the Campus Life Project in a thoughtful manner, reducing impacts to the neighboring communities. For example, the Events Center has been planned for the northern interior of the campus. Other changes have been made to accommodate community input which I believe illustrates their commitment to handling the Campus Life Project well.

Please approve the Campus Life Project. It will be a benefit to the community and a great benefit to the students. I fully believe this Project will improve the ability of the University to continue to produce superior quality graduates for the benefit of our world.

Sincerely,

  
Grant Adamson

CC: Regional Planning Commission Members  
Kim Szalay, Department of Regional Planning

**Szalay, Kim**

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**From:** Gregory J. Bonann [greg@tower18.tv]  
**Sent:** Sunday, April 17, 2011 10:41 PM  
**To:** zev@bos.lacounty.gov  
**Cc:** Szalay, Kim  
**Subject:** Pepperdine University Campus Life Project – Co Project No. R2007-03064(3)

April 17, 2011

**RE: Pepperdine University Campus Life Project - County Project No. R2007-03064(3)**

Dear Supervisor Yaroslavsky:

As a long-time resident of Malibu, I unequivocally support Pepperdine University's Campus Life Project. Pepperdine is more than just an educational institution; it is an important resource that benefits the Malibu community, including my foundation, A Chance for Children. A Chance for Children strives to empower Los Angeles' inner city at-risk youth by providing them opportunities to set goals and the tools to achieve them. This program started as "Camp Baywatch" in 1992 at Pepperdine University, and since that time, we have been utilizing their facilities for our summer camps. We greatly value this long standing relationship.

The Campus Life Project will address the changing educational, housing, athletic, recreational and social needs of today's student. I strongly support efforts to provide a positive and enriching college experience for Pepperdine's students so that they can become the great leaders of tomorrow and transform the global community through meaningful service.

I thank you for your consideration and urge your approval of this important project.

Sincerely,

Gregory J. Bonann  
Tower 18 Productions  
Post Office Box 514  
Malibu, CA 90265  
Cell: 310.562.4769

"It is easier to build strong children than to repair broken men." ~Frederick Douglass



CC: Regional Planning Commission

Kim Szalay, Department of Regional Planning

**THOMAS BOTZ**  
3605 MALIBU COUNTRY DRIVE  
MALIBU, CA 90265  
TEL: 310-456-8284  
TBOTZ@GROVELANDMGMT.COM

April 14, 2011

Hon. Zev Yaroslavsky  
Los Angeles County Supervisor  
Third District  
821 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

VIA EMAIL  
AND U.S. MAIL

Re: Pepperdine University Campus Life Project;  
Project No. R2007-03064-(3)

Dear Supervisor Yaroslavsky:

My family and I have lived in Malibu Country Estates for 8 years. We have very much enjoyed living next to Pepperdine University, which has been an exemplary neighbor to us. I was frankly surprised by this because, having previously lived in the more-remote Point Dume area of Malibu, I thought that living right next to a university would be a negative; the opposite has turned out to be the case.

We fully support the University's Campus Life Project. Living next door to Pepperdine provides a great benefit to my family and me. It is a place where my children and I regularly go to utilize the athletics facilities (tennis courts, gym and pool) and occasionally the libraries. It is also a place where we enjoy various cultural programs (Smathers Theater, Weisman Museum) and sports events (basketball, volleyball and tennis home games). We have regularly employed Pepperdine students over the years to help with the children (piano, tennis, homework etc.), and we have kept in touch with some of them after they graduated and moved away. The Pepperdine staff and students have consistently served as positive role models for our children. Pepperdine is more than just an educational institution; it is an important resource that benefits the entire Malibu community. The athletic and recreational components of the Campus Life Project will create great pride, not just for the University and its students, but also for the surrounding communities; these components will bring students, athletes, alumni, and neighbors even closer together.

The Campus Life Project will also address the changing educational, housing, athletic, recreational and social needs of today's students. It will provide many exciting and much needed enhancements to the campus and allow the University to continue building its

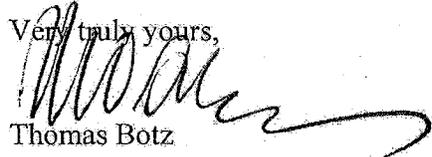
Hon. Zev Yaroslavsky  
Los Angeles County Supervisor  
April 14, 2011  
Page 2 of 2

reputation as a premier higher learning institution. I am in full support of this effort to provide a positive and enriching college experience for Pepperdine's students so that they can become the great leaders of tomorrow and transform the global community through meaningful service.

I thank you for your consideration and urge your approval of this important project.

I wish I could attend the May 4, 2011 hearing on this matter before the Regional Planning Commission but I am scheduled to be out of the country. I am always, however, reachable by email at [tbotz@grovelandmgmt.com](mailto:tbotz@grovelandmgmt.com), and, when I am in town, you or your staff may feel free to contact me at the above telephone number if you wish to discuss this letter.

Very truly yours,

  
Thomas Botz

cc: Regional Planning Commission Members (by email only)