

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: PERMIT AMENDMENT

APPLICATION NO: 4-99-276-A3

APPLICANT: Santa Monica-Malibu Unified School District

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to the report addendum.](#)

AGENT: M. Andriette Culbertson

PROJECT LOCATION: Malibu High School, 30215 Morning View Drive, City of Malibu

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Construction of a new spectator gymnasium, two-story classrooms building, significant upgrades to the track and field facility/football stadium, relocation/expansion of the faculty parking lot, and approximately 32,151 cubic yards of grading at Malibu High School, 30215 Morning View Drive, City of Malibu, Los Angeles County.

DESCRIPTION OF AMENDMENT: Eliminate Special Condition No. 6 (Athletic Field Lighting Restriction) of the permit to allow operation of temporary light standards on the football field for a maximum of sixteen nights per football season (September-December).

SUBSTANTIVE FILE DOCUMENTS: CDP No. 4-99-276 (Santa Monica-Malibu Unified School District); "Malibu High School Football Lighting Mitigated Negative Declaration" by CAA Planning, July 2009; "Addendum to Biological Inventory" by Glenn Lukos Associates, dated August 7, 2009; "Biological Inventory" by Glenn Lukos Associates, dated May 4, 2009.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends **approval** of the proposed amendment with **one (1) special condition** regarding implementation of the approved football field lighting plan. The standard of review for the proposed amendment is the policies and provisions of the certified Malibu Local Coastal Program (LCP). As conditioned, the proposed amendment is consistent with all applicable policies of the Malibu certified LCP.

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,**
- 2) Objection is made to the Executive Director's determination of immateriality, or**

3) *The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.*

If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. 14 Cal. Code of Regulations Section 13166. In this case, the Executive Director has determined that the proposed amendment is a material change to the project and has the potential to affect conditions required for the purpose of protecting a coastal resource.

I. STAFF RECOMMENDATION

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No 4-99-276 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves the coastal development permit amendment on the grounds that the development, as amended and subject to conditions, will be in conformity with the policies of the City of Malibu Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard and Special Conditions

NOTE: All standard conditions attached to the previously approved permit (4-99-276) shall remain in effect. All special conditions of Permit 4-99-276 shall also remain in effect, with the exception of Special Condition No. 6 (Athletic Fields Lighting Restriction), which is hereby superseded and replaced in its entirety by the following language:

Implementation of Proposed Football Field Lighting Plan

By acceptance of this permit, the applicant agrees to implement the proposed football field lighting plan, consisting of five (5), 53-ft. high portable light standards to be used for a limited number of football practices and football games (no more than 16 nights per year) during the football season (September - December). The light standards will be placed on the football field in the locations shown on Exhibit 4 during the football season and promptly removed at the end of the season. The five light standards shall have Total Light Control (TLC) visors affixed to each light fixture to direct light downward and reduce light spill and glare.

The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

III. Findings and Declarations

The Commission hereby finds and declares:

A. Amendment Description and Background

The Santa Monica-Malibu Unified School District operates Malibu High School in the Zuma Beach area of the City of Malibu. The high school serves all of Malibu and a large part of the Santa Monica Mountains. This is the only public high school in Malibu. Originally, the high school site contained a middle school (grades 6-8) for Malibu, established in the late 1960's. The site has undergone major modifications over the years with extensive additions in the mid-1970's, prior to the effective date of the Coastal Act. In 1992, the middle school was converted into a high school/middle school facility. An elementary school, Cabrillo Elementary, abuts the high school site to the west. While most of the existing structures were constructed prior to the effective date of the Coastal Act, there have been permits for structures since 1977, including CDP No. 4-93-081 (95 vehicle student parking lot), CDP No. 4-94-030 (750-seat amphitheater and swimming pool expansion), CDP No. 4-94-030-A1 (Boys/girls restrooms at track and field area, softball facilities), and CDP No. 4-99-276 (described below).

On May 9, 2000, the Commission approved Coastal Development Permit 4-99-276 to the Santa Monica-Malibu Unified School District ("District") for the construction of a new spectator gymnasium, a two-story classroom building, significant upgrades to the track and field facility/football stadium, and relocation/expansion of the faculty parking lot at the Malibu High School campus. The permit approval was subject to eight special conditions regarding landscaping and erosion control plans, drainage and polluted runoff control plans, plans conforming to geologic recommendations, removal of excavated material, wildfire waiver of liability, athletic field lighting restriction, event parking management plan, and protection of paleontological resources. The staff report and addendum (without exhibits) is attached as **Exhibit 9**. After satisfying all prior-to-issuance special conditions, the permit was issued on August 18, 2000. Subsequent amendments permitted a change in the parking lot design (CDP 4-99-276-A1), and septic system improvements (CDP 4-99-276-A2).

Although field lights were not proposed as part of the football stadium upgrades associated with Application No. 4-99-276, the Commission found it necessary in its action on the application to prohibit all field lighting, whether temporary or permanent, in order to protect the nearby scenic areas and native wildlife from avoidable disturbance that would otherwise be associated with nighttime use of the football stadium. The Commission had found that night lighting of areas in the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, the Commission found that night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. As required by Special Condition No. 6 of the permit approval, prior to issuance of the permit the applicant submitted a written agreement acknowledging and agreeing to prohibit all lighting of the football field/track and field facility.

The District has operated temporary night lighting of the football field during the past six years, in violation of CDP 4-99-276. The subject permit amendment request involves removing the outright prohibition of lighting required by Special Condition No. 6 (Athletic Field Lighting Restriction) of the permit to allow operation of temporary light standards on the football field for a maximum of 16 practices and games per season. The number of games or practices may fluctuate each year based on scheduling, weather, team success and other variables. However, the projected schedule will result in a maximum of 62 hours of lighting per football season for 8 practices and 8 games. The lighting will occur during the months of September, October and November, with a possible extension into December for playoff games. The 16 total nights and 62 hours is inclusive of potential playoffs. Team practices are scheduled for select Thursday nights until approximately 7:30 p.m. and football games are scheduled for select Friday nights until approximately 10:30 p.m.

Five 53-foot light standards providing temporary lighting for the football field are proposed (**Exhibits 4, 6**). Two 50 kW diesel-powered generators will be used to power the lights. Three lights will be placed on west side of the field at the 50 yard line and at both 5 yard lines. Two lights will be placed on the east side of the field, one at each 15 yard line. The lights will be directed downward and fitted with visors that minimize the sky glow and glare impacts (**Exhibit 5**). The visors will also assist in keeping the light spill within the boundaries of the football field.

Because the lights are temporary, no construction will be required and the lights will be put in place at the beginning and removed at the end of each football season. The lights have been used for the past six football seasons. A few members of the public have asked questions and raised concerns over the duration of the use of the football lighting, but no member of the public has ever made a formal complaint in writing to the District.

The District asserts that new evidence is now available to demonstrate that the proposed field lighting will not result in adverse impacts to scenic areas or wildlife. The applicant further asserts that this information was not available at the time of the original permit application and, therefore, could not with reasonable diligence have been submitted. The District also asserts that since field lights were not proposed as part of CDP 4-99-276, neither the District nor Commission staff at that time had provided evidence or detailed analysis demonstrating adverse effects of lights on scenic areas or wildlife.

It is clear from the Commission's findings for CDP 4-99-276 in support of the lighting condition that the intended effect of the condition was to avoid adverse visual impacts to nearby scenic areas and disruptions of the feeding, roosting and nesting activities of native wildlife species (Page 11 of Staff Report dated 4/20/2000). Upon examination of the District's evidence, the Executive Director has determined that the new information makes it clear that the condition can be modified without in any way compromising the intended effect of the Commission's lighting condition. Accordingly, the Executive Director accepted this amendment.

Environmental Setting

The Malibu High School campus site is approximately 30 acres in size, situated within the City of Malibu on the coastal terrace between Zuma Beach and the southern flanks of the western portion of the Santa Monica Mountains (**Exhibits 1-3**). Access to the campus is from Morning View Drive off of Pacific Coast Highway. The area is characterized by rolling slopes that descend southwesterly towards Zuma Beach. The elevation of the campus site ranges from approximately 100 feet along Morning View Drive on the south side, up to approximately 208 feet on the north side of campus. The football field is situated in the middle portion of campus at

approximately 150 feet above sea level and approximately 2,000 feet inland from Zuma Beach. The zoning designation of the Malibu High School site is Institutional. The high school campus consists of developed land with typical facilities associated with middle and high schools including classrooms and administrative buildings, a swimming pool and sports fields.

The surrounding area is characterized by primarily residential development. The closest residence to the football field is approximately 550 feet away to the northwest. However, there is also Cabrillo Elementary School located nearby to the west of the high school site, and the approximately 46-acre Malibu Equestrian Park to the east of the site, which has been operated by the City of Malibu since 1993 pursuant to a Community Recreation Agreement between the District and the City. A large berm separates the school's athletic field area from the equestrian park to the east.

Public land in the vicinity includes Zuma Beach County Park to the south and National Park Service land approximately 4,000 feet inland to the north (**Exhibit 2**). The Zuma Ridge Trail that traverses in an east-west direction is situated near the National Park Service land to the north. An intermittent blue-line stream exists just west of the campus site, approximately 600 feet northwest of the football field. Zuma Creek, a blue-line stream that is also designated ESHA in the Malibu LCP is situated approximately 2,500 feet to the east of the campus football field. The Malibu High School campus is not located within or adjacent to any LCP-designated environmentally sensitive habitat areas (ESHA). At the time the Commission approved the underlying permit (CDP 4-99-276), the project site or surrounding area was not designated ESHA. In fact, the biological resources of the surrounding area were not assessed at the time of the underlying permit because all proposed project elements were contained on the developed portion of the campus and no field lighting had been proposed.

As such, in preparation of requesting an amendment to the permit for field lighting, the District had a Biological Inventory (Glenn Lukos Associates, May 2009) conducted to survey for the presence of sensitive habitat or special-status species on and adjacent to the proposed project site (**Exhibit 7**). The Biological Inventory characterized the area west of the football field as primarily developed with the exception of a blue-line stream at the northwest edge of campus that supports southern arroyo willow riparian vegetation considered environmentally sensitive habitat. The Biological Inventory characterized the equestrian park area east of campus and the football field as primarily a mosaic of ruderal, disturbed coastal sage scrub, and undisturbed coastal sage scrub vegetation. However, the areas of undisturbed coastal sage scrub vegetation are relatively small and isolated, and not contiguous with any larger area of undisturbed native habitat. Adjacent to the equestrian riding arenas to the east is a stand of non-native eucalyptus trees. There is also a small stand of black walnut trees along Merritt Drive near the entrance road to the equestrian park. No special-status plant or wildlife species were detected during general and focused surveys of the area. In addition, no burrowing owls or nesting raptors were detected during focused surveys.

Although the project is located in the City of Malibu, an area with a certified LCP, the Commission retains authority over coastal development permits issued by the Commission and is processing the subject amendment request because the proposed development involves eliminating a specific permit condition of the Commission-issued permit. Jurisdiction of CDP amendments is set forth in Malibu LIP Section 13.10.2 (B)(2). However, the standard of review for the proposed amendment is the policies and provisions of the certified Malibu Local Coastal Program (LCP).

Correspondence

The Commission has received correspondence from members of the public in opposition to the proposed project. These letters are attached as **Exhibit 11**. The letters all express concern that the lights adversely affect area wildlife and the quality of scenic and night sky views. As described later in this report, the proposed lights will not encroach into any environmentally sensitive habitat areas or adversely impact any special status species, as determined by a site-specific biological assessment. In addition, the limited use of campus field lights would be compatible with the character of this largely developed area and would not adversely impact public views of the ocean or other scenic resources. The proposed lights will be directed downward and fitted with visors that minimize light spill, sky glow, and glare impacts to the maximum extent feasible.

B. Visual Resources

The Malibu LCP provides for the protection of scenic and visual resources, including views of the beach and ocean, views of mountains and canyons, and views of natural habitat areas. The LCP identifies Scenic Roads, which are those roads within the City that traverse or provide views of areas with outstanding scenic quality that contain striking views of natural vegetation, geology, and other unique natural features, including the beach and ocean. The Malibu LCP requires that new development not be visible from scenic roads or public viewing areas. Where this is not feasible, new development must minimize impacts through siting and design measures.

Section 30251 of the Coastal Act, which is incorporated as part of the Malibu LCP, requires that visual qualities of coastal areas shall be considered and protected, landform alteration shall be minimized, and where feasible, degraded areas shall be enhanced and restored. Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinated to the character of its setting.

In addition, the following LCP policies are applicable in this case:

6.1 The Santa Monica Mountains, including the City, contain scenic areas of regional and national importance. The scenic and visual qualities of these areas shall be protected and, where feasible, enhanced.

6.2 Places on and along public roads, trails, parklands, and beaches that offer scenic vistas are considered public viewing areas. Existing public roads where there are views of the ocean and other scenic areas are considered Scenic Roads. Public parklands and riding and hiking trails which contain public viewing areas are shown on the LUP Park Map. The LUP Public Access Map shows public beach parks and other beach areas accessible to the public that serve as public viewing areas.

6.4 Places on, along, within, or visible from scenic roads, trails, beaches, parklands and state waters that offer scenic vistas of the beach and ocean, coastline, mountains, canyons and other unique natural features are considered Scenic Areas. Scenic Areas do not include inland areas that are largely developed or built out such as residential subdivisions along the coastal terrace, residential development inland of Birdview Avenue and Cliffside Drive on Point Dume, or existing commercial development within the Civic Center and along Pacific Coast Highway east of Malibu Canyon Road.

6.5 New development shall be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads or public viewing areas to the maximum feasible extent. If there is no feasible building site location on the proposed project site where development would not be visible, then the development shall be sited and designed to minimize impacts on scenic areas visible from scenic highways or public viewing areas, through measures including, but not limited to, siting development in the least visible portion of the site, breaking up the mass of new structures, designing structures to blend into the natural hillside setting, restricting the building maximum size, reducing maximum height standards, clustering development, minimizing grading, incorporating landscape elements, and where appropriate, berming.

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.

Section 30251 of the Coastal Act, which is incorporated as part of the Malibu LCP, requires that scenic and visual qualities be considered and preserved, and that development be sited and designed to protect views of scenic areas, minimize alteration of landforms, and be visually compatible with the surrounding area.

The Malibu High School campus site is approximately 30 acres in size, situated within the City of Malibu on the coastal terrace between Zuma Beach and the southern flanks of the western portion of the Santa Monica Mountains. The area is characterized by rolling slopes that descend southwesterly towards Zuma Beach. Pacific Coast Highway, a designated Scenic Road, lies between the school site and Zuma Beach. The elevation of the campus site ranges from approximately 100 feet along Morning View Drive on the south side, up to approximately 208 feet on the north side of campus. The football field is situated in the middle portion of campus at approximately 150 feet above sea level and approximately 2,000 feet inland from Zuma Beach. The high school campus consists of developed land with typical facilities associated with middle and high schools including classrooms and administrative buildings, a swimming pool and sports fields. The surrounding area is characterized by primarily residential development. The closest residence to the football field is approximately 550 feet away to the northwest. However, there is also Cabrillo Elementary School located nearby to the west of the high school site, and the approximately 46-acre Malibu Equestrian Park to the east of the site, which has been operated by the City of Malibu since 1993 pursuant to a Community Recreation Agreement between the District and the City. A large berm separates the school's athletic field area from the equestrian park to the east.

Public land/public viewing areas in the vicinity includes Zuma Beach County Park to the south and National Park Service land approximately 4,000 feet inland to the north. The Zuma Ridge Trail that traverses in an east-west direction is situated near the National Park Service land to

the north.

The District had performed an environmental review (Mitigated Negative Declaration (MND)) of the project prior to submitting the subject amendment application, which included analysis of the aesthetic impacts of the proposed night lighting. Photometric and visual analyses of the proposed lights indicate that with light control visors installed, the amount of light spill would be significantly reduced to a level that is less than significant. Light intensity was calculated around the field, measured in foot-candles¹ (**Exhibit 8**). Within a distance of approximately 150 feet from the field, light intensity was calculated to be equal or greater than 0.1 foot candles. Between a 150 foot and 450 foot distance from the field, light intensity was calculated to be between 0.1 and zero foot candles. Zero foot candles would be received in the area beyond a 450 foot distance from the field. To relate these light levels to light we experience, the light level of deep twilight is about 0.1 foot candles and the light level of a full moon night is about 0.01 foot candles. The proposed field lighting, with light control visors installed and their limited duration, are not expected to be significant since the light would not exceed the intensity of deep twilight beyond 150 feet of the field during the limited periods the lights would be on.

Given the topography of the area and the distance of the athletic fields from the public viewing areas described above, during the daytime the proposed 53-ft. high light standards will blend in with the existing developed area and will not block or obscure public views of the ocean or mountains. However, when the lights are in operation during the proposed 16 nights per year, they will create illumination/sky glow that will be visible from these public viewing areas. The amount of sky glow will depend on weather conditions (sky glow is exacerbated during foggy conditions). However, the impact of the proposed illumination in the area will not be significant as the lights will only be on intermittently, limited to several hours on select evenings, for a maximum of 16 nights per year. In addition, the project site is a football field in the middle of a full-service high school campus located in an existing developed area of Malibu's coastal terrace. As such, the limited use of campus field lights would be compatible with the character of this area and will not adversely impact public views because they would only be used at night when such views are not available. In addition, the proposed lights will be directed downward and fitted with visors that minimize light spill, sky glow, and glare impacts.

The area surrounding Malibu High School is largely developed and not without night lighting. Street lighting and security lighting exist in the area. To minimize the cumulative effect of night lighting on the scenic quality and character of Malibu, the City's LCP prohibits night lighting for sports courts or other private recreational facilities in scenic areas designated for residential use. Since the proposed night lighting is for a public educational facility located in an Institution zone district, the LCP's sport court night lighting prohibition does not apply. However, the LCP does require that exterior lighting be minimized, restricted to low intensity fixtures, shielded, and concealed to the maximum feasible extent. The proposed lighting plan will minimize light spill, glare, and sky glow in the area to the maximum extent feasible.

In order to ensure that impacts to visual resources are minimized, the Commission finds it necessary to require the applicant to implement the proposed football field lighting plan per the revised Special Condition 6 of this permit amendment (which shall supersede and replace Special Condition No. 6 (Athletic Fields Lighting Restriction) of the underlying permit No. 4-99-276 in its entirety). No changes to the approved lighting plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no

¹ A foot-candle is a unit of illuminance on a surface that is one foot from a uniform point source of light of one candle and is equal to one lumen per square foot.

amendment is legally required.

As conditioned, the Commission finds the proposed project consistent with the visual/scenic resource protection policies of the Malibu LCP.

D. Environmentally Sensitive Habitat

The following policy of Chapter Three of the Coastal Act is incorporated as part of the City of Malibu LUP:

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, the City of Malibu certified LUP contains policies that protect the environmentally sensitive habitat areas of the City. LUP Policy 3.8 states that Environmentally Sensitive Habitat Areas (ESHAs) shall be protected against significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. The LUP policies also establish the protection of areas adjacent to ESHA through the provision of buffers. Natural vegetation buffer areas must be provided around ESHA that are of sufficient size to prevent impacts that would significantly degrade these areas. Development, including fuel modification, shall not be permitted within required buffer areas.

LUP Policy 3.4 states the following:

Any area not designated on the LUP ESHA Map that meets the ESHA criteria is ESHA and shall be accorded all the protection provided for ESHA in the LCP. The following areas shall be considered ESHA, unless there is compelling site-specific evidence to the contrary:

- a. Any habitat area that is rare or especially valuable from a local, regional, or statewide basis.***
- b. Areas that contribute to the viability of plant or animal species designated as rare, threatened, or endangered under State or Federal law.***
- c. Areas that contribute to the viability of species designated as Fully Protected or Species of Special Concern under State law or regulations.***
- d. Areas that contribute to the viability of plant species for which there is compelling evidence of rarity, for example, those designated 1b (Rare or endangered in California and elsewhere) or 2 (rare, threatened or endangered in California but more common elsewhere) by the California Native Plant Society.***

LUP Policy 3.56 and LIP Section 4.6.2 state the following regarding exterior lighting and ESHA:

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.

The Malibu High School campus site is approximately 30 acres in size, situated within the City of Malibu on the coastal terrace between Zuma Beach and the southern flanks of the western portion of the Santa Monica Mountains. The elevation of the campus site ranges from approximately 100 feet along Morning View Drive on the south side, up to approximately 208 feet on the north side of campus. The football field is situated in the middle portion of campus at approximately 150 feet above sea level and approximately 2,000 feet inland from Zuma Beach. The high school campus consists of developed land with typical facilities associated with middle and high schools including classrooms and administrative buildings, a swimming pool and sports fields.

The surrounding area is characterized by primarily residential development. However, there is also Cabrillo Elementary School located nearby to the west of the high school site, and the approximately 46-acre Malibu Equestrian Park to the east of the site, which has been operated by the City of Malibu since 1993 pursuant to a Community Recreation Agreement between the District and the City. A large berm separates the school's athletic field area from the equestrian park to the east. An intermittent blue-line stream containing riparian vegetation exists just west of the campus site, approximately 600 feet northwest of the football field. Zuma Creek, a blue-line stream that is also designated ESHA in the Malibu LCP is situated approximately 2,500 feet to the east of the campus football field. The Malibu High School campus is not located within or adjacent to any LCP-designated environmentally sensitive habitat areas (ESHA). At the time the Commission approved the underlying permit (CDP 4-99-276), the project site or surrounding area was not designated ESHA. In fact, the biological resources of the surrounding area were not assessed at the time of the underlying permit because all proposed project elements were contained on the developed portion of the campus and no field lighting had been proposed.

As such, in preparation of requesting an amendment to the permit for field lighting, the District had a Biological Inventory (Glenn Lukos Associates, May 2009) conducted to survey for the presence of sensitive habitat or special-status species on and adjacent to the proposed project site. The Biological Inventory characterized the area west of the football field as primarily developed with the exception of a blue-line stream at the northwest edge of campus that supports southern arroyo willow riparian vegetation considered environmentally sensitive habitat. However, the stream is approximately 600 feet away from the football field and will not receive light from the proposed field lighting according to the submitted lighting analysis.

The Biological Inventory characterized the equestrian park area east of campus and the football field as primarily a mosaic of ruderal, disturbed coastal sage scrub, and undisturbed coastal sage scrub vegetation. Adjacent to the equestrian riding arenas to the east is a stand of non-native eucalyptus trees. There is also a small stand of black walnut trees along Merritt Drive near the entrance road to the equestrian park. Both of these tree stands are a significant distance away from the project site, over 500 feet away. The Biological Study determined that the area of coastal sage scrub to the east of the football field could potentially support three special-status plants (Catalina mariposa lily, slender mariposa lily and Malibu baccharis). However, no special-status plants were detected during the focused botanical surveys that were conducted.

The area of undisturbed coastal sage scrub is located approximately 190 feet from the football field. Commission Staff Biologist, Dr. Jonna Engel, reviewed the Biological Inventory as well as aerial photographs and found that the area of undisturbed coastal sage scrub vegetation to the east of the project site does not rise to the level of ESHA because it is fragmented within a matrix of development and ruderal, ornamental, and disturbed habitat and because it does not support any special status species. Dr. Engel's memorandum is attached as **Exhibit 10**.

General surveys were also conducted for birds, mammals, reptiles and amphibians, including special-status species which were evaluated through habitat assessments and focused surveys. Habitat assessments were also conducted for three owl species – western burrowing owl, barn owl, and great horned owl. No special-status animals or signs of special-status animals were detected within the study area. No wintering burrowing owls or special status raptors were detected within the study area and none are expected to occur.

Malibu High School is within the Pacific Flyway, and potentially within the pathway of fall migration, which occurs during the months of September, October, and the first part of November. Fall migration would coincide with lighting for the football season. It is important to note that the term "Pacific Flyway" is a descriptor for a phenomenon that encompasses the entire state of California and beyond and that not all areas of the state are as important as others, but that depending on the types of migrating birds, certain habitats (e.g. oak woodlands, riparian area, lagoons, etc.) will be more important stopovers than others. According to Staff Biologist Dr. Engel, the only suitable stopover habitat within the immediate vicinity of the high school is the arroyo willow riparian area along the blue-line stream to the west. However, given the limited extent of this habitat (0.48 acres) and the surrounding urban area, it does not represent a likely stopover habitat.

Lights and/or lighted towers can confuse and disorient migrating birds. The elevation of the football field is 150 feet and the proposed light standards are 53 feet in height, for a combined elevation of approximately 200 feet above sea level. This height is below the altitude generally observed for migratory birds. Additionally, the lights are proposed to be equipped with visors and shielded downward. Although there may be an increased sky glow for short intervals during the football season, the light would not be directed upward. Given that the lights will be shielded downward and stand at a relatively low elevation, they are not expected to pose a significant impact to migrating birds.

As such, the Commission finds that the project site and surrounding area does not constitute ESHA. The proposed field lights will not spill into any areas designated ESHA or ESHA buffer and have been designed to be limited in duration (seasonal and limited to 16 nights per year) and limited in scope (shielded downward with spill/glare control visors) to minimize adverse impacts to area wildlife. In order to ensure that impacts to visual resources are minimized, the Commission finds it necessary to require the applicant to implement the proposed football field lighting plan per the revised Special Condition 6 of this permit amendment (which shall supersede and replace Special Condition No. 6 (Athletic Fields Lighting Restriction) of the underlying permit No. 4-99-276 in its entirety). No changes to the approved lighting plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

As conditioned, the Commission finds the proposed amendment request consistent with the ESHA protection policies of the Malibu LCP.

F. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on Local Coastal Program consistency at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project that were received prior to preparation of the staff report. As discussed above, the proposed development, as conditioned, is consistent with the policies of the Certified Local Coastal Program and the recreation and access policies of the Coastal Act. Feasible mitigation measures which will minimize all adverse environmental effects have been required as special conditions. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

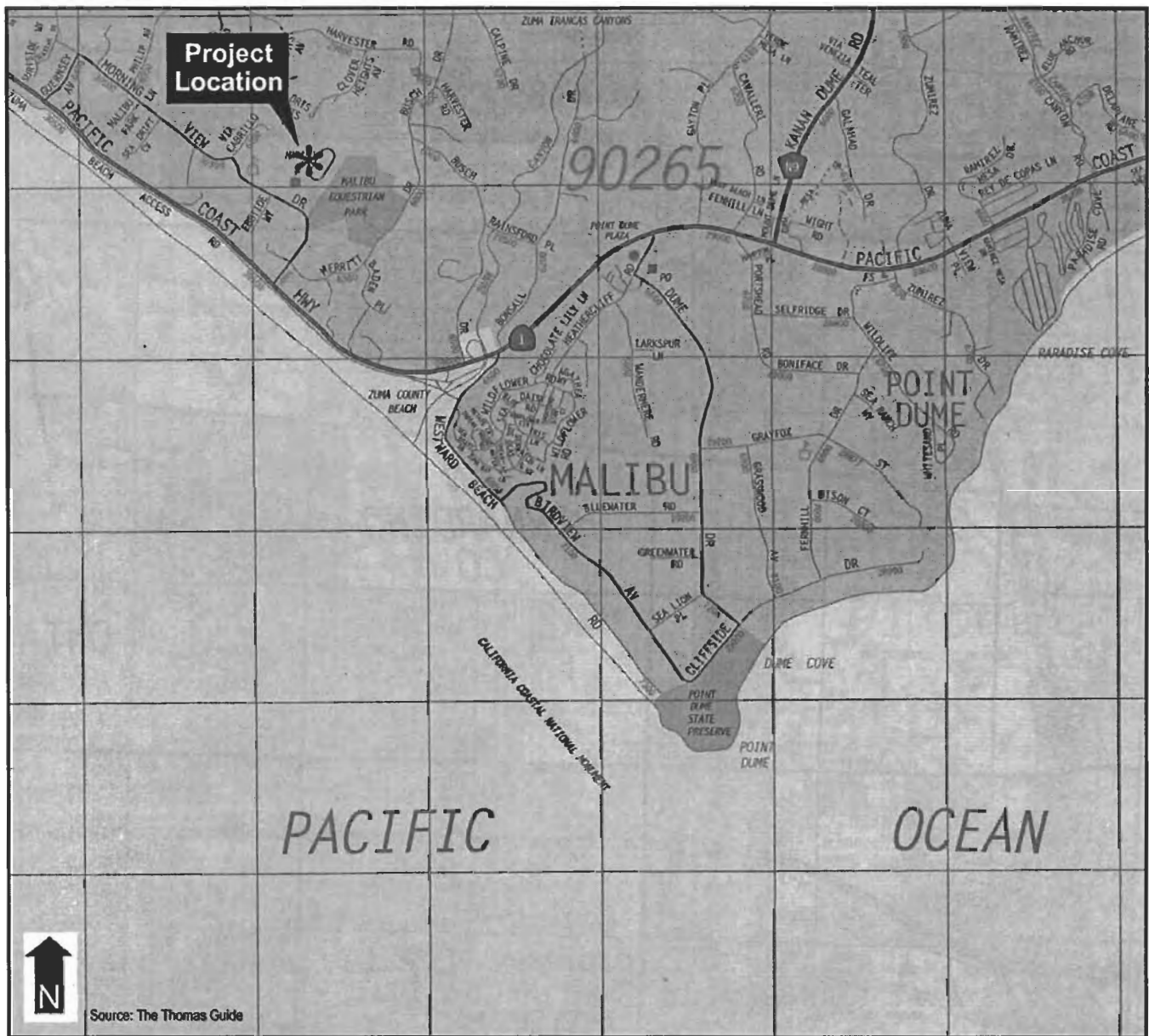
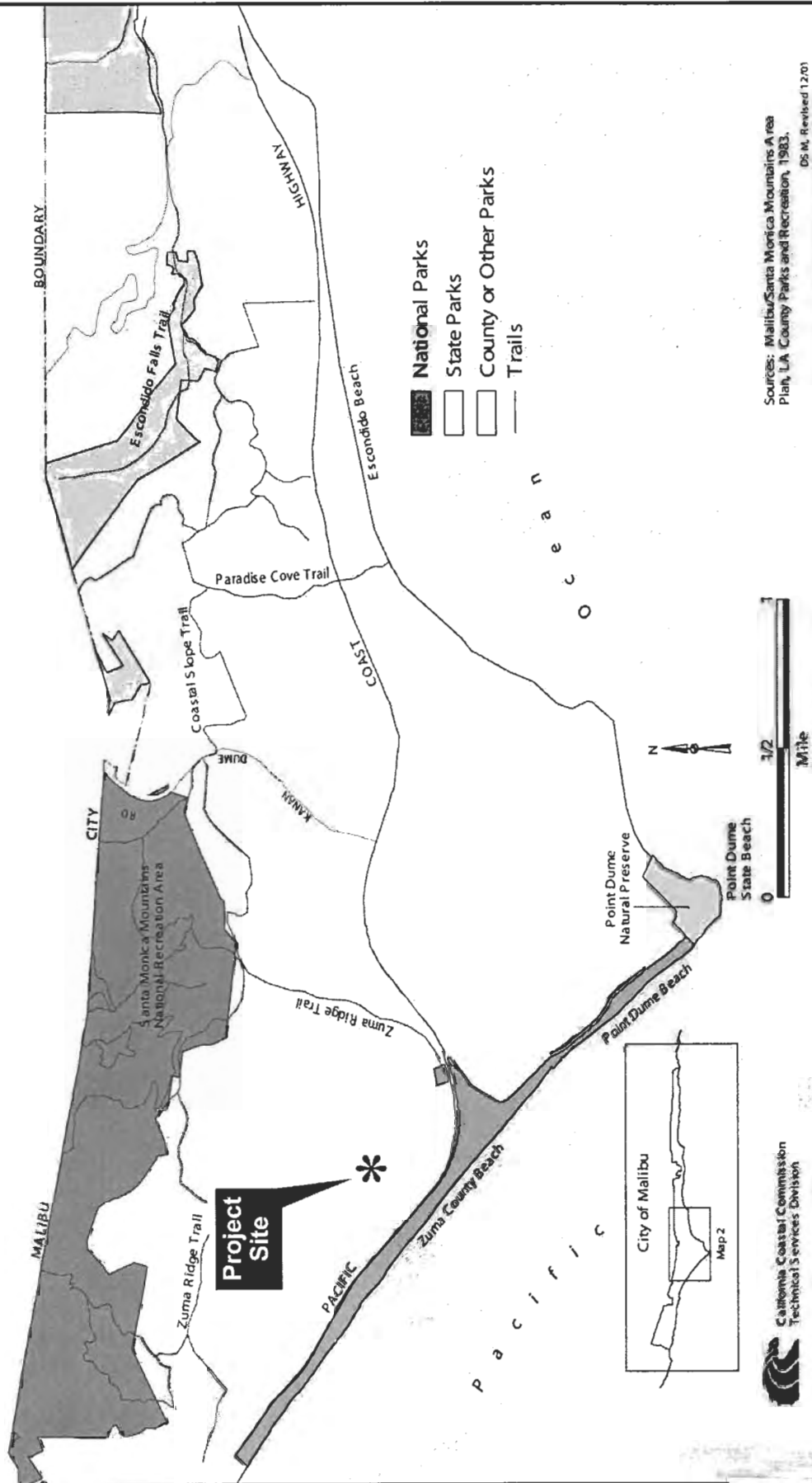


Exhibit 1
4-99-276-A3 (Malibu High)
Vicinity Map

Local Coastal Program - City of Malibu
 Park Lands Map 2:
 Zuma Beach to Escondido Beach



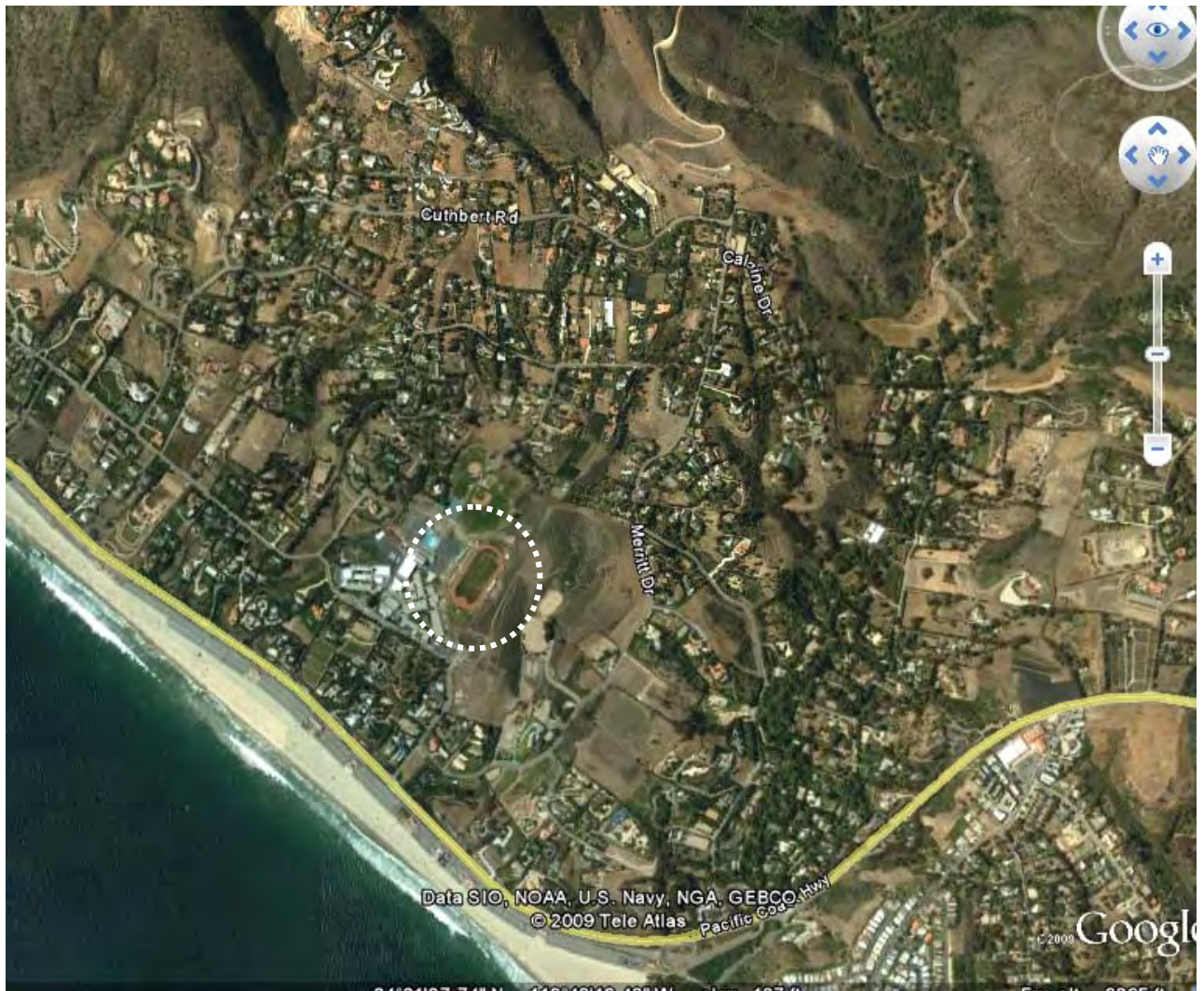
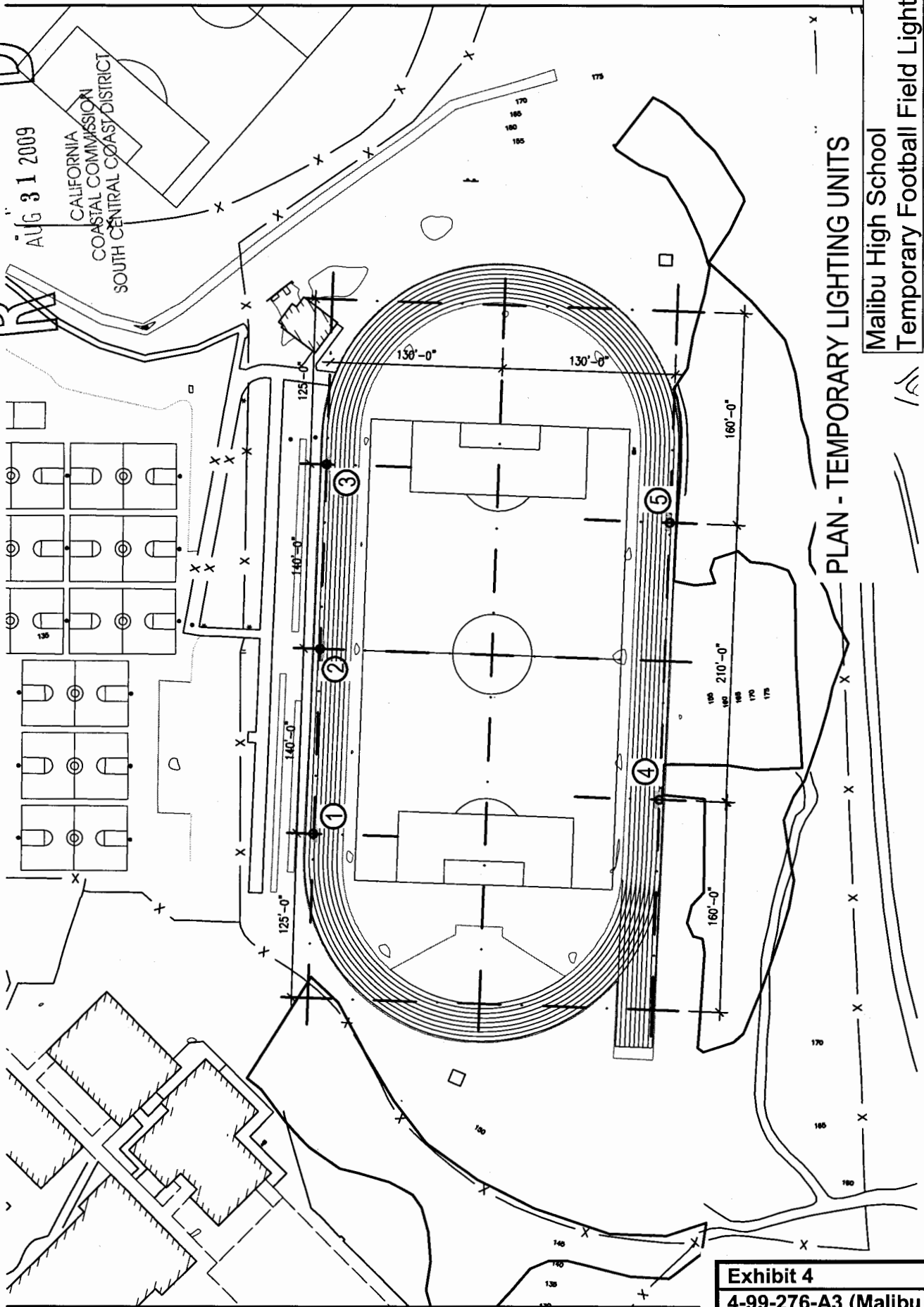


Exhibit 3
4-99-276-A3 (Malibu High)
Aerial View

RECEIVED
AUG 31 2009

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



PLAN - TEMPORARY LIGHTING UNITS

Malibu High School
Temporary Football Field Lights

Exhibit 4
4-99-276-A3 (Malibu High)
Site Plan

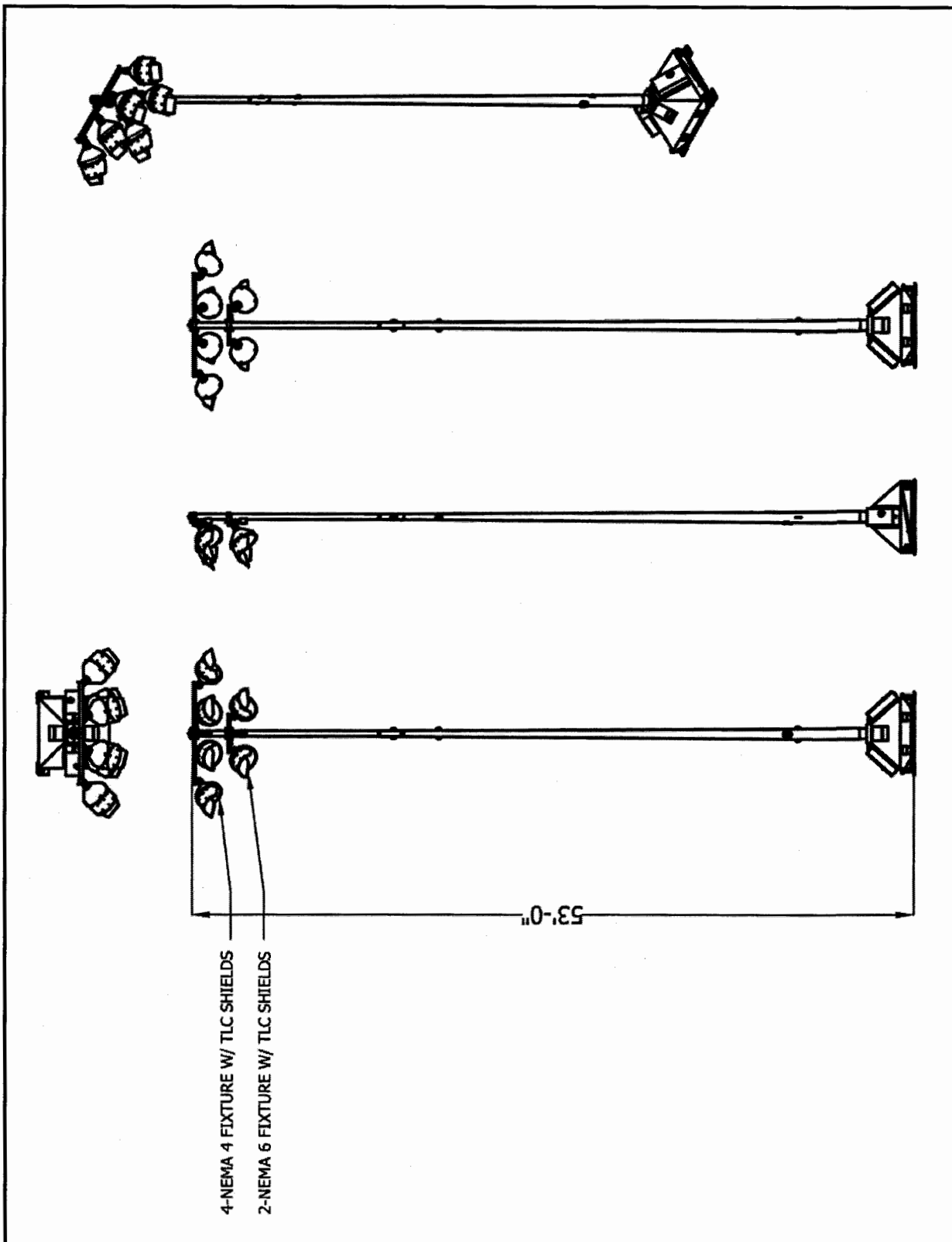
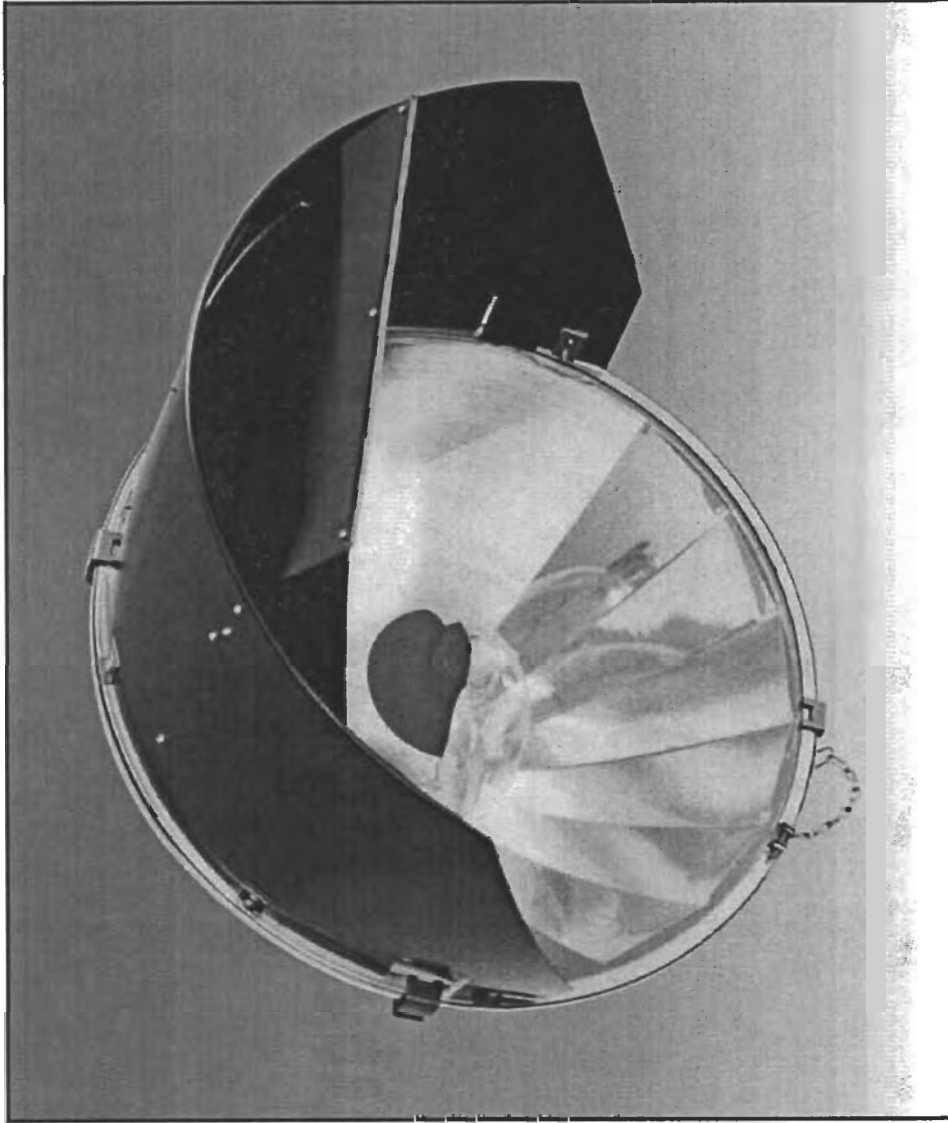


Exhibit 5
4-99-276-A3 (Malibu High)
Proposed Light Fixtures

Typical TLC Reflector Modification



The two-tiered visor is custom adjusted by a Musco technician for individual sites on the field.

Source: MUSCO

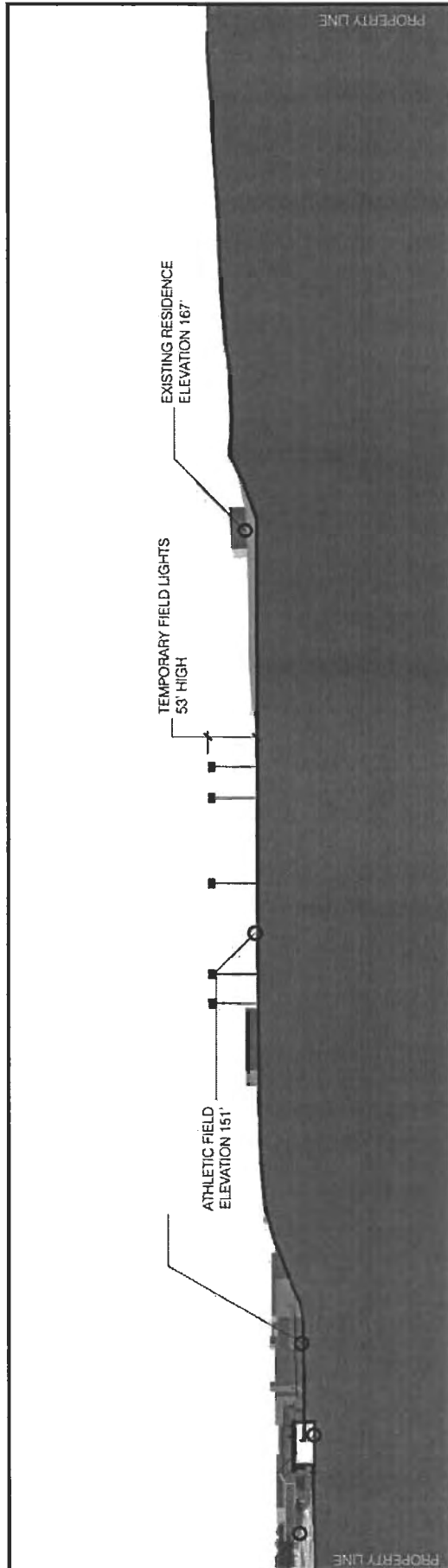


Exhibit 6
4-99-276-A3 (Malibu High)
Elevation Drawing

RECEIVED

AUG 31 2009



EQUIPMENT LIST FOR AREAS SHOWN				
QTY	LOCATION	SIZE	Pole	
			GRADE ELEVATION	HEIGHT
5	T1-T5	53'	53'	1500W MZ
5	TOTALS			
			30	30 0

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

GUARANTEED PERFORMANCE

ILLUMINATION SUMMARY

Area Grid

Malibu High School Football
Malibu, CA

Area Grid

- Grid Spacing = 30.0' x 30.0'
- Values given at 3.0' above grade

- Luminaire Type: TLC
- Rated Lamp Life: 3,000 hours
- Avg Lumens/Lamp: 155,000

MAINTAINED ILLUMINATION HORIZONTAL FOOTCANDLES

Entire Grid
No. of Target Points: 437
Average: 4.86
Maximum: 33.06
Minimum: 0.03

Average Tilt Factor: 0.927
Additional Non-Recoverable Light Loss Factor: x1.000
Recoverable Light Loss Factor: x0.700
Total Light Loss Factor (LLF): 0.649

Number of Luminaires: 30
Avg KW: 48.0
Max KW: 48.0

Field Measurements: Averages shall be +/-10% in accordance with IESNA RP-8-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

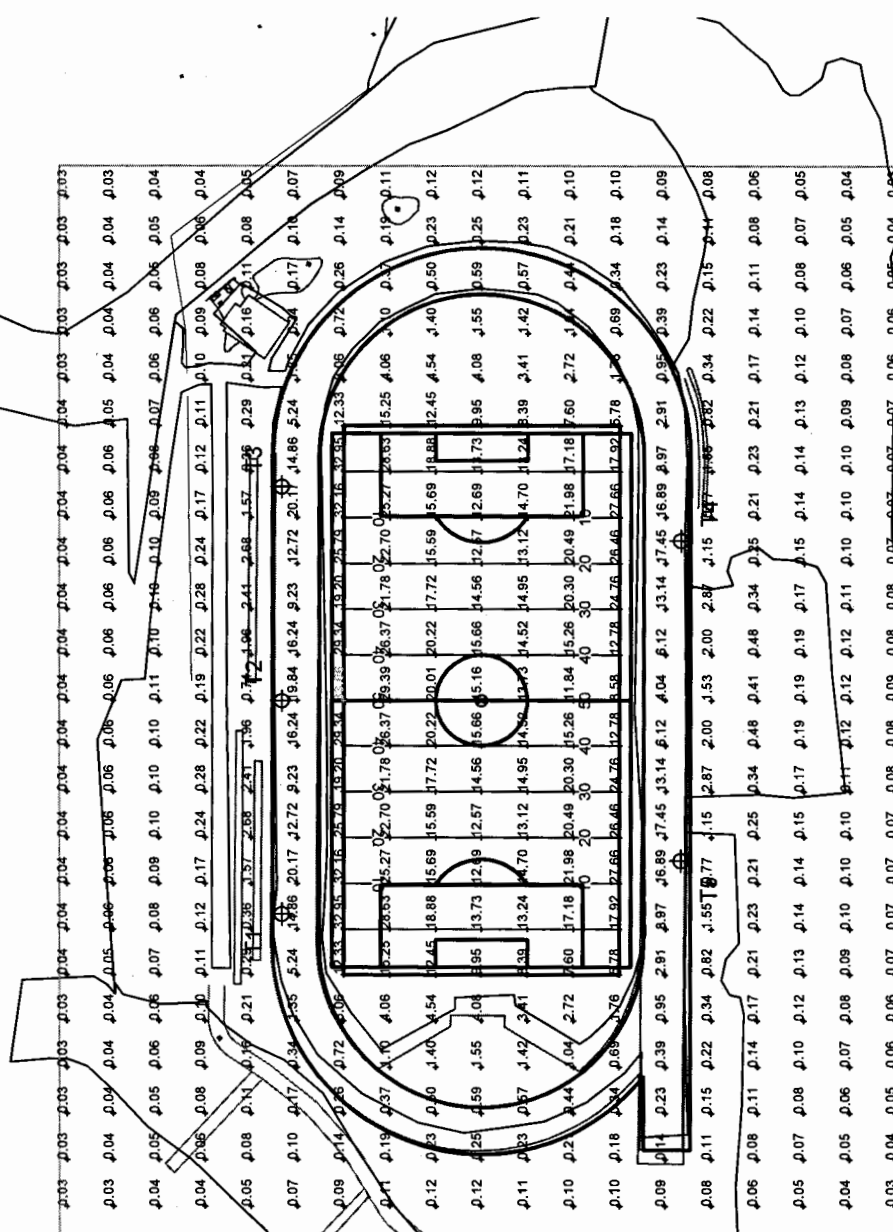
Electrical System Requirements: Refer to Amperage Draw Chart and/or the Musco Control System Summary for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

By: Mark DeJong
File #: 135021B
Date: 14-Apr-09

Pole location(s) dimensions are relative to 0,0 reference point(s) ⊗

Print Date (14/Apr/2009) & Time (13:30)



SCALE IN FEET 1 : 120

120' 240'

Exhibit 8
4-99-276-A3 (Malibu High)
Illumination
Measurements



Legend

Area to Receive > 0.10 Foot Candle Illumination with Proposed Lighting With TLC Visor

Edge of Area to Receive Illumination with Proposed Lighting with TLC Visor (0.0 Foot Candle)

Interpolated Edge of Area to Receive Illumination with Proposed Lighting with TLC Visor (0.0 Foot Candle)

No Light Data Available

Vegetation Type

Coastal Sage Scrub, CSS

Disturbed/Coastal Sage Scrub, D/CSS

Disturbed/Developed, D/D

Ornamental, O

Ruderal, R

Turf, T

0.0 Illumination (Foot Candles) Associated with Football Lighting with TLC Visor

MALIBU HIGH SCHOOL

FOOTBALL LIGHTING PROJECT

Football Field Lighting Map

GLENN LUKOS ASSOCIATES

0 75 150

Feet

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
 19 SOUTH CALIFORNIA ST., SUITE 200
 OCEANA, CA 93001
 (805) 641-0142

Filed: 04/07/00
 49th Day: 05/26/00
 180th Day: 10/04/00
 Staff: BCM-V
 Staff Report: 04/20/00
 Hearing Date: May 9-12, 2000
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-99-276
APPLICANT: Santa Monica / Malibu Unified School District
PROJECT LOCATION: MALIBU HIGH SCHOOL -- 30215 Morning View Drive,
 City of Malibu (Los Angeles County)

PROJECT DESCRIPTION: New construction at Malibu High School including a spectator gymnasium, a two-story classroom building, significant upgrades to the track and field facility / football stadium, and relocation / expansion of the faculty parking lot. There will also be various minor exterior improvements and interior modernizations including conversion of the cafeteria to an auditorium. The project includes 32,151 cu. yds. of grading (17,601 cut, 14,550 fill).

Total Lot Area:	1,302,444	sq. ft.	(29.9 ac.)
Building coverage:	142,486	sq. ft.	(3.3 ac.)
Pavement coverage:	217,683	sq. ft.	(5.0 ac.)
Landscape coverage:	942,276	sq. ft.	(21.6 ac.)
Parking spaces:	305		(455 for events)
Ht abv fin grade:	varies		

LOCAL APPROVALS RECEIVED: Approval in Concept -- Los Angeles County Fire Department

SUBSTANTIVE FILE DOCUMENTS: Coastal Development permit (CDP) No. 4-98-330 (Malibu Methodist); *Phase I Archaeological Study for Proposed Improvements to Malibu High School* by Historical Environmental Archaeological Research Team (HEART), dated July 1999; *Paleontological Resource Assessment -- Malibu High School -- City of Malibu*, by Petra Paleontology, dated August 4, 1999; *Geotechnical Exploration Report -- Malibu High School Improvements -- 30237 Morning View Dr., Malibu, California*, by Associated Soils Engineering, Inc., dated October 14, 1999; *Traffic and Parking Study for the Malibu High School Recreation Facilities Project*, by Kaku Associates, dated October 1999; *Malibu High School Improvements: Proposed Mitigated Negative Declaration*, by EMC Planning Group, Inc., dated October 1999; *Sewer Disposal System Capacity Evaluation -- Malibu High School -- for Santa Monica / Malibu Unified School District*, by Sverdrup Facilities, dated March 2000.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends approval of the proposed project with eight (8) special conditions regarding landscaping plans, drainage and polluted runoff control plans, plans conforming to geologic recommendations, removal of excavated material, wildfire waiver of liability, athletic fields lighting restriction, event parking management plan and archaeological / paleontological resources.

Exhibit 9
4-99-276-A3 (Malibu High)
CDP 4-99-276 Staff Report and Addendum (without exhibits)

I. STAFF RECOMMENDATION

1. **Motion:** *I move that the Commission approve Coastal Development Permit No. 4-99-276 pursuant to the staff recommendation.*

2. **Staff Recommendation of Approval:**

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

3. **Resolution to Approve the Permit:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the Commission staff and may require Commission approval.
4. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. **Inspections.** The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.

6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Landscaping and Erosion Control Plans

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit landscaping / erosion control plans, prepared by a licensed landscape architect or a qualified resource specialist, for review and approval by the Executive Director. The plans shall identify the species, location, and extent of all plant materials and shall incorporate the following criteria:

a) Landscaping

All graded and disturbed areas on the subject site shall be planted and maintained for erosion control purposes within sixty (60) days of completion of construction. To minimize the need for irrigation, all landscaping shall consist primarily of native / drought-resistant plants as listed by the California Native Plant Society, Santa Monica Mountains Chapter in their document entitled *Recommended List of Plants for Landscaping in the Santa Monica Mountains*, dated October 4, 1994. Invasive, non-indigenous plant species which tend to supplant native species shall not be used.

All cut and fill slopes shall be stabilized with planting at the completion of final grading. Planting should be of native plant species indigenous to the Santa Monica Mountains using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide ninety percent (90%) coverage within two (2) years, and this requirement shall apply to all disturbed soils. Plantings shall be maintained in good growing condition throughout the life of the project and, whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the applicable landscape requirements.

Vegetation within fifty feet (50') of structures may be removed, and vegetation within a two-hundred foot (200') radius may be selectively thinned in order to reduce fire hazard. However, such removal and thinning shall only occur in accordance with an approved long-term fuel modification plan submitted pursuant to this special condition. The fuel modification plan shall include details regarding the types, sizes, and location of plant materials to be removed and how often thinning is to occur. In addition, the applicant shall submit evidence that the fuel modification plan has been reviewed and approved by the Fire Department of Los Angeles County. Irrigated lawn, turf, or groundcover planted within a fifty foot (50') radius (fuel modification zone) of structures shall be selected from the most drought tolerant species, subspecies, or varieties suited to the Mediterranean climate of the Santa Monica Mountains.

b) Erosion Control

The landscaping / erosion control plans shall delineate areas to be disturbed by grading or construction activities and shall include any temporary access roads, staging areas, and/or stockpile areas. Natural areas to be left undisturbed such as native trees and vegetation shall be clearly delineated on the project site with fencing or survey flags.

The plans shall specify that should grading take place during the rainy season (November 1 – March 31), the applicant shall construct or install temporary sediment basins (including debris basins, desilting basins, and/or silt traps), temporary swales, sandbag barriers, silt fencing, and geofabric or other appropriate cover (including stabilizing any stockpiled fill cover and installing geotextiles or mats on all cut or fill slopes) on the project site. The applicant shall also close and stabilize open trenches as soon as possible. These erosion control measures shall be required on the project site prior to or concurrent with the initial grading operations and shall be maintained throughout the development process to minimize erosion and sediment from runoff waters during construction. All sediment shall be retained on-site unless removed to an appropriate approved dumping location either outside the coastal zone or to a site within the coastal zone permitted to receive fill.

The plans shall also include temporary erosion control measures should grading or site preparation cease for a period of more than 30 days, including but not limited to stabilization of all stockpiled fill, access roads, disturbed soils, and cut and fill slopes with geotextiles and/or mats, sand bag barriers, silt fencing, temporary swales, and sediment basins. The plans shall also specify that all disturbed areas be seeded with native grass species and include the technical specifications for seeding the disturbed areas. These temporary erosion control measures shall be monitored and maintained until grading or construction operations resume.

c) Monitoring

Five (5) years from the date of completion of construction, the applicant shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plans approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plans must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plans that have failed or are not in conformance with the original approved plans.

ex. 9

2. Drainage and Polluted Runoff Control Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan designed by a licensed engineer to minimize the volume, velocity, and pollutant load of stormwater leaving the developed site. The plan shall be reviewed and approved by the consulting engineering geologist to ensure the plan is in conformance with the geologists' recommendations. The plan shall be subject to the following requirements and shall, at a minimum, include the following components:

(a) Structural and/or non-structural Best Management Practices (BMPs) designed to capture, infiltrate, or treat runoff from all roofs, parking areas, driveways, and other impervious surfaces shall be identified and incorporated into final plans.

(b) Selected BMPs shall, when implemented, ensure that post-development peak runoff rate and average volume from the site will be maintained at levels similar to pre-development conditions. The drainage system shall be designed to convey and discharge runoff from the building site in a non-erosive manner.

(c) The plan shall include provisions for BMP maintenance. All structural and non-structural BMPs shall be maintained in a functional condition throughout the life of the approved development. Such maintenance shall include the following: (1) all traps, separators, and/or filters shall be inspected, cleaned, and repaired prior to the onset of the storm season -- no later than September 30th each year, and (2) should any of the project's surface or subsurface drainage / filtration structures or other BMPs fail or result in increased erosion, the applicant / landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage / filtration system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

3. Plans Conforming to Geologic Recommendations

All recommendations contained in the *Geotechnical Exploration Report – Malibu High School Improvements – 30237 Morning View Dr., Malibu, California*, by Associated Soils Engineering, Inc., dated October 14, 1999, shall be incorporated into final design and construction including foundations, grading, and drainage. All plans must be reviewed and approved by the geologic / geotechnical consultant.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, evidence of the geologic / geotechnical consultant's review and approval of all project plans. The final plans approved by the consultant shall be in substantial conformance with the plans approved by the Commission relative to construction, grading, and drainage. Any substantial changes to the proposed development approved by the Commission which may be required by the consultants shall require an amendment to the permit or a new coastal permit.

4. Removal of Excavated Material

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence to the Executive Director of the location of the disposal site for all excavated material from the site. Should the dump site be located in the Coastal Zone, a coastal development permit shall be required.

5. Wildfire Waiver of Liability

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a signed document which shall indemnify and hold harmless the California Coastal Commission, its officers, agents, and employees against any and all claims, demands, damages, costs, expenses, and liability arising out of the design, construction, operations, maintenance, existence, or failure of the permitted project in an area where an extraordinary potential for damage or destruction from wildfire exists as an inherent risk to life and property.

6. Athletic Fields Lighting Restriction

All lighting for the football field and outdoor track and field facility (athletic fields), whether temporary or permanent, shall be prohibited.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

7. Event Parking Management Plan

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and approval by the Executive Director, an event parking management plan to include at least the following elements: (1) thresholds and priority order for parking lot usage based on event size and location on campus; (2) guidelines for usage of temporary signing, traffic controls, and traffic direction for larger events to guide motorists to open parking lots and to close parking lots as they become filled; (3) identification of location(s) for visiting team bus parking; and (4) staffing requirements and responsibilities to implement the plan.

8. Archaeological / Paleontological Resources

By acceptance of this permit the applicant agrees to have a qualified archaeologist, qualified paleontologist, and appropriate Native American consultant present on-site during all grading, excavation, and site preparation activities that involve earth moving operations. The number of monitors on-site shall be adequate to observe the earth

moving activities of each piece of active equipment. Specifically, the earth moving operations on the project site shall be controlled and monitored by the archaeologist(s) and paleontologist(s) with the purpose of locating, recording and collecting any archaeological and/or fossil materials. In the event that any significant archaeological or paleontological resources are discovered during earth moving operations, grading and/or excavation in this area shall be halted and an appropriate data recovery strategy shall be developed, subject to review and approval of the Executive Director, by the applicant's archaeologist, the applicant's paleontologist, the City of Malibu archaeologist, and the Native American consultant(s), consistent with the guidelines of the California Environmental Quality Act (CEQA).

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. Project Description and Background

This project is the result of the Proposition X state modernization and new construction program. In October 1998, voters approved a bond for new construction and modernization of several facilities throughout the Santa Monica / Malibu Unified School District. The District identified new construction needs in two areas at Malibu High School: physical education / athletic facilities and classrooms. This project proposal consequently includes the following improvements: construction of a spectator gymnasium, a two-story classroom building, significant upgrades to the track and field facility / football stadium, and relocation / expansion of the faculty parking lot. There will also be various minor exterior improvements and interior modernizations including conversion of the cafetorium to an auditorium. The project includes 32,151 cu. yds. of grading (17,601 cut, 14,550 fill). Overall budget for this project is \$10.3 million.

The subject site (Malibu High School) is an approximately thirty acre (29.9 ac.) parcel located near the intersection of Morning View Drive and Via Cabrillo in the Zuma Beach area of the City of Malibu. The existing facility on-site was constructed as a middle school (6th - 8th grades) in the late 1960s and was converted to a combined middle / high school (6th - 12th grades) in 1992. The facility continues to serve grades 6 through 12. Current enrollment at the school is approximately 1,200 students, but the District's growth projections indicate that number could reach 1,500 within five years. Existing facilities at the school include 43 classrooms, an administrative building, a gymnasium and pool, a library, a football field surrounded by a running track, baseball / softball fields, basketball courts, tennis courts, an outdoor amphitheater, and approximately 245 parking spaces (faculty, student, and visitor parking combined). Three of the forty-three existing classrooms are portable / modular facilities. At this time, their continued use after implementation of the proposed project is undetermined, but it is assumed that the portables will continue to be used as classrooms even after the new construction.

The planned new, two-story classroom building, and the majority of the new gymnasium will be located on the west side of campus near Cabrillo Elementary School. The classroom building will be located north of the existing cafetorium on the site of the existing asphalt-paved faculty / staff parking lot. Gross floor area will be 13,820 sq. ft., and the building footprint will be approximately 6,910 sq. ft. The height of the new

building will be 27 feet with its top elevation at 135.8 feet above sea level. The existing cafetorium's top elevation is also at 135.8 feet above sea level. With the addition of the new classroom building, a new triangular-shaped, landscaped "quad" area will be created and landscaped, similar to the existing grassed quad area which is surrounded by school buildings.

The new 1,000-seat spectator gymnasium will be located south of and adjacent to the existing gymnasium (middle school sized gym) on the northwest side of the campus. This area is also currently a portion of the existing paved faculty parking lot. Gross floor area of the new gym, as well as the building footprint, will be 19,400 square feet. The height of the gymnasium will be 31.5 feet with its top elevation at 151.5 feet above sea level. The existing gymnasium, with a top elevation is at 162.5 feet above sea level, will remain and continue to be used for physical education purposes.

The faculty parking lot, currently located on the west side of campus, near Cabrillo Elementary, where the new classroom building and the new gymnasium are proposed, will be relocated to the southeast side of campus, south of the track and field facility, and extending from an existing visitor parking lot adjacent to Morning View Drive. This area is currently landscaped, so the parking lot will be terraced to step up the existing slope. Approximately 109 parking spaces and a 480 foot L-shaped retaining wall will be added; four pine trees and two ficus trees, non-native to the Malibu area, will be removed and replaced with new landscaping. A concrete pathway will connect this lot with the main part of the campus.

The existing track and field facility, presently composed of sand and small aggregate, is located on the northeast side of the school property some 14 to 16 feet above the asphalt paved basketball court area, and includes a scoreboard, goal posts, and temporary seating for approximately 400 spectators. The improvements to the track include an all-weather surface with nine lanes, expanded high jump approach and pits, a pole vault runway, long jump and triple jump runways, a concession facility with restrooms and storage, and fencing around the entire facility. The football field improvements include improved field drainage, a separate restroom facility, permanent concrete bleachers seating 1,000 with a press box on the east side, and metal aluminum bleachers seating 300 on the west side. Lighting, which would be necessary for night games, is not being proposed by the District.

Most of the existing structures on-site at the High School were constructed prior to implementation of the Coastal Act. A previous coastal development permit (CDP No. 4-93-081) was obtained for the existing 95 vehicle student parking lot. Another coastal development permit (CDP No. 4-94-030) was granted for construction of the 750 seat amphitheater and expansion of the swimming pool. Also included in this permit was re-grading and improvements to an existing ballfield and addition of two tennis courts, baseball and softball fields, and practice soccer fields. A subsequent permit amendment (CDP No. 4-94-030-A1) added the boys/girls restrooms to the track and field athletic area, two dugouts, scoreboards, bases, and fencing to the softball diamond and adjoining vacant land.

Malibu High School is located within the City of Malibu and is bordered on two sides by single family residences constructed on moderate to rolling slopes in the foothills of the Santa Monica Mountains. These residences exist to the north and south (across Morning View Drive). Cabrillo Elementary School is in operation to the immediate west; and School District open space land and the Malibu Equestrian Center are located just

east of the subject property, on the other side of a prominent berm. There is an existing connector trail from the Equestrian Center which traverses immediately north of the school property. Access to the High School is from Pacific Coast Highway directly to Morning View Drive from the east or via Guernsey Avenue from the west.

Topographically, the school is situated on the southern flanks of the western portion of the Santa Monica Mountains. The property consists of several near-level pad areas with generally ascending slopes to the north and descending slopes to Pacific Coast Highway to the south. Maximum topographic relief on-site is approximately ninety feet (90') with elevations on-site ranging between 80 to 170 feet above mean sea level. The natural terrain of the area consists of rolling hills, and there is limited natural vegetation on-site consisting of grasses, ivy, brush, small shrubs, and scattered trees. Drainage from the property flows overland and along parking lots / driveways in a southerly direction to Morning View Drive where it collects in storm drains. Some runoff may enter an unnamed United States Geological Survey (USGS) designated blue-line (intermittent) stream which passes to the north of the school property and continues west of Cabrillo Elementary School which borders the subject property on the west. A second, unnamed blue-line (intermittent) stream exists east of the project site at the Malibu Equestrian Center and may accept drainage from the berm adjoining the track and field facility. Stormwater flowing off-site eventually drains to the Pacific Ocean at Zuma Beach. Various beaches and offshore kelp beds to the east and west of Zuma are designated as Environmentally Sensitive Habitat Area (ESHA) in the Malibu / Santa Monica Mountains Land Use Plan (LUP). Zuma Beach itself is designated a Shore Fishing Area.

B. Visual Resources

Section 30251 of the Coastal Act states that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

In addition, the certified Malibu / Santa Monica Mountains Land Use Plan (LUP) provides policies regarding protection of visual resources, which are used as guidance and are applicable to the proposed development. These policies have been applied by the Commission as guidance in the review of development proposals in the Santa Monica Mountains:

P125 New development shall be sited and designed to protect public views from LCP-designated scenic highways, to and along the shoreline, and to scenic coastal areas, including public parklands; P129 Structures shall be designed and located so as to create an attractive appearance and harmonious relationship with the surrounding environment; P130 In highly scenic areas and along scenic highways, new development ... shall be sited and designed to protect views to and along the ocean and to and along other scenic features, ... minimize the alteration of natural land

forms, ... conceal raw-cut slopes, be visually compatible with and subordinate to the character of its setting, [and not] intrude into the skyline as seen from public viewing places; P134 Structures shall be sited to conform to the natural topography, as feasible.

The subject property contains Malibu High School, an existing institutional use located within a substantially developed area bordered by residential parcels, an equestrian facility, and an elementary school. The school is minimally visible from an LUP-designated scenic highway (Pacific Coast Highway) and a portion of Zuma Beach to the south. To assess potential visual impacts of projects to the public, the Commission typically investigates publicly accessible locations from which the proposed development is visible, such as beaches, parks, trails, and scenic highways. The Commission also examines the building site and the size of the proposed structure(s). Staff visited the subject site and found the proposed building location(s) to be appropriate and feasible, given the terrain and the previously existing development on-site. Although the property where the development is proposed is terraced and gently sloping, the finished project will be visible to the noted surrounding area. However, due to the large-scale institutional development existing on-site, visual impacts, if any, of the proposed improvements will be minimal, when considered in the context of the overall school campus. Existing structures are of a similar massing, character, and location to be similarly visible, and the proposed building plans are substantially in character with the type and scale of development which already exists at the school.

The proposed buildings and structures will be visible, to varying degrees, from the existing homes and the equestrian trail located in the foothills above and to the north of the project site, as well as from locations along Morning View Drive. As noted previously, on the west side of campus, the new gymnasium and classroom building will be constructed no higher than the existing adjacent buildings. These new structures have been designed to step down the slope and to be similar in height with the existing buildings, thereby reducing potential visual impacts. The proposed structures have also been designed to blend into the existing campus architecture and massing so as to not degrade the visual character of the site and its surroundings.

There are currently no structures present at the football field / track facility which is physically located on a near-level elevated pad area in the northeastern corner of the campus, partially visible from the previously noted areas and relatively near the existing residences and equestrian trail. The permanent concrete bleachers will be built into an existing 28 foot high berm on the east side of the track. The highest point of the existing berm is at elevation 177 feet above sea level. The concrete bleachers have been designed to notch into the existing berm and their top, at 176.6 elevation above sea level, will be at roughly the same height as the top of the existing berm. The press box, however, will rise approximately eight feet (8') above the top of the bleacher system, and consequently, eight feet above the grade of the existing berm. The press box, therefore, will be visible from the noted surrounding area but, at 15 feet by 40 feet, will be a relatively small structure and, according to the applicant, will be finished with colors compatible with the adjacent surroundings. Other related structures, including the concession facility and the restrooms, have been designed so their height is below the existing grade of the berm, thereby reducing visual impacts. In addition, once construction of the concrete bleachers is complete, the berm will be revegetated with native plantings.

The new structures at the athletic field will be visible from many residences and the equestrian trail in the foothills above and to the north of the school. The private residences closest to the campus and the existing trail, at the lower elevations just north of the playing fields, will see the greatest effects from changes to the track and field facility. Ocean views will not be significantly impaired, however, because only the press box will rise above the grade of the berm. The concession facility, the restroom facility, and the metal visitor bleachers have been designed so that their height is significantly below the existing grade of the berm in order to prevent adverse visual impacts to the surrounding community. The concrete bleachers and press box will result in minimal visual impacts, but will not substantially degrade the existing character or quality of the site or its surroundings.

As described in the project description, the High School is minimally visible from a portion of Pacific Coast Highway and Zuma Beach and is bordered by existing residential development to the north and to the south. The Commission has found that night lighting of areas in the Malibu / Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Although the applicant has not proposed any lights at the stadium at this time, and football games are planned to occur during the day on Fridays and Saturdays, in order to mitigate any potential future visual and environmental impacts of the proposed improvements to the football stadium and the track and field facility, the Commission finds it necessary to require the applicant to submit a deed restriction prohibiting all outdoor lighting for the athletic fields, whether temporary or permanent, as specified in **Special Condition Six**. Although sporting activities associated with the indoor gymnasium may occur past 7pm, activities associated with the track and field facility should not occur in the evening hours. **Special Condition Six** will protect the nearby scenic areas and native wildlife from avoidable disturbance that would otherwise be associated with nighttime use of the football stadium / track and field facility.

Furthermore, visual impacts associated with proposed retaining walls, grading, and the various proposed structures can be mitigated by requiring the berm on the eastern side of the track and field facility along with other exposed manufactured slope areas on-site to be adequately and appropriately landscaped with vertical screening elements such as trees and shrubs. Appropriate landscaping on manufactured slope areas will screen and soften the appearance of the proposed development and minimize the visual impact as seen from Pacific Coast Highway and Zuma Beach. The landscaping should consist of native, drought resistant plants and be designed to minimize and control erosion as well as to partially screen and soften the visual impact of the structure(s). Therefore, the Commission finds that it is necessary to require the applicant to submit a landscape plan incorporating visual screening elements, as specified in **Special Condition One**.

The proposed project, as conditioned, will not result in a significant adverse impact to the scenic public views or character of the surrounding area in this portion of the Santa Monica Mountains. Thus, the Commission finds that the proposed project is consistent, as conditioned, with Section 30251 of the Coastal Act and the policy guidance contained in the certified Malibu / Santa Monica Mountains LUP.

C. Hazards

Section 30253 of the Coastal Act states (in part):

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms...

Section 30250(a) of the Coastal Act states (in part):

New ... development, ... shall be located within, ... existing developed areas able to accommodate it ... and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Malibu High School is located in the Santa Monica Mountains, an area which is generally considered to be subject to an unusually high amount of natural hazards. Geologic hazards common to the Santa Monica Mountains include landslides, erosion, flooding, and earth movement. In addition, fire is a persistent threat due to the indigenous chaparral community of the coastal mountains. Wildfires often denude hillsides in the Santa Monica Mountains of all existing vegetation, thereby contributing to an increased potential for erosion and landslides.

The prominent geomorphic features in the area are the ridgeline of the Santa Monica Mountains to the north, Zuma Beach to the south, Trancas Canyon to the west, and Zuma Canyon to the east. The Malibu High School property is sited within that narrow, terraced coastal strip separating the present-day beach from the higher and steeper slopes of the main mass of the Santa Monica Mountains. The natural terrain of the High School campus generally slopes to the southwest. Extensive previous grading has created stepped building pads and parking lots along the natural terrain in order to construct the existing development. The proposed improvements are to be located on these existing, nearly-level pads which are used for the existing campus. Even so, a significant amount of grading is proposed on-site primarily for the football field and for excavation to notch the expanded faculty parking lot into the adjacent slope.

Surface drainage from the property flows overland and along parking lots / driveways in a southerly direction to Morning View Drive where it collects in storm drains, eventually passing under Pacific Coast Highway and outletting at Zuma Beach. A small amount of runoff may enter an unnamed United States Geological Survey (USGS) designated blue-line (intermittent) stream which borders the subject property on the northwest or to a second, unnamed blue-line (intermittent) stream which exists east of the project site at the Malibu Equestrian Center. Various beaches and offshore kelp beds to the east and west of Zuma are designated as Environmentally Sensitive Habitat Area (ESHA) in the Malibu / Santa Monica Mountains Land Use Plan (LUP).

The proposed improvements will increase the amount of impervious coverage on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a responsible manner, this runoff may result in increased erosion, affecting site stability, and potentially impacting downslope water quality. The

applicant's geologic / geotechnical consultant has consequently recommended that site drainage be collected and distributed in a non-erosive manner. As mentioned previously, the School site is gently sloping with several near-level pad areas for the structures, parking lots, and athletic fields. There are, however, moderate slopes between the pad areas and in certain areas immediately adjacent to the school property. Because of these slopes and the resultant potential for significant water velocities and soil erosion, it is important to adequately control site drainage through runoff detention, velocity reduction, and/or other best management practices (BMPs). To ensure that runoff is conveyed off-site in a non-erosive manner, the Commission finds it necessary to require the applicant, through **Special Conditions One, Two, and Three**, to submit landscaping / erosion control and drainage plans conforming to the recommendations of the consulting geotechnical engineer for review and approval by the Executive Director and to assume responsibility for the maintenance of all drainage devices on-site.

Despite the presence of the existing, near-level pad areas at the school, there are significant slopes on-site, and large quantities of grading are proposed for the improvements. At the future classroom site, mapped contours indicate an elevation differential of approximately 5 feet. A two to six feet differential exists across the proposed gymnasium site to the base of the existing slope. The upper, locker-room level of the new gymnasium will be constructed over an existing, approximately 2.5:1 (horizontal : vertical) slope, with an average height of twenty feet. The existing track and athletic field, will require large-scale subsurface grading to ensure proper field drainage. To the immediate east, a sloped berm rises approximately 26 feet to the top of a natural ridge, upon which the new bleachers are to be constructed. To the north, other ascending slopes ranging from 15 to 20 feet in height separate the athletic field from a baseball field and adjacent natural ground. The south end of the athletic facility's pad area is bound by a man-made slope which descends approximately 45 feet in elevation before encountering other school facilities and undeveloped property (proposed location of the new, expanded faculty parking lot).

Erosion and sedimentation can be minimized by requiring the applicant to remove all excess dirt from cut / fill / excavation activities. The applicant has estimated a total of 32,151 cu. yds. of grading including 17,601 cu. yds. cut and 14,550 cu. yds. fill. These figures include 514 cu. yds. (26 cut, 488 fill) for the 2-story classroom; 1,270 cu. yds. (1,040 cut, 230 fill) for the new gymnasium; 5,317 cu. yds. (5,235 cut, 82 fill) for the relocated, expanded faculty parking lot; 14,000 cu. yds. (7,600 cut, 6,400 fill) for the football / track stadium; and 11,050 cu. yds. (3,700 export, 500 sand import, 1,500 gravel import, 5,350 soil import) for the football field itself. Therefore the total soil balance equates to a net export of 3,051 cu. yds. of dirt. The Commission has found that minimization of grading and exposed earth on-site can reduce the potential impacts of sedimentation in nearby stormwater conveyances, creeks, streams, rivers, and the ocean. Therefore, **Special Condition Four** has been required to ensure that all excavated or cut material in excess of material proposed to be used for fill on the project site be removed and properly disposed of.

In addition to controlling erosion and exposed earth during grading operations, landscaping of the graded and disturbed areas of the project will enhance the long-term stability of the site. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. Long-term erosion can be minimized by requiring the applicant to revegetate all disturbed areas of the site with native plants, compatible with the surrounding environment.

Invasive and non-native plant species are generally characterized as having a shallow root structure in comparison with their high surface / foliage weight. The Commission has found that non-native and invasive plant species do not serve to stabilize slopes and that such vegetation results in potentially adverse effects to the stability of a project site. Native species, alternatively, tend to have a deeper root structure and aid in preventing erosion. Also, the use of invasive, non-indigenous plant species tends to supplant species that are native to the Malibu / Santa Monica Mountains area. Increasing urbanization in this area has caused the loss or degradation of major portions of native habitat and native plant seed banks through grading and removal of topsoil. Moreover, invasive groundcovers and fast-growing trees originating from other continents which have been used for landscaping in this area have already seriously degraded native plant communities adjacent to development. Therefore, the Commission finds that in order to ensure site stability, all disturbed, graded, and sloped areas on-site shall be landscaped with appropriate native plant species, as specified in **Special Condition One**.

The applicant has submitted reports indicating that the geologic stability of the site is favorable for the project and that no potentially active faults, adversely oriented geologic structures, or other hazards were observed by the consultants on the subject property. Based on site observations, slope stability analysis, evaluation of previous research, analysis and mapping of geologic data, and limited subsurface exploration of the site, the engineering geologists have prepared a report addressing the specific geotechnical conditions related to the site.

The *Geotechnical Exploration Report – Malibu High School Improvements – 30237 Morning View Dr., Malibu, California*, by Associated Soils Engineering, Inc., dated October 14, 1999, discusses faulting in the area, stating:

The active Malibu Coast Fault is the closest mapped fault with known Quaternary slip. The surface trace is located approximately 1.8 kilometers north of the site at its closest approach. ... The Escondido thrust fault ... exhibits a sinuous surface trace between its eastern and western endpoints near Escondido Beach and Trancas Beach, respectively ... trending northwesterly through the campus, through the athletic field and north of the existing campus buildings. ... The Escondido thrust fault has not been established in the past as an active feature, and is not included within a State zone of required investigation for active faulting.

Associated Soils Engineering further investigated the Escondido thrust fault, stating:

The apparent lack of fault ruptures within the Corral terrace sediments places an absolute age constraint on the activity of the Escondido fault to no younger than about 130,000 years. It is highly likely, in our view, that the fault is entirely pre-Quaternary in age, [and] the potential for direct surface fault rupture occurring on the project site from the Escondido or other faults appears to be extremely low.

The October 14, 1999 geologic report discusses the possibility of landslides on the school site, stating:

Neither a landslide map by Campbell (1980) nor the aerial photographs used to evaluate fault rupture hazards at the site indicated the presence of any deep-seated landslides on or near the site. The probability of the site being affected by landsliding is thus judged to be very low.

The 1999 Associated Soils Engineering geologic report concludes:

Based on the results of our field exploration, laboratory testing, engineering and geologic analyses, and our experience and judgement, it is our opinion that the site may be developed as planned, provided the site grading and foundation criteria discussed herein are incorporated into the project plans and specifications and implemented during construction.

The Commission notes that the geologic and engineering consultants have included a number of recommendations which will increase the stability and geotechnical safety of the site. To ensure that these recommendations are incorporated into the project plans, the Commission finds it necessary to require the applicant, through **Special Condition Three**, to submit project plans certified by the geologic / geotechnical engineering consultant as conforming to their recommendations.

The Commission requires that new development minimize the risk to life and property in areas of high fire hazard while recognizing that new development may involve the taking of some risk. Vegetation in the coastal areas of the Santa Monica Mountains consists mostly of coastal sage scrub and chaparral, communities which have evolved in concert with, and continue to produce the potential for frequent wildfires. The warm, dry summer conditions of the local Mediterranean climate combine with the natural characteristics of the native vegetation to pose a risk of wildfire damage to development that cannot be completely avoided or mitigated. When development is proposed in areas of identified hazards, the Commission considers the hazard associated with the project site and the potential cost to the public, existing use, as well as the continued right to use the property.

Due to the fact that the proposed project is located in an area subject to an extraordinary potential for damage or destruction from wildfire, the Commission can only approve the project if the applicant assumes the liability from these associated risks. Through the wildfire waiver of liability, as incorporated in **Special Condition Five**, the applicant acknowledges and appreciates the nature of the fire hazard which exists on the site and which may affect the safety of the proposed development. The Commission finds that the proposed project, as conditioned, is consistent with Sections 30250 and 30253 of the Coastal Act.

D. Archaeological Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Archaeological resources are significant to an understanding of cultural, environmental, biological, and geological history. Fossils, too, are considered to be scientifically significant non-renewable resources. The proposed development is located in the Santa Monica Mountains / Malibu area, a region which contains one of the most significant concentrations of archaeological sites in southern California. The school is also located atop the Monterey Formation, a geologic unit with a high paleontological

sensitivity rating. The Coastal Act requires the protection of such resources and the reduction of potential adverse impacts through the use of reasonable mitigation measures.

Degradation of archaeological resources can occur if a project is not properly monitored and managed during earth moving activities and construction. Site preparation can disturb and/or obliterate archaeological materials to such an extent that the information that could have been derived is permanently lost. In the past, numerous archaeological sites have been destroyed or damaged as a result of development. Consequently, the remaining sites, even though often less rich in materials, have become increasingly valuable as a resource. Further, because archaeological sites studied collectively provide information on subsistence and settlement patterns, the loss of individual sites can reduce the scientific value of sites which remain intact.

The applicant proposes to construct numerous improvements on the Malibu High School property, identified on the City of Malibu archaeological sensitivity map as having the potential for existence of archaeological resources. A document entitled *Phase I Archaeological Study for Proposed Improvements to Malibu High School* was prepared by the firm Historical Environmental Archaeological Research Team (HEART) in July 1999 for the proposed project. The study included a records search and surface reconnaissance. The records search concluded that no prehistoric or historic archaeological sites have been recorded within or directly adjacent to the project area, although one prehistoric site was identified within 1/8th of a mile. The field investigation encountered no surface indications of prehistoric or historic archaeological resources within the project site. The HEART report states:

The results of the Phase I archaeological study indicated that no prehistoric, and no historic archaeological resources were encountered within the project areas. ... [T]he author is confident that all areas likely to contain cultural resources were thoroughly inspected with negative results.

However, the proposed project will require 32,151 cu. yds. of grading including 17,601 cu. yds. of cut and 14,550 cu. yds. of fill. Grading activities for new development raises concerns relating to the potential disturbance and loss of archaeological and paleontological resources which may be present at the project site, and the possibility always remains that significant cultural resources could be accidentally discovered during earth moving activities.

Petra Paleontology prepared a report entitled *A Paleontological Resource Assessment of Malibu High School* in August 1999 which evaluated the subject site. According to the report, there are three significant paleontological resources in the Malibu / Santa Monica Mountains area which should be preserved and professionally studied. Also, because the high school is located in an area with a high paleontological sensitivity rating (the Monterrey Formation geologic unit), excavation into undisturbed sediments has the potential to indirectly destroy undiscovered unique resources. The Paleontology report recommends full-time monitoring during earth-moving activities for the project. Therefore, because the high school is located in proximity to a recorded archaeological site, and the possibility exists of unidentified cultural and/or paleontological resources being found during construction, **Special Condition Eight** is required to implement mitigation measures which would be required to reduce potential impacts, as necessary.

In addition, to ensure that impacts to archaeological and paleontological resources are minimized, **Special Condition Eight** requires that the applicant have a qualified archaeologist, paleontologist, and appropriate Native American consultant present on-site during all grading, excavation, and site preparation activities in order to monitor all earth moving operations. If any significant archaeological or paleontological resources are discovered during construction, work shall be stopped, and an appropriate data recovery strategy shall be developed by the City of Malibu archaeologist, the qualified paleontologist, and the Native American consultant(s) consistent with California Environmental Quality Act (CEQA) guidelines. The Commission further finds that it is necessary to require the applicant to implement all other recommendations contained in the *Phase I Archaeological Study for Proposed Improvements to Malibu High School*, dated July 1999, prepared by HEART, and *A Paleontological Resource Assessment of Malibu High School*, prepared by Petra Paleontology, in August 1999. The Commission finds that the proposed development, as conditioned to mitigate any adverse impacts on archaeological resources, is consistent with Section 30244 of the Coastal Act.

E. Public Access -- Traffic and Parking

A basic mandate of the Coastal Act is to maximize public access and recreational opportunities along the coast. The Coastal Act has several policies, cited below, which address the issues of public access and recreation. In addition, Section 30250(a) of the Coastal Act requires that new development be permitted only where public services are adequate and where such development will not have any adverse impacts on coastal resources.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30252 of the Coastal Act states that:

The location and amount of new development should maintain and enhance public access to the coast by ... (3) providing adequate parking facilities or providing substitute means of serving the development with public transportation ...

The proposed development is near an area where heavy peak season parking demand exists for visitors to Zuma Beach, a popular destination for beach users in the Los Angeles region. This demand results in the posting of nearby streets, businesses, and private residences as not being available for beach users. Parking is restricted for a distance of approximately one-half mile inland by signs designating no parking and/or limited parking hours along Morning View Drive to near Via Cabrillo. However, much of this area has no shoulder and blind curves, rendering parking unfeasible anyway.

Based on the need for beach-related circulation and parking generated on a regional basis, the Commission examines proposed developments to determine whether generation of additional parking demand may be accommodated on-site. In this project, it must be determined if demand extends from the school into the area available for limited parking along Morning View or to other streets near Zuma Beach. Past Commission findings, such as in permits for the construction of additions to the Malibu Jewish Center and Synagogue (CDP No. 4-96-077) and the Malibu United Methodist Church (CDP No. 4-98-330) nearby, indicate the Commission's concern that institutional uses not create parking demand that adversely impacts upland on-street parking which potentially serves local beach areas.

A Traffic and Parking Study was prepared for the proposed project by Kaku Associates in October 1999. The study specifically addresses impacts associated with the expansion / construction of the physical education / athletic facilities since no traffic or parking impacts are anticipated as a consequence of construction of the new classroom building or the other improvements on the west side of campus. The study analyzed expected Level of Service (LOS) at four intersections near Malibu High School for three different potential event time periods (Friday evening basketball game, Saturday early afternoon before football game, Saturday late afternoon after football game). The intersections' LOS were comparable with or without the project's anticipated additional traffic demand. The only scenario which presented a significant impact was a drop in LOS from D to E at the Kanan Dume Rd. / Pacific Coast Hwy. intersection. However, home football games would occur, at most, five or six times per year, and not all football games would be sold out. Therefore, this impact would be very infrequent, at most occurring only a few times each year.

In addition to the traffic study, a parking analysis was prepared by Kaku Associates in October 1999, comparing the potential parking demand associated with capacity events at the gymnasium and the stadium with proposed future parking supply. To evaluate the adequacy of available facilities, the Malibu / Santa Monica Mountains Land Use Plan (LUP) requires seven (7) parking spaces for each teaching station (classroom) for High Schools, including Auditoriums and Stadiums located on-site; two (2) parking spaces for each teaching station are required for junior high (middle school) students. There are currently 43 classrooms at the school; upon completion of the new two-story classroom building, there will be 55.

The school facility functions as a common middle school and high school, incorporating grades 6 through 12. Approximately forty-five percent (45%) of the students are in middle school grades, and fifty-five percent (55%) are in high school. Splitting the 55 future classrooms by this population ratio yields 25 middle school and 30 high school classrooms. Applying the parking guidelines from the LUP requires a total of 260 parking spaces to meet the demand generated by the school. Re-striping the existing student lot and moving / expanding the faculty lot, as proposed, will result in a total of 267 permanent parking spaces available on a day-to-day basis. For special events,

such as athletic activities, the existing outdoor basketball courts could be utilized to create additional parking spaces bringing the total number of available spaces to 417. Further, on weekends and evenings, the adjoining elementary school's 38 parking spaces could be used for a grand total of 455 spaces. The Kaku Associates study concluded that 309 spaces would be required for a capacity event in the new gymnasium, and that 414 spaces would be required for a capacity event in the expanded football stadium / track and field facility. Therefore, an adequate number of parking spaces, both on a daily basis, as well as for major sporting events, will be provided through the proposed improvements.

Three different parking areas -- student, faculty / visitor, and basketball courts (special events overflow) -- are proposed on campus and will be used at different capacities at different times for various events. Since each lot is located in a different part of campus, finding a parking space could be confusing and cumbersome during major events (e.g., football games) resulting in traffic problems at the school entrances, as well as encouraging on-street parking in the adjoining neighborhoods. In order to mitigate potential parking difficulties, the Commission, through **Special Condition Seven**, requires the applicant to create a parking management plan to facilitate efficient access to and utilization of the on-campus parking supply and to discourage off-campus parking and unnecessary circulation of vehicles looking for parking places during major sporting events.

In summary, the re-striping of the student parking lot to add an additional 23 spaces, along with the relocation and expansion of the 82-space faculty lot will be sufficient to meet the anticipated parking demand for the proposed Malibu High School improvements. Overall, the proposed provision of 267 daily spaces with the possibility to increase to 417 spaces for events is sufficient to accommodate the existing and proposed development; and the improvements will not significantly impact circulation on local roads and beach access in the surrounding area. The project, therefore, avoids adverse impact on coastal access and recreational opportunities and is consistent with Sections 30210, 30211, 30223, 30250(a), and 30252 of the Coastal Act.

F. Water Quality

The Commission recognizes that new development in the Santa Monica Mountains has the potential to adversely impact coastal water quality through the removal of native vegetation, construction of impervious surfaces, increase of runoff, erosion, and sedimentation, introduction of pollutants such as petroleum, cleaning products, pesticides, and other pollutant sources, as well as additional effluent from septic systems. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As described previously, the proposed project includes the construction of a spectator gymnasium with locker rooms, a two-story classroom building, significant upgrades to the track and field facility / football stadium including new restroom facilities, and relocation / expansion of the faculty parking lot. There will also be various minor exterior improvements and interior modernizations including conversion of the cafetorium to an auditorium. The project also includes 32,151 cu. yds. of grading (17,601 cut, 14,550 fill). The continued conversion of the project site from its natural state will increase the amount of impervious coverage and reduce the naturally vegetated area on-site which may increase both the quantity and velocity of stormwater runoff. If not controlled and conveyed off-site in a non-erosive manner, this runoff may result in increased erosion, affect site stability, and impact downslope water quality. Further, continued use of the site for institutional purposes may introduce potential sources of pollutants such as petroleum, cleaners, fertilizers, and pesticides, as well as other accumulated pollutants from rooftops and other impervious surfaces.

The natural terrain on-site is sloping and encompasses significant elevation change from the northern property boundary down towards Pacific Coast Highway in the south. The new faculty parking lot, which is an expansion of the existing visitor lot, and the replacement of the existing faculty lot with a classroom building and gymnasium, in particular, will result in an increase in impervious surfaces. In addition, the concrete bleachers, concession facilities, and restrooms at the track and field facility will increase impervious surfaces in that part of the campus. The high school site consists of several large near-level pad areas with numerous graded slope areas between them. Because of these slopes on-site, the increase in impervious coverage, and the resultant potential for significant water velocities, soil erosion, and pollutant transport, it is important to adequately control site drainage through runoff detention, velocity reduction, filtration, and/or other best management practices (BMPs).

Without appropriate erosion control measures in place prior to grading and construction of the track and field facility and the new staff parking lot, erosion and/or siltation could have a significant impact on off-site resources including existing drainage courses. Although the increase in pollutants is not expected to be substantial, downstream water courses are considered to be sensitive, and any increase in pollutants to water courses within the coastal zone should be considered significant. Interim erosion control measures implemented during construction will minimize short-term erosion and enhance site stability. However, long-term erosion and site stability must be addressed through adequate landscaping and through implementation of a drainage and runoff control plan.

The removal of natural vegetation and placement of impervious surfaces allows for less infiltration of rainwater into the soil, thereby increasing the rate and volume of runoff, causing increased erosion and sedimentation. Additionally, the infiltration of precipitation into the soil allows for the natural filtration of pollutants. When infiltration is prevented by impervious surfaces, pollutants in runoff are quickly conveyed to coastal streams and to the ocean. Thus, new development and expansion of existing development can cause cumulative impacts to the hydrologic cycle of an area by increasing and concentrating runoff leading to stream channel destabilization, increased flooding potential, increased concentration of pollutants, and reduced groundwater levels.

Such cumulative impacts can be minimized through the implementation of drainage and polluted runoff control measures. In addition to ensuring that runoff is conveyed from

the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return to the soil, overall runoff volume is reduced and more water is available to replenish groundwater and maintain stream flow. The slow flow of runoff allows sediment and other pollutants to settle into the soil where they can be filtered. The reduced volume of runoff takes longer to reach streams and its pollutant load is greatly reduced. The applicant has proposed changing the runoff pattern of the existing football stadium / track facility by adding a better subsurface drainage system to assist in maintenance of the athletic field(s). Theoretically, this change in subsurface composition should decrease the amount of surface runoff from this portion of the campus. Relocation of the faculty parking lot and creation of a second, landscaped "quad" area should also reduce runoff from west campus impervious areas.

However, in order to make certain that risks from geologic hazard are minimized and that erosion and sedimentation is minimized campus-wide, the project is conditioned to implement and maintain a drainage plan designed to ensure that runoff is conveyed in a non-erosive manner. This drainage plan is required to minimize the volume, velocity, and pollutant load of stormwater leaving the developed site thereby ensuring that adverse impacts to coastal water quality do not result from the proposed project. The Commission thus finds it necessary to require the applicant, through **Special Condition Two**, to submit a drainage and polluted runoff control plan, designed by a licensed engineer, for review and approval by the Executive Director, which incorporates filter elements that intercept and infiltrate or treat the runoff from the site and to assume responsibility for the maintenance of all drainage devices on-site. Such a plan will allow for the infiltration and filtering of runoff from the developed areas of the High School, most importantly capturing the initial, "first flush" flows that occur as a result of the first storms of the season. These flows carry the highest concentration of pollutants that have been deposited on impervious surfaces during the dry season. Additionally, the applicant must monitor and maintain the drainage and polluted runoff control system to ensure that it continues to function as intended throughout the life of the development.

The applicant has submitted a *Sewer Disposal System Capacity Evaluation for Malibu High School*, prepared by Sverdrup Facilities, dated March 2000. This report analyzed conditions of the existing of the existing sanitary sewer disposal system on campus and provided recommendations as to the requirements for sanitary sewer disposal for the proposed new buildings: then new 12-classroom building, the new gymnasium, and the restroom facilities at the track and field stadium. The High School currently has five separate sanitary sewer disposal systems within school boundaries, each consisting of a combination of septic tanks and leaching pits. The Sverdrup report states:

[T]he septic tanks and the seepage pits have adequate capacity to handle the additional sewage load generated by the existing gym expansion and new class rooms at Group System3, and the new sanitary facilities at the Track & Field area at Group System1. It is important to note that although the school generates sewage flow only 5 days per week and approximately nine months per year, the seepage pits of the sewage disposal system are working continuously 365 days per year. Therefore it is concluded that Group System 3 and Group System 1 have more than adequate capacity to properly handle the additional sewage flow generated...

The Commission therefore finds that the proposed project, as conditioned, is consistent with Section 30231 of the Coastal Act.

G. Local Coastal Program

Section 30604(a) of the Coastal Act states (in part):

a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with Chapter 3 (commencing with Section 30200). ...

Section 30604(a) of the Coastal Act stipulates that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create significant adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3 of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program for the City of Malibu or Los Angeles County which is also consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

H. California Environmental Quality Act (CEQA)

Section 13096(a) of the Coastal Commission's administrative regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Santa Monica / Malibu Unified School District completed an environmental review study of the proposed improvements and adopted a Mitigated Negative Declaration at its Board Meeting on December 12, 1999. This environmental document, *Malibu High School Improvements: Proposed Mitigated Negative Declaration*, by EMC Planning Group, Inc., dated October 1999, was reviewed by Commission staff, and many of the findings, conclusions, and recommendations are incorporated into this Staff report with proposed mitigation measures appearing as Special Conditions herein. The Commission therefore finds that the proposed project, as conditioned, has been adequately mitigated, is determined to be consistent with CEQA and the policies of the Coastal Act, and will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 641 - 0142

**ADDENDUM / Agenda Item: Tu-11d**

Date: May 3, 2000

To: Commissioners and Interested Parties

From: South Central Coast District Office -- Ventura

Re: CDP Application No. 4-99-276 (Malibu High School) - Staff Report Revision

Revised Special Conditions (pages 6 and 7) as follows:

III. SPECIAL CONDITIONS

...

6. Athletic Fields Lighting Restriction

~~All lighting for the football field and outdoor track and field facility (athletic fields), whether temporary or permanent, shall be prohibited.~~

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall ~~execute and record a deed restriction~~ submit a written agreement in a form and content acceptable to the Executive Director ~~incorporating all of the above terms of this condition~~ which states that the applicant acknowledges and agrees that all lighting for the football field and outdoor track and field facility (athletic fields), whether temporary or permanent, shall be prohibited. ~~The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.~~

...

8. Archaeological / Paleontological Resources

By acceptance of this permit the applicant agrees to implement all recommendations contained in the report titled *A Paleontological Resource Assessment of Malibu High School*, prepared by Petra Paleontology, in August 1999, including having have a qualified archaeologist, a qualified paleontologist, and appropriate Native American consultant present on-site during all grading, excavation, and site preparation activities that involve earth moving operations. The number of monitors on-site shall be adequate to observe the earth moving activities of each piece of active equipment. Specifically,

ex. 9

the earth moving operations on the project site shall be controlled and monitored by the ~~archaeologist(s) and paleontologist(s)~~ with the purpose of locating, recording and collecting any ~~archaeological and/or~~ fossil materials. In the event that any significant ~~archaeological or paleontological~~ resources are discovered during earth moving operations, grading and/or excavation in this area shall be halted and an appropriate data recovery strategy shall be developed, subject to review and approval of the Executive Director, ~~by the applicant's archaeologist, and the applicant's paleontologist, the City of Malibu archaeologist, and the Native American consultant(s),~~ consistent with the guidelines of the California Environmental Quality Act (CEQA).

Revised Findings and Declarations (paragraph 1, page 11) as follows:

IV. FINDINGS AND DECLARATIONS

... B. Visual Resources

...
As described in the project description, the High School is minimally visible from a portion of Pacific Coast Highway and Zuma Beach and is bordered by existing residential development to the north and to the south. The Commission has found that night lighting of areas in the Malibu / Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks, and trails. In addition, night lighting may alter or disrupt feeding, nesting, and roosting activities of native wildlife species. Although the applicant has not proposed any lights at the stadium at this time, and football games are planned to occur during the day on Fridays and Saturdays, in order to mitigate any potential future visual and environmental impacts of the proposed improvements to the football stadium and the track and field facility, the Commission finds it necessary to require the applicant to submit a ~~deed restriction~~ written agreement prohibiting all outdoor lighting for the athletic fields, whether temporary or permanent, as specified in **Special Condition Six**. Although sporting activities associated with the indoor gymnasium may occur past 7pm, activities associated with the track and field facility should not occur in the evening hours. **Special Condition Six** will protect the nearby scenic areas and native wildlife from avoidable disturbance that would otherwise be associated with nighttime use of the football stadium / track and field facility.

Revised Findings and Declarations (paragraphs 3-5, pages 16-17) as follows:

IV. FINDINGS AND DECLARATIONS

... D. Archaeological Resources

...
However, the proposed project will require 32,151 cu. yds. of grading including 17,601 cu. yds. of cut and 14,550 cu. yds. of fill. Grading activities for new development raises concerns relating to the potential disturbance and loss of archaeological and paleontological resources which may be present at the project site, and the possibility always remains that significant cultural resources could be accidentally discovered

during earth moving activities. For these reasons, coastal staff contacted the City of Malibu archaeologist with questions regarding the potential impacts of the proposed project. The City of Malibu archaeologist responded that most of the areas to be developed on-site had previously been disturbed and that the chances of disturbing significant archaeological resources on the high school property were consequently very slim.

Petra Paleontology prepared a report entitled *A Paleontological Resource Assessment of Malibu High School* in August 1999 which evaluated the subject site. According to the report, there are three significant paleontological resources in the Malibu / Santa Monica Mountains area which should be preserved and professionally studied. Also, because the high school is located in an area with a high paleontological sensitivity rating (the Monterrey Formation geologic unit), excavation into undisturbed sediments has the potential to indirectly destroy undiscovered unique resources. The Paleontology report recommends full-time monitoring during earth-moving activities for the project. Therefore, because ~~the high school is located in proximity to a recorded archaeological site, and~~ the possibility exists of unidentified cultural and/or paleontological resources being found during construction, **Special Condition Eight** is required to implement mitigation measures which would be required to reduce potential impacts, as necessary.

In addition, to ensure that impacts to ~~archaeological and~~ paleontological resources are minimized, **Special Condition Eight** requires that the applicant have a qualified ~~archaeologist, paleontologist, and appropriate Native American consultant~~ present on-site during all grading, excavation, and site preparation activities in order to monitor all earth moving operations. If any significant ~~archaeological or~~ paleontological resources are discovered during construction, work shall be stopped, and an appropriate data recovery strategy shall be developed by the ~~City of Malibu archaeologist, the qualified consulting paleontologist, and the Native American consultant(s)~~ consistent with California Environmental Quality Act (CEQA) guidelines. The Commission further finds that it is necessary to require the applicant to implement all other recommendations contained in the report titled *A Paleontological Resource Assessment of Malibu High School*, prepared by Petra Paleontology, in August 1999. The Commission finds that the proposed development, as conditioned to mitigate any adverse impacts on archaeological paleontological resources, is consistent with Section 30244 of the Coastal Act.

CALIFORNIA COASTAL COMMISSION

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

**MEMORANDUM**

FROM: Jonna D. Engel, Ph.D.
Ecologist

TO: Deanna Christensen
Coastal Analyst

SUBJECT: Malibu High School Athletic Field Lighting

DATE: September 16, 2009

Documents Reviewed:

Glenn Lukos Associates. May 4, 2009. Biological Inventory-Malibu High School Football Lighting Project.

CAA Planning. May 8, 2009. Malibu High School Football Lighting-Mitigated Negative Declaration. Prepared for Santa Monica-Malibu Unified School District.

The Malibu High School football program lighting project proposes to operate temporary night lighting on the high school athletic field for a limited number of football practices and games September through December. While the schedule of actual nights when lights will be used may vary, the maximum hours of operation per school year will be approximately 62, or approximately 16 total nights. During practice nights (approximately 8 nights, see proposed schedule in Mitigated Negative Declaration) the lights would not be used past approximately 7:30PM. On game nights (approximately 8 nights, see proposed schedule in Mitigated Negative Declaration) the lights would not be used past approximately 10:30PM.

Malibu High School campus is approximately 30 acres in size and is located in the city of Malibu on a coastal terrace between Zuma Beach and western end of the Santa Monica Mountains. The athletic field is located in the middle portion of campus at approximately 150 feet above sea level. Single family residences are adjacent to and in the vicinity of the high school; primarily to the north and south. Cabrillo Elementary School lies to the west and eastward of the high school is a steep hillside. Adjacent to and east of the steep hillside is Malibu Equestrian Center. The high school campus is lit at night by security lighting and street lights run along Pacific Coast Highway to the south, along Morning View Drive which runs parallel to the south side of the high school, and throughout the residential areas.

Exhibit 10
4-99-276-A3 (Malibu High)
Dr. Jonna Engel Memo

A biological inventory, "Biological Inventory – Malibu High School Football Lighting Project", prepared by Glenn Lukos Associates, was conducted for the proposed project. The biological inventory study area consisted of Malibu High School campus, the undeveloped lands adjacent to the campus owned by Santa Monica-Malibu High School District, and Malibu Equestrian Park. The study included characterization of the biological resources within the study area and a number of focused surveys for specific organisms. The following is a summary of the vegetation/land use types and their acreages documented in the biological inventory:

Disturbed/Developed - 28.82 acres
Ruderal - 20.47 acres
Disturbed Venturan Coastal Sage Scrub - 17.43 acres
Turf Grass - 14.2 acres
Venturan Coastal Sage Scrub - 6.03 acres
Disturbed Coyote Brush Scrub - 0.76 acres
Ornamental - 0.60 acres
Arroyo Willow Riparian - 0.48 acres
Ruderal/Ornamental - 0.47 acres
Black Walnut Trees - 0.29 acres

The inventory describes the high school campus as being landscaped with ornamental groundcovers, shrubs, and trees and the athletic field as vegetated with turf grasses. The inventory describes the slopes surrounding the athletic field as vegetated with ruderal species and disturbed coastal sage scrub and the property adjacent to the campus as supporting a matrix of both disturbed and undisturbed coastal sage scrub, ruderal vegetation, a stand of eucalyptus trees and a small stand of black walnut trees, and disturbed/developed land.

The biological inventory was conducted over a period of nearly a year starting in July 2008 and ending in April 2009. The inventory included general biological surveys and vegetation mapping, owl and burrowing owl habitat assessments, and focused plant, burrowing owl, raptor, and raptor nesting surveys. During the inventory no special-status plants or animals or nesting raptors were detected. A few raptors (red tailed hawks, red shouldered hawks, and Cooper's hawks) were observed along the perimeter of the study area over the course of the inventory. Riparian habitat, west of the high school campus and approximately 600 feet from the athletic field, is the only environmentally sensitive habitat identified within the study area.

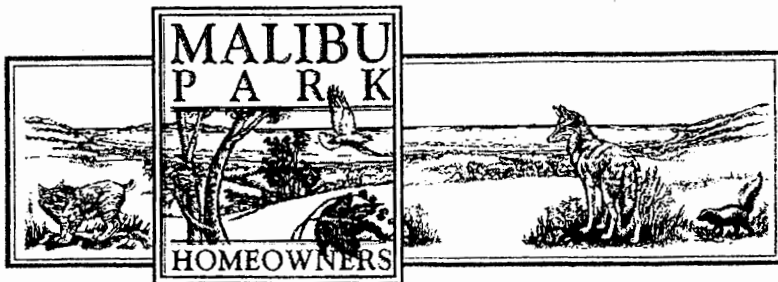
A total of five temporary light stands are proposed for use during football practice and games. Three stands are proposed on the west side of the field and two stands are proposed on the east side of the field. The project proposes to use all available techniques to shield the athletic field lights and to direct light onto the field. Total light control (TLC) visors, that direct light downward, are proposed in order to reduce spill of light into the sky, glare, and sky glow. The significance threshold for spill light is 0.1 foot-candles at any sensitive receptor location. The night lighting impact analysis (Mitigated Negative Declaration) calculated that within a distance of approximately 150 feet from the field, light intensity would be equal or greater than 0.1 foot-candles and that between 150 and 450 feet from the field light intensity was calculated to be between 0.1 and zero foot-candles. The habitats within 150 feet of the field are turf, ruderal, and disturbed coastal sage scrub.

Malibu High School is within the Pacific Flyway, and potentially within the pathway of fall migration, which occurs during the months of September, October, and the first part of November. Fall migration would coincide with lighting for the football season. It is important to note that the term "Pacific Flyway" is a descriptor for a phenomenon that encompasses the entire state of California and beyond and that not all areas of the state are as important as others, but that depending on the types of migrating birds, certain habitats (e.g. oak woodlands, riparian area, lagoons, etc.) will be more important stopovers than others. The only suitable stopover habitat within the immediate vicinity of the high school is the arroyo willow riparian area along the blue-line stream. However, given the limited extent of this habitat (0.48 acres) and the surrounding urban area, it does not represent a likely stopover habitat.

Lights and/or lighted towers can confuse and disorient migrating birds. The elevation of the football field is 150 feet and the proposed light standards are 53 feet in height, for a combined elevation of approximately 200 feet above sea level. This height is below the altitude generally observed for migratory birds. Additionally, the lights are proposed to be equipped with visors and shielded downward. Although there may be an increased sky glow for short intervals during the football season, the light would not be directed upward. Given that the lights will be shielded downward and stand at a relatively low elevation, they are not expected to pose a significant impact to migrating birds.

Malibu High School campus lies within the city of Malibu in a suburban area characterized by schools, single family residences, recreational facilities, and open space. The schools, homes, and streets are all lit at night. The biological inventory conducted for the proposed project did not identify any special status plants or animals or nesting raptors within the study area. Riparian habitat west of the high school campus and approximately 600 feet from the athletic field is the only environmentally sensitive habitat within the study area. Given the distance, lack of special status species, and limited lighting schedule, I have determined that the proposed temporary lighting will not significantly impact the riparian habitat. The coastal sage scrub within the study area does not rise to the level of environmentally sensitive habitat because it is fragmented within a matrix of development and ruderal, ornamental, and disturbed habitat and because it does not support any special status species. I conclude that the proposed temporary football practice and game lighting will be an insignificant impact within the local environmental setting because the high school is within a suburban setting that is lit at night, the lights will be used for a limited number of night hours in the fall, no special status species or environmentally sensitive habitat will be impacted, and the lights are conditioned to minimize light spill, glare, and sky glow to the maximum extent feasible.

WE SAY NO TO LIGHTS!



P E T I T I O N

MALIBU PARK HIGH SCHOOL FIELD LIGHTS BREACH of PROMISE

school. During the day, the ocean views from the neighboring bluffs, including the trails used by hikers and equestrians would be impacted by these tall light standards.

In a series of meetings held at Malibu High School the public was informed by the Santa Monica-Malibu Unified School District that the proposed plan to install permanent lights on the athletic field of Malibu High will include 70 to 80 foot high lights as part of their Measure BB School Improvements. The joint usage agreement with the City of Malibu Department of Parks and Recreation, projects a possible 204 nights of use for the field. The negative impacts of this proposed plan to the neighborhood of Malibu Park would include increased traffic and noise at night, and would destroy the peace and tranquility of the area surrounding the

For the past three years the SMMUSD has been in direct violation of their Coastal Permit # 4-99-276 Condition 6 which prohibits both temporary and permanent lights at the high school. On January 27, at a meeting at the high school, the public was informed that the School District was going to ask for an amendment to this Coastal Permit to allow temporary lighting on the fields this fall. Malibu has historically been a "no lighting" community with a strong commitment to preservation of views. We encourage you, our elected officials, to use all authority and power that has been granted to you by law to insure that to the extent any project is approved, all measures are taken to preserve the Malibu Park community. Value our rural neighborhood and SAY NO TO LIGHTS!

NAME	ADDRESS	PHONE #	E-Mail
1. Ann Dallwitz	29500 34 Heatherck	310-457-2603	
2. Garrett Nichols	29500 34 Heatherck LYNNBURG VA.	310-457-2603	DALLWITZ@Verizon.NET
3. Stat G. Dine	2075 CHANSHORE RD	1804 687-6292	OROSP@MSTU@VIRGIDU
4. Lisa Ferwin	3804 Latigo Canyon	310-924-0954	/isa@blarc.com
5. DENNIS GABER	1884 LATIGO CANYON	310-589-0806	
6. CECE ABEL	4085 ESCONDIDO	(310) 457 3885	
7. Sandra Nichols	29235 Greenwater Rd Malibu	(310) 589-6491	
8. Janet Katz	23852 PCH, Malibu		
9. Kay Schrock	6051 Philipine Malibu	310 467-3826	
10. Mary	28711 PCH #8	310 589-5127	
11. Dan W	33740 PCH	310 948-6470	

* 15 other similar
petitions recieved
by CCC

Exhibit 11
4-99-276-A3 (Malibu High)
Correspondence

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street
San Francisco, California
94105-5200

RECEIVED
JUL 29 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

July 19, 2009

Re: Amendment of Coastal Development Permit (CDP) 4-99-276

Dear Mr. Douglas:

We are writing to you to strongly urge denial of the request by the Santa Monica-Malibu School District to amend Coastal Development Permit (CDP) 4-99-276.

Condition # 6 currently prohibits lighting, both temporary and permanent, of the football field at Malibu High School. We fear that approving this amendment for temporary lights would provide backing for the plan to install permanent lights as part of the construction project of Bond Measure BB.

Contrary to the School District's position, night lighting of the athletic field will create a visual impact on nearby scenic areas in the Malibu/Santa Monica Mountains and on Zuma Beach. It will take away our dark skies and impact our sunsets, which are the most beautiful in the fall season when many people hike the trails at sunset in order to take advantage of these views. The athletic field overlooks the Pacific Ocean. We don't understand why having a Saturday afternoon football game, with this view, doesn't far surpass "experiencing" a night game.

Although presented as "modest" in scope, the true story is that the lights will eventually come to be used many more nights of the year than is currently proposed. Title IX states that girls must have the same opportunities as boys, so the fields will have to be lighted for the girls. The parents of soccer and la crosse players requesting the right to play at night as well as the football players.

Nighttime stadium lighting is inconsistent with the rural area of Malibu Park. The biological studies done by Glen Lukos state that there are no owls or raptors in the vicinity of the school. We live adjacent to the school and this is just not true. Owls are often heard hooting in the trees at night and red-tailed hawks screech across the sky at dusk. We have seen many species of birds migrating in the Pacific Coast Flyway which is right over the high school. These lights may disrupt the migratory patterns of these birds.

The City of Malibu's Local Land Use Program requires exterior lighting to be limited to minimize impact on wildlife. The School District has exempted themselves from this requirement by defining the athletic field as a "classroom." This classroom will be in use at night and requires lighting up the surrounding neighborhood. How unfair is this to the natural habitat. We fear not only the lights, but also the loud noise from the public address system and the music played during the games will drive away our native wildlife.. We have opossums,

skunks, raccoons and coyotes in our backyard which I would hate to risk losing because of the lights.

The School District has not proven to be a good neighbor in the past. They have violated agreements they have made by bringing in unpermitted temporary lights. They have plowed under seasonal wetlands and poisoned rodents in the vicinity of the school, thereby effecting the eco-system. Debris from their garbage cans is often strewn around the fields after a weekend of play and ends up blown down to Zuma Beach. Their continued extravagant use of water for their fields in this time of drought is unconscionable.

We ask you to please continue to protect our valuable resources along the coast by denying Santa Monica-Malibu Unified School District permission to put up temporary lights.

With sincere thanks,

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

Carol Gable

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

Kenneth Gable

dustypeak

From: DUSTY PEAK [peakslife@gmail.com]
Sent: Monday, July 20, 2009 1:46 PM
To: fiske7@verizon.net
Subject: Fwd: lights

RECEIVED
 JUL 22 2009

CALIFORNIA
 COASTAL COMMISSION
 SOUTH CENTRAL COAST DISTRICT

----- Forwarded message -----

From: dustypeak <peakslife@gmail.com>
Date: Thu, Jan 3, 2002 at 8:27 PM
Subject: lights
To: Judi Hutchinson <judihutch@gmail.com>, Steve Uhring <steve.uhring@gmail.com>, Steve Scheinkman <stevemacusa@worldnet.att.net>, carol <pal33217@aol.com>, telyn Guldimmann <telyn3@earthlink.net>

To Mr. Ainsworth
 Deputy Director California Coastal Commission
 South Central Coast District
 89 South California Street #200
 Ventura , ca 93001

Subject: Application by the Santa Monica Malibu Unified School District
 Amendment to Coastal Development Permit # 4-99-276

I have participated in the "workshops" Which the SMMUD have put on during the past 6 to 8 months. I have read the MR. which the district has submitted. This document is incorrect.

At each workshop, the number of people who opposed these Stadium Lights increased. When the High School Principle spoke and informed the community that the lights would be used

200 nights a year;; there was dead silence in the audience, I figured I did not here correctly. But that's what he said. I realize that what's before you is Temporary Stadium Lights, that will be used for football.

The District already violated the CDP, and are asking for this amendment , to validate there illegal actions.

The Coastal Commission and the SMMUSD staff were right in adding the condition # 6 to the CDP. When the High School was proposed in the early 1990's; the Malibu Park Homeowners Association

Was told there would be NO night games of any kind. A letter given to this HOA by a previous principle confirmed that the SMMUSD would not have Stadium Lighting of any kind.

Condition #6 simply reaffirmed the promises made by the SMMUSD. The Districts Staff new this and that's why condition #6 went unopposed when the CDP was accepted by the SMMUSD staff.

East of the football field is a 3/4 to 1 acre patch of coastal sage. It is a place where wildlife can hide from the hawks, osprey and sparrow hawks, which soar above. These birds are present just about any day that the west wind blows end of the Pacific Ocean. If a person was lucky, they might have a owl fly by them during a evening walk. The mapped horse trail is a great place for people to enjoy sunsets or just

1/3/2002

Watch he night sky float by.

Scenic Highways are still here in Malibu. Heading east from the Ventura County Line, there are miles of Highway where passengers can look at the Santa Monica Mountains. You can see the new gym

Which was built in 2002 or 2003. From Westward Beach to the west end of Zuma Beach, the view of the Mountains is spectacular. On the top of Point Dume Nature Reserve; I have seen the most amazing sunsets

During the fall and winter months. While surfing at Broad beach Point in the winter or surfing Westward Beach in the spring, the view of our Santa Monica Mountains is something surfers talk about regularly.

The wildlife need the dark sky, in fact humans like it too. Isn't the transition from daylight to night , a critical time for wildlife ?? The exact time that our night wildlife are beginning to hunt, will be when the Stadium Lights are turned on. When humans are watching a sunset from the trails above the Malibu Park Area, is the time that the Lights will be on!!! Every regulation that deals with human construction projects

Will be violated if the Temporary Stadium Lights receive Coastal Commission approval.

I have no idea why the SMMUSD has changed its mind about these Lights??? Malibu High School is rated has one of the best high schools in our Nation. This has been accomplished without night football games. The High School will have to use the Lights more often than they suggest, Title 9 requires it.

Please turn this amendment down.

Thank you for the time spent dealing with this issue.

Dusty Peak
29500 heathercliff rd. #209
Malibu, Cal. 90265
310 4579348

--
DPEAK

1/3/2002

July 23, 2008.

RECEIVED
JUL 27 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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

I once again would like to voice my adamant opposition to lighting at the Malibu High School. I don't think the environmental and noise impact were properly addressed. The joy of living in Malibu Park is seeing the hawks in the expansive sky and hearing the owls late at night. The Mitigated Negative Declaration fails to recognize the negative impact these lights will have on these wonderful creatures. I also don't think the school has really taken into account the amplified noise the night games will create. Malibu Park is known for its tranquil setting and the noise from the crowd and the noise from the generators for the lights will completely destroy the peacefulness we all know and enjoy.



Jay Griffith

JAY

717 california avenue . venice, california 90291 . 310.392.5558

July, 20, 2009

Mr. Ainsworth
Deputy Director California Coastal Commission
South Central Coast District
89 South California Street #200
Ventura, ca 93001

Subject: Application by the Santa Monica Malibu Unified School District
Amendment to Coastal Development Permit # 4-99-276

RECEIVED
JUL 23 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Mr. Ainsworth,

I am writing this as an concerned resident of Point Dume.

I moved to this area because of it's rural nature.
The proposed lighting at Malibu High School is
not an appropriate addition to the environment of Malibu.

Some of the issues that concern me is the impact to the
wildlife, the changes to the skyline, the added traffic and the
broken promises of the School District regarding the use of
the playing field.

I hope you take into the consideration that football
is not the reason we have a school in Malibu, it is to
educated the children and it should teach them to be responsible
stewards of our enviroment for the long term.

Regards,



Geraldine Fiske
29500 Heathercliff Road #269
Malibu, California 90265

STEVEN W. SCHEINKMAN

30254 Morning View Drive

Malibu, CA 90265

(818) 383-4888

malparkresident@aol.com

RECEIVED
JUL 23 2009

July 17, 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

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

Subject: Application by the Santa Monica-Malibu School District for an
Amendment to Coastal Development Permit 4-99-276

Dear Mr. Ainsworth:

I am writing to you in reference to the application made by the SMMUSD to amend the above referenced CDP. For the reasons that I will summarize below, I respectfully ask that the Executive Director reject the application. In the event that the application is not rejected, I ask the Executive Director find that the proposed amendment is material thus requiring it to be submitted to the City of Malibu before it may be considered by the full Commission.

California Coastal Commission Approval History

The application sets forth the history of CDP's that have been approved at the site. However, the applicant fails to disclose what is widely known to them and the general public- SMMUSD has blatantly and consistently ignored the requirements of approved CDP's:

- With the full knowledge that the CDP # 4-99-276 prohibits the use of any night lighting at the MHS athletic field, SMMUSD has illegally used night lighting for football games for a number of years. SMMUSD continued to use these night lights despite the complaints lodged by residents
- SMMUSD continues to be in violation of the various applicable CDP's with respect to requirements for on campus parking. SMMUSD has continually refused to add the appropriate number of on campus parking spaces to meet the requirements of the CDP's and the City of Malibu's LCP. Their willful violation of these requirements has resulted in an unsafe condition for the children attending MHS and the adjoining campus of Juan Cabrillo Elementary School.
- SMMUSD continues to appear to be in violation of other provisions of applicable CDP's including but not limited to landscaping, maintaining operational boys/girls restrooms at the athletic field, and the implementation of a traffic

program for sporting and special events. Further, SMMUSD has allowed trash, broken bottles and other debris to accumulate on campus which makes its way to the scenic trails and beaches given their close proximity and also negatively impacts local wildlife.

Before consideration is given to amending any CDP, a site audit should be performed at MHS and all violations of existing CDP's should be required to be corrected. This action is the minimum of what SMMUSD would require of its students and as educators, there is no reason this should not apply to them.

Coastal Act Consistency

The applicant cites a number of Coastal Commission Regulations in support of its application. While I am not a lawyer, it is quite apparent that SMMUSD has conveniently misstated and misinterpreted these regulations. This does not come as a surprise given the SMMUSD's stretching of other relevant Regulations in order to bypass the protections various Codes and Regulations offer to citizens.

California Coastal Commission Regulations Section 13166(a) states that the Executive Director shall reject an application for an amendment if he or she determines that the proposed amendment to an approved permit would lessen or avoid the intended effect of an approved permit unless the applicant presents newly discovered material information, which he could not, with reasonable diligence, have discovered and produced before the permit was granted.

Special condition 6 of the CDP clearly prohibits the use of lighting the athletic fields; not even the SMMUSD disputes this fact. The special condition was included in the CDP "in order to mitigate any potential future visual and environmental impacts of the proposed improvements to the football stadium and track and field facility". The Commission found that "Special Condition 6 will protect scenic areas and native wildlife from avoidable disturbance that would otherwise be associated with nighttime use of the football stadium/track and field facility."

After appropriate review and study, the Commission saw fit to make it clear that it desired to avoid potential future visual and environmental impacts of night lighting. SMMUSD had ample opportunity at the time to present evidence showing that Special Condition 6 was not required by somehow demonstrating that the lights would not create an environmental impact. SMMUSD accepted the Commission's conclusion prohibiting night lighting as a condition for building the new athletic field. However, only a short time after the CDP was approved inclusive of Special Condition 6 SMMUSD began to plan and implement the illegal use of night lights.

Seven years later, after disrupting the environment through the illegal use of the lights, SMMUSD argues that since they never filed any evidence to gauge the effects of the lights or established an environmental baseline at the time the permit was filed, any evidence they now submit should be considered new evidence. SMMUSD completely ignores the meaning of Section 13166(a) which requires that the applicant can only present newly discovered evidence which "he could not, without reasonable diligence,

have discovered and produced before the permit was granted." Clearly, SMMUSD could have performed all of the studies it so desired prior to the issuance of the permit as it had unfettered access to the property and the funds to engage professionals to undertake the required studies. There is just no provision in the Section that allows for evidence that was available at the time a permit was issued to be subsequently deemed to be new evidence because the applicant decided not to gather or submit it.

SMMUSD also appears to be arguing that they cannot re-create what the environment looked like in 2002 so the current environmental state should be considered new evidence. In effect they are asking for a free pass on whatever damage they did to the environment during the past 7 years of illegal use. Can you imagine what the state of the world environment would be if governments adopted this sort of convoluted logic?

SMMUSD takes the further unabashed position that the CCC did not provide any "scientific evidence to support the view that the lights cause undesirable effects to wildlife and scenic areas." SMMUSD appears to be saying that the addition of special condition 6 was a capricious act by the CCC without any supporting evidence or study. It simply does not make sense. For this reason, the Executive Director should reject the application.

SMMUSD is clearly trying to avoid the involvement of the general public by (1) not seeking a variance from Malibu's LCP and (2) attempting to argue that the an amendment approving the use of night lights would somehow lessen the purpose of Special Condition 6.

The City of Malibu's LCP Implementation Program Section 13.10.2.b.2 requires the applicant proposing a modification to existing development on a site where development was authorized in a Commission- issued coastal development permit prior to certification of an LCP and the permit has not expired or been forfeited, to first apply to the City for such modification. An exception does exist to this provision requiring the applicant to apply directly to the Commission if the development would lessen or negate the purpose of any specific condition of a Coastal-issued permit.

The City of Malibu has notified the SMMUSD that the proposed lighting would violate its certified LCP.

As reported by the Surfside News (June 25th edition):

SMMUSD received a letter from the City of Malibu informing them that the athletic field lighting planned for Malibu High School "is not a permitted use in the Institutional Zone, or any zone within the City of Malibu, with or without a conditional use permit."

The letter raised numerous concerns about the proposed lighting plan such as "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),". The letter further states "any environmental analysis that includes current illegal uses and activities in the baseline...is inconsistent with the California Environmental Quality Act and necessarily skews the analysis towards a finding of no impact." The letter repeatedly states that the lighting project would violate the City of Malibu's Local Coastal Program and Land Use Plan, as well as city lighting and zoning codes. It also questions the district's findings on biological resources, noise and air quality impacts and the impact on the "scenic and visual qualities of coastal areas" that are protected under the Coastal Act.

SMMUSD obviously agrees with the City of Malibu findings as their own staff report states "It is recommended that the board of education adopt Resolution 08-50 to exempt the Malibu High School Football Lighting Project from the City of Malibu's zoning code because the project is not a permitted use therein."

If the project violates the existing CCC permit, the Malibu LCP and Land Use Plan and the application for the plan is based on questionable findings, there is no basis for the Executive Director or the CCC to accept or consider this application.

Rather than seeking a variance to the LCP, SMMUSD voted to render the LCP inapplicable citing Section 53094(b) of the Government Code as the basis for their action. Pursuant to that code section, the governing board of a school district may render an LCP inapplicable when the proposed use of a site by the school district is for classroom facilities. SMMUSD has stretched the meaning of what a classroom is to suit their needs by concluding that the athletic field is a classroom facility as it supports a physical education program in which "every student must obtain 20 physical education credits in order to graduate" and "sports such as football are an integral and vital part of an educational program...".

The Board resolved that "the City of Malibu's zoning code unduly hampers, interferes with and prohibits"... obtaining these objectives. There is absolutely nothing in the Malibu LCP that prohibits football at MHS or hampers, interferes and prohibits the students at MHS from receiving the required physical education credits required to graduate. In fact, night lighting of the athletic field has been prohibited by both the Coastal Commission Use Permit and Malibu's LCP since Day 1 and yet thousands of students have successfully graduated MHS supported by a very robust athletic program. Members of the Malibu community are currently contemplating litigation opposing SMMUSD's declaration that Malibu's LCP is not applicable to them with respect to the proposed night lighting by defining the lights as a part of a classroom. Members of the community are very concerned that SMMUSD will use this tactic of calling any facility a classroom in order to bypass Malibu's LCP as it so desires.

SMMUSD has also advanced the argument that the proposed amendment for the use of night lights would lessen the purpose of Special Condition 6. Their argument is based on the premise that they are submitting prima facie evidence that there will be no significant adverse impact under the Coastal Act for the lighting as proposed. To make their case, SMMUSD has:

- Ignored the previous findings of the CCC that night lighting needed to be prohibited in order to protect the scenic areas and native wildlife from avoidable disturbance
- Ignored the damage already caused to the scenic areas and native wildlife by the illegal use of lights
- Ignored the letter it received from the City of Malibu
- Ignored strong evidence submitted by residents demonstrating that use of the lights could have a continued material negative effect on the environment. This evidence can be found in community responses to the MND that accompanied the application as well as supplemental documentation being submitted to you by other residents.
- Ignored various requirements of CEQA
- Ignored the need for a complete study, with the possible requirement of an EIR, and choose to submit incomplete and deficient studies.

If the Executive Director does not reject the application pursuant to California Coastal Commission Regulations Section 13166, the Executive Director should then determine that the proposed amendment is material and the application should be referred to the Commission only after it has been submitted and acted on by the City of Malibu. Pursuant to Section 13.10.2.B and Section 13551 of the California Coastal Commission Administrative Regulations after a finding of material by the Executive Director, the applicant would be required to apply for the amendment to the City of Malibu; under these regulations SMMUSD would not have any standing to apply directly to the Commission once the amendment is deemed to be material. Although SMMUSD has rendered Malibu's LCP inapplicable to them, if the Executive Director determines the proposed amendment to be material, they are still required to apply to the City for the amendment to the Coastal permit before the Commission can consider the proposed amendment.

It is interesting to note that had SMMUSD objected to the inclusion of Special Condition 6 at the time the CDP was issued, the impact of night lighting on the environment, and controls and mitigation requirements to eliminate any material impact would have been heard by the Commission with full public participation. If the Executive Director accepts and approves the current application, the issue would escape the full Commission and public participation in effect rewarding SMMUSD for their illegal actions. A reading of the responses to the MND provides only a glimpse of how SMMUSD has handled the situation and the need for public comment and debate.

For example, the original MND did not include a provision for mitigation and penalties in the event that SMMUSD violated the amended permit (if approved). It was only after the public negatively responded did SMMUSD include any mitigation and penalty procedures. The mitigation and penalty procedures were not open for public comment and debate as they were added after the public comment period ended. SMMUSD should be required to allow the public to respond to the added sections of the MND as they are material and in effect serve to elect SMMUSD judge and jury over any

violations they may cause to occur. Given SMMUSD's past performance, allowing compliance to be completely controlled and monitored by SMMUSD is unacceptable and an affront to common sense.

Conclusion:

I am not opposed to the limited and controlled use of lights for night football games provided that the use of the lights does not have a material impact on the surrounding environment and residential neighborhood. Many other residents do not share my view. They completely reject the use of night lights as they have personally witnessed how the lights have already negatively impacted the environment and firmly believe that SMMUSD will violate any limited permitted night lights thus further degrading the environment to the point allowing them to apply the same logic as they have in this application to somehow justify permanent lights and expanded usage to over 200 nights as they originally proposed in their scoping planning for Measure BB improvements.

It is therefore imperative that all required policies and procedures are followed, all required environmental studies are properly made and evaluated, all governmental agencies charged with the responsibilities for Coastal Development be involved, and all possible mitigation and control measures be considered .

Thank you for the time you took to read this letter. If you would like to discuss the contents, please feel free to contact me.

Respectfully submitted,

cc: Peter Douglas- California Coastal Commission
Steve Hudson- California Coastal Commission

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June 20, 2009

CALIFORNIA
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SOUTH CENTRAL COAST DISTRICT

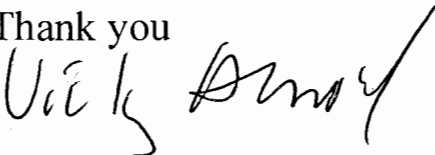
Vicky Arnold
5824 Clover Heights Avenue
Malibu, Ca. 90265

Steve Hudson, District Manager

Dear Mr. Hudson

As a Malibu Park resident I am in agreement with the laws of the City of Malibu; that night lighting at football games is inappropriate for this sensitive area. Please respect the current laws, the needs of the resident wildlife, and the needs of the surrounding neighborhood.

Thank you



Vicky Arnold

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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

From: Dawn Ericson <mantapublications@earthlink.net>
Subject: **LETTERS**
Date: July 20, 2009 7:55:23 AM PDT
To: Judi Hutchinson <judihutch@gmail.com>, Carol Gable <pal33217@aol.com>
Reply-To: mantapublications@earthlink.net
▶ 2 Attachments, 715 KB

California's COASTAL COMMISSION:

July 20, 2009

Dear Mr. Peter M. Douglas,

We need your support. The rural and sensitive habitat of the Southern California coast: Zuma Beach, Point Dume, Bonsal Canyon and Malibu Park are again under pressures, with unnecessary development to meet the desires of a few people.

The Santa Monica School Board (7 members), a High School principal, a small number of PTA ladies and a very small football team are pursuing illegal lighting and night lights in this sensitive region.

The proposed night lighting will effects a huge region from Malibu Park, up Zuma Canyon, Point Dume (facing North) all Zuma beach and the coastal waters and Trancas canyon. Science has proven that animals are effected by any and all night lights. Animals big and small become stressed, change their behaviors. Lights will disturb or ruin the natural balance of nature in and near this rural habitat.

The residents of Malibu, over 160 people have signed petitions against these lights, as well as the laws of the City of Malibu have stated repetitively, for years and years that city lights are NOT appropriate or needed for the social activities at the High School in Malibu Park.

I am a professional educator, naturalist and publisher of natural history books, posters and guides. I have produced literature and natural history programs, distributed by the Santa Monica School District. The School District and science teacher's curriculum supports environmental awareness, restoration and stewardship of our highly valued Malibu environments. Please join us by saying "NO to unnecessary LIGHTS" in Malibu Park and Zuma beach.

Thank you,
Dawn Navarro Ericson
www.mantapublications.com
30069 Harvester Road,
Malibu, Ca. 90265

Enclosed is a
list of some of the
animals of
Malibu Park and
Zuma Beach.



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COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT



Documented wildlife that nest, forage, breed, or burrow in the wildlife habitat on and within the surrounding .24 miles of the Malibu High School include:

MAMMALS:

Coyotes - at least 3 resident packs in Malibu Park, use MPH for ground squirrel and rabbit prey
Striped Skunk
Opossum,
Raccoons
Bobcats
Gray Fox - recent road kill
Mountain Lion - 2 sightings
Long-tailed Weasel
Western Gray Squirrel
California Ground Squirrel
Opossum
Gopher
Desert Shrew
Western Harvest Mouse
House Mouse
Norway Rat
Black Rat
Brush Rabbit
Whitetail Deer- appear after fires in Santa Monica Mountains

Zuma Beach MAMMALS:

Gray Whale- migrate .25 miles off shore
Stripped Dolphin- residents
Harbor Seal
California Sea lion

BATS:

500 Mexican Free-tailed Bat
utilizing the Zuma Beach bridge
Pallid Bat
Big Brown Bat
California Myotis
Yuma Myotis
Western Pipistrelle
Western Mastiff Bat

FROGS & LIZARDS & SNAKES:

Frogs appear seasonally in watershed on both sides of MPH.
Western Toad
Pacific Tree frog
California Tree frog
California Red-legged Frog
Southern Alligator Lizard
Western Fence Lizard
Side-blotched Lizard
Coastal Western Whiptail
Western Yellowbelly Racer
Night Snake

Western Ringneck Snake
California Kingsnake
Mt. Kingsnake
California Striped Racer
Gopher Snake
Two-striped Garter Snake
Southern Pacific Rattlesnake

BIRDS including wetland and shore birds at Zuma Beach. In Malibu more than 250 species have been recorded. Of the total number of birds that may be found within our area, approximately one-third resides and breeds in this region.

THE MOST COMMON SPECIES IN MALIBU PARK and ZUMA wetlands:

Red-tailed hawk
Red-shouldered hawk
Nesting Raptors (red shouldered hawks and peregrine falcons).
American Kestrel
Common Nighthawk
Cooper's hawk
White-tailed kite
Peregrine falcon -endangered
Barn owl
Great-horned owl - 3 resident pairs, one next to tennis courts, using the area as a foraging habitat.
Western screech owl
Burrowing Owl -endangered
Golden Eagle- 2 sightings
Turkey Buzzard
California Thrasher- endangered
Western Scrub-Jay
Raven & Crows
Anna's Hummingbird
Rufous Hummingbird
Road Runner
Morning Dove
Red-crowned Parrot- 2 resident flocks of 15 birds
Barn Swallow- nest at the Malibu High School
Mountain Quail- almost extinct in Malibu Park
American Goldfinch
House Sparrow
Oriole
Woodpeckers
Oak Titmouse
House Wren
American Robin- migrates through the MPH sight
Northern Mockingbird
Cedar Waxwings - migrates through the MPH sight
Flycatcher-Phainopepla
Yellow Warbler
Lark Sparrow
Red-winged Blackbird- breeds on sight
House Finch
Red Crossbill
Coastal Gnatcatcher - breeds on sight
Blue Heron
Great Heron
Snowy Egret
Snowy Plover and other resident Plovers
Sandpipers and various shore birds
California Gull
Western Gull
Royal Tern, Least Tern
Mallard and other wetland ducks

Judi Hutchinson
5960 Floris Heights
Malibu, CA 90265
310-457-2664

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JUL 20 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

July 18, 2009

Steve Hudson, District Manager
89 South California Street, Suite 200
Ventura, CA 93001-2801

Dear Mr. Hudson,

The Santa Monica-Malibu Unified School District has submitted a request for an amendment to its existing CDP, number 4-99-276, to permit temporary athletic field lighting for Malibu High School's football field. As you know, the existing CDP contained a special condition prohibiting temporary or permanent lighting on the Malibu campus to "protect the nearby scenic areas and native wildlife from avoidable disturbance that would otherwise be associated with nighttime use of the football stadium/track and field facility." (Page 11 of CDP 4-99-276).

My neighbors and I are concerned that if the amendment is granted, the lights will have a lasting and unmitigatable negative impact on native wildlife and public views. We have prepared the attached report outlining our concerns over this issue.

We ask that the Coastal Commission uphold its previous CDP condition prohibiting field lighting, and deny the school district's amendment request.

Sincerely,


Judi Hutchinson



The Malibu High School campus, viewed from a National Park Service trail in the Santa Monica Mountains. The athletic field is in the lower left. The district's current application for temporary lighting is a first step towards permanent lighting that would consist of four or six 70-80 foot high light poles. For the past several years, light pollution from the school's unpermitted temporary lights has been visible from beaches and trails in state, federal and county park lands, as well as from residential areas, as far away as Point Dume, Malibu West and Charmlee Park.

The majority of Malibu Park and west Malibu residents are concerned that Malibu High School's plan to allow temporary and eventually permanent field lighting at its football stadium will create an unacceptable amount of light and nighttime noise pollution that will have a negative impact on native wildlife and negatively impact public views from Zuma Beach and from trails in the Santa Monica Mountains National Recreation Area. Residents have circulated petitions and gathered 160 signatures from community members who oppose the lighting plan.

The school has illegally used temporary lighting for several nights a year during the last several years. The glow of the light pollution from these temporary lights has been visible from as far away as the Point Dume Headlands State Preserve and up the coast at Charmlee and Leo Carrillo parks — areas that have traditionally been valued as dark night sky areas.

We are concerned that even temporary athletic field lighting at the Malibu High School campus that exceeds a small number of nights a year will have an unmitigatable negative impact on area wildlife and public views. According to a 2004 study on the impact of light pollution, "... Ecological light pollution affects wildlife at the individual, community, and ecosystem level through direct glare, chronically increased illumination, and temporary, unexpected fluctuations in lighting." (Longcore, Travis and Catherine Rich. et al. 2004. "Ecological Light Pollution." *Frontiers in Ecology and the Environment*. 2(4): 191-198).

According to an article published in July of 2008 on the Web site WildlandsCPR (<http://www.wildlandscpr.org/biblio-notes/effects-artificial-lighting-wildlife>) by Tiffany Saleh, an

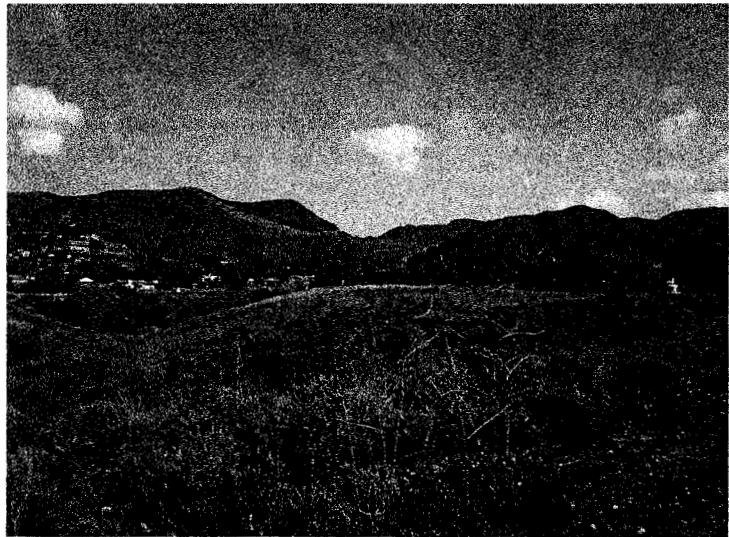
Environmental Studies graduate student at the University of Montana, "The effects of ecological light pollution are widespread. They include disorientation from and attraction to artificial light, structural-related mortality due to disorientation, and effects on the light-sensitive cycles of many species."

Malibu High School is unusual because it is located in a pocket of residential development bounded on one side by Zuma Beach and on the other three by more than 7000 acres of national and state parklands. The school property contains two mapped areas of ESHA and a large swath of relatively undisturbed coastal sage scrub as well as several smaller areas of riparian habitat. Trails provide the public with access to the area, and a major equestrian easement parallels the high school football field and connects the City of Malibu's equestrian center to the network of trails in the surrounding parklands.

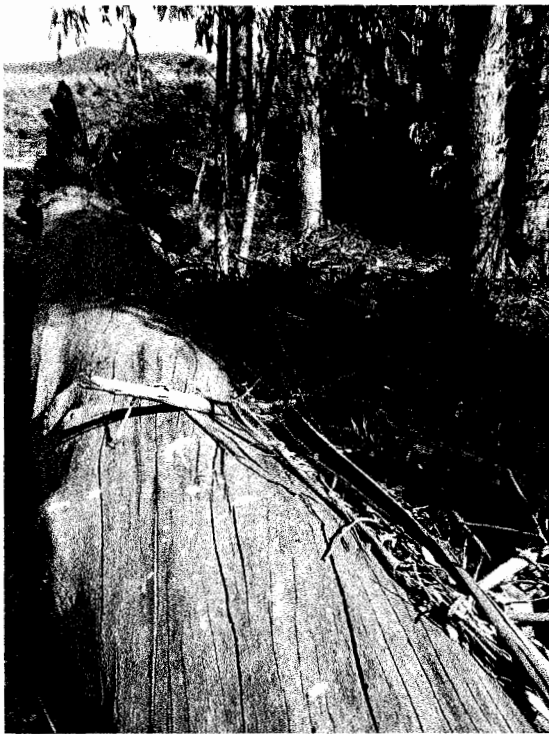
The undeveloped areas of the school property are home to a substantial number of native plants and animals. Residents have identified more than 50 species of bird; 20 species of mammals, including a number of bat species, all of which are California Species of Special Concern; and over a dozen species of reptiles and amphibians; all either live or forage on the school property. We have included a list of all the species identified. The photographs in this report are a small selection of those



Light pollution isn't the only issue. The photo above is the view looking north from the equestrian center. The football stadium is located on the other side of the bluff. The light fixtures that have been proposed would extend above the top of the 30 foot berm, making them visible from every major public trail and easement in the area during the day. Development that extends above the berm was prohibited in the 2000 CDP.



More than 7000 acres of national park land surrounds Malibu Park. This is the view of the Santa Monica Mountains from the equestrian trail on the bluff above the football stadium. The Zuma Ridge trail is visible on the left, above the cluster of houses. The campus is visible from trails throughout the SMMNRA.



Several types of owls make their home in the area. A fresh owl pellet, above, contains the bones of a small rodent, most likely a vole. Left, evidence of owl presence in the form of "white wash" is visible on this log in a grove of trees on school property in the same area where the pellet was found. Owls generally breed during late winter, early spring, when field lights would be used the most.

taken by community members during the last five months.

Species include a wide range of nocturnal and diurnal raptors: The great horned owl, screech owl and barn owl are regular residents of the area, nesting in neighboring trees and hunting on the school property. The Mitigated Negative Declaration states that there are no owls on the property, but community members have collected owl pellets, which have been positively identified by a biologist, and photographed the characteristic "white wash" that indicates that owls regularly roost in the grove of trees by the equestrian center on school property.

Breeding pairs of peregrine falcons are documented in past years nesting in trees neighboring the school. They are frequently seen by area residents. The falcons' distinctive appearance makes them easy to identify. Many native hawks, including Cooper's hawk, red-tailed hawk, red-shouldered hawk and American kestrel are also frequently seen hunting on the school property and have a history of nesting in school and neighboring trees. The white-tailed kite and the turkey vulture also hunt in the area. The sharp-shinned hawk is a seasonal visitor.

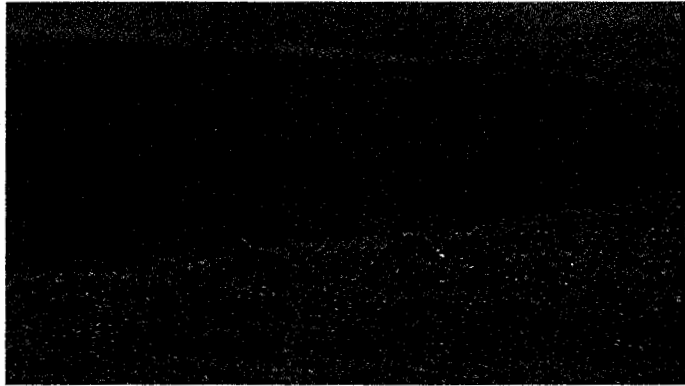


In addition to owls, many other types of raptors, like this red-shouldered hawk, also hunt and nest on the campus and in the vicinity.

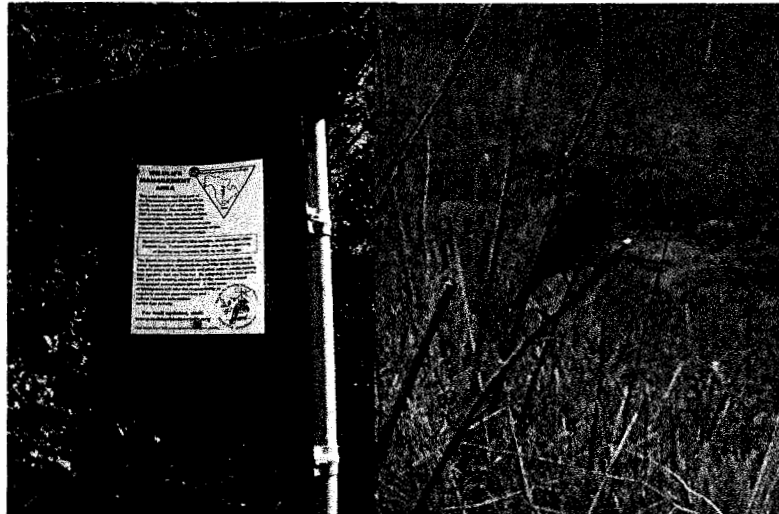
Seabirds, including killdeer and western sandpipers, use the athletic field for foraging and as a nighttime resting place. Circumpolar migratory species frequently sighted from Zuma Beach include scoters, petrels, and loons. New research suggests that bright night lighting, especially in an otherwise dark sky area, has the potential to negatively influence nighttime migratory behavior, distracting or even disorienting birds.

MHS is home to a number of bird species of concern, including Bewick's wren, which is currently experiencing population decline; the California thrasher, which is recovering from a decline and has only recently been removed from an at risk listing, and the Western bluebird, which has suffered recent drastic declines in many parts of the west. All three species forage and nest on the school property and in neighboring areas. Malibu Park is located in an area where bluebird conservation is a priority. The North American Bluebird Society has located nest boxes in local parklands, including the City of Malibu's Charmlee Park, just a few miles from Malibu Park, to encourage the birds to return to the area.

The MHS property is home to many other species of song bird. Residents include chaparral wren, Say's phoebe, hermit thrush, black phoebe, spotted towhee, song sparrow, meadow lark, warblers and the oak titmouse, amongst others.



Shorebirds, including killdeer, various gulls, sandpipers, curlew and plover, use the MHS football field for resting and foraging, especially during the rainy season. The waters off Zuma Beach are a designated area of special biological significance and part of the western flyway for migratory birds, including endangered species, such as the snowy plover.



Once common, the Western bluebird is only now recovering from a severe decline that placed it on conservation lists throughout the western US. A bluebird nest box, left, is sponsored by the North America Bluebird Society at nearby Charmlee Park. The boxes are designed to encourage the birds to recolonize an area where they once thrived. On the right, one of the Western bluebirds that makes its home at MHS, photographed on the equestrian easement above the football stadium.



This California thrasher nests on the MHS campus property and is often seen foraging on the bluff above the football stadium. The thrasher's beautiful song has been compared to that of the European nightingale.



Road runners are an important indicator species. This one was photographed taking flight from the fence above the field.

Roadrunners are also frequently observed. According to the study "Single Species as Indicators of Species Richness and Composition in California Coastal Sage Scrub Birds and Small Mammals," (Mary K. Chase, William B. Kristan III, et al, at the Department of Biology and Center for Conservation Biology, University of California, Riverside, 2000) roadrunners are an important indicator species that are quick to vanish when reptile and small animal populations decline:

"Within coastal sage scrub, Greater Roadrunners are strongly associated with the presence of other species characteristic of dryer, inland coastal scrub habitats, including both birds and small mammals (Chase et al. 2000).

The California quail, also an indicator species, was once common on the school property but has declined drastically and is now rarely seen. School expansion has previously led to the unpermitted filling of a seasonal wetland, which residents report has eliminated several species. In addition to the quail, a wide variety of migratory water birds and several species of mammal, including the badger and the long-tailed weasel, are now only rarely seen in the area, however, the campus still supports a diverse variety of mammals and reptiles.

Evidence and sightings of bobcats and coyotes on or near the school property are common and well-documented. Mule deer are still occasional visitors. Skunk, raccoon, and opossum are regular residents, as are field mice, voles, moles, botta's pocket gopher, gray squirrels, ground squirrels and both cottontail and brush rabbits, despite routine widespread use of rodenticide by the district on the campus's athletic fields.

Several species of bats make their home in the area. According to bat biologist Diane Simons, The bridge at Zuma Beach supports a nursery colony of up to 500 Mexican free-tailed bats during spring and summer. In an interview in the April 2, 2009 issue of the Malibu Surfside News, Simons stated that light pollution from athletic field lighting, would be harmful to bat populations. All species of bat occurring in the Santa Monica Mountains are species of special concern..., and two locally occurring bat species are threatened or endangered.

Gopher and garter snakes are still present, although king snake populations have recently declined. Neighbors reported sighting a rattle snake on the equestrian easement the day this report was being written. A variety of lizards, including skinks and the horned toad have been observed on the property, so has the shy and secretive ring-necked snake and the slender salamander.

Many community mem-



One of Malibu Park's resident coyotes, photographed on school property. At left, a bobcat footprint, photographed near the campus. Early morning walkers report seeing the wild cats on the school grounds.

bers feel strongly that the school has shown poor stewardship of their natural resources: temporary field lighting has been used for several years, despite the fact that the Coastal Commission's CDP contains a special condition for the property expressly prohibits such lighting; concrete channelization of seasonal stream beds has been installed in ESHA areas; grass clippings are routinely dumped in the coastal sage scrub habitat (see photograph below) and as recently as April 2009, school maintenance workers have been observed destroying active swallows' nests, in direct violation of state and federal laws that prohibit harm or destruction of birds' nests during



Lawn clippings from the MHS athletic fields are routinely dumped in the coastal sage scrub adjacent to the playing fields. Maintenance works have been observed destroying the active nests of birds and the school has not honored its 1994 agreement with the Coastal Commission to replant areas near the field with native plants

breeding season. Extensive use of rodenticide, has negatively impacted raptor populations

This disregard for environmental rules and safeguards is troubling. However, despite carelessness on the part of the school district, the coastal sage scrub ecosystem and riparian areas on the school property still support a diverse and healthy population of native plants and animals, and provide a wildlife corridor for animals in the Santa Monica Mountains state and federal park lands.

Many of the species depend on undisturbed dark nights to feed and to breed. There is increasing evidence that some species, like native bat populations which are already declining state-wide, can experience a severe negative impact from light pollution as well as increased nighttime noise pollution.

When the Coastal Commission issued the school's CDP it placed a special condition on the school prohibiting lights because of the potential negative impact on native animals and on public views. Nothing has changed. The animals are still present. The views remain the same. The unique and beautiful natural environment in which Malibu High School is situated continues to need the same protections that Coastal originally applied to the site in its 2000 CDP.

Malibu High School is unusual because it is surrounded by the beach and by the Santa Monica Mountains National Recreation Area. Instead of trying to make MHS urban, with athletic field lighting, the school district could make the focus on environmental science. The school's open space could be a teaching tool and open laboratory, instead of an embattled zone, polluted with lighting and noise that will be harmful to our wildlife and diminish the beauty of this unique and biologically diverse area.



This sign greets visitors to the City of Malibu's equestrian center on the school property. Below, willows, sage and coyote brush, frame a view of the mountains and the sky.





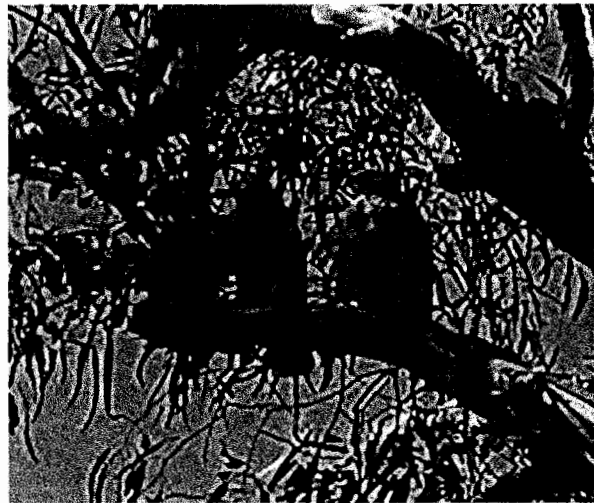
Bird and Animal Species Observed on the Malibu High School Property

Birds

American crow
American kestrel
American scrub jay
Barn owl
Bewick's wren
Black-crowned night heron
Black-headed grosbeak

Black-hooded parakeet
Black phoebe
Brewer's blackbird
California gull
California thrasher
California towhee
Canyon wren
Cassin's kingbird
Chimney swift
Common raven
Curlew
Common egret
Coopers Hawk
Dark-eyed junco

Above, a Say's phoebe hunts for insects. Right, a family of red-tailed hawks. A variety of raptors hunt and breed on the campus. Below, song sparrows silhouetted against the sky on the sage-covered bluff above the foot-ball field.



Gray flycatcher
Great blue heron
Great horned owl
House wren
Killdeer
Lesser goldfinch
Mourning dove
Northern mockingbird
Oak titmouse
Peregrine falcon
Quail

Red-tailed hawk
 Red-winged blackbird
 Road runner
 Rufous/Allen's hummingbird
 Say's phoebe
 Song sparrow
 Spotted towhee
 Western bluebird
 Western gull
 Western sandpiper
 Western screech owl



Allen's Hummingbird, on slope above the football field.



An egret. The school's fields are visible just behind.

Whimbrel
 White-tailed kite
 White-crowned sparrow
 Yellow-rumped warbler
 Yellow-throated warbler

Mammals

Audubon's cottontail
 Bobcat
 Botta's pocket gopher
 Brush mouse
 California mouse
 Coyote

Deer mouse
 Dusky-footed woodrat
 Gray fox
 Long-tailed weasel
 Mexican free-tailed bat
 Mole
 Mule Deer
 Opossum
 Pallid bat
 Raccoon
 Scrub rabbit
 Skunk



Cottontail and brush rabbits thrive in the coastal sage at MHS.

Vole

Western harvest mouse

Western pipistrelle bat

Yuma myotis bat

Lizards:

Alligator lizard

Coast fence lizard

Coast horned lizard

Western fence lizard

Western skink



Snakes:

Garter snake

Gopher snake

King snake

Ring-necked snake

Rattle snake

Amphibians:

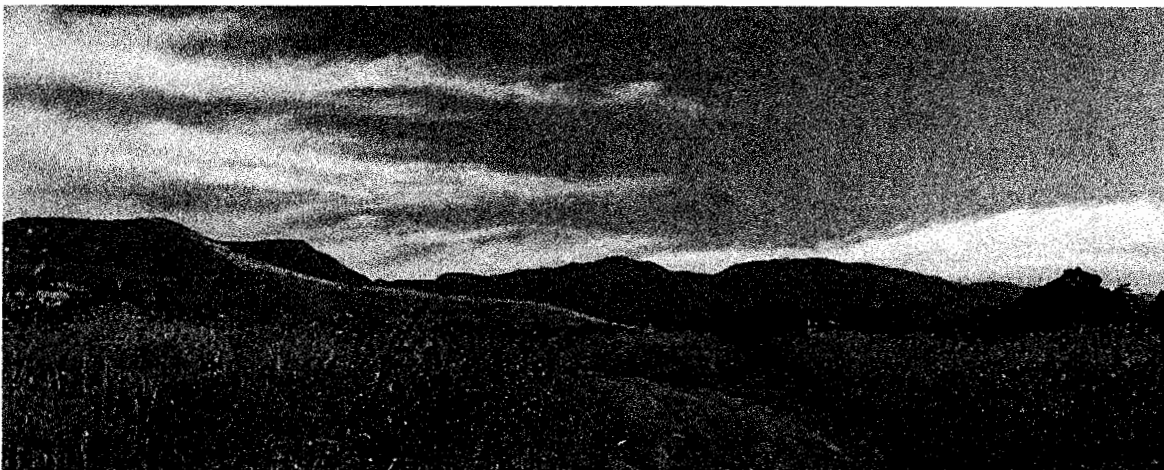
California tree frog

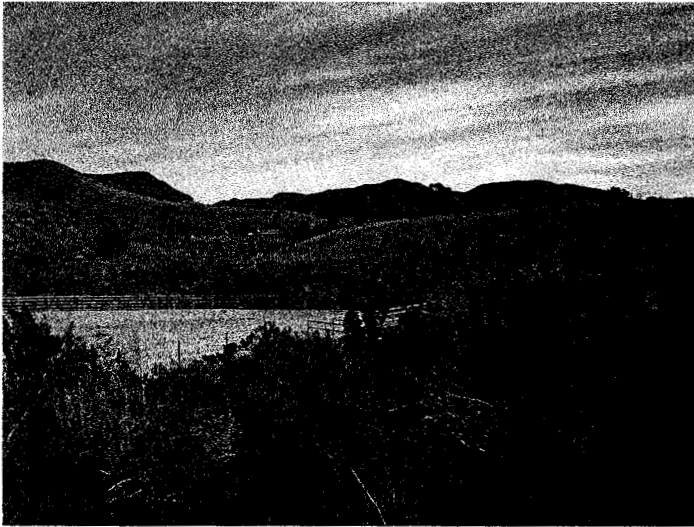
Pacific tree frog

Slender salamander

Western toad

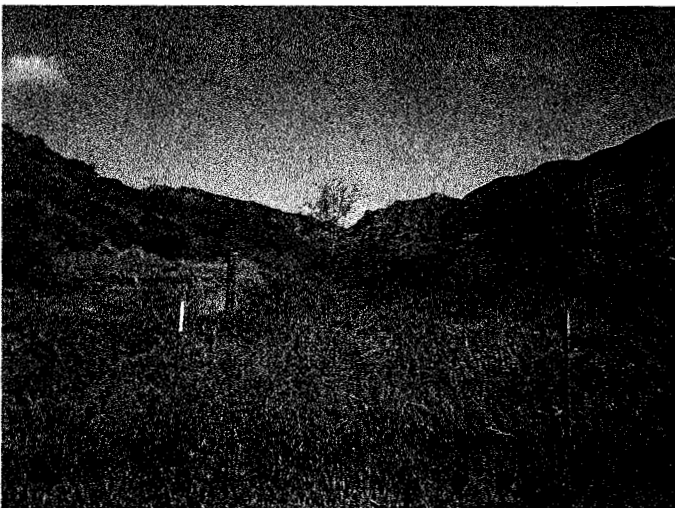
Above, a young gopher snake pays a visit to a residence near the school. Several species of snake live on the MHS campus. Left, a California sister butterfly visits a riparian area near the equestrian center. Bottom, Zuma Ridge from the equestrian trail on a perfect spring morning. Visitors from all over come to walk, ride and enjoy this beautiful and still tranquil environment.





Left, coastal sage scrub habitat is alive and well on much of the school property. This is the area surrounding the equestrian center, not far from the football field. Plants in this area include coastal sage, coyote brush, golden bush and a stand of arroyo willows. The area is home to a wide range of native birds, reptiles and mammals, and is a hunting ground for raptors and owls. Mariposa lilies have been spotted growing on the north slope of this area

Contrary to the school's Mitigated Negative Declaration, the ESHA on the north side of the campus contains a stream that runs year-round, not just during storm events. The creek, which supports willows and even a small cattail marsh, provides a habitat for frogs, bats and the insects they feed on, as well as a source of drinking water for various animals and birds. This picture was taken in late May, after an unusually dry winter. There is still plenty of water in the creek and a lush growth of grasses and rushes.



Malibu High School doesn't exist in a vacuum. This is Zuma Canyon Park, one of the most pristine and undisturbed canyons in the SMMNRA, just a mile away from the high school, as the crow flies. The open space on the MHS campus is a wildlife corridor for animals traveling from one part of the Santa Monica Mountains to another. It is vitally important that the school respect all of its neighbors, including the 7000-plus acres of parkland that surround Malibu Park.

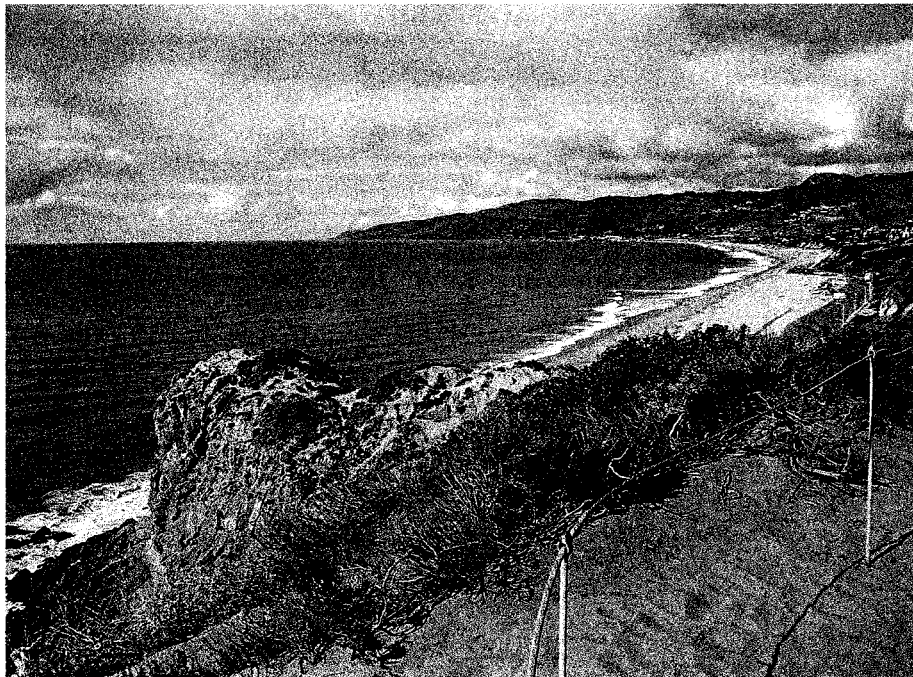


Above, the coastal sage scrub habitat on the hillside above the football field has been bisected by a concrete channel, but still supports a wide range of native plant and animal life. Below, left, an opossum left footprints in the silt at the bottom of the concrete channel. Right, an abandoned detention pond or dam not far from where our volunteers found physical evidence of owls, forms a tiny wetland with cattails and willows, and provides as a water source for various birds and animals.





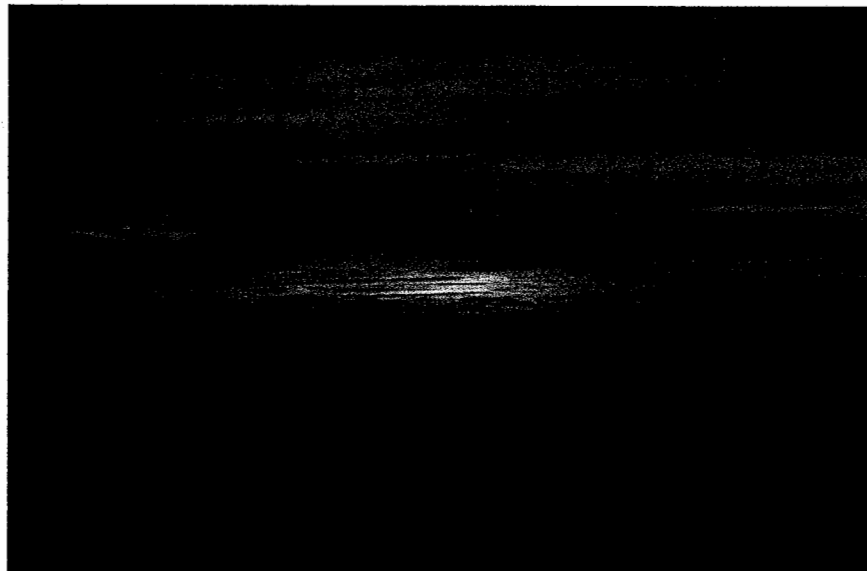
Sky glow from the proposed lighting would be visible from many public views that were not taken into account in the MND. Above, looking east to Malibu Park and Pt. Dume from a viewpoint at Charmlee Wilderness Park where walkers often watch the sunset. Below, the view from the Pt. Dume Headlands looking towards Pt. Mugu State Park. Malibu Park is in the middle distance. The glow from the lights would be visible at sunset from both the headlands and Westward Beach, both are world famous locations for sunset viewing.



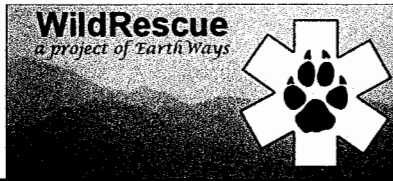
Malibu Park from a trail on National Park land, showing the proximity of the lights to Zuma Beach, Zuma Canyon Park, and the Point Dume Headlands Marine Preserve. The proposed athletic field lighting has the potential to create light pollution that will negatively impact the entire west Malibu coastal region, from Point Mugu State Park, to the Point Dume Headlands



We ask the Coastal Commission to uphold its 2000 decision to prohibit athletic field lighting at Malibu High School because of the potential negative impact of light pollution on both the native fauna and on public views like this one of a perfect Zuma Beach winter sunset.



WildRescue
P. O. Box 65
Moss Landing, CA 95039
800.WILD.911
wildrescue.org



Rebecca Dmytryk
Project Director
Home/Office 831.768.9068
Mobile 831.840.3896
Pager 831.429.2323

EMERGENCY RESPONSE CAPTURE SPECIALISTS TRAINING HUMANE WILDLIFE MANAGEMENT CONSULTING

07.10.2009

To Whom It May Concern:

The following photographs are of owl pellets from either a barn owl (*Tyto alba*), which is most likely, or from a Western screech owl (*Megascops kennicottii*). The size and contents do not suggest it is from the larger great horned owl (*Bubo virginianus*), though this species would hunt in the same habitat.

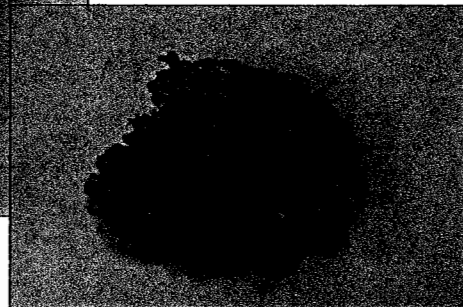
Additionally, I'd like to mention that I know of a screech owl nest in a sycamore tree not 1,000 yards away from the land that will be deleteriously affected by the proposed athletic lights and nighttime sports activities.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Rebecca'.

Rebecca Dmytryk
Project Director



RECEIVED
JUL 27 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

**W. F. and L. Y. Keller
4984 S. Encinal Cyn. Rd.
Malibu, Ca., 90265**

July 19, 2009

Peter M. Douglas
Executive Director
California Coastal Comm.
45 Fremont St., Suite 2000
San Francisco, Ca. 94105

Dear Mr. Douglas:

We DO NOT support the request of the Santa Monica Unified School District to amend their 2000 Coastal development permit to remove the condition disallowing field lighting on the Malibu High School campus sports field. The reasons for not allowing the lights as a condition of the initial permit have not changed.

Allowing the use of sports field lights is a direct violation of the Malibu Local Coastal Plan as well as Malibu General Plan and Zoning code. The lighting will adversely impact the wildlife using this area, residential neighbors strongly oppose lighting as it is very disruptive to the use of their properties, and the area will be seen for miles when lighted, and will completely change the night sky.

Neighboring residences are much closer than the SMMUSD has indicated. In addition lighting and using the fields at night will create a great deal of noise in the area which adversely impacts both wildlife and adjacent residential areas.

Please do not amend their Coastal permit to allow night lighting of the sports field.

Thank you

Walter and Lucile Y. Keller

cc: Steve Hudson, District Manager, Ventura Office
Jack Ainsworth, Deputy Director, Ventura Office
Pat Veasart, Enforcement Supervisor, Ventura Office

Malibu Township Council
P.O. Box 803
Malibu, California 90265

RECEIVED
JUL 27 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

July 21, 2009

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

Subject: Application by the Santa Monica-Malibu School District for an
amendment to Coastal Development Permit 4-99-276

Dear Mr. Ainsworth:

On behalf of the Malibu Township Council I am writing to you in reference to the application made by the SMMUSD to amend the above referenced CDP. I am requesting that you reject this application since, as documented below; it does not meet the condition of CCR, Title 14, Article 5, Section 13166 which requires that an amendment lessen or avoid the intended effect of the original permit.

Additionally the SMMUSD's amendment request acknowledges that they have been illegally deploying high intensity night lighting at the High School over the last six years. The use of this high intensity night lighting combined with the Malibu High School's practice of using poison to control the ground-squirrel population will impact and eventually degrade the wildlife habitat that surrounds the school. (Documentation of the Schools use of poison is documented in a June 19, 2009 letter to you from Malibu Resident Carol Gable). Therefore, I further request that the Coastal Commission open an enforcement action against the School District for the environmental damage caused by the lights and the use of poison.

Condition Six in CDP 4-99-267 was intended to protect scenic areas and wildlife.

CCR, Title 14, Article 5, Section 13166 requires the Executive Director reject an application for an amendment to a previously approved CDP if such an amendment would lessen or avoid the intended effect of any condition of that permit. The intended effect of the Special Condition Six, incorporated into CDP 4-99-276, was to protect the nearby scenic areas and to protect the native wildlife from disturbances that would alter or disrupt feeding, nesting and roosting activities.

The proposed night lighting will negatively impact scenic areas and views.

Pacific Coast Highway (PCH) is a State-designated scenic highway. The project site is located approximately 1,000 feet north of the PCH. The project site is visible from the PCH, and the School's athletic field is located on a level plateau on the site's highest developed elevation. The proposed night lighting of the athletic field could result in adverse impacts to night views from the PCH, from Zuma Beach (located within the scenic highway corridor), and from the Pacific Ocean. The proposed night lighting of the athletic field could have a potentially significant impact on scenic resources within the state-designated scenic Pacific Coast Highway.

Malibu Township Council

P.O. Box 803

Malibu, California 90265

The proposed lighting is not visually compatible with the character of surrounding areas.

The High School is centrally located in the Malibu Park neighborhood area, which is described in Malibu's General Plan as... a rural neighborhood with low ranch-style houses, the virtual absence of sidewalks and curbs and with the minimum use of street and home security lighting.

The analysis in SMMUSD's Mitigated Negative Declaration (MND) does not address Malibu's unique coastal environment.

Page 14-16 of the MND states "sky glow would be considered a significant impact." The MND also states that "sky glow would be visible from limited locations along PCH and Zuma Beach "and "on foggy or rainy nights sky glow may appear stronger." The MND does not accurately account for the marine climate of the Malibu coast that experiences a high number of nights with marine layer, mist and fog. Nor does it recognize the fact that high surf can also generate mist that amplifies the effect of light pollution. There is no analysis indicating what the impact of this "stronger sky glow would be" nor is there any mitigation proposed to offset this enhanced environmental impact.

Scenic Impact Summary.

It is clear that the proposed lighting project will have a negative impact on scenic views and will not lessen or avoid the intent of the original permit condition.

Let's review the impact on the wildlife that lives in immediate area of the School.

Malibu High School has taken a callous approach to dealing with the wildlife that surrounds the High School. The School has admitted that they ignored conditions of a 2000 Coastal Commission permit and illegally deployed high intensity night lights. In addition school employees have recently disclosed that they use poison on the school ground sports fields to control rodents. If this activity is not stopped it is almost certain that the wildlife habitat surrounding the school will be significantly degraded.

The conclusions reached by SMMUSD's biologists, Glenn Lukos, need to be questioned in light of the overwhelming photographic evidence of resident wildlife that is being submitted by the residents who live next to the High School.

Within their Mitigated Negative Declaration the School District presents a variety of "simulated" photos or photo-shopped photos from sales brochures that they claim depict the lighting that will occur if their permit amendment is granted. They do not identify any location where the lights they want to use for this project are in use for a similar purpose making it impossible to verify their claims.

Malibu Township Council

P.O. Box 803

Malibu, California 90265

Wildlife Impact Summary.

It is clear that the proposed lighting project will have a negative impact on the wildlife living in and around the school and will not lesson or avoid the intent of the original permit condition.

Looking Backward and Forward

In March of this year I submitted a document to Mr. Steve Hudson of the Coastal Commission documenting the School's illegal use of night lighting and providing a brief history of this lighting project at Malibu High. This background may be helpful as you review this permit amendment.

Looking ahead, this application for temporary lights is a prelude to the schools major project to install permanent lights (8 poles, 80 feet high) at the athletic field. The SMMUSD has already announced its plans to light up the athletic field some 200+ nights a year (a combination of school use and use by third parties). It is reasonable to expect SMMUSD to use your responses to the temporary lighting application in these future plans for permanent lights.

Thank you for your consideration of this matter.

Regards,



Steve Uhring
President
Malibu Township Council
310-291-6480

CC:

Peter Douglas
Steve Hudson
89 South California Street, Suite 200
Ventura, CA 93001

"Darkness is as essential to our biological welfare, to our internal clockwork, as light itself."
-Verlyn Klinkenborg, "Our Vanishing Night," National Geographic magazine, November 2008

Monday, July 20, 2009

Peter Douglas, Executive Director
California Coastal Commission
45 Fremont Street
San Francisco, Ca.
94105-5200

RECEIVED
AUG 18 2009

CALIFORNIA
COASTAL COMMISSION
SOUTH CENTRAL COAST DISTRICT

Dear Mr. Douglas,

I oppose the permitting of either temporary or permanent outdoor sports field lighting at Malibu High School for the negative impact this lighting will have on our dark night time skies and wildlife. Starry skies are a fragile and rapidly-eroding natural resource owned by all Americans. These quotes express more eloquently than can I the issue of dark night skies:

"The International Year of Astronomy 2009 is a global effort initiated by the International Astronomical Union (IAU) and UNESCO to help the citizens of the world rediscover their place in the Universe through the day- and night-time sky, and thereby engage a personal sense of wonder and discovery."

"The ongoing loss of a dark night sky for much of the world's population is a serious and growing issue that not only impacts astronomical research, but also human health, ecology, safety, security, economics and energy conservation. According to the United Nations, around 3.3 billion people, over half of the world's population, live in cities. With the growth of large cities, the number of people living in cities could climb to 5 billion by 2030. As cities grow, so does their impact on the global environment." International Astronomical Association, <http://www.darks skiesawareness.org/>

Promoting and Protecting Dark Night Skies in Our National Parks

Chad Moore - US National Park Service, Pinnacles National Monument

F. Owen Hoffman - Crater Lake Institute, SENES Oak Ridge, Inc., Center for Risk Analysis

David Fields - Tamke-Allan Observatory, Roane State Community College

Ron Mastrogiuseppe - President, Crater Lake Institute

from Parkland News, a weekly e-Newsletter of the National Park Trust

Our National Parks contain the most splendid parts of this country's landscape and history. Many of these protected resources were well recognized at the time the parks were created, for example the geysers of Yellowstone or the giant trees of Sequoia. But as the interest of the public changes and the natural landscape is altered, what is valued as a park resource also changes.

Today, the National Park Service is adapting its management toward the protection of dark night skies. The night sky is a timeless and boundless resource, possessing value as a cultural, scenic, natural and scientific resource. It is germane to no particular nation, religion, or belief, but is universally important. The impression of a dark and starry sky has evoked countless myth, art, literature, and inspiration. It has been rightly called "The Ultimate Cultural Resource." But the ubiquity and scale of this resource has led to the common human folly of taking it for granted. Now we stand on the verge of losing the pristine night sky in the conterminous United States.



Earth at Night

C. Mayhew & R. Simmon (NASA/GSFC), NOAA/ NGDC, DMSP Digital Archive

Man's imprint on the planet is dramatically visualized with satellite images of the Earth at night [Sullivan]. The areal extent of light pollution has been modeled by astronomers, and the result shows the progressive loss of the dark sky, even in once remote areas [Cinzano et.al.]. National Parks harbor many of these last portals to a dark night sky. The role the NPS can play has been underscored by non-profit organizations such as the George Wright Society and the International Dark-sky Association. In response, the park service initiated a small but aggressive program to measure light pollution levels at numerous parks throughout the country. The proliferation of poor quality outdoor lighting is the principle threat to the nighttime scene. Urban sky glow can travel over 200 miles, affecting remote wilderness and parks. Moderate amounts of light pollution can cut the number of visible stars in half or more, while skies within a few miles of cities will be decimated. Not only can one's backcountry camping experience be tainted, but nocturnal wildlife suffers ill effects to varying degrees"

Light Pollution: Night Skies, Dark No More

The ecological risks and health effects of a bright night are becoming more apparent

By Ben Harder in US News and World Report

Posted March 14, 2008

"The night is not what it was. Once, the Earth was cast perpetually half in shadow. Man and beast slept beneath inky skies, dotted with glittering stars. Then came fire, the candle, and the light bulb, gradually drawing back the curtain of darkness and giving us unprecedented control over our lives.



PHOTO GALLERY
Light Pollution

But a brighter world, it is becoming increasingly clear, has its drawbacks. A study released last month finding that breast cancer is nearly twice as common in brightly lit communities as in dark ones only added to a growing body of evidence that artificial light threatens not just stargazing but also public health, wildlife, and possibly even safety.

Those findings are all the more troubling considering that an estimated 30 percent of outdoor lighting—plus even some indoor lighting—is wasted. Ill-conceived, ineffective, and inefficient lighting costs the nation about \$10.4 billion a year, according to Bob Gent of the International Dark-Sky Association, a nonprofit that aims to curtail light pollution, and it generates 38 million tons of carbon dioxide a year."

Malibu Park has been an oasis of dark night time skies for millennia. This is a precious natural resource that belongs to all of us, the parents, the teachers and kids of Malibu as well. Please reject the Mitigated Negative Declaration of the Santa Monica Malibu Unified School District regarding their plan to erect either temporary or permanent sports field lighting that they themselves promised never to do.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marshall Thompson".

Marshall Thompson
57872 Calpine Drive
Malibu, Ca 90265
310-403-25-7