

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800

Th12a



ADDENDUM

DATE: October 5, 2009
TO: Commissioners and Interested Parties
FROM: South Central Coast District Staff
SUBJECT: Agenda Item Th12a, Application No. 4-99-276-A3 (Malibu-SMM Unified School District), Malibu High School, City of Malibu, Thursday, October 8, 2009

1. Correspondence has been received from the applicant, attached as Exhibit 1 of this addendum. The District's letter dated September 23, 2009 expresses agreement with the staff recommendation. In another letter, dated October 2, 2009, the applicant indicates that at its upcoming October 15, 2009 District Board meeting the District will be taking formal action to abandon a project for permanent field lighting that had been in their planning stage of development. The letter also states that due to concerns that the proposed lights may not perform as the submitted lighting analysis modeling has indicated, the applicant proposes to add a light testing and monitoring element to their proposed project description, as follows:

Implementation of Lighting Study Monitoring Plan:

By acceptance of the Coastal Development Permit, the applicant agrees to have a qualified lighting consultant conduct field lighting measurements of the proposed field lights with visors on the night of October 16, 2009. The applicant shall then provide the results of the consultant's lighting study within 30 days, for the review and approval of the Executive Director. If the lighting study indicates that the field light footprint exceeds the light footprint and intensities indicated on Part 2 of Exhibit 8 of the staff report, then the applicant shall test additional measures to reduce the light footprint and report the results to the Executive Director within 60 days.

2. To ensure that the applicant's proposed light testing and monitoring plan is implemented, the following Special Condition is hereby added to the September 17, 2009 Staff Recommendation (additions are underlined):

Implementation of Lighting Study Monitoring Plan

By acceptance of the Coastal Development Permit, the applicant agrees to have a qualified lighting consultant conduct field lighting measurements of the proposed field lights with visors on the night of October 16, 2009. The applicant shall then provide the results of the consultant's lighting study within 30 days, for the review and approval of the Executive Director. If the lighting study indicates that the field light footprint exceeds the light footprint and intensities indicated on Part 2 of Exhibit 8 of the staff report, then the applicant shall test additional measures to reduce the light footprint and report the results to the Executive Director within 60 days

3. Correspondence has been received from the following in support of the proposed project and the staff recommendation. This correspondence is attached as Exhibit 2 of this addendum.
 - Donna Sorce, a high school parent and PTSA Board member
 - Robert Kaplan, Malibu Park resident
 - Veda Kaplan, Malibu Park resident
 - Robert and Michelle Humphreys
 - Carol Levy
 - Chris Houge
 - Melissa Hufjay McAlevey
 - Peter McAlevey
4. Correspondence has been received from the following in opposition to the proposed field lights and the staff recommendation. This correspondence is attached as Exhibit 3 of this addendum.
 - Judi Hutchinson
 - Carol Gable
 - Patt Healy
 - Shary Nassimi
 - Steve Uhring and the Malibu Township Council
5. Ex Parte Communications have been received by several Commissioners. These are attached as Exhibit 4 of this addendum.



Santa Monica Malibu Schools

Extraordinary Public Education

October 2, 2009

RECEIVED
OCT 5 2009

California Coastal Commission
South Central Coast District Office
Attn: Jack Ainsworth, Deputy Director
89 South California Street, Suite 200
Ventura, CA 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Subject: Amendment to Coastal Development Permit 4-99-276 A3
Santa Monica Malibu Unified School District

Dear Mr. Ainsworth:

On behalf of the Santa Monica Malibu Unified School District, we are submitting an amendment to our project description for Coastal Development Permit (CDP) 4-99-276.

In our discussion with Commissioners, and in listening to the community, we have come to the conclusion that, if our proposed amendment as requested is approved by the Coastal Commission, our project would be improved by testing the new lights to determine if the results match the predictions provided to your office.

Towards that end, we propose an amendment to our project description to add the following additional condition of approval:

Implementation of Lighting Study Monitoring Plan

By acceptance of the Coastal Development Permit, the applicant agrees to have a qualified lighting consultant conduct field lighting measurements of the proposed field lights with visors on the night of October 16, 2009. The applicant shall then provide the results of the consultant's lighting study within 30 days, for the review and approval of the Executive Director. If the lighting study indicates that the field lighting footprint exceeds the light footprint and intensities indicated on Part 2 of Exhibit 8 of the staff report, then the applicant shall implement additional measures to reduce the light footprint and report the results to the Executive Director within 60 days.

We are confident that our lights are appropriately shielded and therefore we propose to add this condition so that we can offer confirmation of the restriction.

Santa Monica-Malibu Unified School District

1651 Sixteenth Street • Santa Monica • California 90404-3891 • (310) 450-8338 • www.smmusd.org

Board of Education: Ben Allen • Oscar de la Torre • José Escarce • Maria Leon-Vazquez • Ralph Mechur • Kelly Pye • Barry Snell

Tim Cuneo, Superintendent of Schools

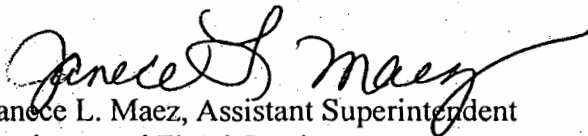
Exhibit 1
4-99-276-A3
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Mr. Jack Ainsworth
October 2, 2009
Page 2 of 2

In addition, the District Board of Education met on October 1, 2009. The Board has directed District staff to agendize the lighting proposal originally made for permanent lights for October 15, 2009. This agenda item would be for the purpose of taking a formal action to abandon permanent lighting from the Measure BB project for Malibu High School; that project is currently in the planning stage. The action could not be taken at the October 1, 2009 meeting because of noticing requirements.

Please do not hesitate to contact me at (310) 450-8338 ext. 268 if you have any questions or comments.

Sincerely yours,



Janece L. Maez, Assistant Superintendent
Business and Fiscal Services
Chief Financial Officer

JLM/dms

cc: Stuart Sam, Director of Facility Improvement Projects
M. Andriette Culbertson, CEO - Culbertson & Associates California, LLC

Via Certified Mail #7009 0820 0001 6230 5810, Return Receipt Requested



Santa Monica-Malibu Schools

Extraordinary Public Education

September 23, 2009

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SEP 28 2009

Jack Ainsworth, Deputy Director
California Coastal Commission
89 S. California Street
Suite #200
Ventura, CA 93001

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

ATTN: Deanna Christensen

Subject: Concurrence with staff recommendation and acceptance of Condition,
CDP 4-99-276-A3, Malibu High School

Dear Mr. Ainsworth:

This letter serves to memorialize the District's concurrence with the staff recommendation contained in your September 17, 2009 staff report, and our acceptance of the condition proposed by staff in that report.

Please do not hesitate to contact me at (310) 450-8338, extension 268 if you have any questions or need further information. We very much appreciate the efforts of staff on this matter.

Sincerely yours,

Janece L. Maez, Assistant Superintendent
Business and Fiscal Services
Chief Financial Officer

JLM/dms

cc: Stuart Sam, Director of Facility Improvement Projects
M. Andriette Culbertson, CEO - Culbertson & Associates California, LLC

Santa Monica-Malibu Unified School District

1651 Sixteenth Street • Santa Monica • California 90404-3891 • (310) 450-8338 • www.smmusd.org
Board of Education: Ben Allen • Oscar de la Torre • José Escarce • Maria Leon-Vazquez • Ralph Mechur • Kelly Pye • Barry Snell
Tim Cuneo, Superintendent of Schools

Exhibit 1



California Coastal Commission
89 California Street, Suite 200,
Ventura, CA 93001

RECEIVED
SEP 28 2009

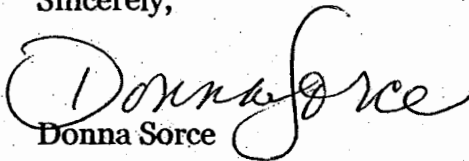
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

To Whom It May Concern,

As a Malibu High School parent and Executive PTSA Board member, as well as an involved community member, I am writing in support of the lights being installed on the Malibu High School campus for evening sporting events.

Please allow our children the joy and honor of evening home games, as well as their parents and family members.

Sincerely,


Donna Sorce

3rd Co VP MHS PTSA

2942 Valmere Drive

Malibu, CA 90265

310 922-2575

September 25, 2009

California Coastal Commission
89 California Street
Ventura, CA 93001

RECEIVED
OCT 1 2009

RE: Lighting Malibu High's Football Field

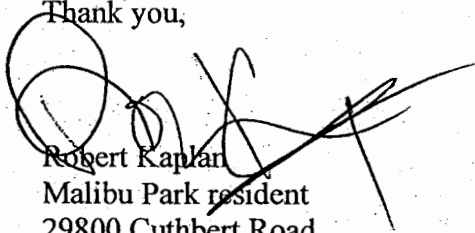
CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

To whom it May Concern:

Please allow lights at Malibu High School football field year round. It is discrimination that the girls are not allowed to use lights to play games when the boys are, sometimes.

I am a resident of Malibu Park. I have a view of the school from my house. The benefit that football games and other events in providing a place for our kids to hang out far outweighs any irritation by opponents.

Thank you,



Robert Kaplan
Malibu Park resident
29800 Cuthbert Road
Malibu, CA 90265

Exhibit 12

September 25, 2009

California Coastal Commission
89 California Street
Ventura, CA 93001

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OCT 1 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

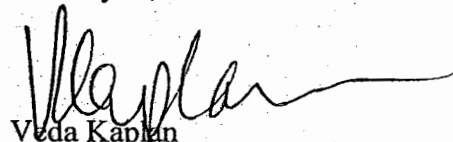
RE: Lighting Malibu High's Football Field

To whom it May Concern:

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I am a resident of Malibu Park. I have a view of the school from my house. The benefit that football games and other events in providing a place for our kids to hang out far outweighs any irritation by opponents.

Thank you,



Veda Kaplan
Malibu Park resident
29800 Cuthbert Road
Malibu, CA 90265

Robert & Michelle Humphreys

31431 Mulholland Hwy.

Malibu, CA 90265

RECEIVED
OCT 1 2009

September 29, 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

John A. Ainsworth, Deputy Director

California Coastal Commission

89 South California Street, Suite 200

Ventura, CA 93001-2801

SUBJECT: Football Lighting at Malibu High School

Dear Mr. Ainsworth:

We are concerned parents writing to persuade the Coastal Commission to give favorable consideration to the Santa Monica Malibu School District's request for football lighting at Malibu High School.

We know that a great deal of controversy has surrounded what might seem to be a fairly straightforward request and therefore we would like to set forth our reasons for asking for the support of the Coastal Commission.

1. **The District and the parents have conceived a minimal plan to allow high school football practices and games at Malibu High School.** There is no southern California High School football program we know of that does not have lighting for football in the fall, or a nearby place to practice. Malibu High School is the only public high school in Malibu. The District is requesting a maximum of 16 nights per season when the lights can be on.
2. **Without this accommodation, and with the site and educational constraints of the campus, it is unlikely that Malibu High School can maintain a competitive football program.** This site is very constrained, and there are no other lighted facilities (other lighted parks, other high schools) within the District which the Malibu football team could use. Night games are an essential ingredient of the public high school experience – "Friday Night Lights"! Whether a student plays football or not, the games are a social

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opportunity near and dear to the hearts of students, parents, and the community. Unlike schools in other parts of this and other counties, there are no other facilities nearby to use instead of the high school for lights. With the additional obligations of other sports for boys and girls required by state and federal law, there simply is no way that the District can "juggle" athletic program times to play football in the day. Even if the District could make such an accommodation, the football players must play night games in their league at other high schools. Because they cannot practice under lights themselves, they would be at a distinct disadvantage.

3. **Malibu High School cannot schedule football practices or games under lights at any nearby District facility.** Although the District realizes that the Commission has restricted lighting in other high school requests, there are two important factors to consider. In both cases where lighting has restricted at a high school, there were other District high schools available for practice nearby. This is not the case with Malibu High School, where the nearest other high school in the District - Santa Monica High School - is 30 miles away, a trip of over 45 minutes. Santa Monica High School serves over 3000 students and already makes extensive use of their single lighted field for their own sports teams. Moreover, in other cases where the Commission has restricted lighting, the resources affected have been significant. However, in this case, the data shows that the resources are not adversely affected by this limited lighting. At no time has the Commission simply restricted lights because persons who live around the high school object to them.

4. **The District has limited their original lighting proposal considerably.** In the past, and in coordination with the City of Malibu, the District had considered increased use of lights and permanent fixtures. There are so few community facilities for sports in Malibu that the high school was considered a logical choice for additional lighting to serve not only the football lighting but other community lighting needs, like soccer practices. However, the opposition to this idea was strong. The number of nights that we propose now - 16 in the fall - will be the only times that the lights will be used.

, we ask that the Commission do whatever it can to expedite the District's proposal so that it can be used for this year's football season. We request that we be placed on a list of persons and that we be notified of hearings or other actions pertaining to this advance, we thank you for your consideration.

Chelle Humphreys
Chelle Humphreys

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In closing, we ask that the Commission do whatever it can to expedite the District's proposal so that the lights can be used for this year's football season. We request that we be placed on a list of interested persons and that we be notified of hearings or other actions pertaining to this proposal. In advance, we thank you for your consideration.

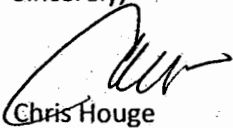
Carol Levy
Carol Levy
3350 Serra Rd.
Malibu 90265

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Sincerely,



Chris Hogue

Parent of Senior Football Player for Malibu High School
310.748.6768

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Best,



Melissa Hufjay McAlevey

310/562-7467

3. **Malibu High School cannot schedule football practices or games under lights at any nearby District facility.** Although the District realizes that the Commission has restricted lighting in other high school requests, there are two important factors to consider. In both cases where lighting has restricted at a high school, there were other District high schools available for practice nearby. This is not the case with Malibu High School, where the nearest other high school in the District – Santa Monica High School – is 30 miles away, a trip of over 45 minutes. Santa Monica High School serves over 3000 students and already makes extensive use of their single lighted field for their own sports teams. Moreover, in other cases where the Commission has restricted lighting, the resources affected have been significant. However, in this case, the data shows that the resources are not adversely affected by this limited lighting. At no time has the Commission simply restricted lights because persons who live around the high school object to them.
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Best,



Peter McAlevey

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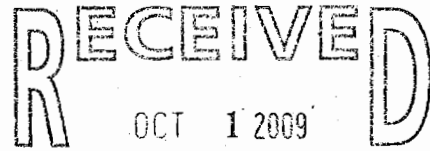
Exhibit 2

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Judi Hutchinson

5960 FLORIS HGTS.

MALIBU CALIF.



CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

September 26, 2009

Item #Th 12A

Permit # 4-99-276 A3

Hearing Date: October 8, 2009

CALIFORNIA COASTAL COMMISSION
South Central Coast District
89 South California Street, Suite 200
Ventura, California 93001

Dear Coastal Commissioner:

I'm writing to you regarding my concerns of the inconsistencies of the Lukos report.

The Commission, in 2000, previously found that night lighting of areas in the Malibu/Santa Monica Mountains would impact wildlife and scenic views. Nothing has changed. The arroyo that runs on the other side of the football field is a wildlife corridor. It connects to the National Park on one end and to Zuma Lagoon on the other. There are numerous hiking trails and just two blocks from the football field is, Zuma Beach, taking in over a million visitors every year.

1. The area is still a wildlife habitat for many raptures and nocturnal animals. Residents have documented, nest, pellets, whitewash and photos of the local wildlife. There is water in the arroyo to the left of the school able to sustain this wildlife habitat. The view from Charmlee Park and Zuma Ridge Trail look down on the above area and the lights are visible in the day and night.

2. The report states, there are street lights, and residences and school lights at night. There are no street lights and very low, density, school lights and most of

Exhibit 3
4-99-276-A3

the residents use low density, Malibu Lights. The nights are usually very dark, allowing a wonderful view of the stars. When residents walk here at night, they use flash lights because of the dark.

3. The Glen Lukos report mentions that football season coincides with the fall migration. Canadian Honkers migrated to the upper ball field where there was a seasonal wetland that the school graded over when they put the fields in. Many seabirds still winter on the upper fields. The school also covered a seasonal blue line stream that ran along the border of the baseball fields. This was all done with out a permit from Coastal. This year they destroyed the swallows nest when they were 3/4 finished, not leaving them time to rebuild.

4. The Glen Lukos report states there is an ESHA but not large enough to host wildlife. This ESHA that is north/west of the school, is a blue line stream that is fed by underground water. It runs year around and host, cottonwoods, willows, cattails, and castor bean trees, all signs of permanent water. This is a small but lush habitat for frogs, wood rats and owls. The foot ball field is 300 yards from this blue line stream.

5. The report states that there were no complaints about the lights. We have 160 signatures by residents saying no to lights. There were many complaints dating back to 1993, when a committee was formed asking that there be no lights on the athletic fields. Note page 3 and 4.

6. This is a beautiful tranquil area where residents and visitors can enjoy the wildlife and beautiful sunsets. Malibu park is nestled at the foot of the Santa Monica Mountain National park and flanked on the right by beautiful Zuma Canyon Park. The Chumash Indian trail runs to the left of Malibu Park. School buses loaded with children come to these parks to work with the rangers and enjoy the wildlife.

The Glen Lukos report has misconstrued all of the evidence. They state that they found no special species of plants, animals or raptors. All species are important for balance in the eco system. Habitat destruction is currently ranked as the most important cause of species extinction worldwide. In this time of global warming and the loss of so many wildlife species, we need to protect all our natural resources. We hope you look over the evidence and make the right decision. This is a beautiful area that needs to be preserved for all to enjoy.

Sincerely,



Lights nettle in Malibu Park

By Chris Ford
Assistant Editor

Malibu's city staff recently indicated that it plans to work with the school district to respond to complaints by residents who live near Malibu High School that the tennis courts lights on the campus burn through the night, causing what one resident called "optical pollution."

The staff further indicated during the Nov. 22 council meeting that plans for new courts could be changed to avoid placing a court directly in front of a resident's house.

During the public comment portion of the council meeting, Resident Tom O'Meara spoke of a "common practice of leaving the (tennis court) lights on night after night after night... giving the feeling we live on Hollywood Boulevard."

"If we wanted brilliant, all night lighting, we'd live in Vegas," he added.

Other residents complained of the construction activity at the high school and the slovenliness of some who use the athletic facilities.

"Malibu High School is rolling over us with a bulldozer -- no, there are about five of them," said resident Judy Hutchinson. "They just bulldozed down trees and went right up to our driveways."

A neighbor complained of the habits of "the baseball players, especially with their beer and lack of bathroom facilities, urinating and so on on our bushes."



MALIBU PARK HOMEOWNERS ASSOCIATION
P.O. Box 6743, Malibu, California 90265

August 12, 2005

Dr. Mark Kelly
Principal
Malibu High School

Dear Dr. Kelly,

Thank you for this meeting. As you know, the Malibu Park Homeowners Association has grown increasingly concerned about the problems relating to the Malibu Park High School, Juan Cabrillo and the Boys and Girls Club. As close neighbors, we hope to work together with a clear understanding as to how these issues may be addressed and these problems resolved:

1. LIGHTING

a. Parking Lots Lights

b. Pool Lights

c. Boys and Girls Lights

d. Rental Lights

foot ball

ex violation of Coastal permit

2. PARKING

a. Parking on Morningview

b. Illegal parking on Cloverheights

CALIFORNIA COASTAL COMMISSION
South Central Coast District
89 South California Street, Suite 200
Ventura, California, CA 93001

OPPOSED
Item # Th 12a
October 8, 2009 Hearing date
Permit # 4-99-276-A3

Th 12a
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OCT 1 2009

Dear Coastal Commissioner:

Recently, many of the residents of Malibu were shocked to find a Coastal Staff recommendation to eliminate Condition #6 which prohibited both temporary and permanent night lighting of the athletic fields of Malibu High School.

The biological report done by Glenn Lukos, that the Staff report was based on, appears to have several misrepresentations and inaccuracies in it, some of which are the following.

Malibu Park has been characterized as being primarily a developed residential area (page 7 of staff report). This underestimates the rural character of Malibu Park and the largely undeveloped areas especially above the football field. Currently, there is no street lighting and an absence of curbs and sidewalks in Malibu Park. Most of the street lighting and sidewalks exist around the schools.

In 2000, the Coastal Commission found that "night lighting of areas of the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, scenic parks and trails. In addition, the Commission found that night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species." After going to much expense on studies and reports, the school district now finds that "the proposed night lighting will not result in adverse impacts to scenic areas or wildlife" because according to their studies no wildlife exists in this area.

This is not true. We hear the owls at night in the trees surrounding the school. Owls pellets have been found under a nest in a eucalyptus tree in the Equestrian Center. A breeding pair of red shouldered hawks that nested in the eucalyptus trees near the school and raised their juvenile hawk this past spring. They use the undeveloped land above the football field as their feeding ground. People walking on the trails in the undeveloped coastal sage above the school have seen, coyotes, rabbits, opossums, hawks, road runners and other wildlife. We have photos that document these sightings.

The public enjoy the scenic views, while hiking the trails surrounding Malibu Park including the Zuma Trail, which is above the football field. (photo enclosed). The report says that the lights will be on when the trails are closed but in our past experience the lights are turned on at dusk, when many hikers are enjoying the beautiful fall sunsets. Hikers participating in Moonlit hikes at Charmlee Park will be able to see the lights from the distance.

In reference to the Pacific Flyway Stopover (page 11- Staff report), the biologist, who did the studies for the School District, maintains that the only area for a migratory stopover is the arroyo willow riparian area along the blue-line stream to the west. She asserts that this does not represent a likely stopover habitat, yet we have seen mallards, Canadian honkers, blue heron, killdeer and other birds in the vicinity of school during their fall migration.

These are just a few of the inaccuracies to be found in the Staff report. The School District has already voted funds under Measure BB for permanent lighting, artificial turf and 250 parking spaces on the berm above the field. This was done during a time when they are cutting classroom programs. Allowing temporary lights will just be a justification for them to go ahead with permanent lights.

The school district has exempted itself from Malibu's LCP's ban on lighting for sport courts, by classifying the athletic field as a "classroom". The Malibu High School Football Team plays in a Division 4 league that plays other small schools that do not have lights. The bleachers above the field look over the water and are 2 blocks from Zuma Beach and provide a wonderful view of the ocean on an afternoon of football.

To vote yes would seem to be deviating from the Coastal Act Section 30200 whose policy states that "All public agencies carrying out or supporting activities outside the coastal zone that could have a direct impact on resources within the coastal zone shall consider the effect of such actions on coastal zone resources in order to assure that these policies are achieved."

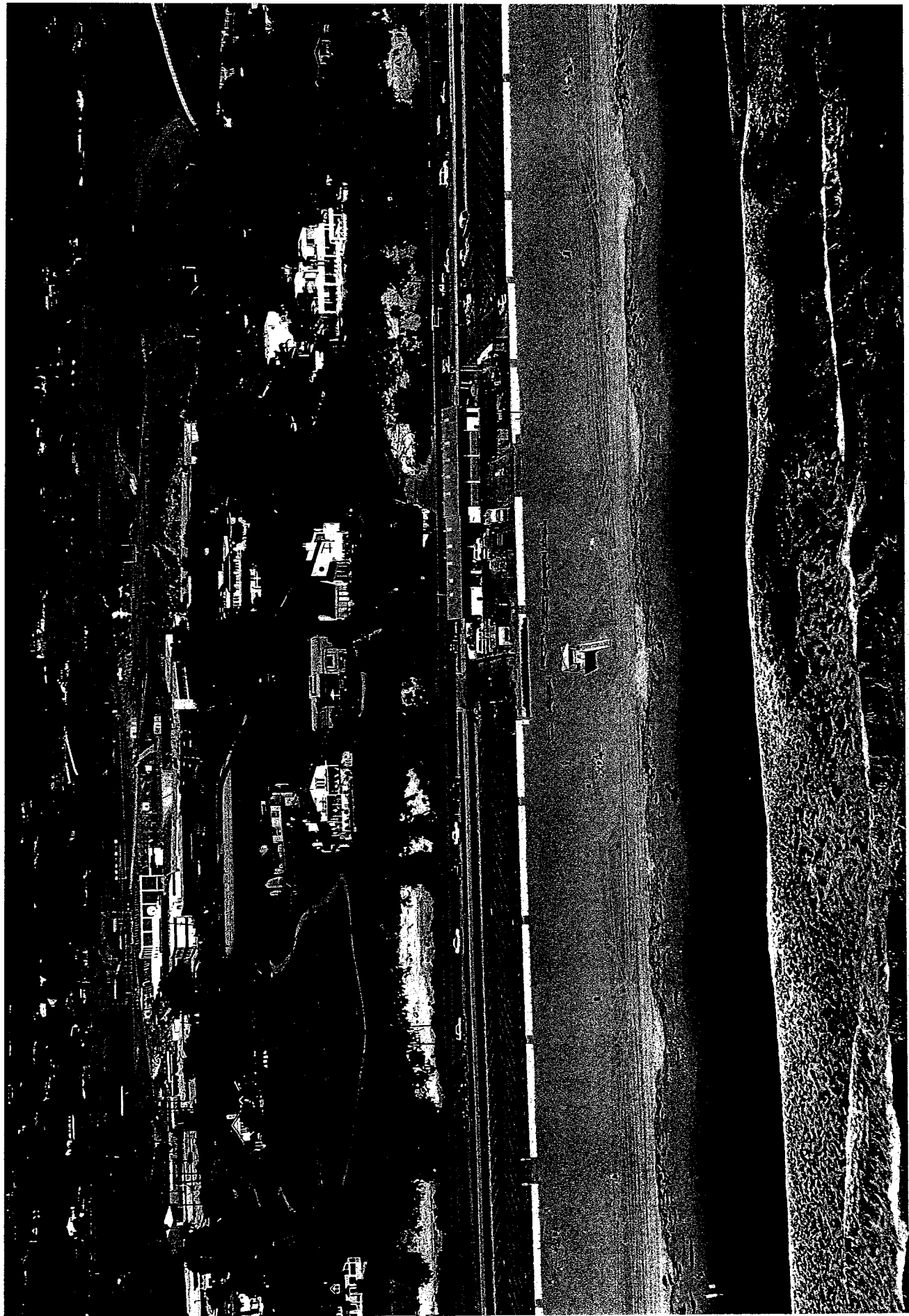
Condition #6 was put on Permit # 4-99-276-A3 to protect the wild life and the public views. . The nocturnal wildlife cannot speak for speak for themselves to ask you to save their habitat from harmful lighting so we are asking you for their sake. We fear that allowing temporary lights is only the first step to procuring permanent lighting for the fields and that will certainly cause irreparable damage to the wildlife that we know is here.

Please uphold this original condition and vote against eliminating the prohibition of temporary lights.

Thank you,

A handwritten signature in cursive script that reads "Carol Gable".

Carol Gable



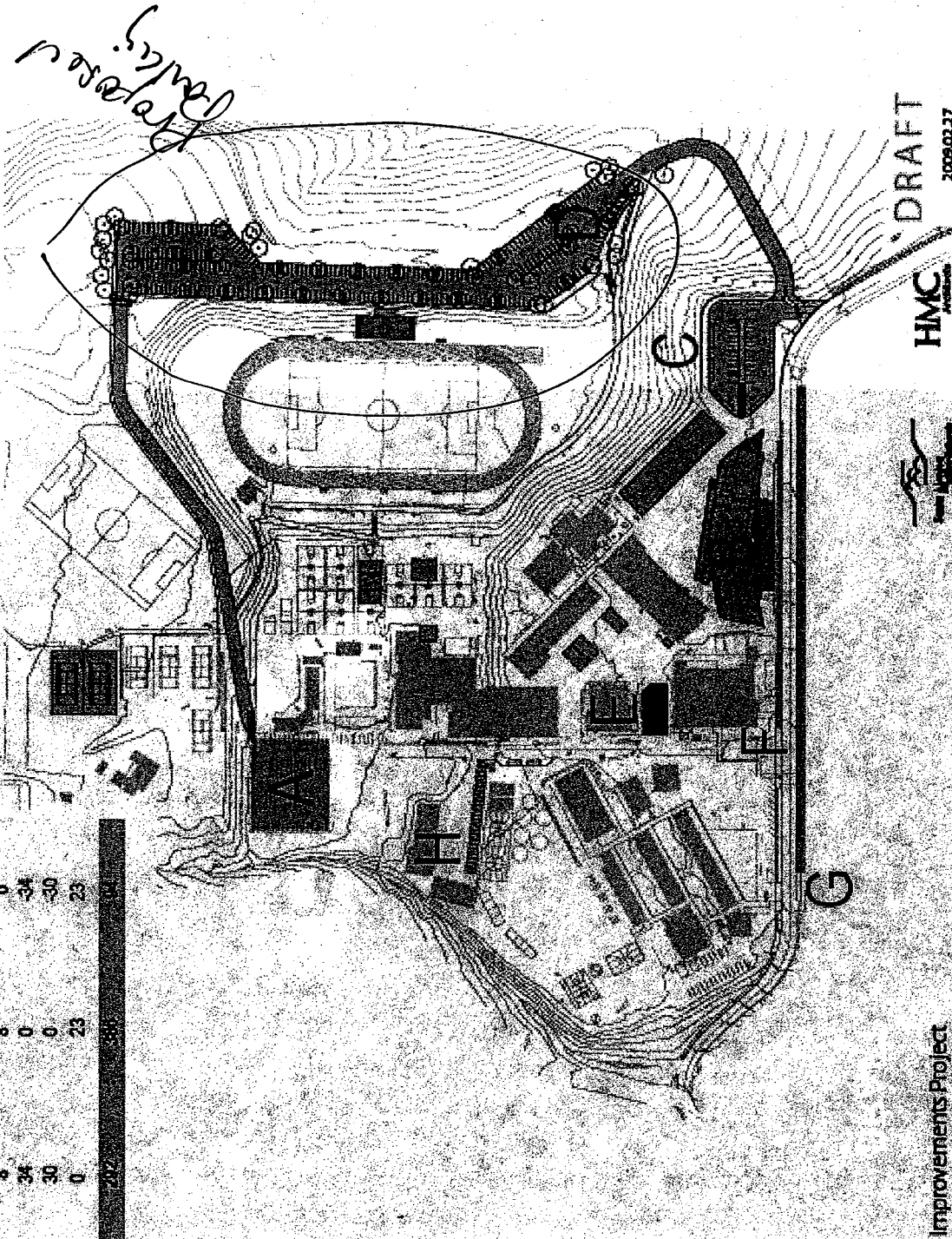
Zuma Beach/Malibu High School Fields



View of athletic field from Zuma Ridge Trail

EXPANDED PARKING AND REVISED DROP-OFF

LOT	Location	(e) count	(n) count	net gain/loss
A	Upper Student lot	136	82	-54
B	Staff & Visitor Parking (Front of school)	14	0	-14
C	Staff Parking (south-east lot)	70	23	-47
D	New Upper Parking Lot	0	250	250
E	Classroom Building (near Cafeteria)	8	8	0
F	Street Parking (School Side)	34	0	-34
G	Street Parking (Ocean Side)	30	0	-30
H	Parking Extension at Cabrillo ES	0	23	23
TOTALS		202	386	184



PARKING TABULATION

Malibu Middle & High School Campus Improvements Project

Presentation

A.36 Malibu Scope and Budget

LEAD

HMC

20090327

4

MALIBU COALITION FOR SLOW GROWTH 403 SAN VICENTE BLVD, SANTA MONICA CA 90402

To: Members of the California Coastal Commission

From: Malibu Coalition for Slow Growth (MCSG) by Patt Healy

RECEIVED
OCT 5 2009

Hearing Date: Thursday 10-8-09 Agenda Item : 12 a

Date Written and submitted 10-4-09

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

MCSG respectfully asks you to deny the CDP amendment to allow night lighting at Malibu High during the football season for the following reasons.

- 1. Under LIP Table B page 5 night lighting of sports courts is expressly prohibited in an Institutional zone and in residential zones. Malibu High is an Institutional use within a rural residential zone. To allow night lighting even 16 nights per year is expressly prohibited and contrary to the clear intent of the LCP.**
- 2. No one is looking at the big picture and the cumulative impact of night lighting to date on the natural environment and the creatures that depend on the dark sky. For example, this night lighting is scheduled to take place during the migratory bird season. Malibu is part of the Pacific Flyway. It has been proven that bird navigation get confused by night lighting other creatures nighttime patterns and foraging ability will be a disrupted. Staff analysis is misguided since Malibu Park and the environs around the school contains an abundance of nocturnal wildlife. Wild life does not limit itself to living and foraging only within in ESHA.**
- 3. The allowance of this night lighting sets a bad precedent not only for future permanent lighting but for future night lighting projects elsewhere in Malibu. To date no precedent has been set. If you allow night lighting the camel's nose will be in the tent. The school districts plan is for permanent lighting at this location and for a continued expansion of same. As other applications for night lighting go forward it will be difficult to deny them when such an egregiously blatant prohibition is allowed. After dark football games can be scheduled at schools where there is no such prohibition against night lighting exist and weekend daylight football games can be scheduled at Malibu High. By prohibiting night lighting you will be teaching kids the need to respect the natural environment of which they are a part.**
- 4. By approving this CDP amendment the school district is being rewarded for it previous continued violation of their existing CDP. If you allow this the lessen the kids will learn is that the law can be ignored without consequences What is wrong with this picture?**

Please deny this LCP amendment. Thank you for consideration of our thought on this matter.

September 28, 2009

CALIFORNIA COASTAL COMMISSION OPPOSED
South Central Coast District Item # Th 12a
89 South California Street, Suite 200 Permit # 4-99-276- A3
Ventura, California, CA 93001

RECEIVED
OCT 1 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Coastal Commissioner,

As the advocate for the California tax payer and homeowners, we rely on you to protect and defend us when special interests assert an unfair or illegal position, in which there are victims, which are your subjects.

The power bestowed to you by these taxpayers is intended as so that you perform your duty of such protection.

The lighting issues are well known here in Malibu. People who surround this field always intended that the laws which have been demanding said homeowners not to pollute the night with strong lighting follow such laws intended to preserve the beauty of the night in Malibu.

Laws prevent homeowners from installing any exterior lights totaling more 60 Watts for their entire property.

We follow these laws.

Now, our nights are to be invaded by a group which has illegally lit up the night sky. They have circumvented the present laws and agreements not to do so.

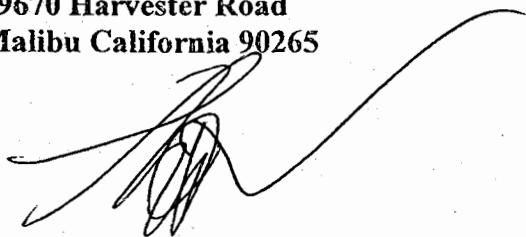
Simply changing the law to allow the continuation of such behavior flies in the face of fairness and damages the well being of countless people.

I, along with hundreds of others, are hereby asking you to deny the request for permanent lighting and to deny the request for longer or more frequent use of such lights.

Thank you in advance for your work.

Sincerely,

Shary Nassimi
29670 Harvester Road
Malibu California 90265



Malibu Township Council

P.O. Box 803

Malibu, California 90265

RECEIVED
OCT 1 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT
9/29/2009

TO: California Coastal Commissioners

Re Thursday, October 8th Agenda Item 12. a. Permit No. 4-99-276-A3 (Santa Monica-Malibu Unified School District, Malibu)

Dear Commissioners,

The Malibu Township Council is opposed to the Malibu/Santa Monica School Board's Plans to implement a temporary night lighting program at the Athletic Field at Malibu High School.

Malibu's General Plan, Malibu's LCP and Malibu's Building Code all provide very specific language prohibiting the type of intense artificial night lighting being requested in this application to the Coastal Commission.

In the attached document "Why You Should Vote No On Temporary Lights For Malibu High School" I have provided a two page summary of arguments supporting the rejection of this CDP amendment. Following this summary I have provided documentation supporting each of the arguments.

I ask that you review this material prior to your vote on October 8th.

Thank you in advance for your consideration of this matter.

Sincerely,



Steve Uhring

The Malibu Township Council

Why You Should Vote No On Temporary Lights for Malibu High School

- A. Officials at Malibu High School knew that night lighting at Malibu High was a problem and that local residents were opposed, but they reneged on their promises to the community, ignored restrictions by the Coastal Commission and installed temporary lights anyway. The Coastal Commission should be holding an enforcement review rather than a CDP amendment vote. **See Exhibit 1**
- B. Malibu's LCP/LIP/LUP and General Plan have clear provisions prohibiting the proposed temporary night lighting. **See Exhibit 2**
- C. City of Malibu reviewed the details of Malibu High's application for Temporary Lights. The city's analysis identifies multiple conflicts between the Schools plans for temporary lights and Malibu's LCP/LIP and General Plan. **See Exhibit 3**
- D. The cornerstone of the Schools proposal is that the Musco Light Visors will significantly reduce light trespass, yet there is no meaningful evidence presented to support this claim. The only documentation of the light control visors ability to lessen light trespass is an advertising agency picture taken from a sales brochure. There were no testimonials supporting their effectiveness. On the other hand we were able to find independent reviews with documentation showing that the lighting shields do not work as advertised. **See Exhibit 4**
- E. The Glen Lukos conclusion, and the CC Staff's concurrence, that special status wildlife are not present in the School area needs to be challenged.
 - Glen Lukos, under contract to the School Board, made 13 visits to Malibu High School over a 10 month period. On average each visit was conducted in the morning and lasted for 3.5 hours. In total Glen Lukos spent a total of 45.5 on-site hours over a 10 month period. **See Exhibit 5**
 - Local Malibu Residents, living within 500 feet of the school property and hike the surrounding neighborhoods almost every weekend. Conservatively these individuals have logged approximately 3000 on-site daylight hours over the same 10 month period.

- Glen Lukos acknowledged seeing a number of raptors but discovered no evidence of nesting activities in the study area.
- Local residents provided documentation and provided pictures of nesting raptors within the study area.

The CC Staff did not give the wildlife documentation by local residents sufficient weight.

F. This decision ignores the fact that the SMMUSD and selected parents at the High School are poised to use the decision on temporary lights to introduce additional programs to significantly increase the use of night lighting at the school.

- The SMMUSD has already announced that its real objective is to install permanent lights at the High School (Six 80 Foot light poles) and to implement a program of night lighting 200+ nights a year. See Exhibit 6
- How about the \$640,709 the School District has spent producing support for 16 nights of temporary lighting. That's 41,000 per night (for 16 nights) or \$29,000 for each of the 23 students who play football at Malibu High School. Meanwhile the School District is looking at budget cuts impacting teachers and educational programs of some \$13 Million. See Exhibit 7
- The discussion of Temporary lights and Title IX requirements has already been raised. Parents want opportunities for temporary lighting programs for girls to be the equivalent to the opportunities being provided for boys. See Exhibit 8

Exhibits

- Exhibit 1-- Letter from Michael Matthews, Principal of Malibu High School, to Malibu Park Residents responding to neighborhood concerns about night lighting brought to the schools attention.
- Exhibit 2-- Sections of Malibu's LCP/LUP/LIP and General Plan that prohibit the temporary lighting proposed by the Malibu High School.
- Exhibit 3-- City of Malibu Response to Malibu High School's Mitigated Negative Declaration.
- Exhibit 4-- Third party testimonials that demonstrate that the Musco light visors do not significantly reduce light trespass as suggested by the School Board.
- Exhibit 5-- Glen Lukos schedule of on-site visits to Malibu High School for Biological Studies.
- Exhibit 6-- Documentation of the School's announced plans for permanent lights at Malibu High Athletic field with a 200+ night lighting schedule.
- Exhibit 7-- School Board agenda vote demonstrating that the district has spent over \$600,000 in the effort to get temporary lights.
- Exhibit 8-- Email from Malibu High parent opening Title IX argument for temporary night lights.

Michael D. Matthews
Principal
Esther J. Winkelman
Assistant Principal


Exhibit I



MALIBU HIGH SCHOOL

30215 Morning View Drive
Malibu, CA 90265
Telephone (310) 457-6801
Facsimile (310) 457-4984

To: Mr. Gene Wood
Mrs. Judy Hutchinson
Malibu Park Committee Members

From: Michael D. Matthews 

Date: June 10, 1994

Re: Response to May 23 letter from Malibu Park Committee

In response to your requests in your May 23 letter, the responses are listed below:

1. I encourage the neighbors to meet with the city to determine parking policies on Clover Heights. The only thing that I can do is to lock the gates to the facilities on nights and weekends to prevent anybody from using the facilities. As I have mentioned, I am looking for input from your committee to decide this.
2. The district is currently evaluating the purchase of a fence to go along the north end of the property, extending down Clover Heights and connecting with the existing fence. I will keep the neighbors apprised of this development.
3. The City of Malibu is currently investigating an airflush toilet composting system that does not require plumbing. Similar systems are used in national parks across the nation. Carolyn Van Horn has indicated to me that funds may be available for purchase and installation. Again, I will keep the neighbors informed on this development.
4. There are no plans to have any night games at any time. There is no electrical infrastructure to support a new lighting system. In the long-term future of the sports activities here I do not see a need for night games.
5. The district and the City of Malibu will be working together to properly maintain the fields and facilities. This is in the best interest of the community, the school and the district.
6. When the time comes for planting trees, I will consult with the neighbors on proper placement. We recently lost a grant through the City of Malibu that would have provided trees for us, but there may be another opportunity in the future.
7. Although I appreciate the concerns of the neighbors, we will be installing permanent scoreboards for both the baseball and softball fields. The baseball scoreboard has already arrived, and the softball scoreboard is being negotiated. Both of these items were donated to the district by community members.

8. The school and the district are very concerned with safety. A new alarm system is being installed in the school. In terms of the field, it will be gated off this summer once the construction has begun. We will continue to look for solutions to vandalism and will prosecute offenders to the full extent of the law.
9. I would like more information on your concern for student traffic. Are you concerned about Clover Heights traffic?
10. I like the idea of a pedestrians only gate. I believe it would further secure the field. The district is currently looking into this idea.

As principal of Malibu High School, I am committed to working with our neighbors. I would like to set up a monthly time when we can meet to discuss upcoming events and concerns. Although I cannot always provide the solutions you desire, I do want to effectively communicate so you can know why we are doing things and so you can feel informed of issues that may be affecting you.

Thank you for your concerns.

cc: Dr. Neil Schmidt, Superintendent
Art Cohen, Assistant Superintendent
Bill Bonozo, Director of Facilities and Improvement

Monday -

Exhibit 2

Malibu LCP/LIP/LUP/General Plan Provisions Prohibiting Temporary Lighting

Malibu's LCP takes precedence as the governing Law.

1.3. GENERAL PROVISIONS

1.3.1 Conflict with Other Provisions

If there is a conflict between a provision of the Malibu LCP and a provision of the General Plan, or any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and such other plan, resolution or ordinance, the LCP shall take precedence and the development shall not be approved unless it complies with the LCP provision.

Malibu's LCP is clear in its intent to restrict night lighting.

LUP 3.56 Exterior night lighting shall be minimized, restricted to low intensity fixtures, shielded, and directed away from ESHA in order to minimize impacts on wildlife. High intensity perimeter lighting and lighting for sports courts or other private recreational facilities in ESHA, ESHA buffer, or where night lighting would increase illumination in ESHA is prohibited.

LUP 6.23 Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity fixtures, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited.

LIP 4.6.2. Lighting

Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity features, shielded, and directed away from ESHA to minimize impacts on wildlife. Night lighting for sports courts or other private recreational facilities in ESHA, ESHA buffer, or where night lighting would increase illumination in ESHA shall be prohibited. Permitted lighting shall conform to the following standards:

5. No lighting around the perimeter of the site, no lighting for sports courts or other private recreational facilities, and no lighting for aesthetic purposes is allowed.

LIP 6.5 G. Lighting. Exterior lighting (except traffic lights, navigational lights, and other similar safety lighting) shall be minimized, restricted to low intensity features, shielded, and concealed to the maximum feasible extent so that no light source is directly visible from public viewing areas. Night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited. Permitted lighting shall conform to the following standards:

5. No lighting around the perimeter of the site, no lighting for sports courts or other private recreational facilities, and no lighting for aesthetic purposes is allowed

Exhibit 2

Malibu LCP/LIP/LUP/General Plan Provisions Prohibiting Temporary Lighting

LCP (LIP) Table B-Permitted Uses.

Lighted sports courts are prohibited in the institutional zone.

The 53 foot light standards proposed by the School are prohibited by our LCP

LIP 3.3(N). Institutional (I) Zone

1. Purpose

The I District accommodates existing public and quasi-public facilities in the City. This District includes educational, religious and governmental facilities.

b. Proposed non-residential structures within the I Zone shall comply with the provisions of Section 3.6 of the Malibu LIP (Residential Development Standards) except that setbacks, height, and structure size shall comply with the following requirements instead of those in Section 3.6 of the Malibu LIP.

ii. Maximum Height. Structures shall not exceed a maximum height of 18 feet above natural or finished grade. The maximum height may be increased up to 28 feet if approved through site plan review, pursuant to Section 13.27 of the Malibu LIP.

Temporary Lights are not consistent with the character of the Malibu Park Neighborhood.

Malibu General Plan Land Use Element

Appendix A(9)

The rural character of the Malibu Park Neighborhood is expressed by the low, ranch style houses, the large lots, and the agricultural use of the undeveloped land. It is also reflected in the virtual absence of sidewalks, and curbs and a by the minimum use of street and home security lighting.



Exhibit 3
City of Malibu

23815 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-7650 · www.ci.malibu.ca.us

June 10, 2009

Janece Maez
Santa Monica-Malibu Unified School District
1651 16th Street
Santa Monica, CA 90404

Reference: Notice of Intent to Adopt a Mitigated Negative Declaration
Malibu High School Football Lighting Project
30215 Morning View Drive, Malibu

Dear Ms. Maez:

On May 11, 2009, the above-referenced document was received by the City of Malibu Planning Division for review and comment. The public review period runs from May 8, 2009 through June 10, 2009. The proposed project to operate temporary night lighting at the Malibu High School campus is located within the coastal zone and within the City of Malibu's jurisdiction. Based on the information provided in the Initial Study (IS) and Mitigated Negative Declaration (MND), the following items are of concern with regard to the adoption of an MND for the proposed project.

Baselines Used – Aesthetics, Air Quality, Biological Resources, Noise, Recreation and Transportation/Traffic

The baselines used for assessing potential impacts to Aesthetics, Air Quality, Biological Resources, Noise, Recreation and Transportation/Traffic are inaccurate insofar as the baseline conditions described incorporate unauthorized activities (i.e., the operation of temporary night lights). Any environmental analysis that includes current illegal uses and activities in the baseline against which potential environmental impacts are measured is inconsistent with the California Environmental Quality Act (CEQA) and necessarily skews the analysis toward a finding of no impacts. Therefore, the MND should reassess potential environmental impacts to Aesthetics, Air Quality, Biological Resources, Noise, Recreation and Transportation/Traffic using a proper baseline that does not include prior use of field lights or the associated effects from those field lights (e.g., nighttime light scatter, generator noise and emissions, traffic from night games, etc).

For example, regarding Transportation/Traffic, the conclusion that there will be no additional traffic impacts resulting from the project is entirely misleading because the baseline condition used to assess the potential impacts already includes all of the same night games and associated trips. The fact that night games have been ongoing in spite of the fact that the field lights were not authorized may be relevant insofar as one can accurately estimate the number of trips to be expected if the field lights are authorized, but it does not mean the baseline should include those trips. In other words, have there been any traffic

June 10, 2009

MND Comments, Malibu High School Football Lighting Project

impacts resulting from the night games? If so, those are identifiable impacts of this project even though they are already occurring. Another example regarding Air Quality; even though generators have been running periodically over the years does not mean that this project will not increase emissions. The proper baseline includes only existing *legal* uses, which means no generator, no emissions. With regard to Biological Resources, to conclude that there is no potential for special-status species to occur, since nothing was located in recent biological studies, does not mean that the use of night lights would not impact special-status species. Perhaps the studies show no presence of special-status species because night lights have been in use for approximately seven years. The proper baseline is an unlit field at night. The correct analysis is whether the temporary lights and their associated impacts on Aesthetics, Air Quality, Biological Resources, Noise, Recreation and Transportation/Traffic, individually and cumulatively, have the potential to adversely impact the environment.

Aesthetics [Pages 13-43]

The MND appears to be silent as to the threshold of significance used for the Aesthetics analysis. Please specify the thresholds of significance used for each component in the MND's analysis.

Impact Discussion No. 1 [Page 14, et al.]

The MND states, *"The closest residence to the football is more than 1,000 feet away."* However, it appears that the single-family residence located at 5961 Floris Heights Road is approximately 550 feet northwest of the football field. A second single-family residence located at 5960 Floris Heights Road is approximately 750 feet northwest of the football field. Please reassess the impact analysis based on the location of these two residences.

Private Views [Page 22]

For comparison, Carpinteria High School is referenced as having a lighted athletic stadium within the coastal zone. The MND does not provide context as to the high school's surroundings (e.g., land use and density, existing development, major transportation routes, etc), nor specify the high school's proximity to nearby public viewing areas (e.g., beach).

Impact Discussion No. 4 [Page 41, et al.]

The MND states, *"The City of Malibu does not have a dark sky ordinance aimed at preventing spill, glare and sky glow from night lighting."* The City of Malibu has a certified Local Coastal Program (LCP) which, pursuant to LCP Local Implementation Plan (LIP) Table B – Permitted Uses, lighted sports courts are prohibited in the Institutional zone. In addition, the use of night lights intended for sports activities is prohibited by LCP Land Use Plan (LUP) Policy 6.23/LIP 6.5(G)(5) and LUP Policy 3.56/LIP 4.6.2(5).

Air Quality [Pages 45-47]

The MND dismisses the cumulative impacts as insignificant without reference to any analysis. Please describe what method was used to undertake the cumulative impact analysis (e.g., the list of projects method, etc) and make the determination noted on page 46.

Biological Resources [Pages 48-57]

Impact Discussion Nos. 1 and 2 [Pages 54-56]

The MND repeatedly states that there is "*no potential*" for special-status species to occur. However, IS Checklist Item Nos. 1 and 2 are checked as "Less than Significant Impact" instead of "No Impact". This implies that there may be some limited impacts to special-status species and sensitive habitats, yet those impacts do not meet the significance criteria. Otherwise, how can there be less than significant impacts to sensitive habitats that do not exist? Please explain why IS Checklist Item Nos. 1 and 2 are not marked "No Impact" if it is determined that there is no potential for these species and habitats to occur.

Impact Discussion No. 2 [Page 56]

Please discuss why there is mention of the California gnatcatcher in this discussion when there are none expected to be there, and in fact, there have never been any documented occurrences of this threatened species in the Santa Monica Mountains south of Highway 101 pursuant to U.S. Fish and Wildlife Service records. In addition, reconsider the statement that "*the absence of special-status species...will prevent significant adverse impacts.*"

Recommended Mitigation Measures [Page 56]

The MND incorporates a mitigation measure for an impact that is already considered "Less than Significant". If no "Potentially Significant" impacts are identified, then there is nothing that requires mitigation.

Land Use and Planning [Pages 65-67]

Excerpts from Land Use and Planning – MND Impact Discussion No. 2 are shown in *italics* with the City's response in bullet points following:

[Page 65]

"The City of Malibu requires grading permits for grading projects of 50 cubic yards or greater...[footnote] personal communication with Julie Bower, City of Malibu, Permit Services Technician April 17, 2009."

- Sources should reference the 2008 Los Angeles County Building Code with amendments, Appendix Chapter J, J103.2 and be inclusive of all excavation permit exemptions in addition to grading projects less than 50 cubic yards.

"The City of Malibu Municipal Code §17.34.030 specifies that public and private educational institutions are permitted uses in the Institutional designation, subject to a conditional use permit."

- The IS/MND should also reference LIP Section 3.3(N)(2) and Table B – Permitted Uses for permitted and conditionally permitted uses in the Institutional zoning district, which specifies

June 10, 2009

MND Comments, Malibu High School Football Lighting Project

that educational institutions (public or private) are uses in the Institutional zones subject to a conditional use permit.

- In addition, pursuant to LIP Table B – Permitted Uses, lighted sports courts are a prohibited use in the Institutional zone. Accordingly, lighted sports courts would not even be allowable in the Institutional zone with a conditional use permit.

"Malibu High School is an established school site, and it is unlikely that the City would take the position that a conditional use permit would be required for the football lighting."

- Lighted sports courts are a prohibited use in the Institutional zone and, therefore, could not be allowed with a conditional use permit.

"However, the District is relieved of the obligation of conformity with the local General Plan and zoning regulations provided it makes certain findings pursuant to Government Code §53094 and approves such action with at least two-thirds vote of the governing body. The District will notify the City of Malibu if such an action is taken."

- Specify the required timeframe the City shall receive notification if the governing body makes a decision pursuant to Government Code §53094 (i.e., within 10 days).
- In context to the governing body's accessibility of Government Code §53094 to be "relieved of the obligation of conformity with the local General Plan and zoning regulations," provide additional discussion (with associated Land Use and Planning impact analysis) to the effect that the City has a certified Local Coastal Program, adopted by the California Coastal Commission on September 13, 2002, in order to implement the policies of the California Coastal Act of 1976. Pursuant to LIP Section 1.3.1, "If there is a conflict between a provision of the Malibu LCP and a provision of the General Plan, or any other City-adopted plan, resolution, or ordinance not included in the LCP, and it is not possible for the development to comply with both the LCP and such other plan, resolution or ordinance, the LCP shall take precedence and the development shall not be approved unless it complies with the LCP provision."

While the LCP reflects unique characteristics of Malibu's local coastal community, regional and statewide interests and concerns are also addressed in conformity with Coastal Act goals and policies as they pertain to all development, including but not limited to school siting, construction and intended uses. Pursuant to LIP Table B – Permitted Uses, lighted sports courts are a prohibited use in the Institutional zoning district. Government Code §53094 does not authorize a school district to relieve itself of the obligation to comply with a certified Local Coastal Program – the local implementation of the California Coastal Act. In addition, the use of night lights intended for sports activities is prohibited by LUP Policy 6.23/LIP 6.5(G)(5) and LUP Policy 3.56/LIP 4.6.2(5).

[Page 65]

"The certified LCP for the City of Malibu restricts lighting in certain circumstances. ... [n]ight lighting for sports courts or other private recreational facilities in scenic areas designated for residential use shall be prohibited. The LCP then proceeds to establish lighting development standards clearly aimed at private, as opposed to public, buildings."

- Notwithstanding restrictions on night lights in the Institutional zoning district, LCP Chapter 6 (i.e., the LUP and LIP) specifically prohibit the use of outdoor night lights intended for sports activities on a parcel of land that is located along, within, provides views to or is visible from any scenic area, scenic road, or public viewing area. LCP Chapter 6 applicability is inclusive of all properties regardless of public/private ownership or use. Moreover, the policies outlined in LCP Chapter 6 implement Section 30251 of the California Coastal Act, including but not limited to: 1) protecting the scenic and visual qualities of coastal areas protected as a resource of public importance; and 2) ensuring that permitted development be visually compatible with the character of surrounding areas.

Malibu High School is centrally located within the Malibu Park neighborhood. As described in General Plan Land Use Element Appendix A(9), "The rural character of the Malibu Park neighborhood is expressed by the low, ranch-style houses, the large lots, and the agricultural uses of the undeveloped land. It is also reflected in the virtual absence of sidewalks and curbs, and by the minimum use of street and home-security lighting."

[Page 67]

"There are no restrictions in the development standards for Institutional in the LCP, nor do the lighting restrictions purport to apply to public uses."

- LIP Section 3.3(N)(3)(b) details specific development standards for all non-residential structures in the Institutional zoning district with regard to setbacks, height and structure size; however, this section defaults to residential provisions for development in LIP Section 3.6 for all remaining development standards not specified in LIP Section 3.3(N)(2). Since the LIP provides separate general development standards for residential and commercial development, the intent of regulating development in the Institutional zone follows residential provisions rather than commercial provisions.
- Page 6 of the IS/MND, under Design Scenario, states that the "temporary light standards would be 53 feet in height." The proposed height is inconsistent with LIP Section 3.3(N)(3)(b)(ii) which designates a maximum height in the Institutional zoning district of 18 feet above natural or finished grade; however, the maximum height may be increased up to 28 feet if approved through site plan review pursuant to LIP Section 13.27.



June 10, 2009

MND Comments, Malibu High School Football Lighting Project

"Therefore, there is no conflict with the LCP on this point. The project will not result in any impacts in the area of Land Use and Planning."

- For the reasons expressed above, including but not limited to conflicts with the permitted uses in a zoning designation, scenic and visual protections, and compatibility with neighborhood character, the proposed night lighting is in conflict with the City's certified Local Coastal Program.

Noise [Pages 69-70]

Impact Discussion No. 1-2 [Page 69]

The MND states, *"However, distance attenuation will further reduce the ambient noise level, resulting in a less than significant impact to the residences, the closest of which is approximately 1,000 feet from the stadium."* It appears that the single-family residence located at 5961 Floris Heights Road is approximately 550 feet northwest of the football field. A second single-family residence located at 5960 Floris Heights Road is approximately 750 feet northwest of the football field. Please reassess the impact analysis based on the location of these two residences.

Description of Project – Background and History [Page 2]

The list of previously-issued CDPs inaccurately describes the scope of work/use authorized by CDP Nos. 4-99-276, 4-94-030-A1 and 4-94-030. In reference to CDP No. 4-99-276, which was approved May 2000, the MND states, *"This permit included a joint use agreement with the City of Malibu."* This reference should be deleted from the MND since the actual permit is silent in this respect and the Malibu General Plan notes "The City began sharing operations of the school on January 1994" (Table 2-2, Open Space and Recreation Element). In addition, General Plan Section 2.3.6 reaffirms, "The City has a shared-use agreement to organize and administer summer recreation programs as well as weekend and after school programs at the school." In reference to CDP No. 4-94-030-A1, the MND states that the permit amendment was for *"Boys/girls restrooms at track and field area, softball facilities."* This reference should be revised since the amendment (-A1) to CDP No. 4-94-030 granted a "trail easement for use by equestrian, hiker and bicycle users to access the adjacent Malibu Equestrian Center." In reference to CDP No. 4-94-030, the description should be expanded to include "construction of baseball and softball fields, practice soccer fields and tennis courts."

Proposed Project [Page 5]

The number of school years the temporary field lights will be used is indefinite. Please discuss the anticipated timeline the temporary field lights will be in use.



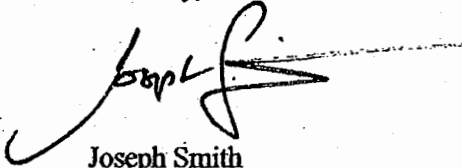
June 10, 2009

MND Comments, Malibu High School Football Lighting Project

Concerns raised in this response are intended to be reviewed during consideration of adopting an adequate MND or in the preparation of an Environmental Impact Report to avoid, minimize and/or mitigate potential environmental impacts caused by the proposed project. The City's response is based on applicable policies, interpretations and land use plans in effect as of this date. Any changes to applicable policies, interpretations and/or land use plans may result in a different determination of items requiring further review.

If you have any questions, please call (310) 456-2489 x336 or e-mail at jsmith@ci.malibu.ca.us.

Sincerely,



Joseph Smith
Associate Planner

cc: Victor Peterson, Community Development Director
Stefanie Edmondson, Acting Planning Manager
Dave Crawford, City Biologist
Gregg Kovacevich, City Attorney



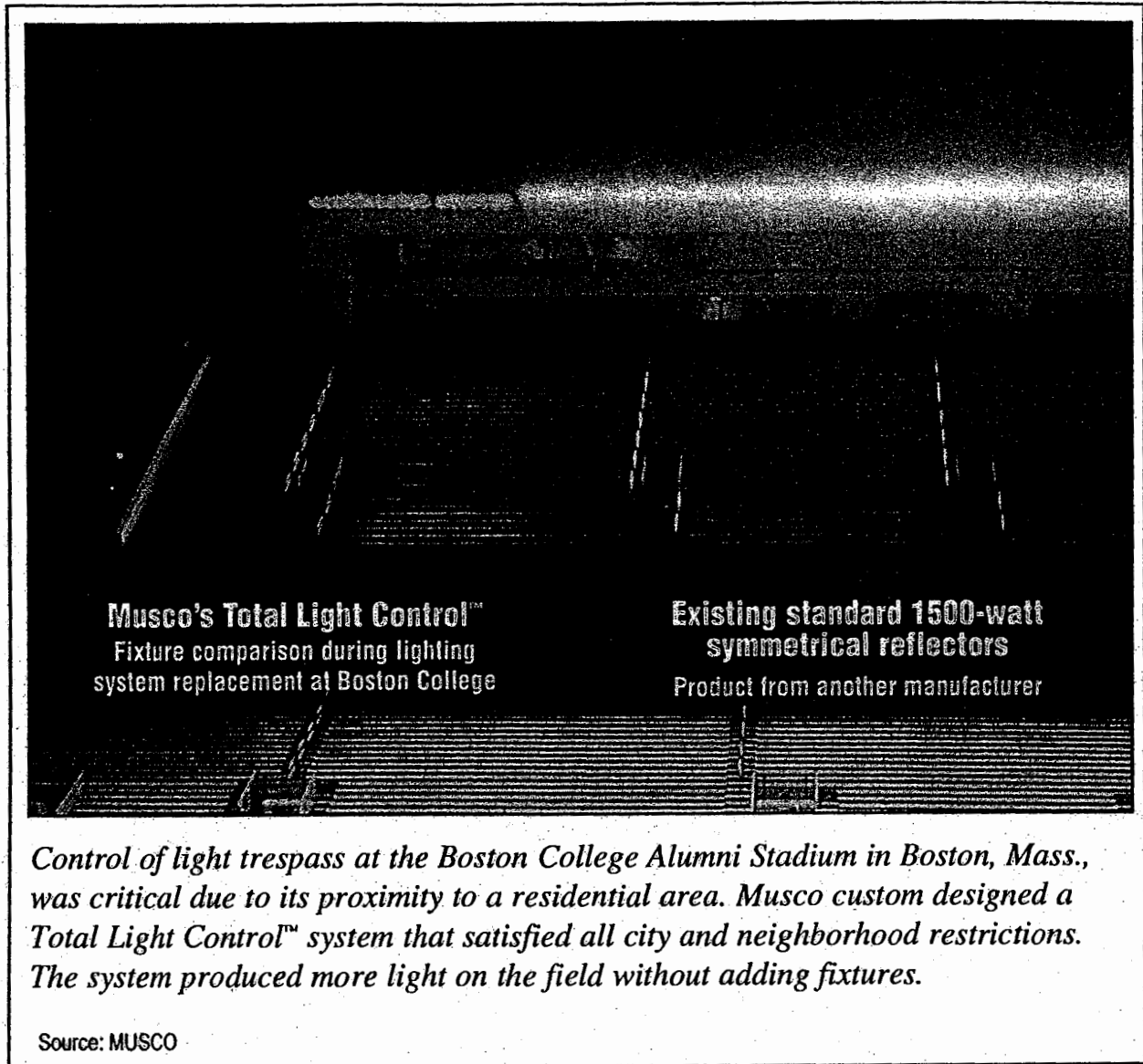


Exhibit 26. Total Light Control Comparison

This picture represents the only evidence provided by the School Board that the Musco light shields will prevent light trespass.

It is a picture from a Sales Brochure. It is an actual picture or has it been modified by Musco's advertising agency to enhance (and therefore misrepresent) the effectiveness of the Light Shields?

The independent review of the Musco light shields on the next page demonstrates why you cannot make a decision based upon what you read in a sales brochure.

A Review of Musco Light Shields from the Wehr Astronomical Society

Wehr Astronomical Society, Inc.--Home Page-- www.wehrastro.org/

Who We Are

The Wehr Astronomical Society is a group of amateur astronomers organized to promote the study of astronomy and further public and members' interest in astronomy. We have been serving the Milwaukee area since 1981 and welcome the public to our meetings.

Programs generally are geared to the beginner in astronomy, although programs are presented for all ages and levels of interest and knowledge. Instruction is kept basic and is intended to encourage enthusiasm for further study. Our aim is to give guidance and information to those who want help in the pursuit of stargazing.

We are a 501(c)(3) non-profit organization. We gladly accept donations which we will use for our educational outreach programs. The regular meetings are held on the second Tuesday of every month. They are usually held at the Wehr Nature Center, 9701 West College Avenue, Franklin, WI 53132, Tel : 414-425-8550. The Wehr Nature Center Home Page provides a map on how to get there.

Review of Musco Light Shields----Summary, Shields up -- no difference--
<http://www.wehrastro.org/Rampage/shieldsup.html>

Note that all pictures on this page are taken as to be representative of what your eye would see. No photo manipulation was used.

Well, the Milwaukee Rampage installed the Musco spill and glare control visors. We figured that these would reduce the amount of light trespass to our observatory and the surrounding neighborhood. *Well, we are very disappointed as these shields did nothing.*

Below is an image of the lights on after the shields were installed. This picture was taken from our observatory field in Froemming Park through one of our telescopes. Notice that you can see still see heavy glare from these lights even though the shields are installed. Note that we had strong vignetted (a darkening as you get farther from the center of the photo) as we took this picture through a different scope.

Let's see if the light trespass is any different. I would say not. Musco claimed that there would be a 95% reduction in light trespass. I would say that it is more like a 5% reduction. You can see an example of light trespass in the pictures below

Table 3-1/ Summary of Biological Surveys for the Property.

Survey Date and Time	Survey Type	Surveying Biologist	Weather
July 31, 2008	General Biological Survey	E. Bomkamp S. Asgari	66-70° F Overcast Wind 2-4 mph
August 25, 2008	General Biological Survey Vegetation Mapping	T. Bomkamp S. Asgari	68-71° F Clear Wind 2-4 mph
September 18, 2008	General Biological Survey Vegetation Mapping	T. Bomkamp E. Bomkamp	70-72° F Clear Wind 2-4 mph
October 16, 2008	General Biological Survey	E. Bomkamp	76-80° F Clear Wind 0-1 mph
November 21, 2008 700-1010	General Biological Survey Owl and Burrowing Owl Habitat Assessment	J. Ahrens	57-60° F Clear Wind 0-1 mph
December 3, 2008 710-1000	General Biological Survey Owl and Burrowing Owl Habitat Assessment	J. Ahrens	53-60° F Overcast Wind 2-5 mph
January 27, 2009 650-1030	Focused Burrowing Owl Survey Raptor Use Survey	J. Ahrens	50 - 52° F Clear Wind 2-4 mph
January 28, 2009 645-1030	Focused Burrowing Owl Survey Raptor Use Survey	J. Ahrens	46-62° F Clear Wind 3 mph
January 29, 2009 700-1100	Focused Burrowing Owl Survey Raptor Use Survey	J. Ahrens	58-62° F Clear Wind 1 - 3 mph
January 30, 2009 650-1050	Focused Burrowing Owl Survey Raptor Use Survey	J. Ahrens	60-69° F Clear Wind 2 -4 mph
March 23, 2009 0700-1400	Nesting Raptor Survey Focused Plant Survey	J. Ahrens P. Schwartz	50-72° F Clear Wind 1 mph
April 21, 2009 0710-1000	Nesting Raptor Survey	J. Ahrens	63-76° F Clear Wind 2 mph
April 27, 2009 0740-1035	Nesting Raptor Survey	J. Ahrens	54-63° F Clear Wind 3 mph

3.2 Botanical Resources

A site-specific survey program was designed to accurately document the botanical resources within the Study Area, and consisted of six components: (1) a literature search; (2) preparation of a list of target special-status plant species and sensitive vegetation communities that could occur on site; (3) general field reconnaissance surveys; (4) vegetation mapping according to the Holland Classification System; (5) habitat

Exhibit 5 ⁴⁷

Future Goals for Athletic Field Proposed Schedule



Exhibit 6

Proposed Use of Lighted Athletic Field - Days and Hours

Month	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Total Use
September-02	6:30p - 8:15p 1.75	6:30p - 8:15p 1.75	6:30p - 8:15p 1.75	6:30p - 8:15p 1.75	6:30p - 8:15p 1.75	6:30p - 10:30p 4		20 days 44 hours
October-02	6:00p - 8:15p 2.25	6:00p - 8:15p 2.25	6:00p - 8:15p 2.25	6:00p - 8:15p 2.25	6:00p - 8:15p 2.25	6:00p - 10:30p 4.5		25 days 59.5 hours
November-02	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 10:30p 6		19 days 71.5 hours
December-02	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75		20 days 75 hours
January-03	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75		25 days 98.75 hours
February-03	5:00p - 8:15p 3.25	5:00p - 8:15p 3.25	5:00p - 8:15p 3.25	5:00p - 8:15p 3.25	5:00p - 8:15p 3.25	5:00p - 8:15p 3.25		20 days 72.75 hours
March-03	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75	4:30p - 8:15p 3.75		
April-03	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25		25 days 56.25 hours
May-03	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25	7:00p - 8:15p 1.25		20 days 37 hours
June-03	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75		20 days 27 hours
July-03								
August-03	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75	7:30p - 8:15p 0.75		10 days 7.5 hours

The hours are adjusted to include garbage and special events

SNMUSD Malibu Middle and High School Campus Improvements Project EIR

total

2007 day

Exhibit 7

**The Santa Monica/ Malibu School District has spent
\$654,706
to support their CDP Amendment for Temporary Lighting At
Malibu High School**

Below is Item A.08 From the Sept 17th SMMUSD School Board Meeting

RECOMMENDATION NO. A.08

It is recommended that the Board of Education approve Contract Amendment #11 with PBS&J to Prepare a Viewpoint Luminescence Study in support of the CDP Amendment for temporary football lighting at Malibu High School in the amount of \$2,200 for a total contract amount of \$654,706.

Funding Information

Source: General Fund

Account Number: 01-90100-0-00000-82000-5890-050-1500

Description: Consultant Services

COMMENTS: On August 21, 2008, the BOE approved a contract with CAA Planning for preparing, submitting, and processing an amendment to Coastal Development Permit #04-99-276 to permit Malibu High School Football lighting. A Viewpoint Luminescence study in conjunction with revisions to the biological impact analysis was not an anticipated requirement of the CDP amendment and was not included in their scope of work. The CDP amendment was submitted and we have received a request from the Coastal Commission for the viewpoint luminescence study and associated revisions to the biological study. Contract Amendment #11, in the amount of \$2,200 for PBS&J to provide the study and assist Glen Lukos, the Biological consultant, in preparing the biology report revisions. Their revised total contract amount will be \$654,706.

ORIGINAL CONTRACT AMOUNT \$152,745

CONTRACT AMENDMENT #1 (Public Outreach) 70,150

CONTRACT AMENDMENT #2 (CEQA, 6 Schools) 281,809

CONTRACT AMENDMENT #3 (Archeo Survey) 9,146

CONTRACT AMENDMENT #4 (Lighting Study) 10,913

CONTRACT AMENDMENT #5 (CEQA Add Service) 44,949

CONTRACT AMENDMENT #6 (CEQA, 5 Schools) 102,005

CONTRACT AMENDMENT #7 (Malibu, Traffic) 63,706

CONTRACT AMENDMENT #8 (Malibu, EIR) 61,873

CONTRACT AMENDMENT #9 (Malibu Football) 4,200

CONTRACT AMENDMENT #10 (Lincoln MS Shade & Shadow Study) 3,755

CONTRACT AMENDMENT #11 (Malibu Temp Football Light, Viewpoint Luminescence Study) 2,200

TOTAL CONTRACT AMOUNT \$654,706

MOTION MADE BY:

SECONDED BY:

Board of Education Meeting AGENDA: September 17, 2009

Exhibit 7

Exhibit 8

Excerpts of email from Malibu High Parent Raising Title IX Issue

Original Message -----

From: hanslaetzmaliibu
To: malibuhighschool@yahoo.com
Sent: Monday, September 21, 2009 9:13 PM
Subject: [eMHS] MHS Lights on Coastal Commission agenda Oct. 8 in Oceanside

RECEIVED
OCT 1 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

The California Coastal Commission staff has analyzed the request for temporary lights at MHS's football field, and come to the unsurprising conclusion that there would be no negative impact, and that the request should be granted. This is the request for temporary lights, the request for permanent lights is a circus that will recur later.

The state biologist says the impact on the wildlife will be zero, the impact on beach visitors will be zero, and the impact on surrounding residents, traffic, parking, etc. all will be next to zero.

The state thus admits it did not have any shred of evidence of potential environmental harm when it appeased Samohi parents worried about Malibu potentially draining its football stars, and banned lights back in 2000. And it notes that not one single objection was filed to the illegal temporary lights over seven years, until the issue became wrapped up in the political drama of the high school redevelopment, parking on Morning View Drive, etc.

The anti-lights people were able to get half of this year's nighttime games scrubbed so far. And even if this passes, Malibu High will be the only school in California where a state law allows boys to play nighttime football, but prohibits girls from playing soccer on winter evenings. That is unfair to girls and unfair to working parents who will be unable to see their kids play.

Really, people. The field is several hundred feet from the nearest houses, completely surrounded by suburban development, and wants to use lights from sunset until 7 p.m. about 30-40 winter nights a year, and until 10:30 p.m. for football games. Every rural-residential neighborhood in the U.S. has high school lights, and yet some people would deny Malibu children this community recreation outlet that they so badly need, because they are on record as wanting the school to go away. That's sad.

The opponents of the lights indeed have valid concerns about noise and intrusive impacts, and some of them have been reasonable about compromise. The hardcore opponents, however, have belied their real intentions and are campaigning for a total ban on lights. It is unreasonable, unfair and unnecessary to make Malibu High the only school in California with no outdoor nighttime activities. Guarantees must be placed in concrete so that neighbors' concerns will be met, and the children of Malibu can have limited use of their fields on winter evenings until 7 pm, fall football lights, and the important social nexus provided by nighttime sports.

Hans Laetz, Environmental analyst, and parent of a gifted musician who is a non-athlete.

FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

RECEIVED
OCT 1 2009

Name or description of the project::

Th 12a- Malibu High School lights

Time/Date of communication:

9/30/2009, 2pm

Location of communication:

22350 Carbon Mesa Rd, Malibu, CA 90263

Person(s) initiating communication:

Andi Culbertson

Person(s) receiving communication:

Sara Wan

Type of communication:

meeting

Andi gave me a number of documents:

Her briefing book

Responses to the mitigated negative dec, staff report for the original permit and the amendment to it., biological inventory

Said no one had complained to the Scholl Board about this and that this action was the result of the Scholl Board bringing in the request to deal with their violation. I stated that the homeowners had said that they had filed a complaint with Coastal but she indicated that when she asked Coastal they stated no one had complained to them

She said that this application was for temporary lights only and that the district no longer was planning on pursuing permanent lights. I said that as far as I knew the district had taken a formal vote to approve and fund the permanent lights and I had not seen anything where they formally rescinded that decision. She assured me that they had and it is implied in the briefing book

Gave me some history- High School was established in 1992- football was played without lights until about 6 or 7 years ago when they started to use the lights.

Said that there was no request by the District to have lights at the time of the original permit so no study was done to know if such a condition was necessary or not. No baseline was established so it is not possible to tell what that condition was back in 1999. Believes they meet the amendment requirement to allow this because there is new information now available to show that the restriction should not be applied and that this is not a material change.

Claims that every other team in their league has lights and that there are only 2 teams in the coastal zone that do not have lights.

They are asking for 5 temporary lights that are 53' tall and will be wheeled in. They have hoods to down cast the light. There are no hoods on the existing lights so the lighting study is based on modeling. They will test them on Oct. 16th after the fact and will include monitoring

I asked about the light that is not on the ground where we can measure the extent of the light impact. She said that cannot be modeled or even tested. That the downcast lights always have some bounce and create some sort of dome of light in the night sky.

Date: 9/23/09



Commissioner's Signature

Exhibit 4
51
4-99-276-A3

RECEIVED
SEP 29 2009

FORM FOR DISCLOSURE OF
EX-PARTE COMMUNICATIONS

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Name or description of the project:: Malibu High School Lights- 4-99-276-A3-
Th12a

Time/Date of communication: 9/21/09, 10am

Location of communication: 22350 Carbon Mesa Rd, Malibu

Person(s) initiating communication: Steve Uhring

Person(s) receiving communication: Sara Wan

Type of communication: phone call

That it was not correct that no one had complained about the lights. People have been complaining about them for a while and numerous public hearings have been held where the public has objected to them.

Steve asked why this was being allowed before the processing of the violation. I said that this is the way that the violation was being handled. Said public sent a letter to Steve Hudson but never heard back. Also residents sent in documented proof of raptors, including owls, using the area but again never heard anything and their input was ignored in the staff report.

Doesn't know if the lights proposed are the same ones being used now but the current lights have a far broader impact than what is indicated in the staff report and they have not done the study on the lights because they just approved the funding for the study.

Wanted to know if he could talk to the homeowners and asked if I would meet with them and I said I would

Date: 9/23/09



Commissioner's Signature

Deanna Christensen

From: John Ainsworth
Sent: Monday, October 05, 2009 11:05 AM
To: Deanna Christensen
Subject: FW: A response to your question yesterday

-----Original Message-----

From: Vanessa Miller
Sent: Monday, October 05, 2009 10:54 AM
To: John Ainsworth; Jeff Staben
Subject: FW: A response to your question yesterday

Ex-parte

-----Original Message-----

From: LWan22350@aol.com [mailto:LWan22350@aol.com]
Sent: Friday, October 02, 2009 3:41 PM
To: Vanessa Miller
Subject: Fwd: A response to your question yesterday

ex-parte

From: mac@aculbertsonlaw.com
To: LWan22350@aol.com
Sent: 10/2/2009 3:38:55 P.M. Pacific Daylight Time
Subj: RE: A response to your question yesterday

Sara-

Sorry to bother you again but I wanted to update you.

Last night, the Board of Trustees directed the district staff to agendize an item for the next meeting (Oct. 15, I believe) to permanently abandon any further lighting of the field except for that requested for the football season. Public noticing prevented the action from being taken last night.

Also, a letter will go to staff on Monday amending the project description to require testing of the lights on October 16. I will forward a copy as soon as I have it.

Have a nice (?) weekend!

Andi

From: LWan22350@aol.com [mailto:LWan22350@aol.com]
Sent: Friday, October 02, 2009 2:54 PM
To: mac@aculbertsonlaw.com
Subject: Re: A response to your question yesterday

10/5/2009

ex. 4⁵³

I am also working all weekend- the Del Norte LCP is about 700 pages plus staff report and other table and matrices. Then there's Dana Point, etc. I don't expect to be able to come for air anytime soon

Sara

In a message dated 10/2/2009 6:11:11 A.M. Pacific Daylight Time, mac@aculbertsonlaw.com writes:

I am working all weekend too so don't hesitate to call or write.

Sent from my Verizon Wireless BlackBerry

From: LWan22350@aol.com

Date: Thu, 1 Oct 2009 23:22:53 EDT

To: <mac@aculbertsonlaw.com>

Subject: Re: A response to your question yesterday
thanks. I will be working on this issue over the weekend- right now I am reading the Del Norte LCP and Dana Point

In a message dated 10/1/2009 4:12:14 P.M. Pacific Daylight Time,
mac@aculbertsonlaw.com writes:

Sara –

You asked me a question yesterday and I promised to get the answer.

The question concerned sky glow.

As I mentioned, it is difficult to calculate for sky glow for a variety of reasons, such as it is hard to add the measurement for light reflected from the ground. The attached graphic is the predicted sky glow for the temporary, hooded lights. For reference, a full moon is .01 footcandles, and .1 footcandle is deep twilight.

The exhibit attached herein shows the footcandle measurements at 100 feet above the field (47 feet above the lights). The measurements are generally between .02 and .03 directly above the field. There are a few spots off the field where it is .02, but it is mainly down to .01 footcandles just off the field. For the entire 800'x600' grid, the average measurement was .009 footcandles.

Further, the MND has data in which you may be interested. Pages 32, 34, 36, 38 and 40 of the MND are actual photographs from last year of the unhooded temporary lights. The photographs were taken by the EIR consultant, PBS&J. We are informed photographs were not altered or photo-shopped. These are real-time pictures without the mitigation we now propose.

Please let me know if this answers your question.

Andi

M. Andriette Culbertson, CEO
Culbertson & Associates California, LLC
4088 Indian Way
Santa Ynez, CA 93460
(805) 688-5327

From: mac@aculbertsonlaw.com
To: LWan22350@aol.com
Sent: 9/28/2009 8:38:04 A.M. Pacific Daylight Time
Subj: RE: Wednesday

RECEIVED
SEP 28 2009

Sara - one more thing. I was going to have an additional report to test the new lights before your hearing and present that information. But the District is not going to have a lighted game until Oct. 16, so I can't get a test done. I just wanted to confirm the modeling. We will test on the 16th for sure. But the District doesn't not want to further violate the current permit for the games before the 16th. Just wanted you to know.

From: LWan22350@aol.com [mailto:LWan22350@aol.com]
Sent: Monday, September 28, 2009 8:26 AM
To: mac@aculbertsonlaw.com
Subject: Re: Wednesday

yes that would be helpful. Thanks

Sara

In a message dated 9/28/2009 8:28:43 A.M. Pacific Daylight Time, mac@aculbertsonlaw.com writes:
I will get it set up.

Should be sent later today - just want to be sure it's complete. I can also send the responses to comments that were biological in nature - that might also be helpful.

From: LWan22350@aol.com [mailto:LWan22350@aol.com]
Sent: Monday, September 28, 2009 8:21 AM
To: mac@aculbertsonlaw.com
Subject: Re: Wednesday

an electronic copy would be best (saves trees). You can send it any time, doesn't have to be before hand but if I have it I can ask you questions if I need to

Sara

In a message dated 9/28/2009 8:15:14 A.M. Pacific Daylight Time, mac@aculbertsonlaw.com writes:
Of course - want me to get it out to you in advance? I have a copy for you or an electronic copy if you prefer.

From: LWan22350@aol.com [mailto:LWan22350@aol.com]
Sent: Monday, September 28, 2009 8:09 AM
To: mac@aculbertsonlaw.com
Subject: Wednesday

Andi,

When you come could you bring me a copy of the biological report that Glenn Lukos did?

Thanks

Sara

FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATION

RECEIVED
SEP 30 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Date and time of communication: September 28, 2009

(For messages sent to a Commissioner
by mail of facsimile or received as a
telephone or other message, date
time of receipt should be indicated.)

Location of communication: By phone

Person (s) initiating communication: Andi Culbertson

Person (s) receiving communication: Commissioner Esther Sanchez

Name or description of project: Malibu High School Temporary Football Lighting; CDP
4-99-276-A3, Thursday Item 12a

Detailed substantive description of content of communication:

Ms. Culbertson is a representative of the Santa Monica-Malibu Unified School District (SMMUSD), the applicant for this permit amendment. SMMUSD is requesting the elimination of Condition 6, which prohibits night lighting of the athletic field.

The District is in support of the staff recommendation and accepts the condition proposed by staff.

The District offers that it has designed a lighting system that is temporary, brought in only during the football season, and that the light standards are hooded, thereby reducing sky glow and other vagrant light. The lights are only to be on 16 nights per year, and only during the football season. The District further states that it has performed all required protocol surveys for biological resources, and that no adverse impacts will occur. Finally, the District submitted what it regards as a comprehensive lighting study showing that coastal resources will not be adversely affected.

The District has operated its lights in violation of the original condition for several years. There have been very few complaints and none to the CCC, according to the District. The District states that the operation of the lights in violation of the condition was unintentional, as the school administration was unaware of the prohibition. Once it was discovered that there was a prohibition, the District states that it reported this fact to the CCC staff and that the process to legitimate the lights was initiated.

The District representative requested support for the staff recommendation.

(If communication included written material, attach a copy of the complete text of the written material.) Attached

**FORM FOR DISCLOSURE
OF EX PARTE
COMMUNICATIONS**

Name or description of project, LCP, etc.:	Permit No. 4-99-276-A3 (Santa Monica-Malibu Unified School District, Malibu) Temporary Football Lights
Date and time of receipt of communication:	9/30/09, 10:00 am
Materials received:	9/23/09, 11:15 am
Location of communication:	Board of Supervisor's Office, Santa Cruz, California
Type of communication:	Telephone Meeting
Person(s) initiating communication:	Andi Culbertson
Person(s) receiving communication:	Mark Stone

Detailed substantive description of content of communication:
(Attach a copy of the complete text of any written material received.)

Ms. Culbertson is a representative of the Santa Monica-Malibu Unified School District (SMMUSD), the applicant for this permit amendment. SMMUSD is requesting the elimination of Condition 6, which prohibits night lighting of the athletic field.

The District is in support of the staff recommendation and accepts the condition proposed by staff.

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discovered that there was a prohibition, the District states that it reported this fact to the CCC staff and that the process to legitimate the lights was initiated.

The District representative requested support for the staff recommendation.

Date: 9/30/09

Signature of Commissioner: Mahesh

If the communication was provided at the same time to staff as it was provided to a Commissioner, the communication is not ex parte and this form does not need to be filled out.

If communication occurred within seven or more days in advance of the Commission hearing on the item that was the subject of the communication, complete this form and transmit it to the Executive Director within seven days of the communication. If it is reasonable to believe that the completed form will not arrive by U.S. mail at the Commission's main office prior to the commencement of the meeting, other means of delivery should be used; such as facsimile, overnight mail, or personal delivery by the Commissioner to the Executive Director at the meeting prior to the time that the hearing on the matter commences.

If communication occurred within seven days of the hearing, complete this form, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication.

Santa Monica-Malibu Unified School District
Malibu High School Football Lighting
CDP 4-99-276-A3

Briefing Book



September 23, 2009

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The Proposal

- Santa Monica-Malibu Unified School District (SMMUSD) operates Malibu High School and seeks authorization to operate field lighting for football games for up to 16 nights per year and a maximum of 62 hours
- SMMUSD previously sought a CDP for field improvements in 1999 but did not request lights. Nonetheless, the CDP was conditioned to prohibit lighting.
- SMMUSD now wishes to amend the condition prohibiting lighting to allow temporary lights for the football season only, and has provided substantial evidence that this will not cause harm to coastal resources.

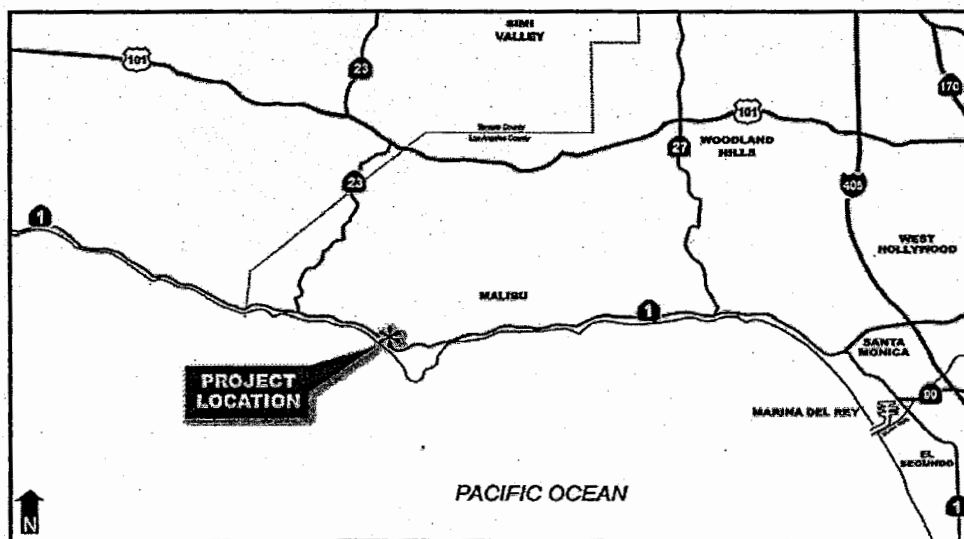
The District

Santa Monica-Malibu Unified School District (SMMUSD)

- Boundaries include cities of Malibu and Santa Monica
- 11 elementary schools
- 3 middle schools
- 3 high schools (only one in Malibu)
- Enrollment -11,565 students attending during the 2008-2009 school year

Malibu High School

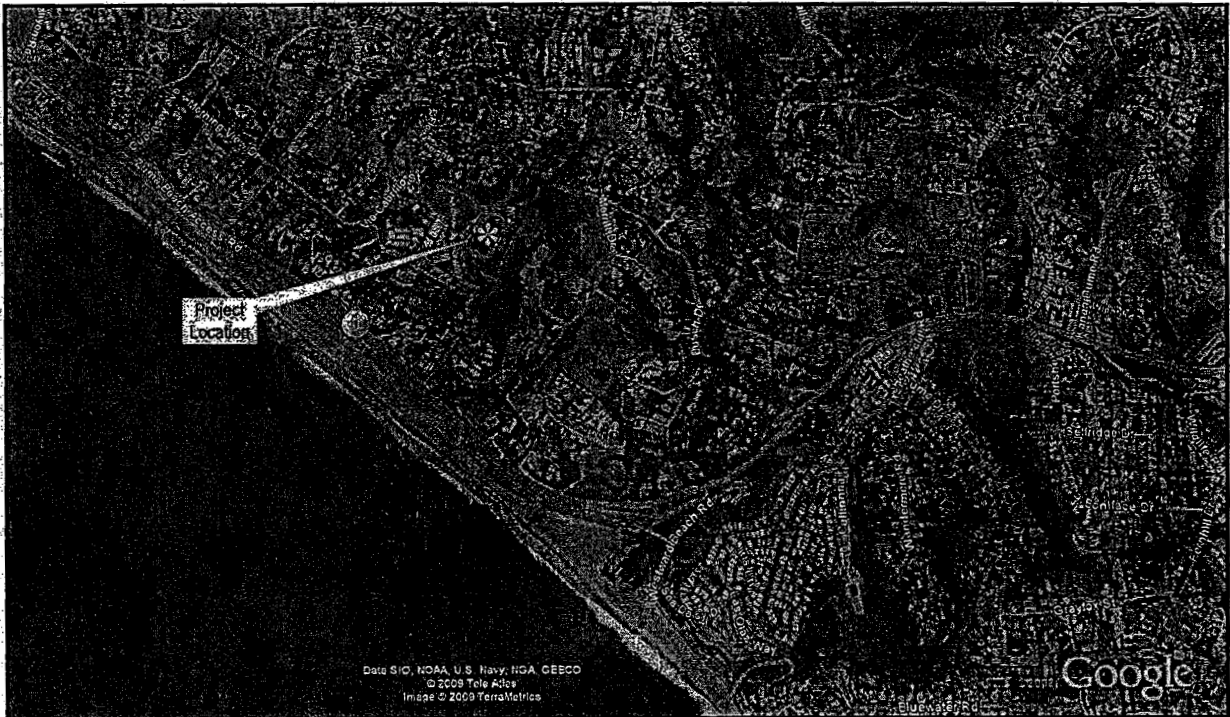
- The only public high school within the City of Malibu
- Malibu has a total of 12,575 residents (2000 census)
- High school enrollment – 714 students (August 2009)
- Middle school enrollment - 489 students (August 2009)
- Cabrillo Elementary School is adjacent to the high school/middle school site
- The nearest high school, Santa Monica High School, is approximately 22 miles to the east



Location Map

Historical Information

- Malibu Park Middle School opened in 1963 with 280 7th-8th grade students
- The middle school site was originally built to accommodate 1,000 students and was also selected as the site of the new high school
- High school opened in 1992
- Current enrollment is 714 students
- The District has operated lights for the past six years in spite of the permit condition prohibiting this. The athletic director and coach were unaware of the restriction and there were very few complaints, none written. CCC staff note that no complaint was made to them.
- When the District began the process of studying the lighting, a review of the permit was formally conducted and the District realized there was a prohibition on lighting. The District's representative immediately informed CCC staff and proceeded to process the necessary materials to apply for a permit amendment.



Aerial

Night Lighting

- In 2008, the District and the City of Malibu pursued a joint-use project with the City of Malibu involving night lighting for approximately 200 nights per year at the high school
- A joint use agreement would have allowed numerous City recreational teams to utilize the sports fields at night when not in use for school activities
- A scoping meeting was held in September 2008 to obtain input from the public for the preparation of an Environmental Impact Report. The project was opposed by local residents and the joint-use project was abandoned.
- The District is now working with the community on parking and other issues. These issues are separate from the football lighting project and will be considered as such in the future.
- The original lighting project was voluntarily reduced by the District to a maximum of 16 nights per varsity football season, including potential playoff games and all practices
- Practices will be held on eight select Thursday nights and football games will be played on eight select Friday nights

Lighting Schedule

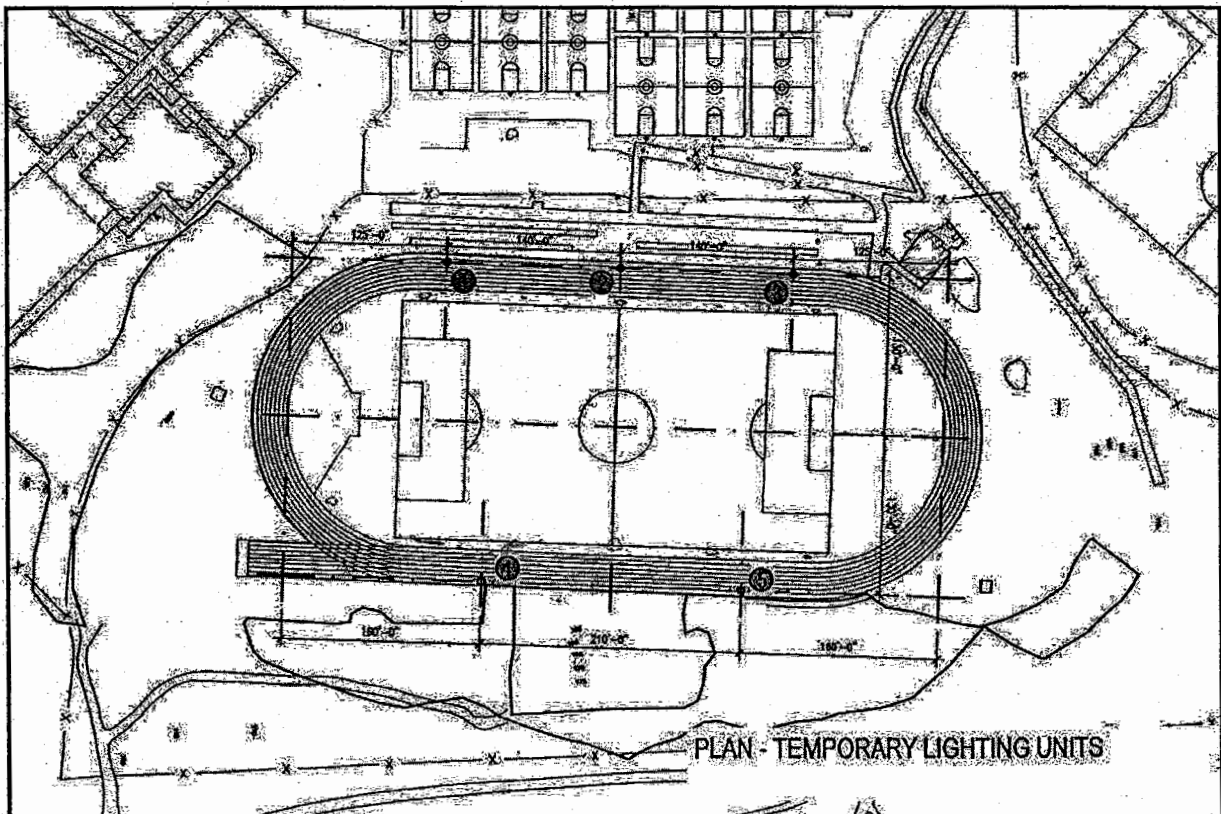
The District has prepared a practice and game schedule depicting the projected use of the football night lighting. The schedule is as follows:

Event	Month	Time	Duration
Game	September	6:45 – 10:30	3 hours 45 minutes
Game	October	6:00 – 10:30	4 hours 30 minutes
Practice	October	6:00 – 7:30	1 hour 30 minutes
Game	October	6:00 – 10:30	4 hours 30 minutes
Practice	October	5:45 – 7:30	1 hour 45 minutes
Game	October	6:00 – 10:30	4 hours 30 minutes
Practice	November	4:45 – 7:30	2 hours 45 minutes
Game	November	4:45 – 10:30*	5 hours 45 minutes
Practice	November	4:30 – 7:30	3 hours
Game	November	4:30 – 10:30*	6 hours
Practice	November	4:30 – 7:30	3 hours
Game	November	4:30 – 10:30*	6 hours
Practice	December	4:30 – 7:30	3 hours
Practice	December	4:30 – 7:30	3 hours
Practice	December	4:30 – 7:30	3 hours
Game	December	4:30 – 10:30*	6 hours
Approximate Total			62 hours

*Not all 6 hours are for the game. The 4:30 turn-on of the lights is for set-up and audience arrival.

The Lighting Plan

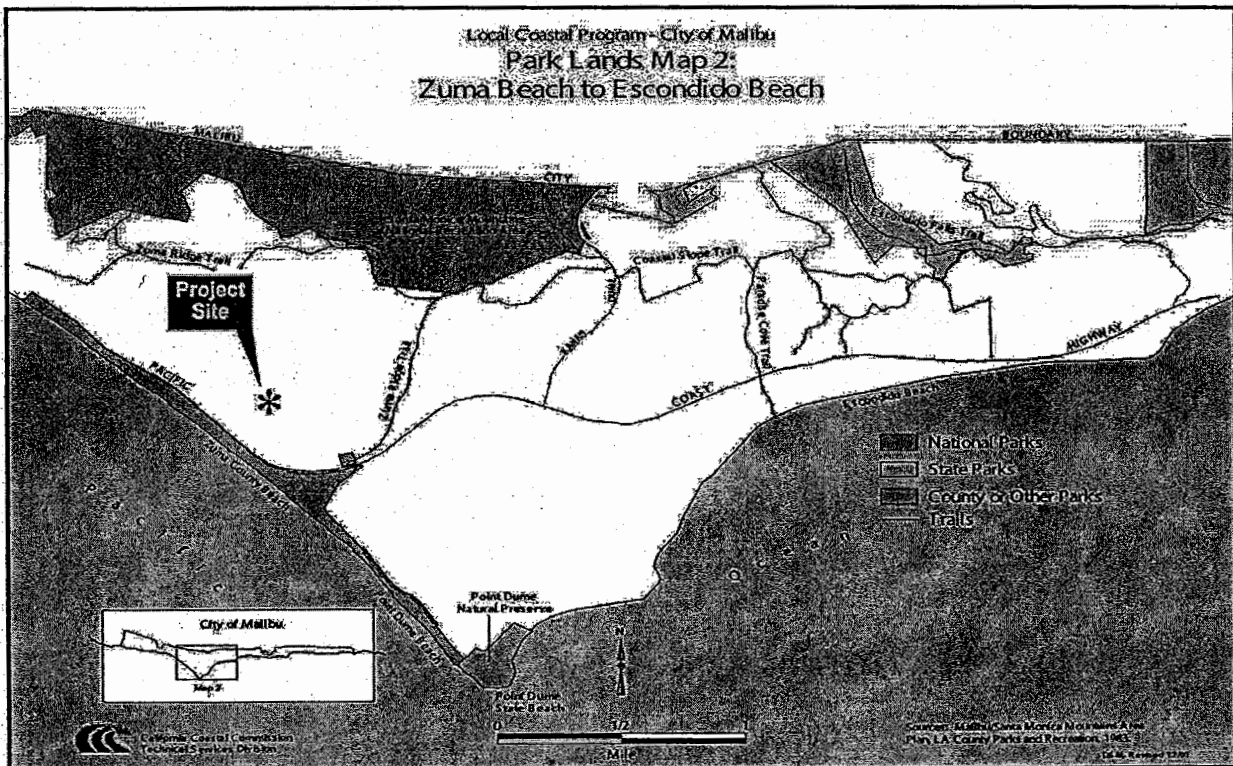
- Five portable light standards will be used to accomplish the lighting of the football field
- The lights will be powered by two diesel generators
- The light standards will be 53 feet in height with a 5' x 5' x 3' base
- A total of 30, 1,500 watt metal halide fixtures will be used, with each light standard containing six fixtures
- Total Light Control (TLC) visors will be placed on the fixtures to direct light downward, thereby reducing the spill of light into the sky and reducing glare
- The five light standards will be placed on the football field at the start of each football season and removed immediately at season's end
- Two portable light standards will be located on the eastern grandstand side of the field at the 25 yard line on each half of the field
- Three portable light standards will be located on the western side of the field, one at each 15 yard line and one at the 50 yard line
- Lights will be turned on and off by the Football Coach or the school's Athletic Director
- The hoods have been designed to limit sky glow and light escape for mitigation of effects on surrounding residents and natural areas



Dimensioned Site Plan

Visual Resources

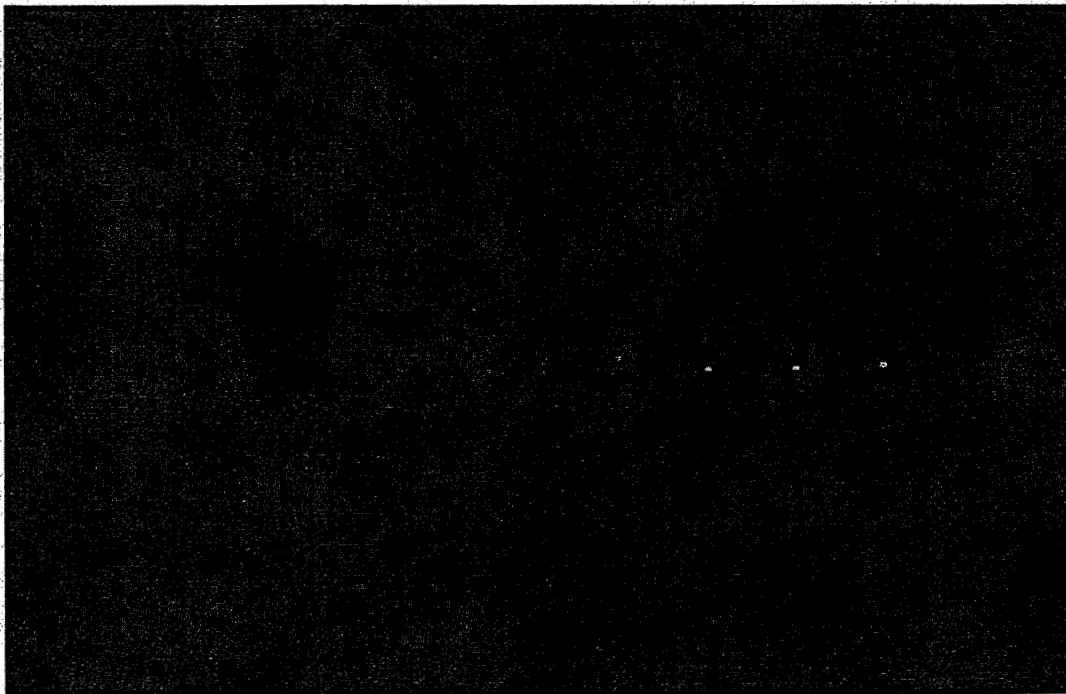
- Malibu High School is located on the southern flanks of the western portion of the Santa Monica Mountains
 - The school site elevation ranges from approximately 100 feet at the southern edge to approximately 210 feet at the northern edge
 - The elevation of the football field is approximately 150 feet
- Zuma Beach is located across Pacific Coast Highway southwest of the school. A slope containing residences and established vegetation rises up from Pacific Coast Highway north of the beach between the road and the school site.
 - During daylight hours, the light standards are generally obscured by the existing vegetation and development
 - Existing night lighting in the area consists of street lights on Pacific Coast Highway and parking lot lighting at Zuma Beach
- Zuma Ridge Trail, in the City of Malibu, is located north and west of the school site
 - Trails in the City of Malibu are closed from sunset to 8:00 a.m. Trails will be closed or closing during the hours the lights are used.
 - The light standards will not obscure views of the ocean or mountains
- The Santa Monica Mountains National Recreational Area north of the school contains hiking and biking trails
 - Trails in the Santa Monica Mountains are closed sunset to sunrise. Trails will be closed or closing during the hours the lights are used.
 - The light standards will not obscure views of the ocean or mountains



Trail Map

Visual Resources (Continued) – Spill and Footcandles

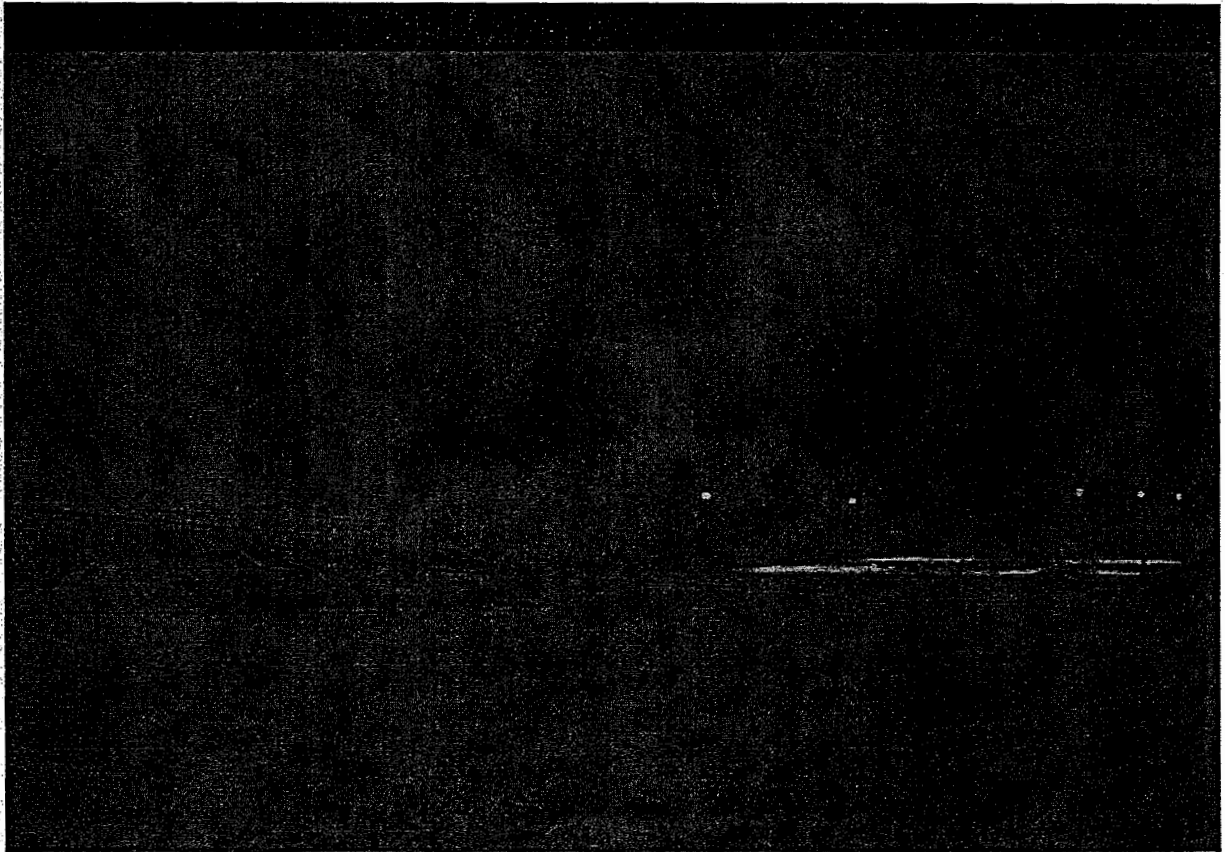
- Within 150 feet from field, footcandles will be equal to or greater than 0.1
- Between 150 feet and 450 feet from field, footcandles will be between 0.1 and zero
- Beyond 450 feet from the field, footcandles will be zero
 - The nearest residence is approximately 500 feet northwest of the football field
 - Lights will be visible from residence, but lights will not create spill



Day View/Night View Simulation with TLC Visors



Day View/Night View Simulation with TLC Visors



Day View/Night View Simulation with TLC Visors

Environmentally Sensitive Habitat

- A "Biological Inventory – Malibu High School Football Lighting Project" dated May 4, 2009 was prepared by Glenn Lukos Associates
 - 13 biological survey site visits occurred between July 31, 2008 and April 27, 2009
 - General surveys were conducted for plants and animals, and habitat assessments for special-status plants and animals, including raptors and owls
 - Botanical Resources – the majority of the study area has no potential to support special-status plants. No special-status plants were detected during the surveys.
- Wildlife Species – results of the surveys concluded that there is no potential for the study area to support special-status animals
 - No nesting owls or raptors were detected during general and focused surveys and none are expected to occur
 - Special Status Habitats – No special-status habitats as identified by the CNDDDB (2008) occur within the study area
- The Malibu Park area is within the Pacific Flyway and fall migration.
 - The only suitable stopover habitat within the immediate vicinity of the school is the riparian area along the intermittent blue-line stream on the northwest edge of the campus
 - Given limited extent of habitat (0.48 acre) and surrounding urban area, Dr. Jonna Engel, Ecologist for the California Coastal Commission, concluded it does not represent a likely stopover habitat
 - The combined elevation of the site (150 feet) and the light standards (53 feet) is below the altitude generally observed for migratory birds.
- No light spill into area designated ESHA or ESHA buffer
- The Glenn Lukos study determined that no significant impacts to biological resources would occur as a result of the football night lighting
- Dr. Jonna Engel concluded there will be no impact due to the football night lighting to special status species or environmentally sensitive habitat



Environmentally Sensitive Habitat

Malibu High School Football Lighting CDP 4-99-276-A3

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ex. 4

Conclusion

- Lights will be shielded to reduce glare and spill
- Light use intermittent (16 nights total – including potential playoff games and practices) and consistent with character of full-service high school
- No light spill at nearest residence (approximately 500 feet northwest)
- No light spill into area designated ESHA or ESHA buffer