

**CALIFORNIA COASTAL COMMISSION**

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

# W 17a



## ADDENDUM

**DATE:** October 4, 2011  
**TO:** Commissioners and Interested Parties  
**FROM:** South Central Coast District Staff  
**SUBJECT:** Agenda Item 17a, Wednesday, October 5, 2011  
CDP Amendment 4-99-276-A4

[Click here to go  
to the original staff report.](#)

- In order to correct an inadvertent formatting error, the Environmentally Sensitive Habitat Section in the findings should be numbered "C", and the CEQA Section should be numbered "D".
- Staff recommends that Section II of the staff report be amended in the following way to add another Special Condition of approval – Special Condition 10 (Indemnification by Applicant).

### **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 eliminated. Special Condition Nos. 9 and 10 below are hereby added as new conditions of approval.

Appendix A, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment number 4, with changes shown in bold underline/~~strikeout~~ as applicable).

### **9. Certification of City of Malibu LCP Amendment No. 1-11-A**

Prior to issuance of this permit amendment (4-99-276-A4), the City of Malibu LCP Amendment 1-11-A must be effectively certified pursuant to Section 13544 of Title 14 of the California Code of Regulations.

Although this amendment (4-99-276-A4) removes the pre-existing prohibition on lighting of "the football field and outdoor track and field facility (athletic fields)," such lighting (as well as any other lighting of outdoor sports fields and courts at Malibu High School) still requires a separate coastal development permit from the City of Malibu in order to be permissible.

## 10. Indemnification by Applicant

Liability for Costs and Attorneys Fees: By acceptance of this permit, the Applicant/Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

- Staff recommends that the following be added to the Commission's findings at the end of Section III.A of the staff report.

Coastal Act section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. See *also* 14 C.C.R. § 13055(e). Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP amendment application. Therefore, consistent with Section 30620(c), the Commission imposes Special Condition 10, requiring reimbursement of any costs and attorneys fees the Commission incurs "in connection with the defense of any action brought by a party other than the Applicant/Permittee challenging the approval or issuance of this permit."

- Since publication of the staff report, Commission staff has received 455 letters from interested parties expressing support for the staff recommendation to allow limited nighttime field lighting at Malibu High School. Due to the volume of letters received, only a representative sample of 20 letters is attached for reference as **Exhibit 1** of this addendum. All letters received are included as part of the administrative record and are available for review in the California Coastal Commission's Ventura Office.
- Since publication of the staff report, Commission staff has received 52 letters from interested parties expressing opposition to nighttime field lighting at Malibu High School. The common concerns expressed in the opposition letters are that night field lighting would impact area wildlife and diminish the scenic, rural quality of the area and dark skies. Due to the volume of letters received, only a representative sample of 20 letters is attached for reference as **Exhibit 2** of this addendum. All letters received are included as part of the administrative record and are available for review in the California Coastal Commission's Ventura Office.
- Written disclosures of Commissioner ex-parte communications were received from Commissioner Zimmer. These are attached as **Exhibit 3** of this addendum.

**Received**

OCT 04 2011

**California Coastal Commission  
South Central Coast District Office**California Coastal Commission  
South Central Coast District  
**October 3, 2011****Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801****Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Coastal  
Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified  
School District)****Dear Coastal Commission,**

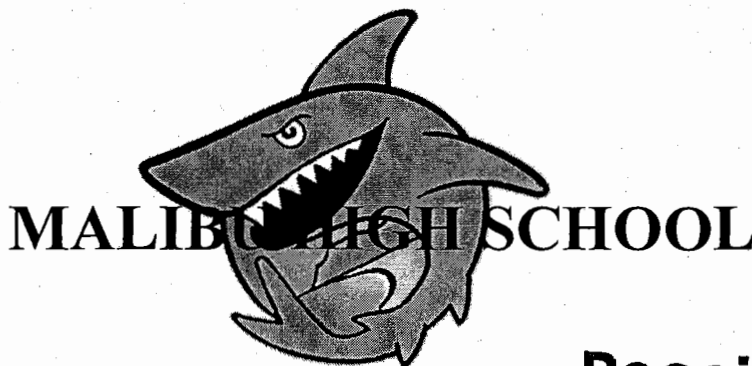
I am a former Malibu High School student and football player. I graduated in 2008 and had the privilege of playing under the Friday Night Lights every year I was there. As a former player, I can honestly say that it was an amazing opportunity to be able to play under the lights for the community and it was always an event to look forward to. The community looked forward to the Friday night games just as much as we, the players, did. For me the lights were something that brought everyone together and gave everyone something to do in a city where there is not much going on and not very teen friendly. The lights were and still are something that encourages kids to play sports and to stay active, keeping them out of trouble and in a positive environment as well.

Please give Malibu teens the opportunity to continue this tradition and opportunity to stay involved in the community and active with their classmates. Even though I am no longer a member of the Malibu Varsity Football team I would still love to see future students enjoy the excitement of Friday Night Lights and the large crowds of support the lights bring. Please don't take away Friday Night Lights from a school that already lacks school spirit. Without the lights, there are smaller crowds and much less motivation for our sports teams. The football player's high school experience would be incomplete without the lights.

Sincerely,  
Charles Vines

Addendum Exhibit 1
CDP Amendment
4-99-276-A4

Mark O. Kelly  
Principal  
Phil Wenker  
Assistant Principal  
Wendy Wax Gellis  
Assistant Principal



Grades Six Through Twelve

30215 Morning View Drive  
Malibu, CA 90265  
Telephone (310) 457-6801  
Facsimile (310) 457-4984  
<http://malibuhigh.org>

**Received**

OCT 03 2011

California  
Coastal Commission

September 30, 2011

Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Santa Monica-Malibu Unified School District Coastal Development Permit Amendment No. 4-99-276-A4

Dear California Coastal Commission,

I strongly support limited field lighting on the main sports field at Malibu High School. I urge you to certify the City of Malibu's Local Implementation Plan (LCP) Amendment (MAL-MAJ-1-11-A) as modified by the California Coastal Commission (CCC) staff, in accordance with staff's recommendation. In addition, I urge you to approve the request by the Santa Monica-Malibu Unified School District to eliminate Special Condition No. 6 (Athletic Field Lighting Restriction) to allow future lighting of the main sports field at Malibu High School subject to the requirements of the proposed Malibu LCP Amendment (MAL-MAJ-1-11-A).

As principal, I know there is strong community support for limited field lighting on the main sports field at Malibu High School. Many letters of support accompany my own. Our school is the center of the community for school-aged children and their families. We excel academically, in the arts, in community service and in athletics. We see limited field lighting as important to the continued evolution of our school and community. Field lighting is a means to a greater end of improving programs for our students and is important for strengthening our spirit as a school community. When students, parents and families gather as a larger community, we enjoy a common experience that is the very essence of what it means to be a community. Field lighting is a necessary enhancement to our programs as they allow us to host activities that bring together young children, teens, alumni and members of the community for shared experiences that have long been a part of American public education. Young people need night activities. As adults charged to guide them, we must provide our young people experiences that are meaningful to them and that afford them the same experiences we had in our own young years. School-sponsored night events are safe and supervised activities that serve students and the community as a whole.

I urge you to support the City of Malibu's LCP amendment and the Santa Monica-Malibu Unified School District's Coastal Development Permit Amendment. I am confident that we, in collaboration with the City of Malibu, can implement a field lighting use plan that both serves to preserves Malibu's way of life while providing positive and safe community experiences for our young people and the community.

Respectfully,

Mark O. Kelly, Ed.D.  
Principal

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

September 27, 2011

Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit  
Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District)

Dear Coastal Commission:

I strongly support limited field lighting on the main athletic field at Malibu High School. I urge you to certify Malibu's Local Implementation Plan Amendment (MAL-MAJ-1-11-A) as modified by CCC staff, in accordance with staff's recommendation.

This LCP amendment, as modified by your staff, will strike the right balance between the needs of Malibu High School and the needs of our coastal community as a whole. The LIP amendment, with the suggested modifications, would greatly enhance the athletic program at Malibu High School by making it possible to have a reasonable number of night games and practices. Evening sporting events are also great social occasions, bringing together kids, parents and neighbors. At the same time, the restrictions on the times of the year and hours of the week that the lights can be used, the conditions placed on the types of lights allowed, and the requirement that a biologist monitor the effects of the lights on bird life, will respect the desire of Malibu residents to enjoy the dark night skies most nights of the year and protect our wildlife.

Again, please vote yes on the LIP amendment to allow limited field lights at Malibu High, subject to staff's recommended modifications.

Sincerely,



Mark P. Wetton

Chairman, Malibu Parks and Recreation Commission

OCT 03 2011

California Coastal Commission  
South Central Coast District**Malibu Youth Organization Leaders in Support of Lights for MHS Athletic Field**

September 30, 2011 (via FAX 805-641-1732)

**Re: Malibu LCP Amendment MAI 1-11 Part A (High School Lights) and Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu USD)**

Dear Commissioner Lester, Chair and Members of the California Coastal Commission:

This October 5th, the California Coastal Commission will again take up the topic of nighttime lights on the Malibu High School (MHS) football field. The Commission will consider a proposed Local Coastal Permit (LCP) Amendment that would allow *limited* nighttime lighting for athletic events and practices. **We, the undersigned leaders of youth programs in Malibu, urge the Coastal Commission to follow Staff Recommendations and approve this LCP Amendment subject to Staff's recommended modifications.**

We support the proposed change to our LCP for the following reasons. We love living in a rural community, but Malibu has almost no options for our teens to get together on weekend nights in a safe environment. The city has purposely limited large commercial development that attracts nighttime activities and there are few, if any, community gathering places open past 9:00 p.m. Friday night high school football games help to fill that need. MHS football games were the place to be on autumn evenings during the seven years that Malibu had Friday night games under temporary lights. All of Malibu came out - students, teachers, alumni, former MHS parents, small children with their families and many other community members who reveled in the chance to watch locals play the game they had loved and played as kids. Friday night lights is an American tradition intertwined in the fabric of every rural community across the country.

MHS soccer teams, comprised of both boys and girls, would also benefit from limited field lighting. Soccer is a winter sport, which means that games and practices must currently end by 5:00 p.m. due to darkness. Students miss class time because their games must all start before the school day ends in order to have enough daylight hours to play a full game before darkness falls. In addition, few parents ever get to see their kids play games due to work commitments during the day.

Malibu High School is a good neighbor. In the afternoons, many neighborhood residents walk their dogs on school property and ride their horses on school land that overlooks the main athletic field. Malibu High and the city of Malibu work together every year to provide playing fields, basketball courts, a running track, tennis courts and a shared pool for the greater Malibu community. Many of Malibu's residents, from young children to adults, regularly use the MHS pool, which is lit 5 nights a week until 9:00 p.m. without objection by the neighbors. This track record of neighborliness demonstrates that MHS will continue to be sensitive to residents' concerns as it implements the field lighting, so as to preserve the night skies the vast majority of evening hours each year.

(continued)

## 9-29-11 Malibu Youth Organizations Letter Page 2

The proposed LCP amendment accommodates the needs of our children and the concerns of MHS's neighbors by providing for a *limited* number of nights and hours when the lights can be used. We do not want, nor do we advocate, unlimited nighttime lighting. We simply want a reasonable number of hours of lights to allow our kids to safely practice and participate in sports, particularly during the fall and winter months. We believe that the City of Malibu, and not the Coastal Commission, should be the agency to determine the hours and rules. Local control is important to us and is vital to keeping Malibu a safe community that is responsive to its residents' needs.

In short, MHS's athletes, and the community which comes out to support them, deserve to enjoy the benefits of *limited* field lighting on the high school football field. We feel strongly that the Coastal Commission should pass this carefully crafted proposed LCP amendment in accordance with the recommendations of Coastal Staff.

Sincerely,

Tony Perez, President - Malibu Athletic Boosters Club  
Craig Foster, Laureen Sills, Patricia Manney - AMPS Executive Leaders,  
Advocates for Malibu Public Schools  
Paula Erickson, President - The Shark Fund (MHS Primary Fundraising Organization)  
Kasey Earnest, Chief Professional Officer - Boys & Girls Club of Malibu Teen Center  
Ignacio Garcia, President - Malibu English Learner Advisory Committee (ELAC)  
Pete Anthony, Former Malibu Planning Commissioner, Vice President - Malibu ASA Softball  
John Paola, President - Malibu Kiwanis Club  
Kim Stefanko, President - Malibu High School Arts Angels  
Laureen Sills, President - Malibu Special Education Foundation  
Maria-Flora Smoller, Co Founder - A Safer PCH  
Ray Humphrey, Head Coach of Football - Malibu High School  
Ari Jacobs, Classroom Teacher/Head Coach of Baseball - Malibu High School  
Lloyd Kinnear, Head Coach of Boys Soccer - Malibu High School  
John Johnstone, Head Coach of Girls Soccer - Malibu High School  
Steven O'Neill, Head Coach of Boys Lacrosse - Malibu High School  
Frank Thomas, President - Malibu Pony Baseball & Malibu ASA Softball  
Rick Erickson, Regional Commissioner - Malibu AYSO  
John Cary, Head Coach of Track and Field - Malibu High School  
Steve Ciniglio, Former President - Malibu Little League & Malibu Pony Baseball

**Received**

OCT 03 2011

California Coastal Commission  
South Central Coast District

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Received**

OCT 03 2011

California Coastal Commission  
South Central Coast District

September 24, 2011

Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District)

Dear Coastal Commission:

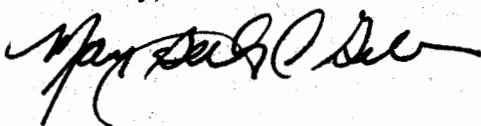
I strongly support limited field lighting on the main athletic field at Malibu High School. I urge you to certify Malibu's Local Implementation Plan Amendment (MAL-MAJ-1-11-A) as modified by CCC staff, in accordance with staff's recommendation.

This LCP amendment, as modified by your staff, will strike the right balance between the needs of Malibu High School and the needs of our coastal community as a whole. The LIP amendment, with the suggested modifications, would greatly enhance the athletic program at Malibu High School by making it possible to have a reasonable number of night games and practices. Evening sporting events are also great social occasions, bringing together kids, parents and neighbors. At the same time, the restrictions on the times of the year and hours of the week that the lights can be used, the conditions placed on the types of lights allowed, and the requirement that a biologist monitor the effects of the lights on bird life, will respect the desire of Malibu residents to enjoy the dark night skies most nights of the year and protect our wildlife.

The lighting will allow our children to have practices which are needed rather than end them when it is getting dark. By not having a field we our high school level team sports can practice and play puts them at a serious deficit compared to other High School teams who all have PERMENANT night lights. There are no other fields which could have night time practices. The lights will allow more home games which will be better for our student athletes as well as build a sense of community as more families and citizens come to the games. Finally, as the night lights are on at night when most birds are sleeping at the effect on the birds will be minimal.

Again, please vote yes on the LIP amendment to allow limited field lights at Malibu High, subject to staff's recommended modifications.

Sincerely,





**Received**

OCT 03 2011

California Coastal Commission  
South Central Coast District

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

September 24, 2011

**Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District)**

Dear Coastal Commission:

**I strongly support limited field lighting on the main athletic field at Malibu High School. I urge you to certify Malibu's Local Implementation Plan Amendment (MAL-MAJ-1-11-A) as modified by CCC staff, in accordance with staff's recommendation.**

This LCP amendment, as modified by your staff, will strike the right balance between the needs of Malibu High School and the needs of our coastal community as a whole. The LIP amendment, with the suggested modifications, would greatly enhance the athletic program at Malibu High School by making it possible to have a reasonable number of night games and practices. Evening sporting events are also great social occasions, bringing together kids, parents and neighbors. At the same time, the restrictions on the times of the year and hours of the week that the lights can be used, the conditions placed on the types of lights allowed, and the requirement that a biologist monitor the effects of the lights on bird life, will respect the desire of Malibu residents to enjoy the dark night skies most nights of the year and protect our wildlife.

Again, please vote yes on the LIP amendment to allow limited field lights at Malibu High, subject to staff's recommended modifications.

Sincerely,



Carol Levy (Malibu resident)

**Received**

SEP 29 2011

California Coastal Commission  
South Central Coast District

September 29, 2011

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

Dear Commission,

I am a soccer player at Malibu High School. The high school soccer season is played during the months of December, January, and February. Because our fields have no lights, we start our games at 3:00 in order to try to finish before dark. This means we have to leave school before our classes are finished. It also means that many of the parents of players on our team are not able to watch us play. Even though we start playing at 3:00, the ends of our games are played in the dark. This makes it hard to see in a very fast-moving game. It would be so much better for us as students, for our parents, and for us as athletes to have lights for our soccer games.

Please support the amendment to the Malibu Local Implementation Plan that will allow the City of Malibu to consider having limited lighting at the athletic fields at Malibu High School.

Sincerely,

Dylan Hannigan

Parents:  
Matt & Karen Hannigan  
310.457.7508 (home)  
matt\_han@msn.com  
Malibu residents for over 40 years

James Goldstone

Period 4

9/28/2011

**Received**

OCT 03 2011

California  
Coastal Commission

Ms. Deanna Christensen  
Coastal Program Analyst  
**California Coastal Commission**  
South Central Coast District Office  
89 South California Street  
Suite 200  
Ventura, CA. 93001-2801

September 28, 2011

Dear Ms. Christensen and The Coastal Commission,

My name is James Goldstone and I am a seventh grader at Malibu High School in Malibu. I understand that a vote will be held as to whether or not Malibu High will be allowed to install lights on its football field. I strongly think that there are many benefits to having lights on the football field. Here are some reasons why.

First, it will allow the boys' and girls' athletic teams to practice longer outside during the dark days of winter daylight savings time. More practice time gives them a chance to become better athletes and better teams. Lights on the field will also mean that Malibu High can host night games and won't have to travel so much by bus to away games. This will save gasoline, travel time and money. Fewer school buses on the road means less pollution. So the lights will be good for the environment. Finally, Malibu kids can go to night games instead of driving around or hanging out at unsupervised parties on Friday and Saturday nights.

Thanks for considering this letter.

Sincerely,

*James Goldstone*

James Goldstone

*Malibu High 7grader*

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Received**  
OCT 03 2011  
California  
Coastal Commission

September 29, 2011

**Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment No. 4-99-276-A4 (SMMUSD)**

Dear Coastal Commission:

Our sports program needs lights on the main athletic field at Malibu High School. **I urge you to certify Malibu's Local Implementation Plan Amendment (MAL-MAJ-1-11-A) as modified by CCC staff, in accordance with staff's recommendation.**

I play football, and lights for a few night time games would be a huge benefit for our program. But it's not just about my sport - lights would help other sports that need occasional nighttime lighting - like boys and girls soccer, lacrosse, and track & field. Other student groups would benefit as well, such as our cheer leading squad and drum line.

Recently, our girls soccer team could not even host a home game in CIF playoff competition because of the early darkness in winter months. Also, many of our student athletes have to get out of class early for home games in the early afternoon to finish before dark. And finally, many of our parents can't watch us play, because games are always during work hours. Having limited lighting on our field would solve all of these problems.

This LCP amendment (as modified) will meet the needs of our high school while preserving dark night skies most of the year and protecting wildlife.

*There are no evening activities for the teenage community of Malibu. Malibu High night-time sporting events would provide something for teenagers to do at night, keeping them out of trouble while providing something positive not just for them but the entire city of Malibu.*

Sincerely,

*Alden Quartz*  
Alden Quartz

MHS Class of 2013

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Received**

OCT 03 2011

California  
Coastal Commission

September 26, 2011

Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District)

Dear Coastal Commission:

I am a student at Malibu High School. I strongly support limited field lighting on the main athletic field at Malibu High School. I urge you to certify Malibu's Local Implementation Plan Amendment (MAL-MAJ-1-11-A) as modified by CCC staff, in accordance with staff's recommendation.

The lighting will allow us to have practices which are needed rather than end them when it is getting dark. There are no other places where we can practice light at night. Also, not having a field lights at our high school puts us at a serious disadvantage when playing other high school level team as they can practice longer and can play more home games. Almost all other schools we play have Permanent LIGHTS. The lights will allow more home games which will be better for our student athletes as well as build a sense of community as more families and citizens come to the games. Finally, as the night lights are on at night when most birds are sleeping at the effect on the birds will be minimal.

Again, please vote yes on the LIP amendment to allow limited field lights at Malibu High, subject to staff's recommended modifications.

Sincerely,

*Skylar Gilson*

Received

OCT 03 2011

California  
Coastal Commission

Dear Coastal Commission,  
I would like to begin by thanking you for protecting the natural beauty of the Malibu Coastline as well as Coasts throughout the State of California. This being said, I would like to ask for your approval to allow Malibu High School to have lights for football games. As an athlete at Malibu High School, I know how important it is to practice sports for their upcoming games. Without the use of lights for night practice, Many athletes would be unable to train for future games and events that are so important to the Malibu Community. I again wish to thank you for your extensive efforts along the California Coastline and I hope you continue for many years to come.

Sincerely,

Jason Frankle

Malibu High School Student

Harry Baronsky Youth Commission Member.

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Received**

OCT 03 2011

California Coastal Commission  
South Central Coast District

September 28, 2011

**Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District)**

Dear Coastal Commission:

**As a resident of Malibu Park, the area of Malibu where the high school is located, I am in favor of your staff's recommendation for limited field lighting at Malibu High School. These lights will affect our family more than most yet we welcome the chance to have night football games and early evening soccer games. They are sorely needed in our town where there is little to do in the evenings for kids, teens and adults.**

This LCP amendment, as modified by your staff, will strike the right balance between the needs of Malibu High School and the needs of our coastal community as a whole. The LIP amendment, with the suggested modifications, would greatly enhance the athletic program at Malibu High School by making it possible to have a reasonable number of night games and practices. Evening sporting events are also great social occasions, bringing together kids, parents and neighbors. At the same time, the restrictions on the times of the year and hours of the week that the lights can be used, the conditions placed on the types of lights allowed, and the requirement that a biologist monitor the effects of the lights on bird life, will respect the desire of Malibu residents to enjoy the dark night skies most nights of the year and protect our wildlife.

Again, please vote yes on the LIP amendment to allow limited field lights at Malibu High, subject to staff's recommended modifications.

Sincerely,



Allen Alsobrook  
5725 Calpine Drive  
Malibu, CA 90265

OCT 03 2011

California Coastal Commission  
South Central Coast District

Re: Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development  
Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District)

Dear Coastal Commissioners:

This October 5th, you will again take up the topic of nighttime lights on the Malibu High School (MHS) football field. The Commission will consider a proposed Local Coastal Permit (LCP) Amendment that would allow *limited* nighttime lighting for athletic events and practices. **We, the undersigned, urge the Coastal Commission to follow Staff Recommendations and approve this LCP Amendment subject to Staff's recommended modifications.**

We support the proposed change to our LCP for the following reasons. We love living in a rural community, but Malibu has almost no options for our teens to get together on weekend nights in a safe environment. The city has purposely limited large commercial development that attracts nighttime activities and there are few, if any, community gathering places open past 9:00 p.m. Friday night high school football games help to fill that need. MHS football games were the place to be on autumn evenings during the seven years that Malibu had Friday night games under temporary lights. All of Malibu came out – students, teachers, alumni, former MHS parents, small children with their families and many other community members who reveled in the chance to watch locals play the game they had loved and played as kids. Friday night lights is an American tradition intertwined in the fabric of every rural community across the country.

MHS soccer teams, comprised of both boys and girls, would also benefit from limited field lighting. Soccer is a winter sport, which means that games and practices must currently end by 5:00 p.m. due to darkness. Students miss class time because their games must all start before the school day ends in order to have enough daylight hours to play a full game before darkness falls. In addition, few parents ever get to see their kids play games due to work commitments during the day.

Malibu High School is a good neighbor. In the afternoons, many neighborhood residents walk their dogs on school property and ride their horses on school land that overlooks the main athletic field. Malibu High and the city of Malibu work together every year to provide playing fields, basketball courts, a running track, tennis courts and a shared pool for the greater Malibu community. Many of Malibu's residents, from young children to adults, regularly use the MHS pool, which is lit 5 nights a week until 9:00 p.m. without objection by the neighbors. This track record of neighborliness demonstrates that MHS will continue to be sensitive to residents' concerns as it implements the field lighting, so as to preserve the night skies the vast majority of evening hours each year.

The proposed LCP amendment accommodates the needs of our children and the concerns of MHS's neighbors by providing for a *limited* number of nights and hours when the



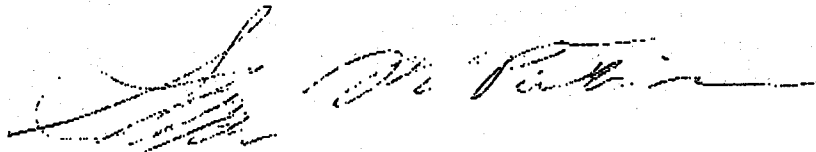

OCT 03 2011

California Coastal Commission  
South Central Coast District

lights can be used. We do not want, nor do we advocate, unlimited nighttime lighting. We simply want a reasonable number of hours of lights to allow our kids to safely practice and participate in sports, particularly during the fall and winter months. We believe that the City of Malibu, and not the Coastal Commission, should be the agency to determine the hours and rules. Local control is important to us and is vital to keeping Malibu a safe community that is responsive to its residents' needs.

In short, MHS's athletes, and the community which comes out to support them, deserve to enjoy the benefits of *limited* field lighting on the high school football field. We feel strongly that the Coastal Commission should pass this carefully crafted proposed LCP amendment in accordance with the recommendations of Coastal Staff.

T. Z. McPartlin



**Received**

OCT 03 2011

California Coastal Commission  
South Central Coast District

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

September 28, 2011

**Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District)**

Dear Coastal Commissioners:

*My home looks directly down on Malibu High School and the football/soccer field. I will be directly impacted by the lights and I am IN FAVOR of your staff's recommendations to modify our LCP to allow for limited lighting at MHS.*

This LCP amendment, as modified by your staff, will strike the right balance between the needs of Malibu High School and the needs of our coastal community as a whole. The LIP amendment, with the suggested modifications, would greatly enhance the athletic program at Malibu High School by making it possible to have a reasonable number of night games and practices. Evening sporting events are also great social occasions, bringing together kids, parents and neighbors. At the same time, the restrictions on the times of the year and hours of the week that the lights can be used, the conditions placed on the types of lights allowed, and the requirement that a biologist monitor the effects of the lights on bird life, will respect the desire of Malibu residents to enjoy the dark night skies most nights of the year and protect our wildlife.

Again, please **vote yes** on the LIP amendment to allow limited field lights at Malibu High, subject to staff's recommended modifications.

Sincerely,



Bob Kaplan

29800 Cuthbert Rd  
Malibu, CA 90265

To Whom It May Concern,

**Received**

OCT 03 2011

Re:

California Coastal Commission  
South Central Coast District

Malibu LCP Amendment 1-11 (High School Lights) and

Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu

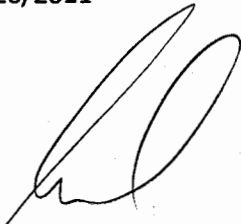
Unified School District)

I live at 30010 Andromeda Ln, directly above Malibu high school and I am in no way disturbed by lights on the football field. I do not have kids attending the school but I do believe Friday night football is a great thing for the teenagers and entire community. Please let the school have these night football games! It keeps the teenagers off the streets, in a safe environment and it does not disturb me at all, as a neighbor. Actually I love hearing the games announcers and the sense of community it brings! In addition I believe the field should have lights in the early evening for winter soccer games as well. Sports are such an important part of a child's life.

Thank you for listening to someone who favors the lights for the football and soccer games,

Pamela Van Ierland

9/26/2011

A handwritten signature in black ink, appearing to be 'Pamela Van Ierland', written in a cursive style.

**Received**

SEP 26 2011

California  
Coastal Commission

September 21, 2011

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

RE: Lighting the Sports fields at Malibu High School

Attn: California Coastal Commission

I live in Malibu Park, and I am in favor of lighting for the sports fields at Malibu High School.

My husband and I purchased our house on Filaree Heights over 12 years ago. Malibu High School and Juan Cabrillo can be seen from our backyard. We fully expect to hear and see the activities at both schools during the day and during evening events. This is part of living near a school.

I believe that evening sporting events are important for our community to provide for the kids at MHS. The community of Malibu does not have many alternatives for teens to do on weekend evenings. Please help provide evening football and soccer games for our community to enjoy.

Please allow Malibu High School to install temporary lighting for their sports fields.

Sincerely,



Jennifer Schoenberger  
5855 Filaree Hts.  
Malibu, CA 90265

CHAPMAN GLUCKSMAN **Received**

ROEB & BARGER

A PROFESSIONAL CORPORATION

SEP 28 2011

TELEPHONE:  
(310) 207-7722

FACSIMILE:  
(310) 207-6550

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ATTORNEYS AT LAW  
11900 WEST OLYMPIC BOULEVARD  
SUITE 800  
LOS ANGELES, CALIFORNIA 90064-0704

California  
Coastal Commission

WRITER:  
DOMINIC J. FOTE

DIRECT DIAL:

(310) 689-7905

E-MAIL:  
dfote@cgdrblaw.com

September 26, 2011

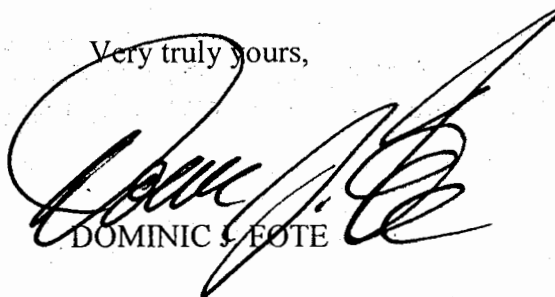
California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Re: Re: Support of Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District)**

Dear Coastal Commission:

My son Adam is a Junior at Malibu High School, plays on MHS's Varsity Soccer team, and I strongly support limited field lighting on the main athletic field at Malibu High School. I urge you to certify Malibu's Local Implementation Plan Amendment (MAL-MAJ-1-11-A) as modified by CCC staff, in accordance with staff's recommendation. This LCP amendment, as modified by your staff, will strike the right balance between the needs of Malibu High School and the needs of our coastal community as a whole. The LIP amendment, with the suggested modifications, would greatly enhance the athletic program at Malibu High School by making it possible to have a reasonable number of night games and practices. Evening sporting events are also great social occasions, bringing together kids, parents and neighbors. At the same time, the restrictions on the times of the year and hours of the week that the lights can be used, the conditions placed on the types of lights allowed, and the requirement that a biologist monitor the effects of the lights on bird life, will respect the desire of Malibu residents to enjoy the dark night skies most nights of the year and protect our wildlife. Again, please vote yes on the LIP amendment to allow limited field lights at Malibu High, subject to staff's recommended modifications.

Very truly yours,



DOMINIC J. FOTE

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Received**  
SEP 28 2011  
California  
Coastal Commission

Ref. Malibu LCP Amendment 1-11 (High School Lights) and Coastal  
Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified  
School District)

Dear Ms. Christensen,

I am the mother of two boys, a former Board Member of the California Wildlife Center, a former PTA Vice-President at Juan Cabrillo Elementary School, a current Board Member of the Malibu Special Education Foundation and an avid supporter of public education and the City of Malibu.

In addition, I consider myself to be a nature lover and environmentalist, as well as a devoted star gazer – I own my own telescope – and I treasure our beautiful oceans, parks and open spaces and the creatures that inhabit them, as well as our wonderful dark skies.

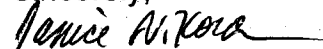
All of that said, I am writing to you today to express my **STRONG** support for limited night lights at Malibu High School.

I do not believe that the limited lights proposal that your Commission is currently considering will adversely affect the native animal population, nor will it make stargazing a thing of the past.

I do believe that the use of limited night lights will greatly enhance the community of Malibu, by providing evening extracurricular activities for generations of teens, with the bonus of providing a community gathering spot. This can only improve the overall atmosphere of our local public school, Malibu High School, which will, in turn, allow us to retain students who would otherwise leave Malibu for more "sports oriented" private schools.

Thank you for listening to public comment regarding this pivotal issue for our community.

Sincerely,

  
Janice Nikora  
29211 Sea Lion Place  
Malibu, CA 90265

# Received

SEP 29 2011

California Coastal Commission  
South Central Coast District

September 28, 2011

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801  
FAX 805-641-1732

Dear Commission,

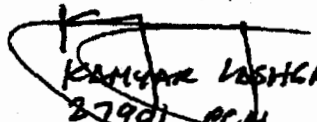
Please vote in favor of certifying Malibu's Local Implementation Plan Amendment (MAL-MAJ-1-11-A) as modified by The California Coastal Commission staff, in accordance with The California Coastal Commission staff's recommendation.

As a parent I appreciate the opportunities young people have to enjoy the beaches and mountains in Malibu. However, once the sun sets, the opportunities for young people to engage in group activities in our community decrease dramatically. I support limited lighting at the main athletic field at Malibu High School. This will

- Allow youth to participate in sports such as football, soccer, and track beyond daylight hours.
- It will expand the number hours fields are available for games and practice, which is desperately needed in Malibu for both school and community recreational teams.
- Allow student athletes to finish classes before leaving to represent their school athletically.
- Allow student athletes who need academic help will be able to get it after school if practices can start later.
- Allow working parents to support their children when they compete.
- Provide young people in Malibu a social opportunity that centers around supporting their peers engaged a healthy activity.

I hope that you will support the amendment to the Malibu Local Implementation Plan that will allow the City of Malibu to consider having limited lighting at the main athletic field at Malibu High School.

Sincerely,

  
KANYAR LOSHKARI  
27901 PCN  
MALIBU, CA 90265

**Received**

**SEP 22 2011**

California Coastal Commission  
South Central Coast District

Cynthia Kesselman  
6022 Merritt Drive  
Malibu, California 90265

California Coastal Commission/South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

Re: Lights in Malibu

Ms. Christensen:

I am a resident of Malibu Park and the parent of an 11<sup>th</sup> grader (also a softball player) at Malibu High. I am writing to express my concerns about the lighting issues in the environs of Malibu High with a sympathetic eye toward the needs of the student community.

On the one hand, a reasonable amount of night lights for football would not burden the incredible natural environment that makes Malibu such a special location in Southern California. On the other hand, there is a general "creeping" of light pollution that is gradually ruining the astonishingly beautiful night skies in Malibu. And, notwithstanding the accommodating efforts of the community, there is a legitimate concern that these accommodations have been returned by overreaching by the City of Malibu and SMMUSD.

This overreaching has manifested both in connection with past requests for hundreds of nights of lighting on the campus as well as the lack of interest in diminishing the impact of lighting around the new parking lot in progress at Malibu High which, in combination with lighting the sports fields, will multiply the light pollution. I am advised that several suggestions have been made by locals in connection with these new lights, which, at no additional cost, could decrease the lighting impact. I am also advised that these suggestions have been ignored.

Isn't there some type of accommodation that can be made that addresses the concerns of the community with respect to both sets of lights? What assurances do community members have that there will not be light pollution creep if additional lighting is permitted for the sports fields?

The Coastal Commission is duty bound to protect the environment along California's pristine coastal areas. I am confident that it will act as a moderating force in connection with the very serious issues presented in connection with the light pollution issue.

Very truly yours,

Cynthia Kesselman

Addendum Exhibit 2
CDP Amendment
4-99-276-A4



**Received**

SEP 22 2011

California Coastal Commission  
South Central Coast District

September 18, 2011

South Central  
Coast District Office  
John Ainsworth, Deputy Director  
Steve Hudson District Manager  
89 South California Street Suite 200  
Ventura, CA 93001-2801  
805-585-1800  
805-641-1732 Fax

Dear Mr. Ainsworth & Mr. Hudson:

I am a resident of the Malibu Park area and I am writing to tell you that I object to lights for additional parking at the high school and am concerned about lighting for the football field. I do not want any sky glow to be created.

We have purposefully chosen to live outside the city to avoid such urban effects. We want to preserve our dark nights and natural environment.

We have made a substantial investment in our home and do not want that compromised.

Please honor the wishes of the area homeowners and do not compromise the integrity of our community or existing laws and regulations.

Thank you.

Sincerely,



Brent Almond

5738 Calpine Drive  
Malibu, CA 90265

## Deanna Christensen

---

**From:** John Ainsworth  
**Sent:** Monday, September 26, 2011 8:41 AM  
**To:** Deanna Christensen  
**Subject:** FW: Night lights at Malibu High School

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

**From:** Anna Belle Heiss [mailto:ahmalibu@gmail.com]  
**Sent:** Saturday, September 24, 2011 5:43 PM  
**To:** John Ainsworth  
**Cc:** malibudarkskies@gmail.com  
**Subject:** Night lights at Malibu High School

John Ainsworth  
California Coastal Commission

I am joining with my fellow Malibu residents to object to the city's request for lights on the field at Malibu High School. We live in a very unique part of California which provides the habitat for many kinds of wildlife, including many mammals and birds. Lights will upset the balance required for these animals to live, when they die out they will upset the habitat balance for numerous other animals which are indigent to this area. The resident wildlife are a very important part of what Malibu is; if this is lost we have destroyed what we moved here to enjoy and protect. Please help us save this valuable environment.

Sincerely,  
Anna Belle Heiss  
(32 year resident)

**Deanna Christensen**

---

**From:** Healypatt@aol.com  
**Sent:** Friday, September 30, 2011 5:24 PM  
**To:** Deanna Christensen; Jeff Staben  
**Subject:** Wed 10-5-11 agenda item 13A  
**Attachments:** ccc malibu high 10-5-11.docx

**MALIBU COALITION FOR SLOW GROWTH - 403 SAN VICENTE BLVD - SANTA MONICA**

**To: Members of the California Coastal Commission**  
**From: Malibu Coalition for Slow Growth (MCSG) by Patt Healy**  
**Hearing Date: Wednesday 10-5-11 Agenda Item : 13A**

**MCSG respectfully asks you to deny the CDP amendment to allow night lighting at Malibu High for the following reasons:**

**1. STAFF ADMITS CIRCUMSTANCES HAVE NOT CHANGED**

To now make an exception and allow night lighting when nothing has changed from 2000 when night lighting was prohibited at the school , 2003 when the Malibu LCP was certified and in 2009 when the Commission unanimously denied the high school's request for night lighting for sixteen nights per year. In all instances the Commission prohibited stadium lighting because of the impact on wildlife and scenic areas. It is well documented that skyglow from stadium lighting creates harm and death for migratory birds. To permit this Amendment is making a sham of the Coastal Act and the Malibu LCP.

On page 20 of the staff report discussing sky glow, staff states: "The potential for field lights to be on at the high school's main sports field for roughly 150 nights per year poses significant individual and cumulative impacts on public views of natural landforms, the beach and ocean, and the nighttime sky in the area." 75 nights per year does not negate the significant harm that will occur.

**2. PRECEDENT SETTING STATEWIDE AND LOCALLY**

Each of you are privileged to have been entrusted with the protection of the California Coast. If you allow this amendment in Malibu it will set a statewide precedent for lighted sports courts. If night lighting is allowed, when other applications for night lighting go forward in dark sky areas in the Coastal Zone statewide, it will be difficult to deny them.

The allowance of this night lighting sets a bad precedent not only for future permanent lighting at the High School but for future night lighting projects elsewhere in Malibu. To date no precedent has been set. If you allow night lighting the camel's nose will be in the tent and before long the camel will be permanently in the tent. It is well known that the school districts plan is for permanent lighting at this location and for a continued expansion of same and the city is supportive of school night lighted sports activity. Rest assured this is just the beginning.

### 3. BIRD MIGRATION AND WILDLIFE DISRUPTION.

Malibu High School is in the Pacific Flyway. It is well documented that Sky Glow disrupts migrating birds. (Staff report page 6 ) Hence night lighting for the sports field should be denied outright. The mitigation measures suggested by staff are not effective. (Please read Attachment below).

The coastal biologist says that the "Malibu High School property is not likely to be used by migratory birds as a stopover site. The habitats suitable for supporting resting migrating birds are the stream, eucalyptus grove, and black walnut tree area. they do not represent quality stopover habitat." It may not be quality habitat but migratory birds use swimming pools throughout Malibu. Therefore, they will choose the high school stream and possibly the trees at the high school property too.

Also, other animals nocturnal patterns and foraging ability will be a disrupted. Staff analysis is misguided since Malibu Park and the environs around the school contain an abundance of nocturnal wildlife. Wild life does not limit itself to living and foraging only within in ESHA. Also all of the biologists did not visit this site at night.

### 4.LESSONS LEARNED

The main reason given for night games is because it serves as a social occasion where parents and kids can get together. These get togethers can happen on weekend mornings and afternoons and at nights at other venues. Social occasions are not a reason to violate the Coastal Act which mandates protection of the natural environment.

By prohibiting night lighting you will be teaching kids the need to respect nature. By approving this LCP amendment the school district is being rewarded for it previous violation of their existing CDP. If you allow night lighting, the lesson the kids will learn is that the protection of the natural environment is not important and the law can be ignored without consequences. What is wrong with this picture ?

Please deny this LCP amendment and agenda item 17a which would approve the Malibu High School remove the non allowance of night lighting.

Thank you for consideration of our thought on this matter.

### ATTACHMENT

#### STAFF MITIGATION MEASURES NOT EFFECTIVE AND NOT SUFFICIENT

Night lighting is scheduled to take place during the migratory bird season. Malibu and the high school is part of the Pacific Flyway. It is well documented that migrating bird navigation get confused by night lighting ." If stars are obscured by clouds or fog, they will orient to almost any elevated light source to attempt to navigate " killing and harming the birds "

The Staff Biologist optimistically states: *' I believe the athletic field night lighting will not create significant negative impacts for migrating birds and foraging, roosting, or nesting raptors and/or owls because the lights will primarily be limited to Pacific Standard Time, a monitoring program will be implemented to ensure that night lighting during Fall or Spring migration will not negatively impact night migrating birds, and the athletic field lighting plan will be required to incorporate a design and technologies that will minimize light spill, glare, and skyglow to the maximum extent feasible. (engel's rept conclusion on page 8)*

Let's look at the reality of the situation The staff's condition doesn't implement the biologist's recommendations. These mitigation measures most likely will mitigate nothing.

Underlined is the wording of the staff recommendation. Italics are our comments.

7. Lighting of the main sports field at Malibu High School may only be permitted if it complies with the following standards:

a. Lighting shall be minimized, directed downward, and shielded using the best available visor technology and pole height and design that minimizes light spill, sky glow, and glare impacts to public views and wildlife to the maximum extent feasible. (*Comment: Eighty foot high poles with 1500 watt bulbs are proposed to light the field. This is the equivalent height of an seven story building. I am sure this is not what the coastal biologist had in mind when she said that the design will minimize light spill, glare and sky glow since 17 foot high light poles with 250 watt shielded bulbs would result in new sources of nighttime lighting that would create sky glow according to the current 2011 Malibu High draft EIR.*)

b. Lighting may only occur for a maximum of three (3) days in any calendar week and must be limited to the following time restrictions:

i. During Pacific Standard Time (defined as of 2011 to be the first Sunday in November to the second Sunday in March), the lights may be illuminated no later than 7:30 p.m. except as indicated below.

ii. From each September 1 through May 31 period, inclusive, the lights may only be illuminated after 7:30 p.m. up to 18 times, and then (a) only until 10:30 p.m., (b) never on consecutive nights, and (c) on no more than two nights in any given calendar week. (*Comment This means that night lighting can occur for 18 nights during the migratory season. The 4 month prime migratory season allows for more than one night game a week. In some weeks as many as 3 night games in one week. Clearly this is not what the coastal biologist recommended. This is what she said "In order to minimize impacts to night migrating birds, as well as breeding and nesting raptors and owls, night lighting at the main sports field at Malibu High School should be limited to primarily Pacific Standard Time. This timing avoids the peak and majority of the fall migration and all of spring migration."* (Coastal Biologist Engel Report P5).

*This recommendation is not followed.)*

c. For lighting that is to be allowed during bird migration periods (Fall Migration: September through first week in November, and Spring Migration: Last week of March through May), an Avian Monitoring Plan, that is prepared by a qualified ornithologist/ecologist and reviewed and approved by the City Biologist, shall be required prior to issuance of the Coastal Development Permit, and the permit shall be consistent with and require compliance with that plan. The plan shall, at a minimum, include the following elements: (*Comment: A CUP will be issued not a CDP negating this monitoring requirement*)

i. Monitoring shall be conducted by a qualified ornithologist/ecologist to assess potential adverse impacts to

migratory and resident bird species. ( *Comment: As you know the monitoring results of the is as good as the person hired. The city is committed to allowing night lighting so we question the diligence of the monitor to be engaged.* )

ii. The monitoring design and schedule shall include a paired monitoring design (i.e. a night with lights immediately preceded or followed by a night without lights), and a monitoring frequency of once per week during any week when lights are operated during Fall and Spring migration periods for at least one year. If the monitoring results indicate that the one year monitoring period was a typical bird migration year with a typical range of atmospheric conditions and the main sports field lights have resulted in no adverse impacts upon birds, no additional monitoring may be required. If the monitoring results indicate otherwise, monitoring shall continue for an additional year(s) until a year of monitoring under typical conditions occurs and the consulting ornithologist obtains enough data to assess potential adverse impacts to migratory and resident bird species. ( *Comment: in the year monitored there may be no adverse effects but that doesn't guarantee that harm will not be caused in future years* )

iii. The description of observational monitoring activities shall include tallying species and numbers of birds observed within a 200 ft. sphere of the light standards and noting atmospheric conditions, bird behavior, and changes in bird behavior.

iv. The monitoring plan shall specify a threshold for determining significant adverse impacts to migratory and resident bird species from field lights. ( *Comment: this is totally arbitrary and depends on the consultant hired and protects nothing* )

v. Seasonal migration reports (Fall and Spring) of monitoring results shall be submitted to the City Biologist. However, the consulting ornithologist shall immediately notify the City should an adverse bird event related to the approved field lights occur at any time during the course of monitoring. The monitoring plan shall also include a provision for submission of a final monitoring report to the City Biologist at the end of the monitoring period. ( *Comment: City Biologist is not obligated to do anything with this report or if notified of an event.* )

The approved Avian Monitoring Plan shall be implemented concurrent with the approved field lighting operations. If the Monitoring results indicate that the approved field lighting results in significant adverse impacts upon birds, the City shall require modification of the approved lighting schedule in order to ensure avoidance of the identified impacts. ( *Comment: This is too vague and is totally meaningless. What is considered a significant impact-one bird harmed or many? Do birds have to be killed or just confused? Negative Impacts will surely occur after monitoring program is concluded.* )

d. The applicant shall be required to submit a written statement agreeing to the above restrictions. ( *Comment: Who is going to enforce this agreement when Coastal is* )

***so understaffed)***

**Deanna Christensen**

---

**From:** jeffibu@aol.com  
**Sent:** Friday, September 30, 2011 5:01 PM  
**To:** Deanna Christensen  
**Subject:** Malibu High School Lights

September 30, 2011

Dear Coastal Commission,

If only the star gazers were as organized as the football fans.... As parent of a student at Malibu High, I have received numerous requests from the school to write in support of the latest High School Lights plan, but am writing, instead, **very much opposed to it.**

First off, the area where the high school sits is a lovely, hill-surrounded, ocean-facing far corner of the county – unique and distinctive precisely because of its lack of lights and its unbelievable skies – not just for residents, but for the many people who use the adjoining county beach or walk the ridges of the surrounding National Recreation Area. There are very few places in the LA area with this kind of night sky – and people have come to live and visit here, in part, because of their appreciation for it. The field lights will blaze like nothing ever has in the entire surrounding basin, greatly undermining this quality. Once that night sky is gone, it's gone – even if, as is now proposed, it's to be a few hours at a time.

You only need to come sit up above the high school at sunset of thereafter, on the Zuma Ridge trail for instance, to appreciate what a bummer lights will be.

And you'd only need to come to a Malibu High football game to realize what a small fraction of the community, these lights would be conveniencing.

I spent plenty of time going to night games 4 or 5 years ago, when the school had temporary lights blazing, and it was clear that they were not any major magnet for the community. Though there's a small group of devoted (and yes, big-hearted and wonderful) players and parents, turn-out has always been sparse at best. This is not, in any way, a big game-supporting "Friday Night Lights" sort of community. And the program itself is very small – we're a small town. Kids and parents take their team sports very seriously here – but there simply aren't that many of us.

It is probably a disadvantage for our hard-core athletes that Malibu's fields and facilities aren't cranking along at the rate of the much bigger and heavily lit towns in the San Fernando Valley and Lost Angeles Basin, and many of the serious athletes are involved in additional (well-lit!) programs elsewhere. If, however, it's that important to practice and play at night close to home, there are dozens of other nearby communities that can provide that opportunity. Malibu, particularly the area around the high school (the last stretch of any significant residential development along the ocean for many miles heading toward up the coast!) should not be developed with all the same "suburban perks" one might expect in more heavily populated areas, towns that aren't adjacent to such spectacular protected natural areas.

I've been amazed and dismayed, during the years of the temporary lights, how brightly they light up everything. From a viewpoint at the tip of Point Dume and the little park there – three or four miles away – they seem fill the sky with that Costco Parking Lot glow. If there's any haze or fog, as is frequently the case, the effect is magnified -- and the experience of looking out over the hills, sky and bay heavily marred.

I can't imagine how much the lights would, well, flat-out suck for anyone living on the slopes around the high school (this is not the case with me, I live a few miles away). I'd guess there are more of these folks than sports parents, and hope you've been hearing from them – I don't think the high school has been using its e-mail network to get *them* to write.

So, again, please come take a walk in the area above the high school one of these evenings and check out the stars – **and please vote NO on the LIP amendment to allow limited field lights at Malibu**

10/3/2011



**High.**

Sincerely, John Stockwell (Jeff)  
29214 Greenwater Road  
Malibu, CA 90265

10/3/2011

6444 Surfside Way  
Malibu, CA 90265  
September 29, 2011

**Received**

OCT 03 2011

California Coastal Commission  
South Coast District Office  
John (Jack) Ainsworth, Deputy Director  
Steve Hudson, District Manager  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

California Coastal Commission  
South Central Coast District

Dear Mr. Ainsworth and Mr. Hudson;

We moved to Malibu because it was rural; because it was a great place for our children to grow up, utilizing the ocean, the beach and the mountains, a place close to nature. A large part of that desirable natural environment was the darkness at night; no street lights, no flood lights, no athletic field lights, and, of course, the resulting dark sky, with a myriad of stars visible – as close as one can to an unpolluted night sky this close to LA. Fortunately, to a large degree, the night sky is still dark.

When it was first proposed to open a new Malibu High School, utilizing the Malibu Park Middle School site, we were assured that the new Malibu High School was to be an academic school, with no formal athletic program, and NO LIGHTS! We supported the development of the new school assuming the Malibu High School proponents and the Santa Monica Malibu Unified School District would keep their word. Apparently, we were naïve; they not only did not hold to their stated intentions, they also deliberately exceeded their authority and installed "temporary" athletic field lights without permission.

Please deny the application for athletic field lighting at Malibu High School. We residents of Malibu Park continue to enjoy the night sky, dark and unpolluted by bright lights.

Sincerely,

  
Erwin E. Schulze, Jr.

  
Bonnie L. Schulze

Edward & Sonya Halpern  
5939 Floris Hts.  
Malibu, CA. 90265  
[ehalp@aol.com](mailto:ehalp@aol.com)  
September 27, 2011

**Received**

OCT 03 2011

California Coastal Commission  
South Central Coast District

Steve Blank  
Dayna Bochco  
Dr. William A. Burke  
Wendy Mitchell  
Mary K. Shallenberger  
Jana Zimmer  
Supervisor Martha McClure  
Supervisor Steve Kinsey  
Supervisor Mark W. Stone  
Brian Brennan  
Councilmember Richard Bloom  
Councilmember Esther Sanchez

James Wickett  
Belinda Faustinos  
Dr. Clark Parker  
Steve Kram  
Meg Caldwell  
Scott Peters  
  
Sarah Glade Gurney  
Connie Stewart  
  
Pam O'Connor  
Bruce Reznik

A COPY OF THIS LETTER HAS SIMULTANEOUSLY BEEN SUBMITTED TO THE CALIFORNIA COASTAL COMMISSION STAFF, ATTN: JOHN AINSWORTH, 89 SOUTH CALIFORNIA ST., SUITE 200, VENTURA, CA 93001

RE: Local Coastal Program Amendment # 09-004 (Malibu Sports Field Lighting)

Dear Commissioners,

We oppose the installation of lights at the Malibu High School football field.

We are dismayed to see that Coastal Commission staff has made a recommendation that does nothing to alleviate concerns about student safety, the environment or the quality of life issues raised by local residents.

Our family resides in Malibu Park. Our house is just one property removed from Malibu High School. As such the proposed installation of lights at the football field will have a serious and

continuing effect on the quiet enjoyment of our property. Our past experiences with lights at Malibu High School shows that the lights create an environment that turns a rural neighborhood into the likes of a brightly lit industrial neighborhood. Not only do these lights create an unpleasant environment, they also result in early evening and late night blaring noise that is intensified by the school audio system. The resultant noise is amplified both by the audio system and by the prevailing ocean winds that drive the loud noise right into neighborhood homes.

We cannot herein express the intrusion on the lives of local residents that the lights and noise create. It disrupts conversation, overrides the enjoyment of television and disturbs sleep. It even goes so far as to wake a sleeping baby. Asking residents to accept lights and noise from nighttime field events is not reasonable. We suggest that those of you who do not live in the neighborhood cannot understand the intrusion without having endured it.

The proponents of this plan to install lights attempt to stress the benefits of lights for evening sports programs. They say it would allow more parents to attend night games and it would give participants an experience that cannot be duplicated without lights. Nothing could be further from the truth. Experience over a number of years in which temporary lights were used, shows that very few parents or students attended these nighttime events. Furthermore, chances are those same parents would attend on Saturday during the day if games were held on Saturdays. As to benefit to the students who participate in sports, those benefits, if any, are and will continue to be had when games are played at other stadiums that already have lights.

The SMMUSD would have you believe that lights are needed to provide extra space and time so that all sports participants will have time to practice. Nothing could be further from the truth. Malibu High School has acres of grass fields that are rarely used. We invite you to visit the school and see for yourselves just how much space is currently available. Most of these fields are not used on a daily basis. Should you make such a visit you will no doubt be surprised to see that this campus has more unused grass fields and serves a smaller student population than nearly all of the high schools in Southern California.

In addition to the effect on the quality of life for local residents, apparently lights such as these can have a greater effect on local bird populations. We are sure you have been referred to the situation in Kauai wherein night lights are not being used at the high school because of the threat they pose to local seabirds. The following is a quote from the "Inside Science News Service" dated July 26, 2008 referring to a case in Minnesota. It independently supports the proposition that these lights are injurious to the local bird population.

"Birds, like moths, are attracted to light at night and if they become disoriented, will fly in circles around the lights in a tall building, often hitting the building, or dropping exhausted to the ground. The phenomenon is not understood by scientists, but a researcher at the Bell Museum<sup>®</sup> in Minneapolis, along with the Minnesota Department of Natural Resources, is spearheading a program to turn off the lights to protect migrating birds. Participants in the programs, including the owners, tenants, and management companies from 32 buildings Minneapolis, St. Paul, Bloomington, and Rochester, will dim their building lights during the spring and fall bird migration seasons. Similar programs are in place in Toronto, New York, and Chicago." Inside Science News Service"

In closing, this movement to add lights to the field is completely insensitive to both the environmental effects and to the burden it places on the local residents. These lights are not an educational necessity nor are they neutral to the environment. Furthermore, allowing field lighting until even 7:30 only creates new dangers for student athletes who will now be forced to practice after sundown and thus have to drive the dangerous Pacific Coast Highway in the dark. As such we ask that you deny any request to install and use night lights at Malibu High School.

Thank you for your consideration of the circumstances that surround this project and the undue burdens that will be placed on local residents if night lights are permitted at this high school.

Sincerely,

  
Sonya Halpern and Edward Halpern

California Costa Commission  
South Central Coast District  
Office Deanna Christensen,  
Coastal Program Analyst  
Ventura, CA 93001-2801

**Received**

OCT 03 2011

California  
Coastal Commission

Step 9/27/11

Dear Costa Commission,

My name is Kris Mc Alpin and I am a 7<sup>th</sup> grader at MHS. I understand that a vote will be taking place on whether or not lights will be permitted for MHS football field. I think you should not put the lights on the football field because I think its a waste of money and we should be using the money for our education.

Sincerely,  
Kris Mc Alpin

*Kris Mc Alpin*

California Coastal Commission  
South Central Coast District Office  
Dearna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801


**Received**  
OCT 03 2011  
California  
Coastal Commission

September 27, 2011

Dear Coastal Commission,

My name is Izzy Putterman and I am a seventh grader at MHS. I understand that a vote will be taking place on whether or not lights will be permitted for use on the MHS Football Field. I strongly urge you to vote "no" on this vote. The one thing I like most about Malibu is that even though it's close to Los Angeles it's also close to nature. I think it is amazing that I often have hawks, hummingbirds, coyotes, and even egrets and mountain lions in my backyard. I also like being able to see the stars in the sky and the bioluminescence in the waves at night. My Point Dume neighborhood has no street lights, which makes the stars more visible. I don't think lights on a football field is something Malibu should have. The city can have the football lights, and we can have the stars. We should not try to be like other schools. Instead we should celebrate being Malibu.

Sincerely,



Putterman

Izzy Putterman

Dear Coastal Commission,

**Received**

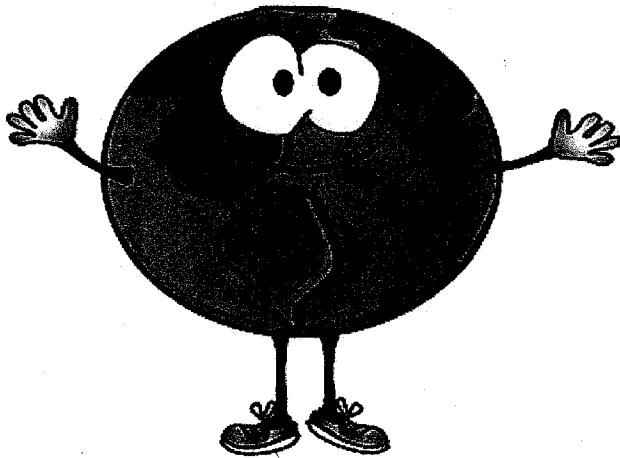
OCT 03 2011

California  
Coastal Commission

My name is Timmy Thames, I'm in 7<sup>th</sup> grade at MHS. Singing isn't the only thing I love. I love the earth and it's environment too. It's getting damaged by humans and if MHS gets lights at the football field, our earth's life(trees, plants, and animals) will be hurt. That would hurt me in several different ways. I am one of many students at MHS who loves our environment and the living creatures in it, and I hope you do too. Please vote "no" on the lights on the football field.

Sincerely,

Timmy Thames





California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Received**  
OCT 03 2011  
California  
Coastal Commission

September 27, 2011

Dear Coastal Commission,

My name is Nico Neven. I am a 7<sup>th</sup> grader at MHS. We understand that a vote will be taking place on whether or not lights will be used for the MHS football field. I think that we DO NOT need lights for the field and would rather spend the money on other school needs like: smaller classes, better bathrooms, cafeteria, lockers, etc. I strongly think that lights are not a necessity and that I vote NO.

Sincerely,

Nico Neven

*Nico Neven*

September 30, 2011

Received  
OCT 03 2011  
California  
Coastal Commission

Dear Distinguished Coastal Commissioners,

Thank you for your dedication, attention and stewardship.

As owners of the house that sits directly above the Malibu High School fields- (yes the high school is literally our front yard and our direct neighbor!!), we have had many people in the community including the Mayor ask for our support of the High School Lights plan, especially since our oldest is an athlete at Malibu High School. We are however, **very much opposed to the Malibu LCP Amendment.**

One might assume we oppose the plan because of the obvious bummer the lights would be for our evenings. Living here with the school directly in front, we have always been very much impacted by noise, lights and pollution but it was our choice to make "the green house above the football field" our home, and we love being here. These inconveniences would however be greatly increased from the additional lights, and not only for us, but for the many who visit the area. Please understand the beautiful views from our windows that the lights would ruin are not the reason for our opposition. Our opposition is not personal. We chose to live next to the noisy, dirty school. We are however AGAINST the amendment because:

As you know, Malibu High is located in an ecologically sensitive area surrounded by National Park Lands, beaches and numerous hiking trails along the sage covered ocean view ridges. These precious coastal eco-systems are filled with wildlife, we regularly see owls, red tailed hawks, bobcats, herons, coyotes, raccoons, deer and foxes and they and their habitats especially need protecting since the abutting school is imposing and negatively impacts this surrounding environment.

People move to and visit Malibu for its small town rural feel, especially the Malibu Park/Zuma Beach area. Our family feels an obligation to the numerous visitors who come here to help support this experience for them. We do not lit up our garden or the outside of our house, because doing so would ruin the dark sky experience for the many who come to the trails in front to have these experiences.

The additional Malibu High field lights would greatly alter and diminish the night skies. I would rather hear someone complain they cannot go to a night football game at the school than to hear someone say they cannot see the stars. We constantly hear from the many visitors on the trails in our front yard, "Wow, look at the stars!!" or "look at that owl, did you see that bird?": With lights blazing you don't see much of the natural environment- just a cold, cold man made glare. And during one of the many foggy nights here- that glare is magnified so much so it lights up the ocean past the wave line all the way to Point Dume and on up the coast. If one were to measure the radius of the glare, it would be shocking. The night sky should be for everyone to see and giving that up for the select few who want to go to a night game is totally unfair and incomprehensible.

There was not much school spirit at MHS when they had the temporary lights- so how do permanent lights change that? Is school spirit or the lack of it the Coastal Commissions problem? With all due respect, aren't there larger issues at risk? Our son plays water polo for MHS and they have night games with lights. The water polo team is more popular and better ranked than the MHS football team but the only people who attend those games are the parents of the players. From our house we saw every football game when the temporary lights were up and they were not heavily populated, in fact the stands were often very empty, but ...they were well lit. Wouldn't call that school spirit. By approving the amendment we would be putting up expensive invasive lights to light up predominately empty stands for a select few at the expense of our shared environment. This seems out of balance.

Therefore considering the location of MHS and the coastal environment we all share, night lights at MHS for 100 plus nights per year, is not environmentally sustainable and/or prudent! Please **vote NO on the LCP amendment to allow limited field lights at Malibu High.**

Sincerely,

Judith and Dominick Guillemot  
5940 Clover Heights Ave.  
Malibu 90265

**Received**

OCT 03 2011

California  
Coastal Commission

DANELLE RONDBERG  
2035 4<sup>th</sup> Street, #301c  
Santa Monica, CA 90405

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

[JAinsworth@coastal.ca.gov](mailto:JAinsworth@coastal.ca.gov)

Dear Coastal Commissioners,

I am requesting that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field. I am formally AGAINST Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development, Permit Amendment # 4-99-276-A4.

I am a born and raised Los Angeleno and now live in Santa Monica. My favorite thing about living on the coast is driving up to Malibu as the land is still pure as nature created it. And, you can actually see the stars at night!! The Zuma coast and Malibu Park area has always been a magical place for me, ever since I was a kid. My friends and I have all spent countless evenings picnicking in the area, hiking the trails, enjoying the stunning sunsets, and star gazing into the late hours. Nothing gets better than that!!

I would be horrified if one of the few precious areas of land in Southern California was ruined by the interference of bright lights at the Malibu High Field. Truly, this would be a crime. We would no longer be able to enjoy one of the last few pleasures of a gorgeous strip of land so close to the city but ruined by unnecessary development.

I implore you to seriously do whatever it takes to protect this land. I cannot imagine how it would be forever changed for the worse with the permission of this night lighting. Please please please do what you can to protect this precious pocket of land filled with beauty and magic.

Sincerely,

Danelle Rondberg

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Received**

OCT 03 2011

California Coastal Commission  
South Central Coast District

September 29, 2011

**Re: AGAINST Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment # 4-99-276-A4 (Santa Monica-Malibu Unified School District)**

**Dear Coastal Commissioners:**

I am disappointed and confused as to why the Coastal Staff would recommend going against the protective policies of the Coastal Act which states the need to consider the direct impact of activities on resources within the coastal zone. I am against the staff's recommendation to modify Malibu's LCP in order to have lights on the football field..

The Santa Monica-Malibu Schools' own Draft EIR stated that "the introduction of night lighting into the project area could have a a potentially significant impact resulting in the potential degradation of the existing visual character or quality of the site and its surrounding area. Recently the SMMUSD submitted a plan to put seventeen 18 foot parking light s on the ridgeline above the athletic field which will have a cumulative impact with together with the athletic lights

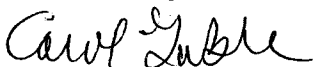
In 2000, when we moved into the Malibu Park neighborhood, we were told that there was an agreement with the school that there would NEVER be lights on the field. Malibu Park is a dark, rural neighborhood characterized by equestrian trails, no street lights, no curbs and an abundant wildlife population. When the high school blatantly violated their agreement in 2002 and brought in temporary lights. I can personally attest to the degradation of the environment through loud noise from the p.a. system and bright lights sticking up into the night. Our foggiest evenings are in the fall when football is played and that is when the "skyglow" would be at its greatest.

I am against this recommendation not only because our home looks directly down on Malibu High School and the football/soccer field but because there are other members of the public to be considered. Visitors come to this area to enjoy the glorious sunsets from October through February. On a Moonlight Hike at Charmlee Park I met people from as far away as Prague, Czech Republic Looking back from the top of Charmlee, I showed them where I live in Malibu Park, which would be lit up by skyglow if lights were permitted. Making a decision that would benefit only families, whose kids are involved in sports takes away the rights of others to enjoy a dark, peaceful neighborhood and amazing vistas. Providing a place for the community to gather together for social events is not what the Commission is charged with

I would like to know who is going to monitor this light usage plan, when the school has already proved to be an untrustworthy neighbor who goes back on their word. What is going to stop them in the future from violating any of the measures set forth in this recommendation. I fear an expansion of the usage of lights on the field once the poles are up.

Please Vote NO on this amendment and uphold the policies set forth in the Coastal Act to protect public views, wild life and the environment.

Respectfully,



Carol Gable

Malibu Park Resident

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, September 26, 2011 8:41 AM  
**To:** Deanna Christensen  
**Subject:** FW: Night Lights at Malibu Park High

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**From:** EagleFem@aol.com [mailto:EagleFem@aol.com]  
**Sent:** Friday, September 23, 2011 5:43 PM  
**To:** John Ainsworth  
**Cc:** malibudarkskies@gmail.com  
**Subject:** Re: Night Lights at Malibu Park High

To: The California Coastal Commission

Att: Jack Ainsworth

Re: Night Lighting Request for Malibu Park High School

Dear Sirs,

I am imploring you to turn down this currently proposed request for lights. Many of us moved to Malibu to enjoy the benefits of rural living within reasonable commuting distance from work. We have cherished the dark skies that enable us to see the stars at night and which enable wildlife to exist close to us.

Early in September, while driving home in the evening from Simi Valley, I was temporarily blinded by the glare that emanated from night lighting at school athletic field close to the freeway. The incoming fog and haze created a glare that made driving extremely dangerous. The same problem occurs regularly when driving through Thousand Oaks on the 101 Freeway at night when the lights of Calgary Christian School are on. It is especially dangerous when it is foggy. With the amount of fog and haze that we in Malibu live with on a constant basis, I am worried that Pacific Coast Highway would become even more dangerous to drive than it already is. Night lights will also negatively affect drivers on Morningview Drive and surrounding streets.

My husband and I have lived in Malibu for almost 40 years. We raised a son who played basketball, football, baseball, all without lights. Also, with the school budget demanding cut backs on all levels of education, it makes no sense to me that any monies would be spent on night lighting, at the expense of sacrificing other educational needs.

At the very least, a compromise, allowing a very limited number of lighted nights would possibly be acceptable. But the number of nights that is being requested is just too much.

Respectfully,

Anne Karam  
6175 Paseo Canyon Drive  
Malibu, CA 90265

9/26/2011

## Deanna Christensen

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**From:** John Ainsworth  
**Sent:** Friday, September 23, 2011 4:43 PM  
**To:** Deanna Christensen  
**Subject:** FW: Malibudarkskies.com

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

**From:** Lawrence, Richard [mailto:rlawrence@reptalent.com]  
**Sent:** Friday, September 23, 2011 3:19 PM  
**To:** John Ainsworth  
**Subject:** Malibudarkskies.com

I agree with all of the opponents of lighting up the skies in Malibu. What's next ,neon signs along PCH? We are a rural community where dark skies are more important than evening football or whatever else they plan on renting out the field for. They broke the law before with temporary lighting and should not be rewarded at this time to have permanent lights. This truly goes against the wishes of the majority of residents. Please do not let this resolution pass to satisfy the minority. Sincerely, Richard Lawrence, 19264 PCH, Malibu 90265

Richard Lawrence  
President  
Rebel Entertainment Partners, Inc.  
5700 Wilshire Blvd. Suite #456  
Los Angeles, California, 90036

Tel: 323-932-1366  
www.reptalent.com

Sent from my iPad

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, September 26, 2011 8:42 AM  
**To:** Deanna Christensen  
**Subject:** FW: Malibu's dark skies

---

**From:** Rebecca Dmytryk [mailto:rebecca@wildrescue.org]  
**Sent:** Sunday, September 25, 2011 10:03 AM  
**To:** John Ainsworth  
**Cc:** Steve Uhring; malibudarkskies  
**Subject:** Malibu's dark skies

Dear Coastal Commission:

I am opposed to the Malibu City's request for amendment of the LCP to allow sports lighting at Malibu High School.

Have you ever walked in the dark towards a car with its headlights on? You can't see the ground in front of you. That's what Malibu Park residents will be forced to live with if this amendment is approved.

Approval of the Malibu City and Santa Monica Malibu Unified School District request would throw the rights of Malibu Park residents out the window, and surely reduce their property values.

If you were looking to purchase a home above the Pacific Ocean in the Malibu Park area, imagining how you would enjoy sitting outdoors at sunset, overlooking the sea as it faded into a quiet evening - don't you think you would be deterred from buying the home if you knew you'd have bright sports lights invading your privacy? Wouldn't you think twice about living in a home where you'd hear the clammer of sports events well into the night? Well past your bedtime?

I sure wouldn't want to live there. No way. Not a chance!

The reason people move to Malibu - its draw, has always been the tranquility of its rural environment. People move to Malibu to 'get away from it all' - to have solitude, and quiet, and to enjoy the natural beauty that you can't find in the city.

So, tell me - where is the line? Where do the rights and wishes of the people who live in and around Malibu Park end and the wants of High School administrators begin?

What is the value of the Local Coastal Program? It was created to preserve a way of life.

What is the value of a ban on night lighting? It is to preserve a way of life for a community that treasures what it has - darkness and quiet.

9/26/2011

What will happen if you decline the City's request? What will happen?

Nothing. Nothing will happen. The City will tell the Santa Monica Malibu Unified School District representatives that they gave it their best shot, but they will have to go on, business as usual.

Your vote to decline the amendment will uphold the wishes and rights of the community and protect their way of life under dark skies.

Thank you ~ Rebecca Dmytryk, Malibu native.

Wildlife Paramedic Search and Rescue Teams, Humane Wildlife Management Services,  
Consulting

Rebecca Dmytryk  
Director, WildRescue  
[rebecca@wildrescue.org](mailto:rebecca@wildrescue.org)  
<http://www.wildrescue.org>



September 27, 2011

South Central Coast District Office  
Deanna Christensen Coastal Program  
South California Street, Suit 200  
Ventura, CA 9300-2801

**Received**

OCT 03 2011

California  
Coastal Commission

Dear Coastal Commission,

I am a 7<sup>th</sup> grader at Malibu High School. I say you should "NOT" have the lights up at the football field. I think students are safer when people can see us better in the daytime during the games.

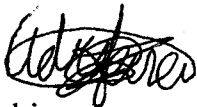
In addition, the football players would get to go home early on Fridays. What if they have something to do from 7 through 10 pm? Finishing early gives them time to do something that they want or have to do.

The football players and the spectators also have a better chance of not causing accidents on their way home because they can see better in daylight and they won't be distracted by their sleepiness.

Also, MHS neighbors might want to sleep but the field lights won't let them. They paid for a view of the sunset and stars, not a bunch of lights not letting them sleep.

In conclusion, I recommend that you do not permit lights up at the football field.

Sincerely,



Adriana Lopez

California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Received**

OCT 03 2011

California  
Coastal Commission

September 28, 2011

Re: Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit  
No.4-99-276-A4 (Santa Monica-Malibu Unified School District)

Dear Coastal Commission:

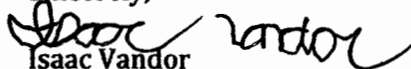
I am writing to voice my disapproval of the requested LCP Amendment 1-11 for limited field lighting on the main athletic field at Malibu High School. The use of field lighting is simply not feasible because of the lack of a means of enforcement. It would benefit a small number of beneficiaries, while greatly impacting the surrounding environment and community.

In its current state, the City of Malibu has submitted a Local Coastal Plan Amendment that calls for "Limited lighting of the main sports field at public high schools during Pacific Standard Time until 7:30 p.m., except that for 18 days in any 12 month period up to 10:30 p.m." Furthermore, the School District shall obtain a conditional use permit from the City. Who will enforce the policy when, on the 19<sup>th</sup> day, someone turns the lights on? For years, Malibu High School's football team played under temporary lights illegally. The rules were never enforced.

Malibu High school's football team is currently ranked 730<sup>th</sup> in the state of California according to maxpreps.com. Comparatively, Malibu High School's Football was ranked 847<sup>th</sup> in the state of California during the 2009-2010 season when temporary lights were in place. Clearly, the removal of field lighting has not had significant adverse effects on our team. Furthermore, during the 2009-2010 season, the Malibu High School Varsity Football team had 28 players. Currently, the varsity team boasts 20 players. At most, with the inclusion of boys and girls soccer, the total number of varsity players using the lights, would be 72 players. Out of a total high school population of 667, many of whom are women, permanent lights would affect 11 % of the student body, many of whom cannot even play Football or Boys soccer. Surely there is something we can spend our money on that is much more badly needed and affects a larger percentage of us students.

Finally, I would like to point out that pages 7-12 of the Staff Recommendation and report submitted to the Coastal Commission are taken up entirely by "Suggested modifications on the local implementation plan." The main body of the staff report itself is then filled with page after page explaining these modifications. Attached to the staff report itself are at least a hundred, if not more, letters urging you, the coastal commission to vote no. Within the staff report itself, there is overwhelming public disapproval. Please, let their voice be heard; just vote no! In conclusion, please vote no on the LCP amendment to allow limited field lights at Malibu High School.

Sincerely,

  
Isaac Vandor

6185 Paseo Canyon Drive  
Malibu, CA 90265

Deanna Christensen

Coastal Program Analyst

89 south CA street suite 200

Ventura CA 9300-2801

9-27-11

Dear Coastal Commission

Hi, my name is Niki Mandel, I'm a 7th grader at Malibu High School, and I strongly disagree with your idea to put lights up. I can't even fathom why you would want to, you would be wasting a lot of money that could be put to better uses. For instance there are many schools across the country that need school supplies. What investments could you make from having lights anyway, all it would do would be to cause more light pollution. *If there would be anyway to get eco-friendly lights, then I might agree with the lights.*

Sincerely, Niki Mandel.



**Received**

OCT 03 2011

California  
Coastal Commission

**Deanna Christensen**

**From:** John Ainsworth  
**Sent:** Monday, October 03, 2011 2:05 PM  
**To:** Deanna Christensen  
**Subject:** FW: ex parte malibu high school LCPA lighting judi hutchinson

**From:** Vanessa Miller  
**Sent:** Monday, October 03, 2011 11:31 AM  
**To:** John Ainsworth  
**Subject:** FW: ex parte malibu high school LCPA lighting judi hutchinson

**Received**

OCT 03 2011

**From:** Jana Zimmer [mailto:janazimmer@cox.net]  
**Sent:** Monday, October 03, 2011 11:28 AM  
**To:** Vanessa Miller; Jeff Staben  
**Subject:** ex parte malibu high school LCPA lighting judi hutchinson

California Coastal Commission  
South Central Coast District

## FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: W 17a Santa Monica Malibu Unified  
Malibu HS Lighting

Date and time of receipt of communication: October 3, 2011, 11:a.m-11:15  
a.m. \_\_\_\_\_

Location of communication:  
\_\_\_\_\_

Type of communication (letter, facsimile, etc.):  
telecon \_\_\_\_\_

Person(s) initiating communication: Judi Hutchinson, Malibu Dark Skies

This was before the Commission 2009, resulting in a unanimous vote against the staff recommendation. That proposal was less, it was 16 nights. Now staff is suggesting 75 nights. Nothing has changed since 2009. Last time it was brought by the School District. The City of Malibu council adopted the amendment to lift . Some of them are on the school BB funds and were pushing for the lights before.

The last time Glen Lukos was hired by the school board. They said they saw no raptors nests. She found one, with barn owl pellets under it. Lukos erroneously stated there were street lights. They asked this time for CCC biologist to come out, and she did. Now she reports a large nest, but no droppings. She did see the blue line stre

Addendum Exhibit 3
CDP Amendment
4-99-276-A4

10/3/2011

claimed that it was a dirt channel. Hutchinson has never seen that stream dry in 43. She disagrees with that opinion, believes the stream is good habitat for wildlife.

There is currently a prohibition on night lighting on single family homes, specifically tennis courts. So would this be precedent for homeowners to light up their private courts. This is a very dark area and she really hopes that the CCC will keep it dark. The dark sky is a benefit to people as well as the wildlife.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Commissioner

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

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

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

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, October 03, 2011 2:06 PM  
**To:** Deanna Christensen  
**Subject:** FW: ex parte malibu high school LCPA lighting laura rozenthal

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**From:** Vanessa Miller  
**Sent:** Monday, October 03, 2011 11:33 AM  
**To:** John Ainsworth  
**Subject:** FW: ex parte malibu high school LCPA lighting laura rozenthal

**Received**

OCT 03 2011

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**From:** Jana Zimmer [mailto:janazimmer@cox.net]  
**Sent:** Monday, October 03, 2011 11:27 AM  
**To:** Vanessa Miller; Jeff Staben  
**Subject:** ex parte malibu high school LCPA lighting laura rozenthal

California Coastal Commission  
South Central Coast District

## FORM FOR DISCLOSURE OF EX PARTE COMMUNICATIONS

Name or description of project, LPC, etc.: W 17a Santa Monica Malibu Unified  
Malibu HS Lighting

Date and time of receipt of communication: October 3, 2011, 8:40  
a.m. \_\_\_\_\_

Location of communication:  
\_\_\_\_\_

Type of communication (letter, facsimile, etc.):  
telecon \_\_\_\_\_

Person(s) initiating communication: Laura Rozenthal Mayor Pro tem Malibu  
Detailed substantive description of content of communication:  
(Attach a copy of the complete text of any written material received.)

\_\_\_Feels the District and the City have compromised in that they would like to use the lighted area more, events, etc. but have given up a lot of those nights. It will be a very minimal level. Asking for 132 hours of lights a year, comparable to other schools. The Malibu Park is her neighborhood is not so rural, pool lights are on 5 nights a week; lights at Zuma beach, PCH is driven 24 hours a day, ¼ mile away, bordered by two commercial areas where lights are on 24/7. During the time the seven years the lights were being used, never perceived any effect on dark. I asked what are the mechanisms to avoid expansion. Said that they have been totally in compliance for the

10/3/2011

last three years, that the future should be left to the locals, who will address through city council. \_\_\_\_\_

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\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Commissioner

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

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

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

**CALIFORNIA COASTAL COMMISSION**

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

# W 17a

Filed: 6/23/11  
180th Day: 12/20/11  
Staff: D. Christensen  
Staff Report: 9/22/11  
Hearing Date: 10/5/11



## **STAFF REPORT: PERMIT AMENDMENT**

**APPLICATION NO:** 4-99-276-A4

**APPLICANT:** Santa Monica-Malibu Unified School District

**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) in order to allow future limited lighting of the main sports field.

**SUBSTANTIVE FILE DOCUMENTS:** CDP No. 4-99-276 and 4-99-276-A3 (Santa Monica-Malibu Unified School District); "Malibu High School Football Lighting Mitigated Negative Declaration" by CAA Planning, July 2009; "Biological Inventory" by Glenn Lukos Associates, dated May 4, 2009; "Addendum to Biological Inventory" by Glenn Lukos Associates, dated August 7, 2009; "Biological Field Study Findings" by PBS&J, dated May 18, 2010; Field Lighting Correspondence by PBS&J, dated August 29, 2009; Memorandum Regarding Malibu High School Athletic Field Lighting by Dr. Jonna Engel, California Coastal Commission Staff Biologist, dated September 22, 2011; City of Malibu LCP Amendment No. 1-11-A.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff recommends **approval** of the proposed amendment with **one (1) special condition**. The standard of review for the proposed amendment is the policies and provisions of the certified City of Malibu Local Coastal Program (LCP). As conditioned, the proposed amendment is consistent with all applicable policies of the Malibu certified LCP, as amended by LCP Amendment No. 1-11-A, approved by the Commission, with suggested modifications, on October 5, 2011, prior to the Commission's review of this amendment request.

**STAFF NOTE REGARDING JURISDICTION:** 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 over consideration 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).

**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 Executive Director determines that a proposed amendment is immaterial, but the applicant or an 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 eliminated. Special Condition No. 9 below is hereby added as a new condition of approval.

Appendix A, attached, includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by all subsequent amendments, including this amendment number 4, with changes shown in **underline/strikeout** as applicable).

### **9. Certification of City of Malibu LCP Amendment No. 1-11-A**

Prior to issuance of this permit amendment (4-99-276-A4), the City of Malibu LCP Amendment 1-11-A must be effectively certified pursuant to Section 13544 of Title 14 of the California Code of Regulations.

Although this amendment (4-99-276-A4) removes the pre-existing prohibition on lighting of “the football field and outdoor track and field facility (athletic fields),” such lighting (as well as any other lighting of outdoor sports fields and courts at Malibu High School) still requires a separate coastal development permit from the City of Malibu in order to be permissible.

## **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, the Commission has issued coastal development 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 6**. After the applicant satisfied 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.

In or around 2003, the District began operating temporary night lighting of the football field in violation of CDP 4-99-276. In 2009, the District requested a permit amendment (4-99-276-A3) from the Commission to remove the outright prohibition of lighting imposed 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 football season. The projected season schedule would have resulted in a maximum of 62 hours of lighting per football season for 8 practices and 8 games during the months of September, October and November, with a possible extension into December for playoff games. The 16 total nights and 62 hours was inclusive of potential playoffs. Team practices were scheduled for select Thursday nights until approximately 7:30 p.m. and football games were scheduled for select Friday nights until approximately 10:30 p.m. Five 53-foot high light standards providing temporary lighting for the football field were proposed. The lights were proposed to be directed downward and fitted with visors that minimize the light spill, sky glow, and glare impacts.

Commission staff had recommended approval of the amendment request in its staff report of September 17, 2009, which was considered at the October 2009 Commission hearing. Commission staff had determined that the proposed temporary and limited use of the lights would not adversely impact ESHA, ESHA buffer, or public scenic views, and would minimize adverse impacts to area wildlife. However, at its hearing of October 8, 2009, the Commission considered the staff recommendation, public comment and testimony, and all evidence in the record and unanimously denied the amendment request. Contrary to the staff recommendation, the Commission found that even the temporary, limited use of the proposed field lights would adversely impact visual resources and not be compatible with the rural and scenic character of the area. In addition, the Commission noted that lighted sports courts in the Institutional zone district were not an allowed use in the City of Malibu LCP, pursuant to Table B of the LCP, which summarizes permitted uses in the various zone districts of the City.

The City proposed LCP Amendment 1-11-A to amend Table B of the Implementation Plan portion of its LCP to allow the conditional use of lighting of the main sports field at public high schools in the Institutional zone. Specifically, the LCP amendment proposed to add a regulation

in the LCP for the use of night lighting that is restricted to (1) public high schools in the Institutional zone (the only public high school in the City is Malibu High School), (2) the main sports field of any such school, (3) Pacific Standard Time until 7:30 p.m. except for (4) a maximum of 18 days in any 12 month period up to 10:30 p.m., and (5) requirement of a conditional use permit. The Commission approved that LCP Amendment with suggested modifications at the October 5, 2011 hearing, just prior to hearing this permit amendment request, making it clear that the LCP no longer imposes a wholesale prohibition on the lighting of sports fields in the Institutional Zone (where Malibu High School is located). However, although the LCP amendment clarifies the standards and conditions of sport field lighting at Malibu High School for any future lighting proposal, the lighting prohibition for Malibu High School pursuant to Coastal Development Permit No. 4-99-276 still exists. As such, the District has submitted the subject amendment application to CDP 4-99-276 requesting the elimination of the permit's Athletic Field Lighting Restriction (Special Condition No. 6) so that the District may seek authorization for lighting of the sports field in the future, with any such future lighting proposal being subject to the City's LCP requirements, as amended.

### **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. 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 campus' main athletic 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 (**Exhibits 1-3**).

The surrounding area is characterized by primarily semi-rural 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 disturbed riparian vegetation exists just west of the campus site, approximately 600 feet northwest of the campus' main athletic field. Zuma Creek, a blue-line stream that is designated ESHA in the Malibu LCP is situated approximately 2,500 feet to the east of the campus main sports 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 a previous amendment request for field lighting (4-99-276-A3), the District had a Biological Inventory (Glenn Lukos Associates, May 2009) conducted to survey the entire School District property (which includes the Malibu Equestrian Park) and a 500 ft. radius surrounding the property for the presence of sensitive habitat or special-status species. The Biological Inventory characterized the area west of the main sports field as primarily developed with the exception of a blue-line stream at the northwest edge of campus (and about 600 feet from the main athletic field) 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 (**Exhibit 5**). 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.

On April 26, 2010, May Lau, a wildlife biologist at PBS&J Consulting, conducted a biological resources survey to verify the findings of the 2009 Biological Inventory Assessment by Glenn Lukos Associates. May Lau's May 18, 2010 Summary of Findings memo, found that the Glenn Lukos report had accurately identified the type and extent of habitat types in the area of the High School. May Lau also found that there were no signs of nesting or roosting owls in the vicinity of the Malibu Equestrian Park eucalyptus tree stands. In addition, May Lau had detected additional wildlife species not previously documented in the Glenn Lukos report, including one amphibian (Baja California chorus frog [*Pseudacris hypochondriaca*]), one invertebrate (dung beetle), two bird species (California thrasher and western gull), and one mammal (cottontail). However, none of these detected species are considered special-status, sensitive, or rare species.

Commission Staff Ecologist, Dr. Jonna Engel, has reviewed all available biological information, visited the Malibu High School property and surrounding area on July 12, 2011, to survey the natural resources, and prepared a memo regarding biological resources of the site, dated September 22, 2011, which is hereby incorporated herein, and which is attached as **Exhibit 4**.

### **Correspondence**

Regarding the related LCP Amendment 1-11-A, Commission staff has received correspondence from a number of interested parties expressing opposition to nighttime field lighting at the high school. The common concerns expressed in the opposition letters are that night field lighting would impact area wildlife and diminish the scenic, rural quality of the area and dark skies. These letters are attached as **Exhibit 7**.

Regarding the related LCP Amendment 1-11-A, Commission staff received a letter dated August 31, 2011 from Douglas Carstens, an attorney representing the Malibu Dark Skies Committee, which consists of area residents and environmental activists concerned with the significant impacts intensive nighttime lighting will have on wildlife and the nighttime scenic views in the rural area of Malibu. The letter expresses opposition to nighttime lighting of sports fields at Malibu High School, asserting that lighting would result in significant negative impacts to scenic and biological resources. This letter is attached as **Exhibit 8**.

Regarding the related LCP Amendment 1-11-A, Commission staff has also received correspondence from a number of interested parties expressing support for nighttime field lighting at the high school. These letters are attached as **Exhibit 9**.

## **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 Malibu LCP requires that new development be sited and designed to minimize adverse impacts on scenic areas visible from scenic roads and public viewing areas. Section 30251 of the Coastal Act, which is incorporated as a policy in 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 policies from the Land Use Plan (LUP) portion of the LCP 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.**

In addition, Table B and the following Local Implementation Plan (LIP) provision, as amended by LCP Amendment 1-11-A, are specifically applicable in this case. LCP Amendment 1-11-A was approved by the Commission at the October 2011 hearing subject to several suggested modifications that are reflected below. However, because the approval was subject to suggested modifications by the Commission, the amendment will not become effective and certified until the City acts to accept the suggested modifications and the Commission determines that the City's action to accept the suggested modifications is legally adequate to satisfy all requirements of the Commission's certification order (California Code of Regulations, Title 14, Sections 13542 and 13544).

Table B, as amended, now specifically allows the lighting of the main sports field at Malibu High School, subject to the standards in LIP sections 3.3.N.3, 4.6.2, and 6.5.G, which, as amended, states:

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

1. **The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Planning Manager.**
2. **Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.**
3. **The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.**
4. **A light, not to exceed 60 watts or the equivalent, at the entrance to the (identify nonresidential accessory structures).**
5. **No lighting around the perimeter of the site, no lighting for sports courts or other private recreational facilities, and no lighting for aesthetic purposes is allowed.**
6. **Lighting may only occur for a maximum of three (3) days in any calendar week and must be limited to the following time restrictions:**
  - i. **During Pacific Standard Time (defined as of 2011 to be the first Sunday in November to the second Sunday in March), the lights may be illuminated no later than 7:30 p.m. except as indicated below.**
  - ii. **From each September 1 through May 31 period, inclusive, the lights may only be illuminated after 7:30 p.m. up to 18 times, and then (a) only until 10:30 p.m., (b) never on consecutive nights, and (c) on no more than two nights in any given calendar week.**

*iii. The lights may not be illuminated at any time between June 1 and August 31, inclusive, of any year.*

- 7. Prior to issuance of Coastal Development Permit, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions. Public agencies shall not be required to record a deed restriction but may be required to submit a written statement agreeing to any applicable restrictions above.**

The area surrounding Malibu High School is characterized as a semi-rural residential neighborhood. However, Cabrillo Elementary School is located to the west of the high school site, and the approximately 46-acre Malibu Equestrian Park is located to the east of the high school site. The Malibu Equestrian Park has been operated by the City of Malibu since 1993 pursuant to a Community Recreation Agreement between the School District and the City. A large berm separates the high school's main sports field area from the equestrian park to the east. The nearest residence to the main sports field of Malibu High is approximately 550 feet away to the northwest. Existing light sources in this area of educational facilities and residential development consist of security, parking lot, and residential lighting. Public land/public viewing areas in the vicinity includes Zuma Beach County Park approximately 1,400 feet 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.

While Table B of the Local Implementation Plan (LIP) portion of the City's LCP prohibits lighted sports courts in the Institutional zone, the Land Use Plan (LUP) policies and LIP provisions of the LCP do not specifically address night lighting of sports courts or sports fields for public facilities, and it does not specifically prohibit night lighting of sports courts or sports fields in *non-residential* areas, such as the institutional zone district where Malibu High School is located. In order to clarify that night lighting of the main sports field at public high schools in the institutional zone may be a conditionally permitted use that is subject to certain time restrictions, the City proposed LCP Amendment 1-11-A. LCP Amendment 1-11-A was considered and approved by the Commission at the October 2011 hearing subject to several suggested modifications that allow limited night light usage at the main sports field of Malibu High School and specified that field lighting must be minimized, directed downward, and shielded using the best available visor technology and pole height and design that minimizes light spill, sky glow, and glare impacts to public views to the maximum extent feasible.

However, because the approval of the amendment request was subject to suggested modifications by the Commission, the amendment will not become effective and certified until the City acts to accept the suggested modifications and the Commission determines that the City's action to accept the suggested modifications is legally adequate to satisfy all requirements of the Commission's certification order (California Code of Regulations, Title 14, Sections 13542 and 13544). While the Malibu School District has submitted the subject amendment application to CDP 4-99-276 requesting the elimination of the permit's Athletic Field Lighting Restriction (Special Condition No. 6) so that the District may seek authorization for lighting of the sports field from the City in the future, any future lighting proposal would not be consistent with the LCP unless, and until, LCP Amendment 1-11-A is effectively certified by the Commission and any lighting proposal is approved by the City of Malibu in a manner consistent with the limitations in the revised LCP.

The Malibu LCP, as amended by LCP Amendment 1-11-A, limits night lighting of the main sports field at Malibu High School for no more than three nights in any calendar week, until 7:30



p.m. during Pacific Standard Time, except that for 18 nights the lights may be on until 10:30 p.m. from September through May (limited to two non-consecutive days of the maximum three days per calendar week). In addition, LIP Section 6.5(G), as amended by LCP Amendment 1-11-A, requires that field lighting must be minimized, directed downward, and shielded using the best available visor technology and pole height and design that minimizes light spill, sky glow, and glare impacts to public views to the maximum extent feasible. As such, the Commission finds that the proposed removal of the current lighting prohibition will be consistent with the LCP, as the recently amended LCP no longer imposes a blanket prohibition on lighting of the subject area, and the new Special Condition 9 will ensure that any future lighting will be permitted and will be consistent with the LCP.

As such, the Malibu LCP, as amended by Malibu LCP Amendment 1-11-A, establishes clear standards and provisions for any future lighting proposal by the School District in order to minimize impacts to scenic and visual resources. Any future lighting proposal by the School District would require a Coastal Development Permit from the City of Malibu where the standard of review is the Malibu LCP. However, because the approval of LCP Amendment 1-11-A was subject to suggested modifications by the Commission, the amendment will not become effective and certified until the City acts to accept the suggested modifications and the Commission determines that the City's action to accept the suggested modifications is legally adequate to satisfy all requirements of the Commission's certification order (California Code of Regulations, Title 14, Sections 13542 and 13544). To ensure that any future lighting of the sports field at Malibu High School is limited pursuant to the terms of LCP Amendment 1-11-A, the Commission finds it necessary eliminate Special Condition No. 6 (Athletic Fields Lighting Restriction) and to add a new condition of approval (Special Condition 9) to this permit amendment to require that prior to issuance of the permit amendment, the City of Malibu LCP Amendment 1-11-A must be effectively certified pursuant to Section 13544 of Title 14 of the California Code of Regulations. As conditioned, the Commission finds that the subject CDP, as proposed to be amended to eliminate Special Condition 6 is consistent with the visual/scenic resource protection policies of the Malibu LCP.

#### **D. Environmentally Sensitive Habitat**

The following policies of Chapter Three of the Coastal Act are 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.***

##### **Section 30230**

***Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will***

*maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

**Section 30250 (in relevant part)**

*(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

In addition, the City of Malibu certified LUP contains policies that protect the environmentally sensitive habitat areas of the City:

***Policy 3.4: 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.*

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

In addition, the following LIP policy, as amended by LCP Amendment 1-11-A with Commission Suggested Modifications, is applicable in this case. LCP Amendment 1-11-A was approved by the Commission at the October 2011 hearing subject to several suggested modifications that are reflected below. However, because the approval was subject to suggested modifications by the Commission, the amendment will not become effective and certified until the City acts to accept the suggested modifications and the Commission determines that the City's action to accept the suggested modifications is legally adequate to satisfy all requirements of the Commission's certification order (California Code of Regulations, Title 14, Sections 13542 and 13544).

**4.6.2. Lighting**

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

*increase illumination in ESHA shall be prohibited. Permitted lighting shall conform to the following standards:*

1. *The minimum necessary to light walkways used for entry and exit to the structures, including parking areas, on the site. This lighting shall be limited to fixtures that do not exceed two feet in height, are directed downward, and use bulbs that do not exceed 60 watts, or the equivalent, unless a higher wattage is authorized by the Planning Manager.*
2. *Security lighting attached to the residence that is controlled by motion detectors and is limited to 60 watts, or the equivalent.*
3. *The minimum lighting necessary for safe vehicular use of the driveway. The lighting shall be limited to 60 watts, or the equivalent.*
4. *A light, not to exceed 60 watts or the equivalent, at the entrance to the (identify non-residential accessory structures).*
5. *No lighting around the perimeter of the site, no lighting for sports courts or other private recreational facilities, and no lighting for aesthetic purposes is allowed.*
6. *Prior to issuance of Coastal Development Permit, the applicant shall be required to execute and record a deed restriction reflecting the above restrictions.*
7. *Lighting of the main sports field at Malibu High School may only be permitted if it complies with the following standards:*
  - a. *Lighting shall be minimized, directed downward, and shielded using the best available visor technology and pole height and design that minimizes light spill, sky glow, and glare impacts to public views and wildlife to the maximum extent feasible.*
  - b. *Lighting may only occur for a maximum of three (3) days in any calendar week and must be limited to the following time restrictions:*
    - i. *During Pacific Standard Time (defined as of 2011 to be the first Sunday in November to the second Sunday in March), the lights may be illuminated no later than 7:30 p.m. except as indicated below.*
    - ii. *From each September 1 through May 31 period, inclusive, the lights may only be illuminated after 7:30 p.m. up to 18 times, and then (a) only until 10:30 p.m., (b) never on consecutive nights, and (c) on no more than two nights in any given calendar week.*
    - iii. *The lights may not be illuminated at any time between June 1 and August 31, inclusive, of any year.*
  - c. *For lighting that is to be allowed during bird migration periods (Fall Migration: September through first week in November, and Spring Migration: Last week of March through May), an Avian Monitoring Plan, that is prepared by a qualified ornithologist/ecologist and reviewed and approved by the City Biologist, shall be required prior to issuance of the coastal development permit, and the permit shall be consistent with and require compliance with that plan. The plan shall, at a minimum, include the following elements:*
    - i. *Monitoring shall be conducted by a qualified ornithologist/ecologist to assess potential adverse impacts to migratory and resident bird species.*

- ii. *The monitoring design and schedule shall include a paired monitoring design (i.e. a night with lights immediately preceded or followed by a night without lights), and a monitoring frequency of once per week during any week when lights are operated during Fall and Spring migration periods for at least one year. If the monitoring results indicate that the one year monitoring period was a typical bird migration year with a typical range of atmospheric conditions and the main sports field lights have resulted in no adverse impacts upon birds, no additional monitoring may be required. If the monitoring results indicate otherwise, monitoring shall continue for an additional year(s) until a year of monitoring under typical conditions occurs and the consulting ornithologist obtains enough data to assess potential adverse impacts to migratory and resident bird species.*
- iii. *The description of observational monitoring activities shall include tallying species and numbers of birds observed within a 200 ft. sphere of the light standards and noting atmospheric conditions, bird behavior, and changes in bird behavior.*
- iv. *The monitoring plan shall specify a threshold for determining significant adverse impacts to migratory and resident bird species from field lights.*
- v. *Seasonal migration reports (Fall and Spring) of monitoring results shall be submitted to the City Biologist. However, the consulting ornithologist shall immediately notify the City should an adverse bird event related to the approved field lights occur at any time during the course of monitoring. The monitoring plan shall also include a provision for submission of a final monitoring report to the City Biologist at the end of the monitoring period.*

*The approved Avian Monitoring Plan shall be implemented concurrent with the approved field lighting operations. If the Monitoring results indicate that the approved field lighting results in significant adverse impacts upon birds, the City shall require modification of the approved lighting schedule in order to ensure avoidance of the identified impacts.*

- d. *The applicant shall be required to submit a written statement agreeing to the above restrictions.*

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 campus' main athletic 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 semi-rural 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. There is a grove of eucalyptus trees near the equestrian park approximately 750 feet east of the athletic field, and a small stand of black walnut trees approximately 1,400 feet east/southeast of the athletic field. Zuma Creek, a blue-line stream that is designated ESHA in the Malibu LCP is situated approximately 2,500 feet to the east of the campus football field. An intermittent blue-line stream containing highly degraded riparian vegetation exists just west of the campus site, approximately 600 feet northwest of the campus' main athletic field. The Malibu High School campus is not located within or adjacent to any designated environmentally sensitive habitat areas (ESHA).

The Malibu LCP, as amended by LCP Amendment 1-11-A, limits night lighting of the main sports field at Malibu High School for no more than three nights in any calendar week, until 7:30 p.m. during Pacific Standard Time, except that for 18 nights the lights may be on until 10:30 p.m. from September through May (limited to two non-consecutive days of the maximum three days per calendar week). In addition, LIP Section 4.6.2, as amended by LCP Amendment 1-11-A, requires that field lighting must be minimized, directed downward, and shielded using the best available visor technology and pole height and design that minimizes light spill, sky glow, and glare impacts to public views and wildlife to the maximum extent feasible. To ensure the allowed 18 nights that could occur outside of Pacific Standard Time will avoid significant adverse impacts to migratory and resident bird species from field lights, LIP Section 4.6.2 of the LCP, as amended by LCP Amendment 1-11-A, require that an Avian Monitoring Plan be prepared and conducted for any field night lighting that is allowed during bird migration periods (September through first week of November and the last week of March through May). The Avian Monitoring Plan, prepared by a qualified ornithologist/ecologist and reviewed and approved by the City Biologist, is required prior to issuance of the coastal development permit for any future field lighting proposal. The approved Avian Monitoring Plan is required to be implemented concurrent with the any approved field lighting operations, and if the monitoring results indicate that the approved field lighting results in significant adverse impacts upon birds, the City shall require modification of the approved lighting schedule in order to ensure avoidance of the identified impacts. In addition, LIP Section 4.6.2 requires that the required Avian Monitoring Plan include certain minimum components for an effective and scientifically meaningful assessment of impacts associated with any field lighting during bird migration periods. As such, the Commission finds that the proposed removal of the current lighting prohibition will be consistent with the LCP, as the recently amended LCP no longer imposes a blanket prohibition on lighting of the subject area, so removal of the existing prohibition in Special Condition 6 is appropriate and the new Special Condition 9 will ensure that any future lighting will be permitted and will be consistent with the LCP.

As such, the Malibu LCP, as amended by Malibu LCP Amendment 1-11-A, establishes clear standards and provisions for any future lighting proposal by the School District in order to ensure that night lighting protects ESHA from significant disruption of habitat values, would not increase illumination in ESHA or ESHA buffer, and would not pose a significant impact to migratory and resident bird species that may potentially occur in the area. Any future lighting proposal by the School District would require a Coastal Development Permit from the City of Malibu where the standard of review is the Malibu LCP. However, because the approval of LCP Amendment 1-11-A was subject to suggested modifications by the Commission, the amendment will not become effective and certified until the City acts to accept the suggested

modifications and the Commission determines that the City's action to accept the suggested modifications is legally adequate to satisfy all requirements of the Commission's certification order (California Code of Regulations, Title 14, Sections 13542 and 13544). To ensure that any future lighting of the sports field at Malibu High School is limited pursuant to the terms of LCP Amendment 1-11-A, the Commission finds it necessary to eliminate Special Condition 6 (Athletic Fields Lighting Restriction) and to add a new condition of approval (Special Condition 9) to this permit amendment to require that prior to issuance of the permit amendment, the City of Malibu LCP Amendment 1-11-A must be effectively certified pursuant to Section 13544 of Title 14 of the California Code of Regulations. As conditioned, the Commission finds that the subject CDP, as proposed to be amended to eliminate Special Condition 6, is 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. 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.

# APPENDIX A

## **STANDARD CONDITIONS OF CDP 4-99-276 AND SUBSEQUENT AMENDMENTS**

**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 of 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.

## **SPECIAL CONDITIONS OF CDP 4-99-276 AND SUBSEQUENT AMENDMENTS**

### **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

# APPENDIX A

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 I 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



# APPENDIX A

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.

## 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,

# APPENDIX A

the applicant landowner or successor in-interest 0 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 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~~

~~PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement in a form and content acceptable to the Executive Director 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.~~

### 7. Event Parking Management Plan

# APPENDIX A

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.

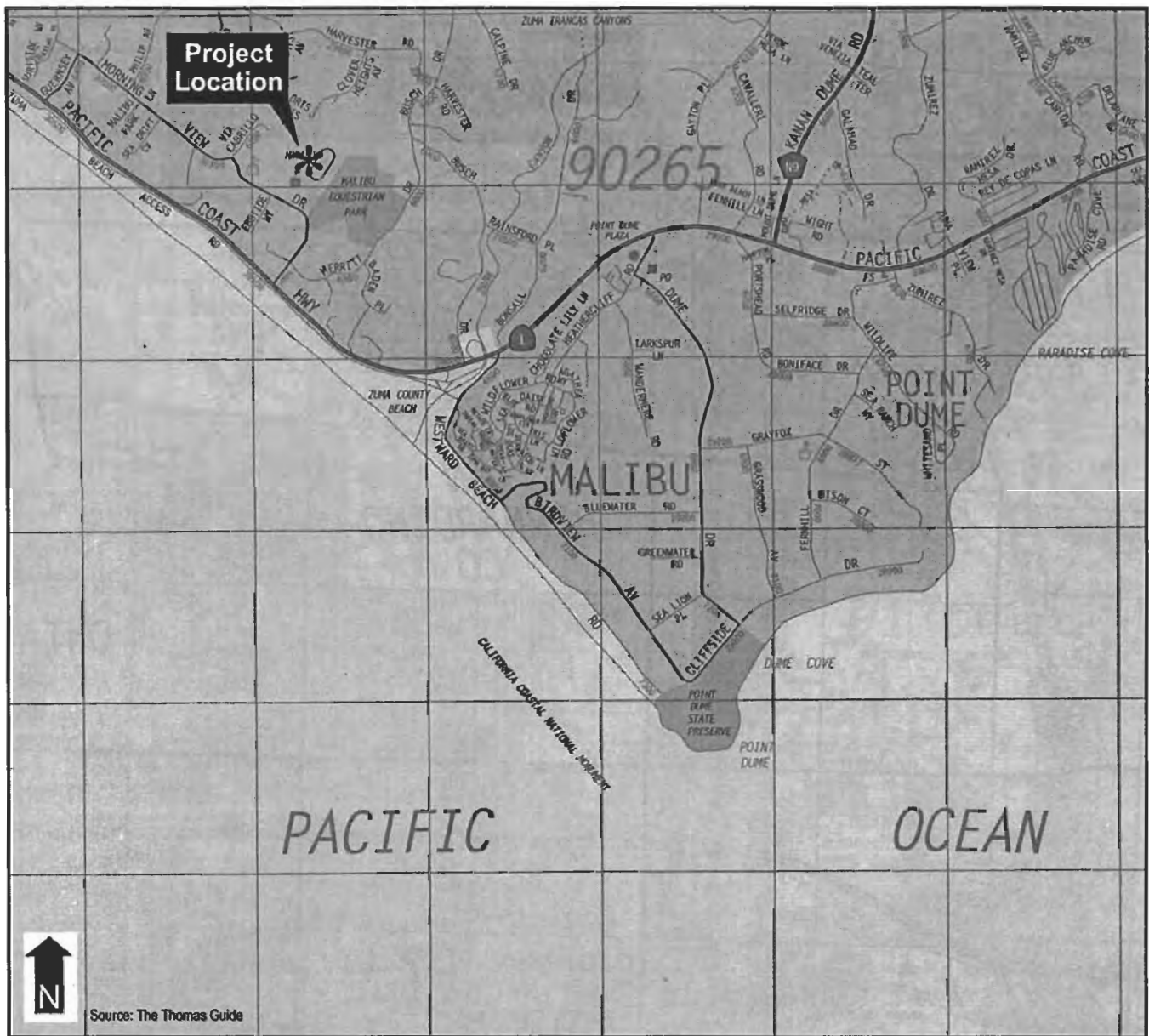
## **8. Paleontological Resources**

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 a qualified paleontologist 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 paleontologist(s) with the purpose of locating, recording and collecting any fossil materials. In the event that any significant 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 and the applicant's paleontologist, consistent with the guidelines of the California Environmental Quality Act (CEQA).

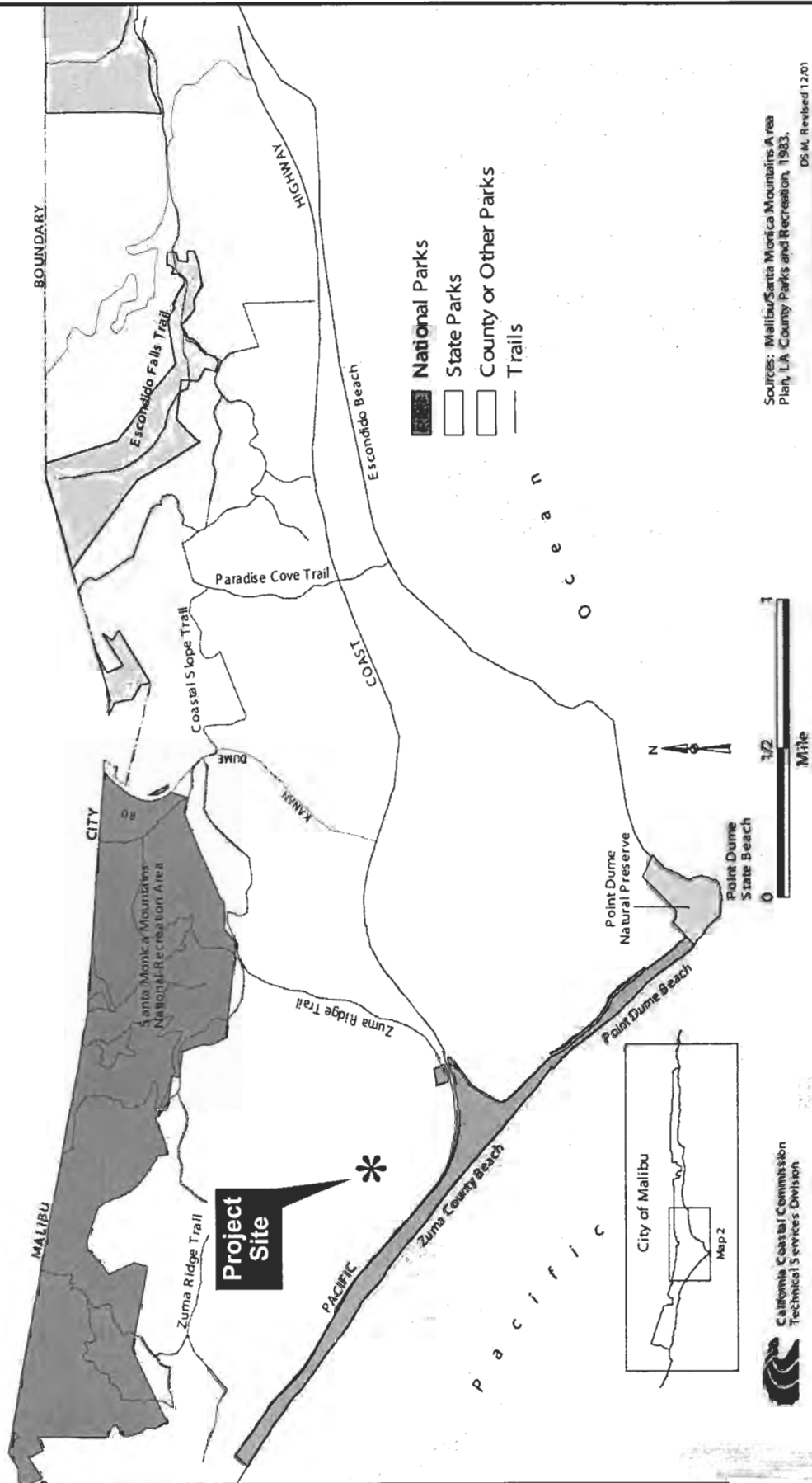
## **9. Certification of City of Malibu LCP Amendment No. 1-11-A**

**Prior to issuance of the permit amendment (4-99-276-A4), the City of Malibu LCP Amendment 1-11-A must be effectively certified pursuant to Section 13544 of Title 14 of the California Code of Regulations.**

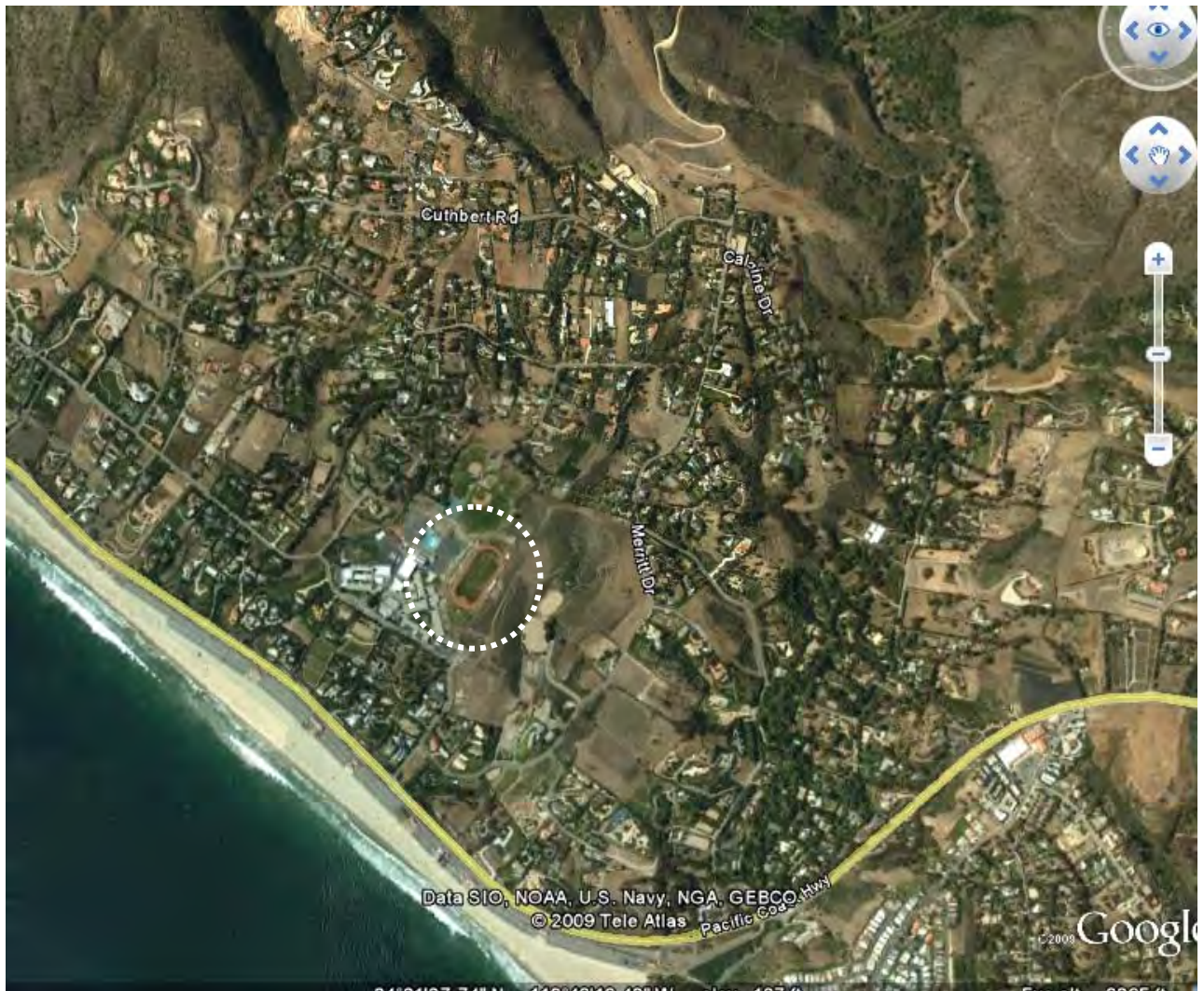
**Although this amendment (4-99-276-A4) removes the pre-existing prohibition on lighting of “the football field and outdoor track and field facility (athletic fields),” such lighting (as well as any other lighting of outdoor sports fields and courts at Malibu High School) still requires a separate coastal development permit from the City of Malibu in order to be permissible.**



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









An aerial photograph showing Malibu High School and its athletic fields. The school buildings are clustered in the center-left, with several baseball and softball fields nearby. A large, open, brownish field is to the right of the school. The area is surrounded by residential houses and greenery. In the foreground, a wide sandy beach and the ocean are visible. The text 'Main Athletic Field' is written in red, and 'MALIBU HIGH SCHOOL' is written in black. The text 'ZUMA BEACH' is written in black at the bottom. A yellow box in the bottom right corner contains the text 'Exhibit 3', 'CDP 4-99-276-A4', and 'Aerial Views 2 of 2'. The bottom of the image has a black bar with white text: 'Copyright (C) 2002-2010 Kenneth & Gabrielle Adelman, California Coastal Records Project, www.Californiacoastline.org'.

Main  
Athletic  
Field  
MALIBU HIGH SCHOOL

ZUMA BEACH

Exhibit 3  
CDP 4-99-276-A4  
Aerial Views 2 of 2

**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: City of Malibu LCP Amendment No. 1-11-A regarding Malibu High School Athletic Field Night Lighting  
DATE: September 22, 2011

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**Documents Reviewed:**

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

Glenn Lukos Associates. August 7, 2009. Addendum to Biological Inventory -Malibu High School Athletic Lighting Project

PBS&J Consultants. May 18, 2010. Biological Field Study Findings-MHS Campus Improvement Project

PBS&J Consultants. August 29, 2009. Field Lighting Correspondence-Malibu High School Athletic Lighting Project

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

CDP Application 4-99-276-A3

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The City of Malibu Local Coastal Program Amendment No. 1-11-A proposes to modify the permitted use table (Table B) of the LIP to allow night lighting of the main sports fields at public high schools in the Institutional zone as a conditional use. The permitted use table (Table B) of the City's LIP currently prohibits lighted sports courts in the Institutional zone district. The City's stated intent for this amendment request is to add a regulation in the LCP for the use of night lighting that is restricted to (1) public high schools in the Institutional zone (the only public high school in the City is Malibu High School), (2) the main sports field, (3) Pacific Standard Time until 7:30 p.m., (4) a

Exhibit 4
CDP Amendment
4-99-276-A4
Dr. Engel's Biological
Memorandum



maximum of 18 days in any 12 month period up to 10:30 p.m., and (5) requirement of a conditional use permit.

The 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 the western end of the Santa Monica Mountains. The high school's main athletic field is located 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, administrative buildings, a swimming pool, and sports fields. The surrounding area is characterized by primarily semi-rural residential development on slopes bordered by higher peaks of the Santa Monica Mountains National Recreational Area.

In addition, Cabrillo Elementary School is located immediately adjacent and west of the high school site and Malibu Equestrian Park (approx. 46-acres) is to the east of the site. The equestrian park 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 and non-native and invasive vegetation exists just west of the campus site, approximately 600 feet northwest of the campus' main athletic field. There is grove of eucalyptus trees adjacent to and east of the equestrian park approximately 600 feet from the athletic field and a small stand of black walnut trees approximately 1,200 feet east/southeast of the athletic field. Zuma Creek, a blue-line stream that is designated ESHA in the Malibu LCP is situated approximately 2,500 feet to the east of the campus athletic field. The Malibu High School campus is not located within or adjacent to any LCP-designated environmentally sensitive habitat areas (ESHA).

A biological inventory, "Biological Inventory – Malibu High School Athletic Lighting Project", prepared by Glenn Lukos Associates (GLA), was conducted for the proposed project in 2009. 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.

GLA describes the high school campus as being landscaped with ornamental groundcovers, shrubs, and trees and the athletic field as vegetated with turf grasses. GLA 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. Following is a summary of the vegetation/land use types and their acreages documented by GLA:

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 GLA biological inventory was conducted over a period of nearly a year starting in July 2008 and ending in April 2009. The GLA biological inventory included general surveys and vegetation mapping, owl and burrowing owl habitat assessments, and focused plant, burrowing owl, raptor, and raptor nesting surveys. During the surveys 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 GLA study. The degraded riparian habitat, west of the high school campus and approximately 600 feet from the athletic field, is the only environmentally sensitive habitat (ESHA) that GLA identified within the study area and I agree with this determination.

On April 26, 2010, May Lau, a wildlife biologist at PBS&J Consulting, conducted a biological resources survey to verify GLA's findings. May Lau's May 18, 2010 summary of findings memo found that GLA had accurately identified the type and extent of habitats in the area of the high school. May Lau also found that there were no signs of nesting or roosting owls in the vicinity of the Malibu Equestrian Park eucalyptus grove. May Lau detected additional wildlife species not previously documented by GLA, including one amphibian (Baja California chorus frog, *Pseudacris hypochondriaca*), one invertebrate (dung beetle), two bird species (California thrasher and western gull), and one mammal (cottontail). However, none of these species are considered special-status, sensitive, or rare and May Lau, like GLA, did not identify any special status species on Malibu High School property.

On July 12, 2011, I visited the Malibu High School property to survey the natural resources on and surrounding the high school campus. Like May Lau of PBS&J Consulting, I found the on-the-ground conditions to be consistent with the findings of GLA. In addition to walking the area, I spent considerable time surveying the eucalyptus tree stand near the Malibu Equestrian Center, the black walnut trees and surrounding community on the eastern perimeter of the site, and the blue-line stream corridor on the western perimeter of the site for evidence of sensitive species, raptor and owl use, and to assess the potential for negative impacts from night lighting. To get to the eucalyptus grove from the athletic field berm, I walked east/southeast down a trail losing a lot of elevation. The athletic field is not visible from the Malibu Equestrian

Center or eucalyptus grove. I observed one nest in the eucalyptus grove that showed no evidence of current use; I did not see any whitewash, feathers, forage discards, or owl pellets on the ground under or around the nest. I walked through most of the grove and didn't see any evidence of nesting birds. Based on its size, the nest I observed was likely the former nest of a red-tailed or red-shouldered hawk or a great horned owl.

Raptors and owls start courtship and breeding in January followed by nesting in February and March through August. Primarily limiting night lights to Pacific Standard Time would significantly limit the amount of time that nesting raptors and owls would be exposed to artificial lights at the athletic field. Should the eucalyptus grove support nesting raptors or owls in the future, it is my opinion that athletic field night lighting will not pose significant negative impacts upon these species based on the distance and elevation difference between the athletic field and the eucalyptus grove, provided that night lighting is primarily limited to Pacific Standard Time, no more than three nights per week for the hours proposed, and if the height and design of the lights are minimized.

On the eastern perimeter of the site, approximately 1,200 feet east/southeast of the athletic field, there are six to eight black walnut trees that span an ephemeral stream/drainage. While this area does have native habitat value, I agree with GLA that these trees and surrounding habitat do not rise to the level of black walnut grove ESHA. In addition, for the same reasons outlined above for the eucalyptus grove raptor and owl habitat (distance between, elevation differences), I don't believe this area will be exposed to significant negative impacts from athletic field night lighting, if night lighting is limited to the above provisions.

The section of blue-line stream/riparian habitat that borders the western boundary of the property is highly degraded. It is a dirt channel invaded and choked by non-native species for much of the reach bordering the high school. There are scattered black cottonwood trees (*Populus balsamifera*) that appear to be in poor health along the stream, a few small sycamores (*Platanus racemosa*), and a large patch of arroyo willow (*Salix lasiolepis*) which do provide native habitat value. The stream is over 600 feet away and noticeably lower in elevation than the athletic field, which was out of site for most of my walk along the stream course. My site visit observations align with GLA in finding that the stream does not support sensitive species and that it will also not be negatively impacted by limited athletic field night lighting due to distance, elevation difference.

Malibu High School is within the Pacific Flyway (Figure 1), and potentially within the pathway of northward spring and southward fall migrations, which occur during the months of late March through May and September, October, and the first part of November, respectively. Birds migrating along this route are heading to the Canadian Arctic, Canadian plains, and Canadian boreal forest in the spring, and to Mexico, South America, and Pacific Islands in the fall. It is important to note that "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. However, depending on the types of migrating birds, certain pathways (e.g. bordering the ocean, along valleys, etc.) will be more frequented, and certain habitats (woodlands, riparian areas, wetlands) will be more important stopovers, than others. Over 60 species of waterfowl, raptors, shorebirds, and songbirds are known to regularly migrate through Ventura and Los Angeles counties; traveling at night and stopping for a time by inland and coastal creeks, wetlands, woods, and neighborhoods<sup>1</sup>.

The Malibu High School property is not likely to be used by migratory birds as a stopover site. The habitats suitable for supporting resting migrating birds are the stream, eucalyptus grove, and black walnut tree area. However, given the limited extent of these habitats and the surrounding residential properties, they do not represent quality stopover habitat. The main concern with night lighting at the athletic field is the potential for night migrating birds to become confused and attracted to the lights during inclement/foggy weather. In addition, most migratory movement occurs early in the evening so any impacts to migrating birds due to the high school lighting are likely to occur during the first two to three hours after sunset (6:00 to 8:00PM)<sup>2</sup>, when the lights will be in use. Birds that migrate at night use the moon and stars for navigation. During clear weather they appear to be able to distinguish artificial lighting from light emanating from planets and stars. However, during inclement weather, birds can become confused and drawn to artificial lights. This phenomenon has been observed on numerous occasions at lighted buildings, oil platforms, and athletic fields. Once drawn into an artificial light source a number of negative outcomes including mortality can occur; birds may crash into something, circle the light source becoming exhausted, or become confused and drawn off course.

On the island of Kauai, bird die-offs became such a problem that school officials canceled night athletic games in 2010<sup>3</sup>. Young Newell's shearwaters were mistaking athletic stadium lights for the moon and stars during their migration to the ocean, causing them to become disoriented, fly in circles around the lights, become exhausted, and drop to the ground, where they would die, be hit by cars, or be preyed upon. Another example of migrating birds becoming disoriented from night lights occurred on September 30, 2008 at Tucker County High School in West Virginia. When teachers and students arrived at school that morning they found hundreds of dead birds in the

<sup>1</sup> See: [http://www.borealbirds.org/birdguide/map\\_losanageles.shtml#anchor](http://www.borealbirds.org/birdguide/map_losanageles.shtml#anchor). The Boreal Songbird Initiative is a network of conservation and birding groups interested in raising awareness in the U.S. and Canada about the importance of the boreal forest and other locations for migratory birds. They conduct migratory bird research and manage and maintain a migratory bird database.

<sup>2</sup> McCrary, M.D., R.L. McKernan, R.E. Landry, W.D. Wagner and R.W. Schreiber. 1982. Nocturnal Avian Migration Assessment of the San Geronio Wind Resource Study Area. Report Prepared for Research and Development, Southern California Edison Company, Rosemead, California through the Los Angeles County Natural History Museum Foundation, Section of Ornithology, Los Angeles, California.

<sup>3</sup> McAvoy, Audrey. October 22, 2010. Hawaii birds confuse Friday night lights with moon. Associated Press

parking lot and around school buildings<sup>4</sup>. The West Virginia Division of Natural Resources (DNR) theorized that the birds, which were mostly yellow warblers, migrating from North America to South America for the winter, became disoriented in fog and were attracted to lighting around the school where they proceeded to fly into structures. DNR spokesman, Hoy Murphy, stated that "Migratory songbirds migrate at night and use stars to navigate. If stars are obscured by clouds or fog, they will orient to almost any elevated light source to attempt to navigate."<sup>5</sup> DNR ornithologist Roy Tallman said this type of problem is not that unusual in the fall and that similar incidents have occurred around cell phone towers, a resort, and other facilities. He stated "We're trying to remedy the situation by turning the lights off for the short-term and providing them with other lighting options that aren't as attractive to birds."<sup>6</sup>

Another unfortunate occurrence involving migrating birds and lights occurred closer to home, at the Recreation Center field on the University of California, Santa Barbara (UCSB) campus. On the night of Thursday May 5, 2005, 30 migrating red-necked phalaropes collided with a light pole and fell to their deaths. The light pole was one of several surrounding a field and illuminating an evening soccer game. According to the UCSB *Daily Nexus* news article that reported the incident, "Intramural Sports field attendant Michael Lombardo said several birds of the same species, Red-Necked Phalaropes, died in a similar fashion earlier in the week."<sup>7</sup> The article also reported "The birds flew in groups, circling the field," Lombardo said. "The groups of birds would fly just over the light but one would unfortunately just drop straight to the ground, dying upon contact." The article includes information provided by Mark Holmgren, associate director of the Museum of Systematics and Ecology:

*"Sea birds like the Red-necked Phalarope migrate south for the winter in search of warmer tropical waters, Homgren said. He said the birds travel as far south as Chile, and large numbers have been reported off the coast of Peru and southern Mexico. Because Santa Barbara extends into the Pacific Ocean, Holmgren said some of the Phalaropes pass over the city during their migration north."*

In order to minimize impacts to night migrating birds, as well as breeding and nesting raptors and owls, night lighting at the main sports field at Malibu High School should be limited to primarily Pacific Standard Time, which currently starts the first Sunday in November and ends the second Sunday in March. Pacific Standard Time starts in late fall, continues through winter, and ends in early spring. This timing avoids the peak and majority of the fall migration and all of spring migration. Raptors and owls start courtship and breeding in late January followed by nesting in late February and March through August. Limiting night lighting to Pacific Standard Time significantly limits the

<sup>4</sup> Stump, Jake. September 30, 2008. Hundreds of dead birds found outside high school. The Times West Virginian, Fairmont, W.V.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Bordcosh, L. and L. Rudser (Staff Writers). May 10, 2005. Daily Nexus, Volume 85, Issue 124.

amount of time that nesting raptors and owls would be exposed to artificial lights at the athletic field.

In addition to restricting night lighting primarily to Pacific Standard Time, night lighting should be restricted to no more than three nights per week and then only until 7:30 p.m. Sky glow, glare, and spillover must also be minimized to the maximum extent possible by using the best available visor technology (e.g. total light control visors), minimizing lights directed above the horizontal plane, directing lights downward, using the minimum amount of wattage necessary, and building the lights at the minimum height necessary to adequately light the field. Birds are most confused and attracted to lights emitting red wavelength energy therefore lights that maximize energy in the blue and green spectrum should be utilized to the greatest extent feasible<sup>8</sup>.

The City has also requested an additional 18 nights of lights till 10:30 p.m. any time of year. As proposed, the 18 nights until 10:30 p.m. any time of the year could potentially occur during the Fall or Spring bird migration periods. Allowing any field light use during the Fall or Spring bird migration periods has the potential to result in significant impacts to night migrating birds. To minimize impacts I recommend that night lighting for 18 nights until 10:30 p.m. be limited to a maximum of two nights per week on non-consecutive days. In order to assess potential impacts and ensure that field night lights do not negatively impact night migrating birds, I recommend implementation of a night light avian monitoring program during Fall and Spring migration periods. The monitoring program should be prepared and conducted by a qualified ornithologist/ecologist. The monitoring should consist of a paired design such that a survey would occur on a night with lights and on a night without lights immediately preceding or following the night with lights. Monitoring should occur once per week during any week when the lights are operated during Fall and Spring migration for at least one year. If the monitoring results indicate that the one year monitoring period was a typical bird migration year (as determined by the qualified ornithologist/ecologist) with a typical range of atmospheric conditions and the main sports field lights have resulted in no adverse impacts upon birds, no additional monitoring is necessary. If however, the monitoring indicates otherwise, monitoring shall continue for another year (s) until a year of monitoring under typical conditions occurs and the qualified ornithologist/ecologist obtains enough data to assess potential adverse impacts to migratory and resident bird species. If the monitoring program finds that athletic field lighting poses an adverse impact to migratory or resident bird species I recommend that athletic field lighting be limited to Pacific Standard Time.

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<sup>8</sup> Marquenie, J. et al. 2008. Adapting the spectral composition of artificial lighting to safeguard the environment. NAM; Van de Laar, F.J.T. December 2007. Investigation into the effects of bird-friendly lighting. NAM Locatie L15-FA-1; & Wiltchko, W., Munro, U., Ford, H. & Wiltchko, R. 1993. Red light disrupts magnetic orientation of migratory birds. Nature 364, 525-527.

The significance threshold for spill light upon sensitive resources is 0.1 foot-candles at any receptor location. The impact analysis (Mitigated Negative Declaration) for the Malibu High School athletic field night lighting 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 which will not experience significant negative impacts from light intensity between 0.1 and zero foot-candles.

During my site visit I did not observe any sensitive plant or animal species which is consistent with GLA and May Lau's (PBS& J Consulting) findings. The only animals we observed were numerous crows and one rabbit. The degraded blue-line stream/riparian habitat west of the high school campus and approximately 600 feet from the athletic field is the only ESHA within the study area. Given the lack of sensitive species and the distance from and elevation difference between the athletic field and the stream, I find that night lighting, with the limitations described above, will not significantly impact this habitat. The coastal sage scrub within the study area 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. I believe that the athletic field night lighting, with the limitations described above, will not pose a significant negative impact to this habitat or any of the other habitats on and near Malibu High School. Additionally, I believe the athletic field night lighting will not create significant negative impacts for migrating birds and foraging, roosting, or nesting raptors and/or owls because the lights will primarily be limited to Pacific Standard Time, a monitoring program will be implemented to ensure that night lighting during Fall or Spring migration will not negatively impact night migrating birds, and the athletic field lighting plan will be required to incorporate a design and technologies that will minimize light spill, glare, and sky glow to the maximum extent feasible.





Figure 1. Source: [http://www.borealbirds.org/birdguide/map\\_losangeles.shtml#anchor](http://www.borealbirds.org/birdguide/map_losangeles.shtml#anchor).





**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
 99 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 6	1) ort
CDP Amendment 4-99-276-A4	
CDP 4-99-276 Staff Report with Addendum	

## **I. STAFF RECOMMENDATION**

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

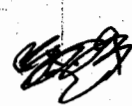
2. **Staff Recommendation of Approval:**

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.



## 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 30<sup>th</sup> 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 (6<sup>th</sup> - 8<sup>th</sup> grades) in the late 1960s and was converted to a combined middle / high school (6<sup>th</sup> - 12<sup>th</sup> 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.

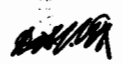
The new 1,000-seat spectator gymnasium will be located south of and adjacent to the existing gymnasium (middle school sized gym) on the northwest side of the campus. This area is also currently a portion of the existing paved faculty parking lot. Gross floor area of the new gym, as well as the building 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.

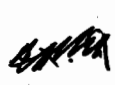
## **B. Visual Resources**

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.



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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.

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## 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

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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

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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 1/8<sup>th</sup> 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 ...*

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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

*DMH*

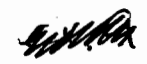
the site in a non-erosive manner, such measures should also include opportunities for runoff to infiltrate into the ground. Methods such as vegetated filter strips, gravel filters, and other media filter devices allow for infiltration. Because much of the runoff from the site would be allowed to return 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,

A handwritten signature in dark ink, located in the bottom right corner of the page.



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.

**Chris Sally Benjamin**

**From:** Chris & Sally Benjamin [indyjo@earthlink.net]  
**Sent:** Thursday, September 08, 2011 7:45 PM  
**To:** 'jainsworth@costal.ca.gov'  
**Subject:** Night lighting in Malibu

**Received**

**SEP 12 2011**

**California  
Coastal Commission**

Dear Coastal Commissioners:

We have lived in Malibu for over 30 years, and have seen our night skies and view of the ocean diminished as developers add lights to their trees, roofs, and parking lots. We no longer can see the ocean at night. We have also seen the diminishing presence of night animals such as owls and coyotes. Please do not allow further impacts of night lighting by rejecting the Malibu proposed LCP Amendment that would allow the Malibu high school to install lights on their football field.

Regards,

Chris and Sally Benjamin  
3216 Colony View Circle  
Malibu Ca 90265

**Exhibit 7**

**CDP Amendment  
4-99-276-A4**

**Correspondence in  
Opposition to MHS  
Field Lights**

SEP 19 2011

California Coastal Commission  
South Central Coast District**Re: Malibu LCP Amendment 1-11(high school lights) and  
Coastal Development Permit Amendment 4-99-276-A4  
(Santa Monica-Malibu Unified School District)**

We purchased our house at 5936 Filaree Heights in 1995. We are located directly above the high school. For the last 15 plus years, we have greatly enjoyed the peace, quiet and darkness that we are so privileged to have in Malibu Park. We have also enjoyed the excitement of the lights and cheering during football season of the Friday night games. A perfect situation.

We currently have a 9<sup>th</sup> grader and a 7<sup>th</sup> grader attending Malibu High School. Our 9<sup>th</sup> grader has been involved in community sports since he was 5. He went through middle school with a very limited and most often spotty sports program offered thru the city since the funding is not in place for our middle school to have their own sports program. What we have seen at the high school is that the only teams who are able to compete on any level are the soccer, baseball and water polo all of which are available to our kids in Malibu at a young enough age so that come high school, they can hold their own. You can't start kids in a sport that they have never done in 9<sup>th</sup> grade and expect that they can compete against schools where the kids have been working on their sport from 5 years and up. So, under the heading of "put the lights up and the players will follow", that is a dream. **How about continuing to rent the lights for Friday night lights and put the rest of the money toward more fields in Malibu and a great youth sports program so we can groom our athletes.**

Lastly, Malibu is a place where everyone seems to get what they need as long as they are willing to pay. Rules are ALWAYS broken here. Putting permanent lights at MHS with restrictions will be a joke. I wouldn't even give it a year before we had those lights on til 10:30 most days of the week with every adult league renting the field for their own use. Then it turns into a constant fight for those of us in Malibu Park to get the lights turned off...and who will regulate it and help us when they are abused.....because they will be!

Malibu has had many chances over the years to build new fields...Better fields but instead opt for things like that stupid assed weed field they call Legacy Park. The lights should be rented and the other money put towards our children in a meaningful way.

Jennifer Denker  
310-457-2160

**Received**

SEP 19 2011

California Coastal Commission  
South Central Coast District

**Received**

AUG 29 2011

California Coastal Commission  
South Central Coast District

**California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801**

**FAX: (805) 641-1732**

Dear Mr. Ainsworth & Coastal Commissioners,

I would like to go on record opposing the amendment for night lighting on the athletic field at Malibu High School. LCPA-MAJ-1-10

Malibu Park, is a rural dark community and the proposed lighting will dramatically alter its character. The night lighting will also adversely impact the views of the night sky and the scenic views from the local beach, local trails and nearby Park Service lands.

Please help us protect the unique coastal resources, the rural atmosphere, the dark skies, the scenic views and the wildlife in one of the few remaining dark communities along the California coast.

As of Oct. 1, 2011, Point Dume and Westward Beach will be a Marine Reserve. Just a block from the Malibu High School.

This article was posted in The Mercury News, 6/24/2011

colleagues discovered two key areas in the Pacific Ocean that supported a complex and robust ecosystem -- the California Current large marine ecosystem and the North Pacific transition zone.

The North Pacific transition zone is a migration highway in which sleek commuters such as bluefin tuna eat their way across the Pacific, eventually arriving off the West Coast.

The California Current large marine ecosystem resembles Africa's Serengeti plain in the richness of life it supports, Block said.

It extends as far as 230 miles from the West Coast, running from Canada to Mexico. It's a seasonal area, defined by predators that move along

California's coast, following changing ocean temperatures and chasing food.

The ecosystem includes the California Current, which fuels a nutrient-rich food web that draws predators in search of tasty morsels such as anchovies, sardines, krill and squid.

"We have a very intact ecosystem off shore," Block said.

But she cautions that it isn't pristine. Although our patch of the Pacific is wilder than anyone thought, we need to make sure it stays that way.

"The richness is still a blessing," said Jesse Ausubel, vice president of the Alfred P. Sloan Foundation, one of the organizations that funded the Census of Marine Life. "And it's one I hope humanity doesn't squander."

Please do not vote to approve institutional athletic field lighting for Malibu.

Judi Hutchinson

Robert C. Hutchinson

The block contains two handwritten signatures. The first signature, "Judi Hutchinson", is written in a cursive script and is positioned above the second signature. The second signature, "Robert C. Hutchinson", is also in cursive and is longer, spanning more of the width of the block.

California Coastal Commission  
Attn D. Christensen  
89 South California Street, Suite 200  
Ventura, CA 93001-2801  
Fax (805) 641-1732

**Received**

AUG 29 2011

California Coastal Commission  
South Central Coast District

Dear Ms. Christensen:

Please consider the following.

Not only do the lights disturb the birds and other wild life but more importantly they disturb the home owners in Malibu Park where the ball field at the school is located...

I am one of the many families disturbed by the noise and lights that will violate our right to peace and quite.

There are so few ball players and very few of the people of the small number that attend the games live in Malibu Park. The attendance is as few as a dozen people..

In a matter of a few years there will be fewer young men to join the teams and the facilities will hardly have any use.

There are so many games played away from home in facilities that have lights that our Malibu High School team should use those facilities for night games.

If they must have a ball field it should be on land that is away from residential homes. The homes were here long before the school and the ball field.

Like the dog park that was such a waste of money there are only a few people who use the dog park which is also true of a ball field with night lights while there are hundreds or thousands of people who will be disturbed by night games.



After all the Rose Bowl and other major league games are not played at night.

And in this economy spending money on lighting equipment, the electric bill, and ongoing costs for maintenance does not make sense..

The state is closing parks to cut costs so we should be finding ways to cut costs when ever we can..

I would also like to see you schedule a new date for a meeting on this matter that will meet some place within driving distance of Malibu so we can attend. It would be unfair for those meetings in San Rosa or Watsonville be where this matter is decided.

Thank you in advance for taking the time to consider these requests.

Sincerely:

Matthew Katz  
(310) 457-9055

August 26, 2011

California Coastal Commission  
By U.S. Mail and Fax  
Attn: Jack Ainsworth  
Steve Hudson  
D. Christensen  
89 South California Street, Suite 200  
Ventura, CA 93001-2801  
Fax (805) 641-1732

To the California Coastal Commission:

We live directly behind the Malibu High School ("MHS") athletic fields and our back yard adjoins school property. We hear and see kids and adults using the MHS athletic fields six or seven days a week, which is fine during the day. But when we bought our house in 2002, we were told that MHS was not allowed by its agreement with the California Coastal Commission to install lights on the football field.

Our two sons played football for MHS from 2002-2008. We have nothing but the highest praise for the MHS football program. We did not oppose temporary lights for a few nights of practice and games (about 10 nights total.) The lights were always removed promptly after the last night game and we thought that MHS must be authorized to use the temporary lights since we did not believe that the school would do something in violation of the Commission permit. It is unfortunate that the situation has evolved to the point where limited temporary lights no longer seem to be a viable option. We would not oppose the continuation of the temporary lights.

The history of these football field lights can be broken down generally into three time periods. In **2000**, the Commission issued the original permit for the football field which included Condition 6 prohibiting night lighting of the football field. The Commission made a finding at that time in the Staff report filed on April 7, 2000, page 11, that the night lighting of the Malibu/Santa Monica Mountains area creates a visual impact to nearby scenic beaches, scenic roads, parks and trails and may disrupt native wildlife activities. The Commission imposed Condition 6 prohibiting all outdoor night lighting of the athletic fields "...in order to mitigate any potential future visual and environmental impacts of the proposed improvements to the football stadium..."

In **2009**, in response to the MHS and Santa Monica/Malibu Unified School District ("SMMUSD") application to amend the 2000 permit, the Commission Staff recommended 16 nights of temporary lights during football season that were 53 feet tall and to be removed at the end of football season. The Staff report was relying on the infamous biology report of Glen Lukos that stated incorrectly that the neighborhood of Malibu Park is lit at night by streetlights (it is not) and there were no reports of wildlife that would be disrupted (which is nonsense). The Commission Staff biologist based her report on the Glenn Lukos report including its incorrect assumptions, which led to a faulty scientific opinion. The application was denied. One of the reasons for denial was that the amendment would violate Malibu's LCP.

In **2011**, after amending the LCP to permit temporary lights, the City of Malibu is now asking the Commission to allow permanent lights on the football field for up to 136 nights a year. In 2009, the Staff report only recommended 16 nights a year for temporary lights, stating that the limitations were necessary to protect the environment. But that recommendation was based on incorrect information regarding the wildlife and streetlights. Now that it has become apparent that those reports were incorrect in those two important assumptions, Staff has no basis to recommend approval of the City's request for permanent lights for the MHS athletic fields.

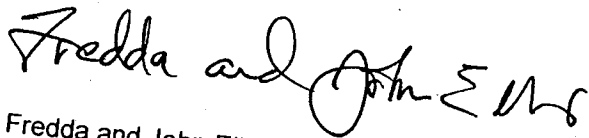
This latest attempt to amend the LCP is an attempt to circumvent the Commission's' original decision in 2000 and the subsequent decision in 2009. In both hearings, the protection of the

environment was instrumental in making the decision against the lights. The fact is that the installation of permanent lights would negatively impact the environment up and down the Malibu coastline, and would fundamentally change the character and use of the MHS athletic fields. The City of Malibu has indicated a strong desire to rent out the football field for all types of events which it would have the power to do under its joint use agreement with MHS (SMMUSD) which would increase the usage of the fields to the maximum with no Commission oversight.

We believe the Commission got it right the first time in 2000 by requiring the SMMUSD to sign a written agreement to not install lighting on the football field. We adamantly oppose changing the LCP to allow permanent lights for the MHS athletic fields. The Malibu coastline is different from other areas of Los Angeles County where you can see night lighted athletic fields 365 days a year. Our coastline is dark, for a reason: it has been protected by the Commission, under the California Coastal Act. MHS and the City of Malibu want to sell out that unique resource and make money renting the athletic fields at night. Please don't let this sell-out go forward.

Thank you for your time and your attention.

Sincerely,

A handwritten signature in cursive script that reads "Fredda and John Ellis". The signature is written in dark ink and is positioned above the typed name and address.

Fredda and John Ellis  
5940 Filaree Heights  
Malibu, CA 90265

Received

AUG 17 2011

California Coastal Commission  
South Central Coast District

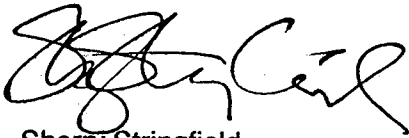
August 11, 2011

Jack Ainsworth, Deputy Director  
Steve Hudson, District Manager  
89 South California Street, Suite 200  
Ventura, CA 93001

Dear Mr. Ainsworth and Mr. Hudson,

I am a resident of the city of Malibu and am writing in regards to the lighting situation at Malibu High School. The issue being proposed will cause more traffic, more noise, and a significant degradation of our night sky views. Although I am sympathetic to school needs, I think it is excessive to use the lights every night during Pacific Daylight time. I hope the Coastal Commission, which has been sensitive to preserving Malibu and it's natural beauty, would consider the impact that the lights would cause.

Sincerely,



Sherry Stringfield  
29623 Cuthbert Road  
Malibu, CA 90265

**SUSAN LIEBELER**

---

30373 Moming View Drive, Malibu, CA 90265-3618 (310) 457-2926  
(310) 589-2559 (fax); Lexpert@Lexpertresearch.com.

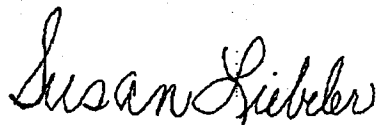
August 9, 2011

California Coastal Commission  
South Central Coast District Office  
Jack Ainsworth, Deputy Director,  
Steve Hudson, District Manager  
89 South California St, Suite 200  
Ventura, CA 93001-2801  
Fax: 805-641-1732

Dear Coastal Commission:

As a property owner and resident and neighbor of Malibu High School, I am writing to urge the Coastal Commission to disapprove of the City of Malibu's application to amend the Local Coast Plan to allow the limited lighting of the high school sport field every night during Pacific Daylight time. Even with the proposed timing restrictions, this light pollution is unnecessary and will have a significant adverse impact on the neighboring properties and Malibu sky.

Sincerely,



Susan Liebler

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

**Received**

AUG 08 2011

California  
Coastal Commission


Dear Mr. Ainsworth & Coastal Commissioners,

I would like to go on record opposing the amendment for night lighting on the athletic field at Malibu High School.

The Malibu Park neighborhood is a rural dark community and the proposed lighting will dramatically alter its character. The night lighting will also adversely impact the views of the night sky and the scenic views from the local beach, local trails and nearby Park Service lands.

Please help us protect the unique coastal resources, the rural atmosphere, the dark skies, the scenic views and the wildlife in one of the few remaining dark communities along the California coast

Please do not vote to approve institutional athletic field lighting for Malibu.

Sincerely,  
  
NARE and Lynn Weingarten  
nareweingarten@gmail.com

July 4, 2011

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

**Received**

AUG 29 2011

California Coastal Commission  
South Central Coast District

Re: LCP Amendment - Malibu High School Night Lighting

Dear Mr. Ainsworth:

This letter is in regard to the code changes for night lighting at Malibu High School. I am at a loss as to why Malibu needs to conform to the standards of other cities when we have the most unique environment at our front and back doors. Night lighting should not be a part of the Malibu environment. Just go outside and look up at the night sky. What do you see? A whole other world that is not available to most other cities in Los Angeles.

The spreading night pollution is causing a loss of species. Quoting Stephaine Remington, bat biologist, "Night pollution is a really serious problem." Many species require darkness for survival, it's cumulative. Habitat loss is another major problem.

Should Malibu really contribute to the demise of more species? Malibu needs to preserve their unique environment not destroy it!  
I plead with the CCC to please deny approval for the unacceptable lighting proposal at Malibu High School.

Sincerely,  
Linda Joslynn

# Malibu Dark Skies

Received

July 17, 2011

AUG 29 2011

Dear Coastal Commissioners:

California Coastal Commission  
South Central Coast District

In 2000 the Coastal Commission, via a CDP to Malibu High School, prohibited the installation of any night lighting on the High School's athletic fields. In 2009 Malibu High School attempted to reverse this decision and requested that the Commission grant them a permit allowing temporary athletic field night lighting for 16 nights a year for football games. The 2009 Commissioners, in a 12-0 vote, rejected this permit application.

At that meeting Coastal Commission staff recommended approval of the Schools permit request and in the 2009 Commission's Biologists report (attached they stated:..... street lights run.....along Morning View Drive which runs parallel to the south side of the high school and throughout the residential area". Further on the CC biologist says... *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 study status plants or animals or nesting raptors within the study area.*

The problem with the report is that there are absolutely no street lights on Morning View Drive or anywhere in the Malibu Park neighborhood that surrounds the school.

The fact that Malibu Park is a dark neighborhood was confirmed on July 15, 2011, in a DEIR (Draft Environmental Impact Report) prepared by Malibu High School for an extensive renovation project planned for the school. Page 4.1-69 of the DEIR states...**Due to the rural nature of the surrounding area, and the absence of streetlights, lighting levels in the vicinity of the High School are well below average for residential areas. According to the Luminescence Study, lighting levels on- and off- site were less than 1 fc, which is substantially less than the typical 7 to 10 fc in residential areas"**

Night lighting at Malibu High is coming back to the Commission in the form an LCP amendment initiated by the City of Malibu. All we are asking is that you request that staff provide you with the accurate information you need to make an informed decision on this night lighting amendment.

Thank you in advance

Steve Uhring



**Received**

**DEBORAH M. FORRESTER, M.D.**

5900 Filaree Heights Avenue

Malibu, California 90265

Tel: Work (323) 409-1295 Home (310) 457-2964

E-mail: HYPERLINK "<mailto:forreste@usc.edu>" [forreste@usc.edu](mailto:forreste@usc.edu)

AUG 29 2011

California Coastal Commission  
South Central Coast District

California Coastal Commission

Attn: Jack Ainsworth

89 South California St. Suite 200,

Ventura, CA 93001-2801

We would like to add our names to the list of opponents of the installation of Athletic Lights at Malibu High School athletic fields. As Malibu Park property owners since 1973 we have adjusted to the daily noise and bells that the high school has brought to the neighborhood. Adding night lights is wasteful of money, of electricity and has a negative environmental impact to the animals and birds who need the darkness to hunt or sleep. Why not take this opportunity to demonstrate to the students of Malibu High what it means to be fiscally and environmentally responsible. Show them how to make responsible choices. Use the money to install solar panels to reduce the electric bill and your carbon footprint. Play sports during daylight and use the dark to have night seminars for the Malibu community to see the stars and study the constellations. Turn this divisive controversy into an uplifting event. Bring neighbors together to picnic and study astronomy with the Malibu High School students. Then the Malibu community could respect you as mature adults, and gladly cheer the teams on to victory.

Deborah Forrester-Brown, M.D.

John C Brown M.D

Peggy Garrity  
30765 Pacific Coast Highway #254  
Malibu, Ca 90265

July 13, 2011

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

California Coastal Commission  
Assistant Director Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

**Received**

JUL 18 2011

California  
Coastal Commission

Dear Mr. Douglas, Mr. Ainsworth, and Coastal Commissioners:

I would like to go on record opposing approval and certification by the California Coastal Commission of the amendment to Malibu's LCP that would allow for night lighting on the athletic field at Malibu High School. This amendment is a cynical ploy to reverse by collateral attack the unanimous October 2009 (12-0) vote of the Coastal Commission denying a permit for permanent installation of stadium lighting in a rare "dark skies" neighborhood near two ESHAs. It is in derogation of the perpetual prohibition of such lighting, one of the specific conditions of the permit issued in 2000 by the Coastal Commission allowing construction of the athletic fields and stadium here in question.

The permit states:

"On May 9, 2000, the California Coastal Commission granted to Santa Monica/Malibu Unified School District, permit 4-99-276, subject to the attached Standard and Special Conditions, for development consisting of significant upgrades to the track and field facility/football stadium, and relocation/expansion of the faculty parking lot..."

p. 2 sec. 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.

p. 5, sec. 6.

Athletic Fields Lighting Restrictions

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement in a form and content acceptable to the

Executive Director 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.

Shortly thereafter, private parties brought in temporary lighting in direct violation.

In 2009, after 7 years of such violations and an order to remove the lights, the SMMUSD applied for permit for the lights and the Commission unanimously denied the request.

The City of Malibu immediately voted to bypass this ruling by changing the LCP. This Coastal Commission permit process ensued.

This is not the appropriate procedure or venue to challenge an adverse ruling by the Commission and that is exactly what this is. The proposed amendment is just one more scheme of SMMUSD and powerful enablers on the Malibu City Council to subvert the rule of law.

The long history of applicants' cavalier disregard of the law is worth noting. In that respect, this case is analogous to the very recent Ackenberg case wherein the Superior Court, per the Honorable Judge James Helfant, upheld the decision of the Coastal Commission ordering removal of private obstructions to a public access beach easement which had gone on for 26 years in violation of the conditions of a Coastal permit for development of a Carbon Beach property.

The pending request here only came before the Coastal Commission in 2009 after an order interrupted seven years of illegal temporary lighting (in violation of CDP 4-99-276-A2) placed on public school property by private parties in direct violation of the existing Coastal Commission permit issued in 2000. But this was standard operating procedure for the District and the City.

In 1994, when Santa Monica/Malibu Unified School District sought permits for upgrades to the track and field facility/football stadium, and relocation/expansion of the faculty parking lot, as well as other "various minor improvements", SMMUSD, had already done major excavation, illegally, without permits including destruction of a blue line stream on the western border of the property. Photographs of the destruction done without permit are attached hereto.

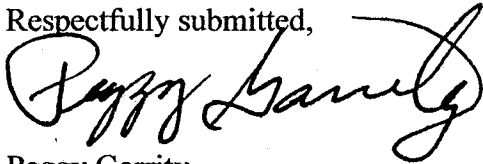
The California Coastal Commission issued the permit "after-the-fact" subject to standard "Terms and Conditions [that] Run with the Land." Said permit specifically states that the conditions "shall be perpetual and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions."

Pursuant to the 2000 Coastal permit, the controlling condition here, which( specified as a Standard Condition in all the permits) runs with the land: prohibition of athletic field lighting whether permanent or temporary.

The LCP amendment is substantively inappropriate because it would flood with light a dark skies neighborhood and sensitive ecological area unnecessarily and interfere with scenic coastal views. The EIR commissioned by the District states as much.

The LCP amendment, I submit, is legally barred by the conditions imposed in specific and standard conditions of the 2000 Coastal Commission permit that allowed construction of the athletic fields in the first place. The request is yet another blatant attempt to undermine previous permits, rulings and actions of the Coastal Commission, and is made by an entity that has a documented history of disregard for the Coastal law and the Commission's rulings, an entity charged with teaching good citizenship to our children.

Respectfully submitted,

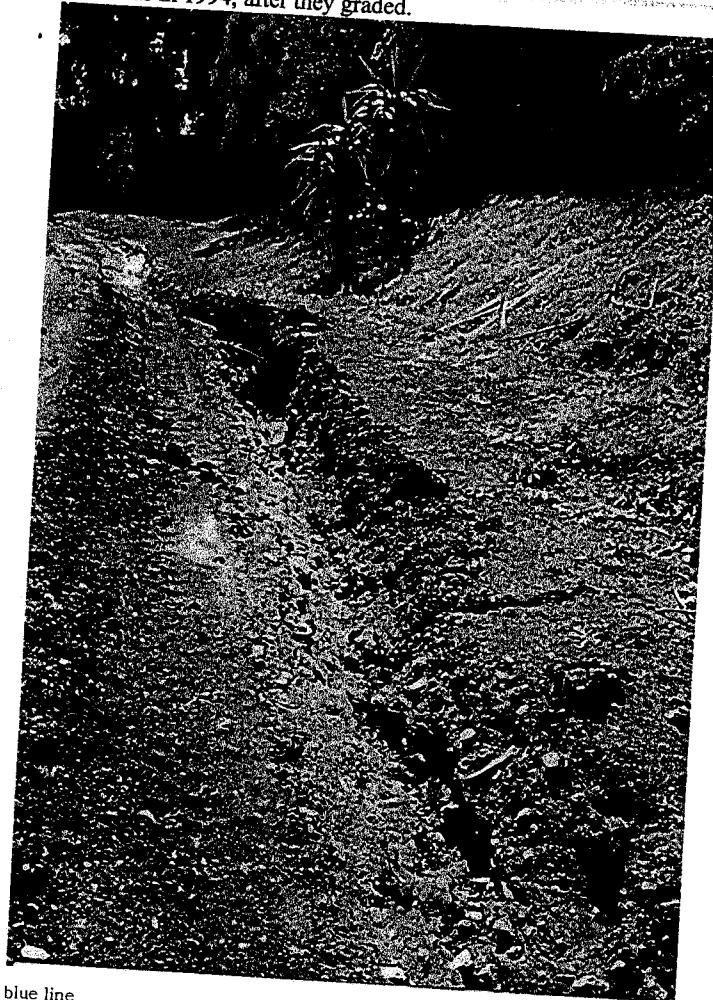
A handwritten signature in black ink, appearing to read "Peggy Garrity". The signature is fluid and cursive, with the first name "Peggy" written in a larger, more prominent script than the last name "Garrity".

Peggy Garrity

# SEASONAL WETLAND



This was in 1994, after they graded.



blue line

seasonal blue line 1994 after massive illegal grading



1994, you can see where the seasonal wet land was.

July 17, 2011

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

Received

JUL 21 2011

California Coastal Commission  
South Central Coast District

Dear Commissioner Ainsworth:

In October, the Commission will be reviewing for vote an amendment from Malibu City Council for permanent lighting at Malibu High School's football field. I am writing requesting that this amendment be denied.

The history of this request started in 2009, when the Malibu School district petitioned the Coastal Commission for the right to install night lighting at Malibu high on the football field after illegally using temporary lights for 7 years prior to this. Fortunately, in October 2009, the Coastal Commissioners (in a 12-0 vote) rejected the request to permit temporary lighting on the athletic field. This prompted the Malibu City Council to immediately vote to change the Local Coastal Plan (LCP) to permit institutional lighting, which would allow the lighting on the football field. Now the City Council is requesting permanent lights!

There is strong opposition in the Malibu community against night lighting. Our community is a rural, "dark skies community" with the majority of residents preferring to retain this character. Almost all the cities in our country are over-developed and there are very few areas left in our country that can be a dark sky community. Recently, another city (Palos Verdes) had so much controversy and division of the community over a campaign for night lighting at their athletic field, that it was decided to nix the goal for lights.

An interesting comment by many who want these lights at Malibu High is that "lights would help the parents come to night games and create more family-time". As a Doctor of Psychology I find this a bit sad! Having "family-time" shouldn't have to depend upon a football game – lights or no lights! There are many ways to bring families together – in the day and night! There's also the true fact that football is a dangerous game that has left many students with injuries. But, as an environmentalist, what I find most disturbing is that these same families don't seem to realize the unique quality of the High School. This school is in the middle of an environmentally sensitive area – there are endangered and threatened species that live in the area. Perhaps these families could find more family-time if Malibu High School acknowledged the rare plants and animals of the area and made some sort of project for the students. For example, currently lush, blue-green grasses are spreading along the Ballona Creek estuary. What makes this sight even more precious, is that students from the Westside Global Awareness School (formerly known as the Westside Leadership School) helped to plant them over five years ago for an Earth Day event. Now this school is

moving into a new era with a core emphasis on global environmental protection in its curriculum.

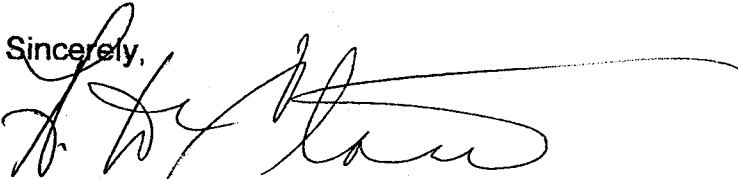
So, having football – and having lights for night games, does not seem to be the most desirable way to have true community engagement. Instead this plan is creating disunity in the community, will bring stress to the nocturnal animals, and will destroy the rural character of the area.

At a public meeting at Malibu High School the high school presented a chart - *"Future Goals for Athletic Field Community Sports Group Use"* which showed the field being used over 200 nights a year! As I mentioned above, there already was illegal use of temporary lights at Malibu High School for 7 years before the Malibu School district petitioned the Coastal Commission for the right to install night lighting on the football field. This illegal action alerts me to think that they will do anything to get these lights installed! The Coastal Commissioners rejected the request for lights to be installed before – please reject it again!!

Humans have encroached the Malibu area enough! Please deny this amendment.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Alessandra DeClario', with a long horizontal flourish extending to the right.

Alessandra DeClario, Ph.D.

P.O. BOX 2534  
MALIBU, CA 90265



California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

**Received**

JUL 26 2011

California  
Coastal Commission

Dear Mr. Ainsworth & Coastal Commissioners,

I would like to go on record opposing the amendment for night lighting on the athletic field at Malibu High School.

The Malibu Park neighborhood is a rural dark community and the proposed lighting will dramatically alter its character. The night lighting will also adversely impact the views of the night sky and the scenic views from the local beach, local trails and nearby Park Service lands.

Please help us protect the unique coastal resources, the rural atmosphere, the dark skies, the scenic views and the wildlife in one of the few remaining dark communities along the California coast

Please do not vote to approve institutional athletic field lighting for Malibu.

Robert V. Herrin  
6225 Binsall Drive  
Malibu, CA 90268

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

Dear Mr. Ainsworth & Coastal Commissioners,

I would like to go on record opposing the amendment for night lighting on the athletic field at Malibu High School.

The Malibu Park neighborhood is a rural dark community and the proposed lighting will dramatically alter its character. The night lighting will also adversely impact the views of the night sky and the scenic views from the local beach, local trails and nearby Park Service lands.

Please help us protect the unique coastal resources, the rural atmosphere, the dark skies, the scenic views and the wildlife in one of the few remaining dark communities along the California coast

Please do not vote to approve institutional athletic field lighting for Malibu.

Vicki Arnold  
5824 Clover Heights Dr  
Malibu, CA 90265

**Received**

JUL 26 2011

California  
Coastal Commission

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

July 8, 2011

**Received**

**JUL 14 2011**

California Coastal Commission  
South Central Coast District

Subject Dark Skies in Malibu

Dear Mr. Jack Anisworth,

I hope to bring additional information to you about the proposed LIGHTS for Malibu High School. I have lived in Malibu Park for over 40 years and have two grown children. I have worked closely with the schools within our areas, have know all the principals very well, contributing greatly as a good neighbor, parent and supporter of educational programs.

The reality of the Malibu High Football games is that very few students participate in the Malibu High School football programs. I have attended the Friday night games along with mid day activities for other sports. The number of students, including family members that attented Malibu school games is extremely low. Sports activities never bring in huge crowds. The number of students in the spotlight as football players is extremely limited since the school has a small enrollments which is shrinking due to the economy.

But the City of Malibu, lead by two women council people: Pamela Conley Ulich and Laura Zahn Rosenthal have been extremely aggressively in their activities to bring more city activities to the Malibu High School campus. Both these ladies represent a small group of bullies within our community. They heed no responsibility to the written contracts about No LIGHTS within the community and will not stop untill they meet their aggressively agendas. Ms.Ulich and Ms. Roenthal have already begun plans to expand sports activities using Measure BB funds. The Measure BB funds were designated by the SMMSD to restore or rebuild old buildings, upgrade the bathrooms (constructed in 1976) and other vital facilities- which have not been completed.

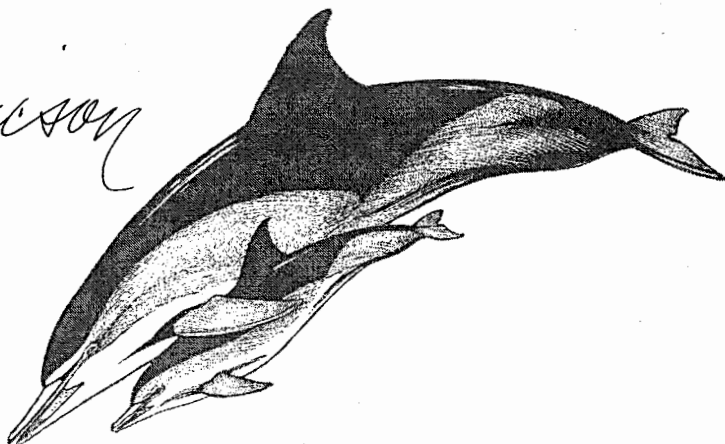
The motivation for developing more sports activities within Malibu may serve some of our residents. But many more people do not rely on organized school or city programs for their recreation.

I do want to mention that the City of Malibu also provides sports activities and programs for organizations that are not Malibu residents. For example, on Saturday in the summer, there are on goin child directed football games for non residents. These programs are handled by the City of Malibu and provide income to the city.

We, the Malibu Community are not in agreement with Pamela Conley Ulich and Laura Zahn Rosenthal to light up Malibu night skies just for a few students or as fund raiser for the City.

Thank you for taking time to read,

Dawn Navarro Ericson  
30069 Harvester Road  
Malibu, CA 90265



July 8, 2011

**Received**

JUL 11 2011

California Coastal Commission  
South Central Coast District

California Coastal Commission  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

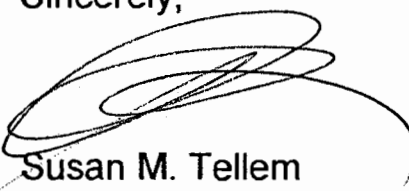
Dear Mr. Ainsworth:

Thank you for the 12-0 vote rejecting the request to permit temporary lighting on the athletic field at Malibu High. As you know, the City Council immediately voted to change the Local Coastal Plan to permit institutional lighting which would allow lighting on the football field. This amendment will be before you and the Commission on August 10, 2011. I am writing to voice my opposition especially because it calls for permanent lighting.

My neighbors and I strongly oppose night lighting. I live in the direct area and lights will harm the many owls and other birds that have habitats in the area of the school, as well as interrupt the night feeding schedule of many animals including coyotes and big cats. There are also many bats in our part of the city that would be disrupted. Our community is a rural, "dark skies community" and we would like to retain the character of this area without having 60' tall stadium lighting on the field directly overlooking Zuma beach and below Zuma Trail. The rest of Malibu, especially in the center of the city, looks like LA at night, all lighted up like a Christmas tree with no stars visible. We don't want that at our end of town.

It would be a travesty and change the rural area of Malibu forever. The kids have been able to play ball with no problems for years. Please vote against this harmful amendment.

Sincerely,



Susan M. Tellem  
Resident, Malibu Park

**Received**

July 4, 2011

JUL 14 2011

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

California Coastal Commission  
South Central Coast District

Re: LCP Amendment - Malibu High School Night Lighting

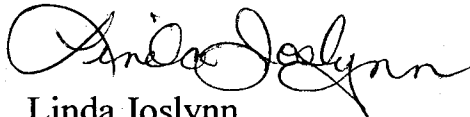
Dear Mr. Ainsworth:

This letter is in regard to the code changes for night lighting at Malibu High School. I am at a loss as to why Malibu needs to conform to the standards of other cities when we have the most unique environment at our front and back doors. Night lighting should not be a part of the Malibu environment. Just go outside and look up at the night sky. What do you see? A whole other world that is not available to most other cities in Los Angeles.

The spreading night pollution is causing a loss of species. Quoting Stephaine Remington, bat biologist, "Night pollution is a really serious problem." Many species require darkness for survival, it's cumulative. Habitat loss is another major problem.

Should Malibu really contribute to the demise of more species? Malibu needs to preserve their unique environment not destroy it!  
I plead with the CCC to please deny approval for the unacceptable lighting proposal at Malibu High School.

Sincerely,



Linda Joslynn  
PO Box 6915  
Malibu, CA 90265

**Received**

**JUL 14 2011**

California Coastal Commission  
South Central Coast District

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

Dear Mr. Ainsworth & Coastal Commissioners,

I would like to go on record opposing the amendment for night lighting on the athletic field at Malibu High School.

The Malibu Park neighborhood is a rural dark community and the proposed lighting will dramatically alter its character. The night lighting will also adversely impact the views of the night sky and the scenic views from the local beach, local trails and nearby Park Service lands.

Please help us protect the unique coastal resources, the rural atmosphere, the dark skies, the scenic views and the wildlife in one of the few remaining dark communities along the California coast

Please do not vote to approve institutional athletic field lighting for Malibu.

Sincerely

Paola Stroppiana  
6469 Zuma View pl 154  
Malibu CA 90265

**Received**

JUL 14 2011

California Coastal Commission  
South Central Coast District

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

Dear Mr. Ainsworth & Coastal Commissioners,


I would like to go on record opposing the amendment for night lighting on the athletic field at Malibu High School.

The Malibu Park neighborhood is a rural dark community and the proposed lighting will dramatically alter its character. The night lighting will also adversely impact the views of the night sky and the scenic views from the local beach, local trails and nearby Park Service lands.

Please help us protect the unique coastal resources, the rural atmosphere, the dark skies, the scenic views and the wildlife in one of the few remaining dark communities along the California coast

Please do not vote to approve institutional athletic field lighting for Malibu.

Very truly,



Richard Lawrence  
19264 Pacific Coast Highway  
Malibu, Ca. 90265

**South Central Coast District Office**

Steve Hudson, District Manager

89 South California Street, Suite 200  
Ventura, CA 93001-2801

September 5<sup>th</sup> 2008

RECEIVED  
SEP 09 2008

CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Re: CDP 04-99-276

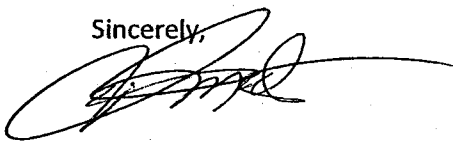
Dear Mr. Hudson,

I read in the Malibu Times that the School district is attempting to get an amendment to the existing Coastal plan which Bans nighttime lighting. I feel that it is critical for the commission to uphold the ban on nighttime lighting for the following reasons:

- 1). Nighttime lighting will be detrimental to the wildlife living adjacent to the ball fields in the Malibu Equestrian center, as well as behind the ball fields in the Santa Monica Mountains national recreation area. It will affect feeding and reproductive patterns on an already stressed fauna.
- 2). Night time lighting will detract from the experience of hikers and nature lovers that use the national and state park lands behind the school. During the winter, it gets dark early, and the lights will be a terrible visual pollution detracting from a wilderness experience.
- 3). Residents local to the school of which I am not will be directly impacted for obvious reasons. Many houses overlook the ball fields.
- 4). There would be a regional light pollution impact which would take away from the brilliant night skies of the rurally zoned area where the school is located.

Most people who moved to Malibu do so specifically because it is one of the last rural coastal areas of S. Cal, being sandwiched in on all sides by the wilderness of the national and state parks which are there to preserve flora and fauna and to provide an escape for people from the urban areas. Please don't let the desire of some local residents to suburbanize Malibu for the short term horizon of the 4 years their child is in school, at the expense of the wildlife and the regional hikers that depend on the area as a needed respite from the urban expanse.

Sincerely,



Tom Molloy

29549 Harvester Rd

Malibu Ca. 90265



**Received**

JUL 11 2011

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

California Coastal Commission  
South Central Coast District

Dear Mr. Ainsworth & Coastal Commissioners,

We would like to go on record opposing the amendment for night lighting on the athletic field at Malibu High School.

The Malibu Park neighborhood is a rural dark community and the proposed lighting will dramatically alter its character. The night lighting will also adversely impact the views of the night sky and the scenic views from the local beaches, local trails and nearby Park Service lands from Pt Dume to Zuma Ridge and beyond.

Many people come to the beach and hike the trails and stay to watch the tranquil beauty of sunsets and moon rises from these vantage points. A silent, unpolluted night sky is irreplaceable, a state resource, a wonder, but once lights are installed, gone forever as our neighboring communities are only too aware.

Please help us protect the unique coastal resources, the rural atmosphere, the dark skies, the scenic views and the wildlife in one of the few remaining dark communities along the California coast.

Please do not vote to approve institutional athletic field lighting for Malibu.

Alan and Rachel Roderick-Jones

Malibu Park Residents,

Deanna Christensen

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**From:** John Ainsworth  
**Sent:** Monday, July 11, 2011 5:36 PM  
**To:** Deanna Christensen  
**Subject:** FW: Las Vegas-Style Lighting Coming to Malibu

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**From:** j brady fogel [mailto:jmikebrady@yahoo.com]  
**Sent:** Monday, July 11, 2011 4:35 PM  
**To:** John Ainsworth  
**Subject:** Las Vegas-Style Lighting Coming to Malibu

**Received**

JUL 12 2011

California Coastal Commission  
South Central Coast District

Mr. Jack Ainsworth  
Deputy Director  
Coastal Commissioners  
California Coastal Commission,  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

July 9, 2011

**RE: Forcing Malibu Visitors, Residents & Wildlife to Accept Las Vegas-style Lighting Levels**

Dear Mr. Ainsworth & Coastal Commissioners,

Respectfully, I would like to go on record as opposing the amendment for night lighting on the athletic field at Malibu High School.

**At night these football stadium lights make it look like a Las Vegas casino has landed at the high school.** As you know, Malibu is cursed with stratocumulus marine clouds ("low clouds and fog along the coast") which causes even tennis court lights (which Coastal prohibits residents from having) to reflect back off the night sky in a most dramatic manner. This night lighting adversely impacts the views of the night sky, the scenic views from Zuma Beach, local trails and nearby Park Service lands, as well as wildlife.

Please help us protect the unique coastal resources, the rural atmosphere, the dark skies, the scenic views and the wildlife in one of the few remaining dark skies communities along the California coast. Malibu High School is not a city school where stadium lights would blend in with city lighting levels. This is a school in a very dark rural neighborhood where there are no Taco Bells, no movie theaters, no malls.

7/12/2011

Please vote against these city-style sixty foot high stadium lights which Coastal correctly originally rejected for this area. They absolutely destroy the natural setting which makes the Malibu coast such a popular public resource and destination.

**Thank you for considering preserving Malibu's wild rugged coast.**

Regards,

Judy Fogel

Received

AUG 01 2011

Subject: Save our Dark Skies

California Coastal Commission  
South Central Coast District

Dear Neighbor,

In 2009, the Malibu School district petitioned the Coastal Commission for the right to install night lighting at Malibu high on the football field after illegally using temporary lights for 7 years prior to this.

At a public meeting at the high school the high school presented a chart "**Future Goals for Athletic Field Community Sports Group Use**" which showed the field being used over 200 nights a year.

In October 2009, in a 12-0 vote the Coastal Commissioners rejected the request to permit temporary lighting on the athletic field. The City Council immediately voted to change the Local Coastal Plan (LCP) to permit institutional lighting which would allow the lighting on the football field. This amendment goes before the Coastal Commission on August 10, 2011 at their meeting in northern California. This time the request is for permanent lighting.

There is strong opposition in the Malibu community against night lighting. Our community is a rural, "dark skies community" and most of us would like to retain the character of this area of Malibu without having over 60' tall stadium lighting put on the field directly overlooking Zuma beach and below Zuma Trail

We don't have a lot of time before the meeting and some of you may not even know that this is before the Commission in August. If you are opposed to stadium lighting on the football field please join us in writing a letter to the Coastal Commission voicing your opposition and e-mail us a copy of your letter. (I have included a sample but it would be good if you could put it in your own words--just a line or two is fine)

You should send your letter to: [<jainsworth@coastal.ca.gov>](mailto:jainsworth@coastal.ca.gov).

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

And remember to please email a copy to us so we can make sure the Coastal Commission is counting your letter [malibudarkskies@gmail.com](mailto:malibudarkskies@gmail.com)

Thank you,

Malibu Dark Skies Committee

*Please I have lived in Malibu  
Park for 25 years and it have  
been 25 years of constant  
intrusion by the school district  
on the integrity of our  
neighborhood.  
PLEASE STOP IT  
Now!!!*  
*From Robert Grey  
5841 Buseh Dr  
Malibu, Ca 90265  
310-457-4040*

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, August 01, 2011 11:15 AM  
**To:** Deanna Christensen  
**Subject:** FW: Malibu High School Lights (amendment 09-004)  
**Attachments:** EH\_Malibu\_High\_lights\_7-19-11.doc

**Received**

AUG 01 2011

California Coastal Commission  
South Central Coast District

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**From:** ehalp@aol.com [mailto:ehalp@aol.com]  
**Sent:** Tuesday, July 19, 2011 9:26 AM  
**To:** John Ainsworth  
**Subject:** Malibu High School Lights (amendment 09-004)

Dear Mr. Ainsworth,

I am sending the attached letter by way of this email for distribution to the Commissioners so that may consider my opposition when reviewing the above cited amendment. For your convenience I have also copied the letter at the bottom of this email.

It will be appreciated if you will email me to confirm your receipt of this letter.

Thank you,

Edward Halpern

**Edward & Sonya Halpern**  
5939 Floris Hts.  
Malibu, CA. 90265  
[ehalp@aol.com](mailto:ehalp@aol.com)  
July 17, 2011

RE: Local Coastal Program Amendment # 09-004 (Football Field Lighting)

Dear Commission Members,

Our family resides in Malibu Park. Our house is just one property removed from Malibu High School. As such the proposed installation of lights at the football field will have a serious and continuing effect on the quiet enjoyment of our property. Or past experiences with lights at Malibu High School show that they create an environment that turns a rural neighborhood into the likes of a brightly lit industrial neighborhood. Not only do these lights create an unpleasant environment, they also result in early evening and late night blaring noise created by the school audio system. The resultant noise is amplified both by the audio system and by the prevailing ocean winds that drive the loud noise right into neighborhood homes.

We cannot herein express the intrusion on the lives of local residents that the lights and noise create. It disrupts conversation, overrides the enjoyment of television and disturbs sleep. It even goes so far as to wake a sleeping baby. Asking residents to

8/1/2011

accept lights and noise from nighttime field events is not reasonable. We suggest that those of you who do not live in the neighborhood cannot understand the intrusion without having endured it.

The proponents of this plan to install lights attempt to stress the benefits of lights for evening sports programs. They say it would allow more parents to attend night games and it would give participants an experience that cannot be duplicated without lights. Nothing could be further from the truth. Experience over a number of years in which temporary lights were used, shows that very few parents or students attend these nighttime events. Furthermore, chances are those same parents would attend on Saturday during the day if games were held on Saturdays. As to benefit to the students who participate in sports, those benefits, if any, are and will continue to be had when games are played at other stadiums that already have lights.

In addition to the effect on the quality of life for local residents, apparently lights such as these can have a greater effect on local bird populations. We are sure you have been referred to the situation in Kauaii wherein night lights are not being used at the high school because of the threat they pose to local seabirds. Following is a quote from the "Inside Science News Service" dated July 26, 2008 referring to a case in Minnesota. It independently supports the proposition that these lights are injurious to the local bird population.

"Birds, like moths, are attracted to light at night and if they become disoriented, will fly in circles around the lights in a tall building, often hitting the building, or dropping exhausted to the ground. The phenomenon is not understood by scientists, but a researcher at the Bell Museum ☐ in Minneapolis, along with the Minnesota Department of Natural Resources, is spearheading a program to turn off the lights to protect migrating birds. Participants in the programs, including the owners, tenants, and management companies from 32 buildings Minneapolis, St. Paul, Bloomington, and Rochester, will dim their building lights during the spring and fall bird migration seasons. Similar programs are in place in Toronto, New York, and Chicago." Inside Science News

Service"idNews Service

Date: 26 July 2008

In closing, this movement to add lights to the field is completely insensitive to both the environmental effects and to the burden it places on the local residents. These lights are not an educational necessity nor are they neutral to the environment. As such we ask that you deny any request to install and use night lights at Malibu High School.

Thank you for your consideration of the undue burdens that will be placed on local residents if night lights are permitted at this high school.

Sincerely,

Sonya Halpern and Edward Halpern

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, August 01, 2011 11:13 AM  
**To:** Deanna Christensen  
**Subject:** FW: Lighting in Malibu

**Received**

AUG 01 2011

California Coastal Commission  
South Central Coast District

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**From:** SKYLAR PEAK [mailto:skylar@peakpowerelectric.com]  
**Sent:** Friday, July 22, 2011 7:48 AM  
**To:** John Ainsworth  
**Subject:** Lighting in Malibu

Hi,

My name is Skylar Peak and I am a lifelong resident of Malibu. I attended local Malibu public schools and played football a long time ago on the very field the school district is asking to add lights too. While I am not opposed to the kids having lights for a few 3-4 football games a year, the light pollution from any more lighting than that is ridiculous, especially anything permanent. I have no idea how the coastal commission could approve something like this.

My home rest on a bluff on the hill in Malibu. Over the year the light pollution has got worse and worse.

The light pollution from the new residential developments in this town is out of control and now they want to light it up permanently for sporting events. Please do what you can to keep out pristine dark nights out here where the mountains meet the sea.

Thanks for your time,  
Skylar

--

Skylar Peak

**PEAK POWER ELECTRIC**

[skylar@peakpowerelectric.com](mailto:skylar@peakpowerelectric.com)

PHONE: 310-457-9348

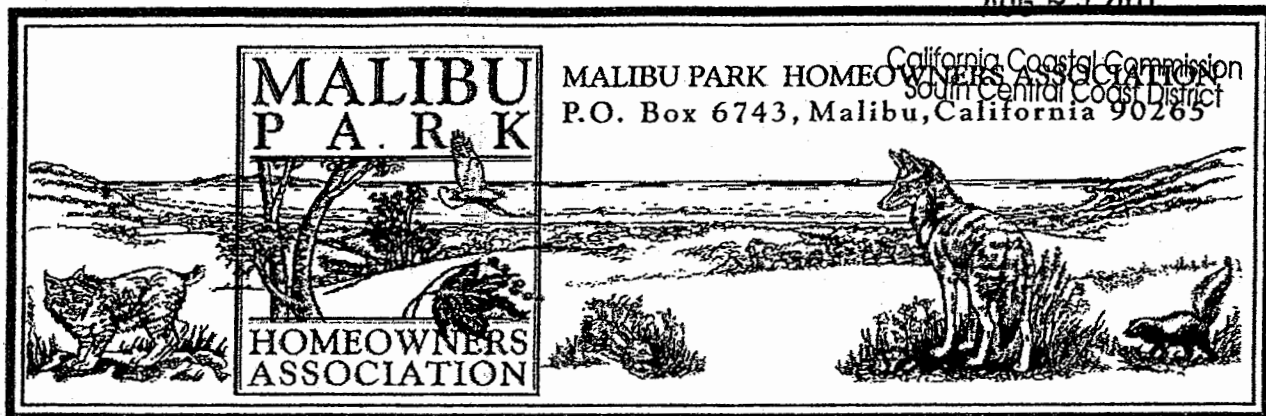
FAX: 310-919-3068

CA License #365831.

*Peak Power Electric is a locally owned and operated business based out of Malibu, CA since 1978. We offer service to commercial and residential buildings in Malibu, Los Angeles Westside, and San Fernando Valley Areas. Specializing in electricity and lighting for new construction, remodels, service and repair.*

Received.

AUG 29 2011



# P E T I T I O N

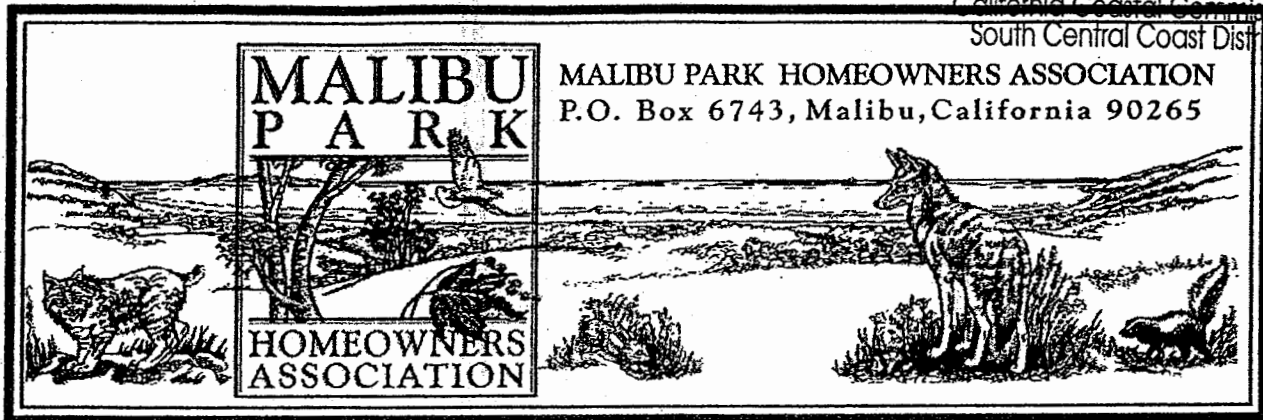
## MALIBU PARK HIGH SCHOOL STADIUM LIGHTS BREACH of PROMISE

NAME	ADDRESS	COMMENTS
CAROL BRETONNE <i>Carol Britton</i>	5763 BUSCH DR, MALIBU	<u>NO</u> LIGHTS NEW BUILDING UGLE
GREGORY SONSINI <i>G. Sonsini</i>	6035 Paseo Cypress MALIBU	NO LIGHTS
Ted Glogio	29500 #107 HEATHERCLIFF Malibu	
Ralph Hutchinson	5960 Floris HTs	No Lights
Jana Scarpeena	30147 Cuthbert	
Kim i Roberti Dursi	5321 Horizon	No lights
VICTORIA Epstein	5707 Busch Dr	NO NOISE
Wanda Aguandost	5705 Busch Dr	
H. F. Eisenbach	30147 A Cuthbert Rd	no lights no noise
Barbara Mackey	30103 Harvester Rd.	no lights no more noise + traffic
Bruce Bates	29956 Cuthbert Rd	Traffic study
JOE Masia	5815 Filene Ht	No lights
MICHAEL BENDIX	5815 Filene	MALIBU 90265



AUG 29 2011

California Coastal Commission  
South Central Coast District



# P E T I T I O N

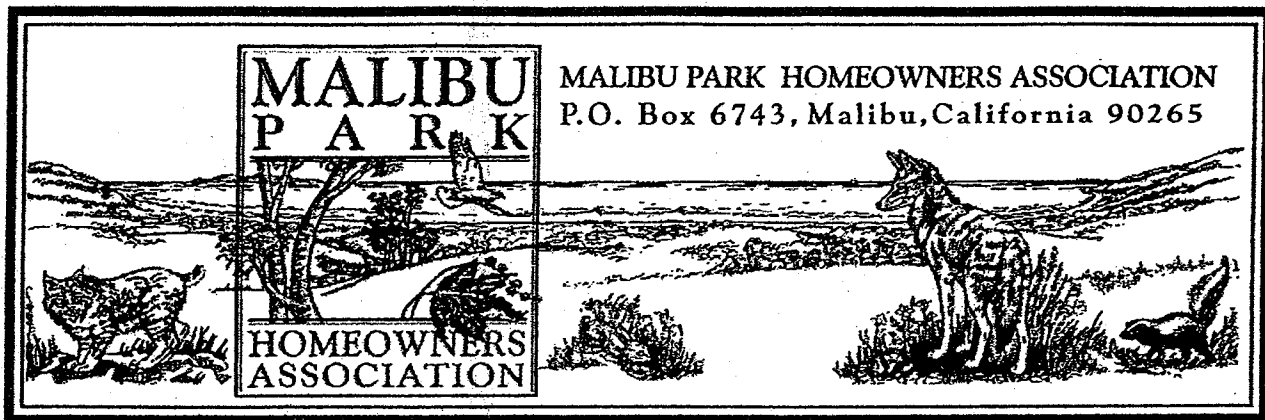
## MALIBU PARK HIGH SCHOOL STADIUM LIGHTS BREACH of PROMISE

NAME

ADDRESS

COMMENTS

Tim Bely	29755 Harvester Rd.	Wildlife habitat intrusion
Robert J. [unclear]	29755 Harvester Rd.	
Angela [unclear]	29670	
Carol D. O'Meara	5961 Floris Hts Road	
Thomas R O'Meara	5961 Floris Hts	
Thaddeus Murphy	5904 Floris Hts Rd	BIOTORENVIROMENTS INTRUSION ON PERSON'S HOME!
Jennifer Denker	5926 Floris Hts.	
John Wrayatt	5580 Busch Dr.	
Ralph Wrayatt	5580 Busch Dr.	
LM Attali	30530 Morning View Dr.	
Jean A Mac Gregor	5804 S Philip Ave	
Mac Gregor	5804 S. Philip Ave	
Ellie Reich	6353 Malibu PK. Ln.	
Arne Buskey	5840 Clover Hts. AVE.	



# P E T I T I O N

## MALIBU PARK HIGH SCHOOL STADIUM LIGHTS BREACH of PROMISE

NAME

ADDRESS

COMMENTS

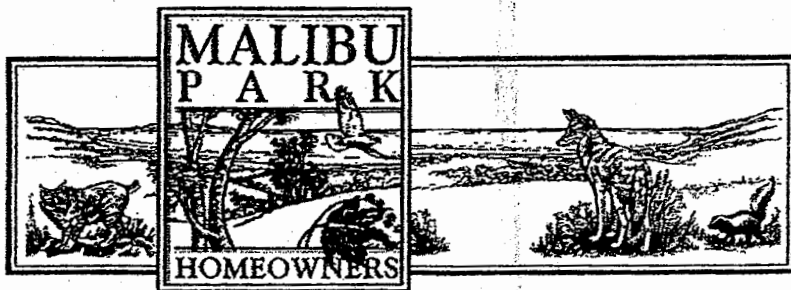
Beth Lucas	5838 Deerhead Rd.	No lights!
Paul Lucas	5838 DEERHEAD RD.	
John Wolf	5954 Philip Malibu	
Judi Hutchinson	588 Florin Hts Malibu	Shrink ecology
Chloise Hooper	5921 Florin Hts Rd. Malibu Ca.	
Teresa Clare Campeau	6055 Trancas Cyn Rd. Malibu 90265	
Rose Ooka	28500 Heathcliff #281	
Kay Stone	28500 Heathcliff #281	
Frene M. Stott	28953 Boniface	
Betty McCarty	31948 PC #	
Walt Kellert	4984 S. Encinal Ln. Rd.	
Lorna White	6274 Trancas Cyn Rd	
George Lewis	6839 Duarte	
Ann Sykes	6432 TRANCAS Cyn Rd.	

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AUG 29 2011

California Coastal Commission  
South Central Coast District

# 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

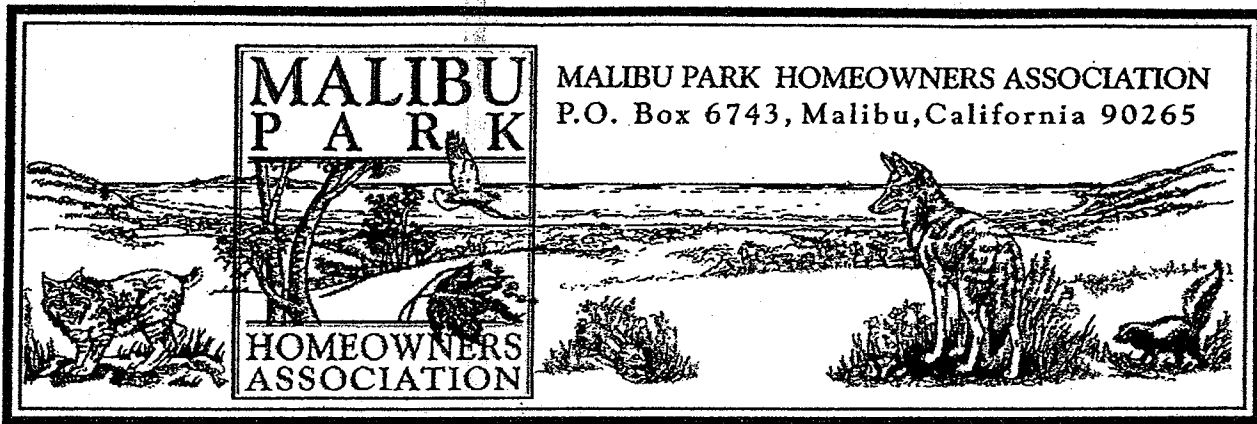
For the past three years the SMMUSD has been in direct violation of their Coastal Permit # 4-99-276 Condition 6 which prohibits both temporary and permanent lights at the high school. On January 27, at a meeting at the high school, the public was informed that the School District was going to ask for 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. Mary Le Grassie	5901 Clover Heights Ave	310 924 4648	empressmary44@aol.com
2. Anne Driskie	5840 Clover Hts Ave	310 457 7996	aol.com
3. Thomas Driskie	5840 Clover Hts Ave	310 457 7996	
4. Stummala	5906 Clover Heights Ave	(310) 457-6481	
5. Debra Cole	"	"	debracole50@verizon.net
6. Shary Nassimi	29670 Harvester Rd.	4576131	SNK@Sharynassimi.com
7. Judith Guillemot	5940 Clover Heights Ave	310 457 9234	judithguillemot@yahoo.com
8. John Brown	5900 Filaree Hts	310 457 2964	
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AUG 29 2011

California Coastal Commission  
South Central Coast District



# P E T I T I O N

## MALIBU PARK HIGH SCHOOL STADIUM LIGHTS BREACH of PROMISE

NAME	ADDRESS	COMMENTS
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Thomas Griskey THOMAS GRISKEY	5840 CLOVER HEIGHTS AVE	MALIBU, CA 90265
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Alan Carson Alan Carson	5845 CLOVER HTS	MALIBU, CA 90265
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Jeanna Burke JESSE DE MERI	6106 Bonball Dr	MALIBU CA 90265
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J. De Meri	6254 EBBTIDE WAY	MALIBU CA 90265
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Anne De Meri	6254 Ebbtide Way	Malibu, Ca. 90265
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MARSHALL THOMPSON	5782 Calpine Drive	310-589-5521
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Susan M. Tellem	5782 Calpine Drive	310-589-5521
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MARSHALL @ DAVIDCO.TV

Lolita S. Metscher	18174 Kingsport Dr.	MALIBU, CA 90265
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AUG 29 2011

California Coastal Commission  
South Central Coast District

# MALIBU DARK SKIES COMMITTEE

WE SAY **NO** TO CITY LIGHTS. WE SAY **NO** TO CHANGING THE LCP.

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 all measures are taken to preserve our rural neighborhood with no lights in Malibu.

NAME	ADDRESS	PHONE #	E-Mail	Volunteer
VICTORIA Epstein	5701 Busch	457 7352	ludogmonn@net	
ANNE GRISKEY	5840 CLOVER HTS. MALIBU		T. Griskey@ieee.org	
ANNE GRISKEY	5840 CLOVER HTS. MALIBU		T. Griskey@ieee.org	
Robert Therrien	6820 Wildlife Road, Malibu		rt22@shcsl.org	
Vicky Arnold	5824 Clover Heights	(310) 589 8898	vickyarnold@verizon.net	
Joanne Boggs	6414 Bonsall Dr.	310 457-3379		
Harry & Frederique EISENBACH	30147 anthberi rd Malibu			90265
IRIS & RICK Ehrlich	31952 P.C.H. Malibu			90265
Kim Tipper	P.O. Box 6352 Malibu			90265
Agnes Stevens	192 Paradise Cove, Malibu			90265
Adriana Davis	1846 Seminole Drive, Malibu			90265
Barbara Bacon	192 Paradise Cove Malibu			90265
Danny Sherr	30866 Broadbeach Rd			90265
Jeannette & Lynn Kronsberg	35395 Mulholland Hwy			90265
Ron & Leanne Lawrence	7341 Budview Ave			90265
Remy O'Neil	6135 cavalleri Rd Malibu			90265
Robbi & Candice Marder-Rosian	24727 Vantage Point Terrace			90265
Jim & Glen Lynch	31862 W. Sea level,			90265
Karl & Robert Dursi	5331 Horizon Dr			90265

Received

AUG 29 2011

California Coastal Commission  
South Central Coast District

# MALIBU DARK SKIES COMMITTEE

WE SAY **NO** TO INSTITUTIONAL LIGHTING. WE SAY **NO** TO CHANGING THE LCP.

Malibu has historically been a "dark" community with a strong commitment to preservation of views. Changing the LCP would mean that every institutional area in Malibu can have 60ft polls with lights. We encourage you, our elected officials, to use all authority and power that has been granted to you by law to insure that all measures are taken to preserve our rural neighborhood with no lights in Malibu.

316

NAME	ADDRESS	PHONE #	E-Mail
1. Kathryn Stabile	30051 Andromeda LN	457-1742	KATHLYN444@yahoo.com
2. Alan Roderick-Jones	29630 Cuthbert Rd Malibu	310-457-3029	malacod@mindspring.com
3. Rosa del Castillo	11202 PACIFIC VIEW RD	310-457-1644	ROSADCASTO@YAHOO.COM
4. Lynne Trine	10827 Pacific View Rd	310-503-2362	
5. Geraldine Chollet	5617 Busch Drive Malibu	457-4048	
6. Gail Lawe	6777 Wildage Rd	457-6962	
7. Perry C. Warden	27409 PCH	457-9529	
8. Debby Ponder	29500 Heather Rd	457-5026	
9. Wanda Leonard	5705 Busch Drive	310-457-5501	
10. Sherman Bapin	29575 P.C.H.	457-5061	
11. DMI Sherman	29500 Heather Cliff Rd	310-457-0458	
12. Alessandra DeClario	PO Box 2534 Malibu	310-457-0458	DOCTORDAD@earthlink.net
13. Michael Rosenthal	PO Box 2534 Malibu	310-457-7502	
14. Rick Mullen	5969 RAMIREZ CYN	457-6925	lynokton@charter.net
15. Lynn Norton	6005 Paseo Cyn Dr.	457-6455	
16. Joan Everett	30021 Harvester Rd.	310-457-1503	ellist2@gmail.com
17. Evelyn Ellis	5940 Filaree Heights	310-456-9207	RLawrence@earthlink.net
18. Richard Lawrence	19264 PCH	310-457-1057	
19. Odina Dixon	30254 Morning View Dr.	310-314-2177	
20. Graeme Clifford	PO Box 116 90265		

Judi Hutchinson

5 John Ellis

5940 Filaree Hts

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AUG 29 2011

California Coastal Commission  
South Central Coast District



# MALIBU DARK SKIES COMMITTEE

WE SAY **NO** TO INSTITUTIONAL LIGHTING. WE SAY **NO** TO CHANGING THE LCP. Malibu has historically been a "dark" community with a strong commitment to preservation of views. Changing the LCP would mean that every institutional area in Malibu can have 60ft poles with lights. We encourage you, our elected officials, to use all authority and power that has been granted to you by law to insure that all measures are taken to preserve our rural neighborhood with no lights in Malibu.

NAME	ADDRESS	PHONE #	E-Mail
1. Guillemot dominick	5940 CLOVER HEIGHTS	310-457-9234	
2.			dg2dominickphoto.com
3. Avelina Diaz	5845 CLAY HILLS	310-924-4291	avelinodiaz@yahoo.com
4. Jonathan Banks	29734 HARVESTER	310-924-0033	Banksjohnny@verizon.net
5. Scott Olson	29670 HARVESTER	305.720.4360	soloban@yahoo.com
6. Thorald Carson	5845 CLOVER HTS.	457-7150	thoralds@earthlink.net
7. Alan Carson	5845 CLOVER HTS	310-457-7150	
8. Frank B Polin	4630 VIA VIENTA	310-457-3538	
9. Susan Kelly	30604 LAS ESTRELLAS DR.	310-457-3856	
10. INA DEERE	29755 HARVESTER RD.	310-457-2284	
11. Beth Treweek	5960 BUSCH DR.	310.593.4605	
12. LAURENCE TREWEEK	5960 BUSCH DR	310.593.4605	
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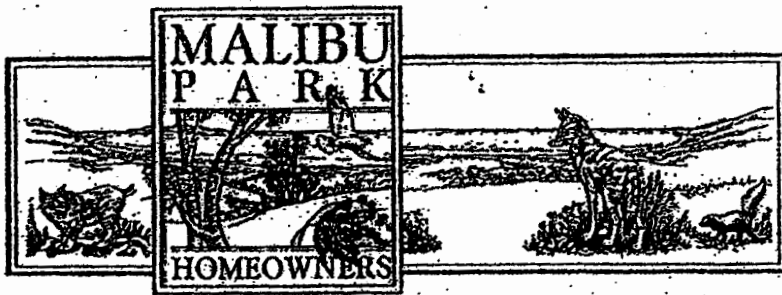
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AUG 29 2011

California Coastal Commission  
South Central Coast District

# WE SAY NO TO LIGHTS!



## P E T I T I O N MALIBU PARK HIGH SCHOOL FIELD LIGHTS BREACH of PROMISE

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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. James Rhodes	33206 Decker School Rd Malibu	310-457-5781	
2. ANNIE LUIS	29500 Heathercliff Rd #227 Malibu, CA 90265	805-457-8117	310-467-2366
3. Cheryl Anderson	592 Camino Del Lago, T.O. Malibu		Cheryl@jaregan.com
4. Bettina Biggs	28250 Ray De Casas, Malibu	CA 90265	
5. Glenn Lynch	31862 W Sea Level Dr Malibu	90265	
6. Don KB14	53064 Decker Rd	Malibu	
7. Annemarie Brown	33050 W. Decker Sch. Rd Malibu		k9world@aol
8. Allison Richard	3336 Olivegrove Pl. Thousand Oaks		sweetal74@hotmail.com
9. Madeline Wock	30524 Morningview Drive Malibu	90265	
10. John Hart	2308 Redwood St S.M	90405	
11. Julie Siegel	35100 Mulholland Hwy Malibu	90265	
12. LARANCE TREVEK	5960 BUSCH DRIVE MALIBU	90265	

Received

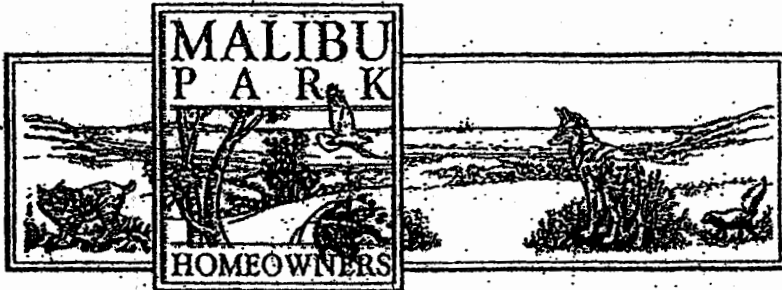
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AUG 29 2011

California Coastal Commission



# WE SAY NO TO LIGHTS!



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

## P E T I T I O N

### MALIBU PARK HIGH SCHOOL FIELD LIGHTS BREACH of PROMISE

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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. Kevin Hanna	29500 Heathercliff #23, Malibu		
2. Anise Riar	29500 Heathercliff #209 Malibu		
3. Jon Ellis	31954 Palisades Malibu		
4. Chelsea Bloch	31954 PCH Malibu		
5. MARSHA CORON	5637 BUSCH DR. MALIBU		
6. Ma Coron	5637 BUSCH DR. MALIBU		
7. Rhonda Grubel	29500 Heathercliff #251 Malibu		
8. [Signature]	23722 Harbor Vista Dr Malibu 90261		
9. Fred Seal	5640 Culpine Dr Malibu 90265		
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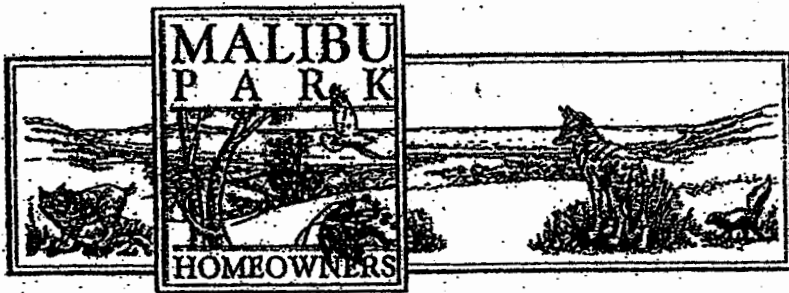
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California Coastal Commission  
South Central Coast District

# WE SAY NO TO LIGHTS!



## P E T I T I O N MALIBU PARK HIGH SCHOOL F I E L D L I G H T S B R E A C H o f P R O M I S E

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 264 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

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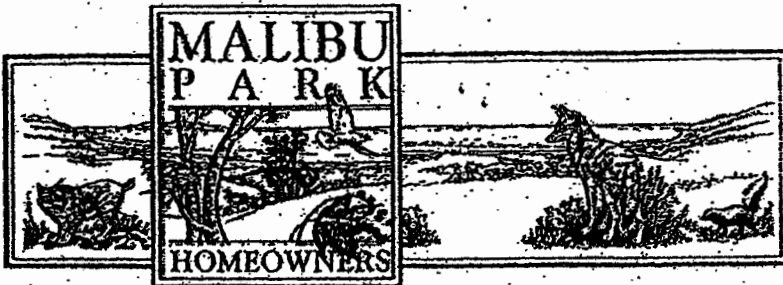
NAME	ADDRESS	PHONE # Malibu CA	E-Mail
1. Amy Marderosian	5950 Busch Dr	310-457-0133	
2. Vicki Lane	5946 Busch Dr	310-457-9076	
3. Doug Chase	5946 Busch Dr	310-457-9076	
4. Andor Kesselman	6022 Merritt Dr. Malibu	310 356 6000	
5. Beth Treweek	5960 Busch Dr Malibu	310 457-3473	
6. Cynthia Kesselman	6022 Merritt Dr. Malibu	310-356-6144	
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South Central Coast District

# WE SAY NO TO LIGHTS!



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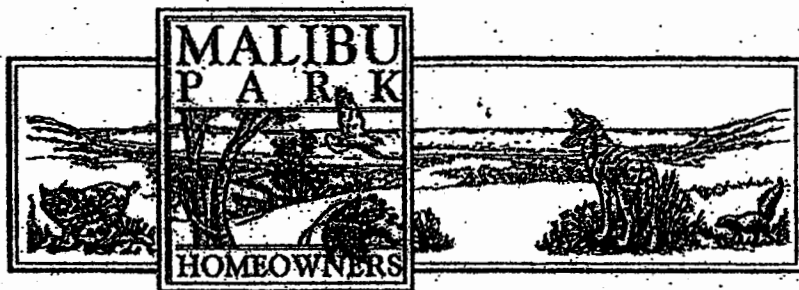
NAME	ADDRESS	PHONE #	E-Mail
1. Ann Dalling	29500 34 Heather	310-457-2602	
2. Garrett Nichols	29500 34 Heather	310-457-2603	
3. Stat H. Dalm	2075 LAMHARNE RD	1804 687-6292	
4. Lisa Ferarri	3804 Latiop Canyon	310-924-0994	lisa@lbfarc.com
5. DENNIS E. ALLEN	1885 LAMHARNE RD	310-585-0806	
6. CECE ABEL	4085 ESCONDIDO	(310) 457-3888	
7. Sandra Nichols	39235 Greenwater Rd	(310) 589-0491	
8. Janet Katz	23852 PCH, Malibu		
9. Kay Schuch	6051 Philipine	310 467-3826	
10. [Signature]	28711 PCH #8	310 589-5127	
11. [Signature]	33740 PCH	310 948-6470	

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# WE SAY NO TO LIGHTS!



## P E T I T I O N

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NAME	ADDRESS	PHONE # 310	E-Mail
1. Jim Ludwig	6040 Merritt	457-4305	jdl@klossoc.com
2. Rebecca O'Gorman	5737 Busch	457-6731	rebecca@o-gorman.com
3. Kathleen Gable	29840 Harvester Rd.	457-1016	gable@earthlink.net
4. Carol Gable	29840 Harvester Rd.	457-1016	pal3321@aol.com
5. Janet Pollan	4630 VIA VIENTA	457-3538	harrietpollan@yahoo.com
6. Dominick Guillemot	5940 Clover Heights	457-9234	dominickphoto.com
7. Marc Weingarten	5920 Clover Heights		marcweingarten@gmail.com
8. Lynn Weingarten	5920 Clover Heights		lynn@chngers.com
9. SARAH LUX	5950 BUSCH DR.	457-0133	LUXSAHAH@GMAIL
10. NATALIE LEGO	5950 BUSCH DR.	457-0133	Natalielego@yahoo.com
11. Brandon Bradford	5950 BUSCH DR.	457-0133	BBANQUETS@yahoo.com
12. Sabrina Sinclair	5901 Clover Hts. Ave.	457-7155	Sabrina_love@helixkitty.com

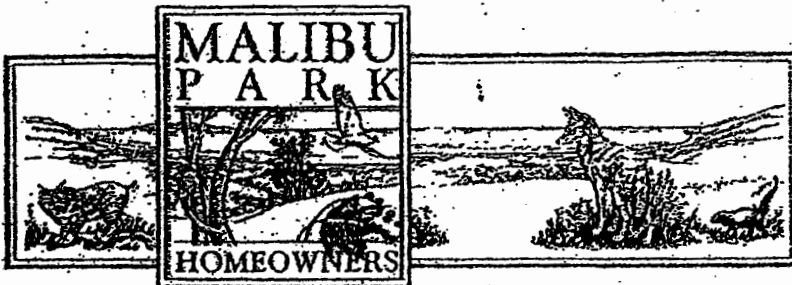
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AUG 29 2011

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# WE SAY NO TO LIGHTS!



## P E T I T I O N

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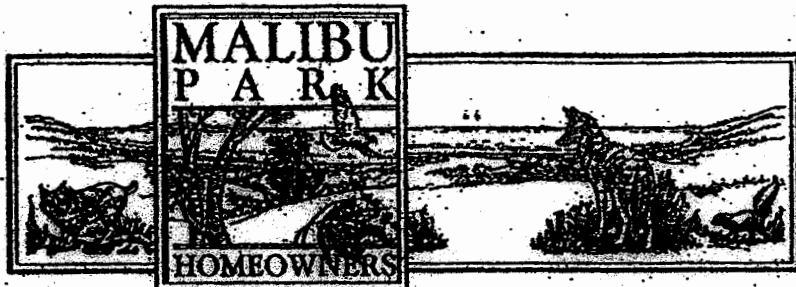
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NAME	ADDRESS	PHONE #	E-Mail
1. Elvira Lopez	6774 Las Olas Way	310 457 0087	
2. Heather Carson	6774 Las Olas Way	310 457-0438	
3. Julie Lopez	6774 Las Olas Way	805 336 1411	julie.mso@gmail.com
4. Esther Najjar	5675 Calpine Dr	(310) 457-2265	esther.najjar@verizon.net
5. [Signature]	5675 Calpine	417-2265	
6. [Signature]	31585 Brandwood Rd.	Malibu Ca. 90264	
7. [Signature]	6774 Las Olas Way	310 457 0087	
8. Walter C. Gaul	6754 Las Olas Way	310 924 1471	
9. Debbie Brey	6754 Las Olas Way	310 578-7231	
10. Devyn Pearce	3645 Malibu Vista Dr	310 922 8355	
11. [Signature]	6012 Galahad	310 924-0343	
12. Hollie Deenan	1874 Seminole Dr.	818 865 8977	

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AUG 29 2011

1546-



# P E T I T I O N

## MALIBU PARK HIGH SCHOOL FIELD LIGHTS BREACH of PROMISE

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NAME	ADDRESS	PHONE #	E-Mail
1. <u>Laurie Silva</u>	<u>2050 CONEL</u>	<u>310-678-9881</u>	<u>LSILVA@SILVER.COM</u>
2. <u>Gloria Christen</u>	<u>28382 Rey del Norte</u>	<u>(310) 251-2551</u>	
3. <u>Michael Miller</u>	<u>27415 WINDING WAY</u>	<u>310-207-789</u>	<u>Michael.D.Miller@ms</u>
4. <u>Sam Ry</u>	<u>6780 Dune Dr</u>	<u>(310) 457-1079</u>	
5. <u>S.R. Plamondon</u>	<u>6780 Dune Dr</u>	<u>310 457-1079</u>	
6. <u>Michael Soloway</u>	<u>31533 Victoria Pt Rd</u>	<u>Malibu 90265</u>	<u>52-1862</u>
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AUG 29 2011

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NAME	ADDRESS	PHONE #	E-Mail
1. Gail Flaym	22625 PCH #2	310 495 9907	ONT@G-ONE
2. Susan Schkaber	22626 PCH #2	310 552 6942	S021. atlas
3. Gail Flaym	22626 PCH #2	995 9908	ENT@G-ONE
4. MATTHEW KATZ	99903 HARVESTER RD		Malibutrade@aol
5. [Signature]	2050 Cornua/Cy	310 457 451	
6. Linda Gould	5815 1/2 Clover Nte	457-1716	
7. David Lankford	5815 Clover Nte	310-457-1716	
8. [Signature]	6447 Guernsey Ave	310-457-71	
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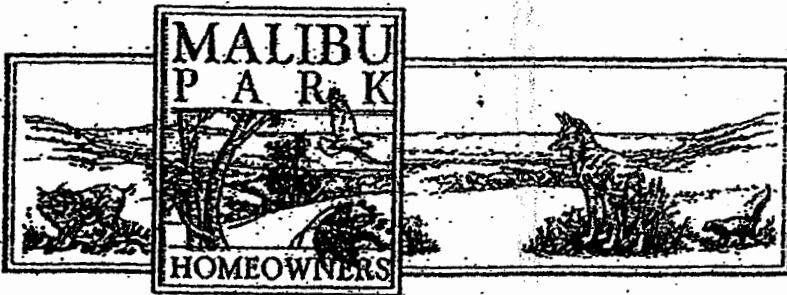
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California Coastal Commission  
South Central Coast District

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NAME	ADDRESS	PHONE #	E-Mail
1. Kim W. Durst	5331 Horizon	310 589 8168	
2. Rob Durst	5331 Horizon	310 589 8682	sabed@msysd.net
3. HEIKKI KETOLA	30018 ZENITH PT RD	310 457 9705	HEKKE@KETOLA.COM
4. MARK & LINDY MORROW	5501 Horizon	310 457-9686	MORROW@net.net
5. Harry Eisenbach	20147 Cumberi Rd.	P.O. Box 600	
6. Albert Brumet	30745 PCH H 172	310 457 6569	
7. Phil Richardson	5416 Horizon Dr.	310-589-5406	philr64@verizon.net
8. Thomas D. Diller	5806 Overhead Rd.	310 457 5539	zumaf6@yahoo.com

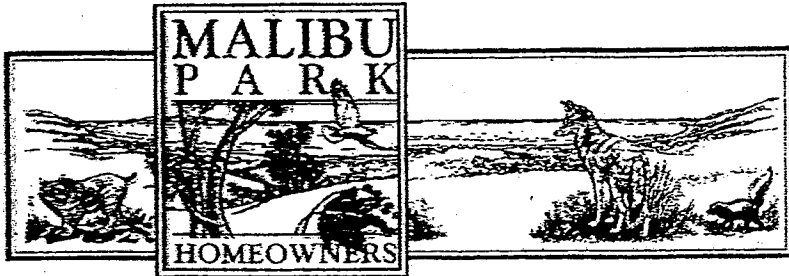
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NAME	ADDRESS	PHONE #	E-Mail
1. K. Spangle	30601 Vista Green	310-457-7826	kmalibu@verizon.net
2. Kim Cedingler	26514 Ocean View	310-589-9751	kimcaper@verizon.net
3. Jeff Pietryk	Malibu 90265	310-463-3949	jeffpietryk@gmail.com
4. Caroline Pietryk	" "	310-924-5165	malibucash@gmail.com
5. Monika Petus	26575 Ocean View	310-457-3080	spamonika@charter.net
6. NIDRA Winger	26535 Ocean View	310-457-9370	NIDRAWinger@charter.net
7. Cindy Ellis	31369 PCA	310-557-7095	malibukim@yahoo.com
8. Megan Blake	5709 Brush Dr	310-457-8048	info@meganblake.com
9. Kim H. Swartz	5709 Brush Dr	310-457-8048	info@meganblake.com
10. Deborah R. Rano		310-457-5851	
11. Lois Boquette	29500 Highland Dr	323-377-8457	lboquette@att.net
12. Bob Rano	2209 PCA	310-368-5555	Pae70307@comcast.net

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# MALIBU DARK SKIES COMMITTEE

WE SAY **NO** TO INSTITUTIONAL LIGHTING. WE SAY **NO** TO CHANGING THE LCP. Malibu has historically been a "dark" community with a strong commitment to preservation of views. Changing the LCP would mean that every institutional area in Malibu can have 60ft poles with lights. We encourage you, our elected officials, to use all authority and power that has been granted to you by law to insure that all measures are taken to preserve our rural neighborhood with no lights in Malibu.

NAME	ADDRESS	PHONE #	E-Mail
1. DONALD ANDERLE	2243 CLOVERFIELD <sup>3M</sup>	310-780-8135	danderle @ earthlink.net
2. JIMMY	1212 ORB, S.N.	210-399 0192	VinRyan102@gmail.com
3. Online Halper	17243 Ave Herradura	Pacific Palisades CA	
4. P. Freckling	4001 Van Buren Rd 90232	310-837-4022	hwf4061@gmail.com
5. HARVEY Allen	1425 6 <sup>th</sup> ST #401	(310) 393-1217	harveallene @ earthlink.net
6. CHRIS & SALLY BENJAMIN	3216 COWBOY VIEW	310 456 2736	Chris Benjamin
7. MARC & Lynn Weingarten	5920 CLOVE HERBIS		MARCWEINGARTEN@GMAIL.COM
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AUG 29 2011

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# MALIBU DARK SKIES COMMITTEE

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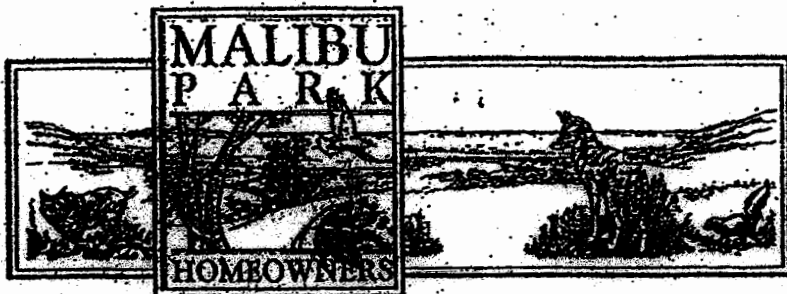
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	NAME	ADDRESS	PHONE #	E-Mail
1	DAVID LANE	5815 1/2 CLOVER HTS AVE. MALIBU		
2	Linda Gould	5815 CLOVER HEIGHTS MALIBU		
3	THOMAS GRISKY	5840 CLOVER HTS AVE.		CA 90265
4	ANNE GRISKEY	5840 CLOVER HTS AVE.		CA 90265
5	Carol Gable	29840 Harvester Rd		CA 90265
6	Ken Gable	"	"	"
7	Gwen Huot	5738 Pilane Hts Ave		CA 90265
8	terry huot	5738 Fiske Hts, Malibu		90265
9	John Huot	5940 Clover Heights Ave		Malibu 90265
10	Robert Solomon	29846 Harvester Road		Malibu 90265
11	MARSH			
12	JAY LIEBIG	6463 Zuma View Pl		JAYLIEBIG1@verizon.net
13	PAUL SPIER	5900 CLOVER HEIGHTS AVE		PAULS86@GMAIL.COM
14	Patricia Greenwood	5906 PHILIP AVE,	(310) 457-2774	pgreenwood@calwellbank.com
15	Rachel Rodrick-Jones	29630 Cuthbert Rd		Rachelrj@mindspring.com
16	Steve G. Gremsen	29575 PEN	804-687-6292	dgremesen@yahoo.com
17	Frankie Greenberg	P.O. Box 683		Malibu, CA 90265
18	Jeremy Greenberg	P.O. Box 683		MALIBU CA 90265
19	Lucy Green	4984 S. Encinal		mbuwait@verizon.net
20	Walt Green	"	"	"

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NAME	ADDRESS	PHONE #	E-Mail
1. VICTORIA NOLAN	23852 PCH #163	310 457-2677	
2. Suzanne Cannel	1775 Encinal Cyn	310 457-9301	
3.			
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AUG 29 2011

California Coastal Commission  
South Central Coast District

Steve Uhring  
23722 Harbor Vista Drive  
Malibu, 90265  
310-291-6480

RECEIVED  
MAR 18 2009  
CALIFORNIA  
COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

Friday, March 13, 2009

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

Mr. Hudson,

In April the Santa Monica/Malibu Unified School District will submit an application to the Coastal Commission seeking an amendment to Coastal Development Permit 4-99-276. The School District will request that the Commission reverse its earlier ruling (Special Condition Six in Permit 4-99-276) and approve temporary night lighting of the athletic fields at Malibu High School. I am writing to inform you of our intent to oppose this application.

In 2000, with CDP 4-99-276, the Coastal Commission informed Malibu High that night lighting was prohibited. In 2003 the School District and the High School ignored this Coastal Commission ruling, and began using temporary night lighting for football games. Encouraged by the lack of enforcement, the School District now envisions a solution that will install permanent lights at Malibu High School enabling it to execute a plan to light up the playing field some 203 nights a year. This request for a temporary permit is simply a stepping stone to this final solution.

There are a significant number of Malibu Residents who believe that night lighting, temporary or permanent, is a bad idea. This lighting proposal is inconsistent with the policies in The California Coastal Act, Malibu's General Plan and Malibu's Local Coastal Plan and if approved it will decimate the wildlife habitat that lives in and around the school.

On behalf of these residents I am requesting that I be copied on any correspondence connected with the hearing of the School District's application. Many of the residents opposed to the night lighting would like to address the Commission, so if it is possible to place this topic on the agenda of a Coastal Commission meeting that is held in a location in or near Malibu it would be greatly appreciated.

I have enclosed "A Brief History of Night Lighting at Malibu High", for your review.

Thank you in advance for your attention to this matter.

  
Steve Uhring

cc Pat Veasant

## A Brief History of Night Lighting at Malibu High School

In 2000 the Coastal Commission addressed the issue of night lighting in Coastal Development Permit 4-99-276. They began in the Staff Report page 11 which reads in part...

“ The Commission has found that night lighting of areas in 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...”in order to mitigate any potential future visual and environmental impacts ...the Coastal 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**. **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.”

**Special Condition Six** reads ..

Prior to the issuance of the Coastal Development Permit the applicant shall submit a written agreement in a form and content acceptable to the Executive Director which states that the applicant acknowledges and agrees that all lighting for the football field and outdoor track and field facility , whether temporary or permanent, shall be prohibited.

The School District decided to ignore the night lighting prohibitions of their CDP and in 2003 Malibu High began a yearly program of using temporary lights for approximately 4 to 5 football games a year plus additional nights for football practice.

This 2003 decision to use temporary lighting at Malibu High also broke an earlier promise Malibu High made to the residents who live near the school. To gain support for its' 2000 expansion plans the school Principal wrote a letter to Malibu Park residents assuring them that night lighting would not be used at the school.

Flash forward to today and we find a school district that is flush with bond money, planning major modifications at Malibu High. Included in these plans are designs for the installation of permanent light fixtures at the athletic field (4 to 6 lighting polls some 80 feet high) and a plan to use the lighted fields some 203 nights a year.

Despite vehement protests from Malibu Residents, and clear language in the Coastal Act and Malibu's LCP prohibiting invasive night lighting, the school is aggressively moving forward to secure permits for lighting up the athletic field. Their plan is to first secure a permit for temporary night lighting which will enable them to accommodate night football games this fall. With that permit in place they will then go through the City of Malibu to apply for a permanent lighting permit from the Coastal Commission.

We agree with the Coastal Commission's 2000 decision that prohibited night lighting and we believe the conditions that were the basis for this decision still exist today. Most important of these is the fact that a vibrant wildlife habitat currently exists around Malibu High and substantial damage will be done to this habitat if a night lighting program is approved.

**Attachments:**

- 1994 Letter from Malibu High School Principal to residents promising that night lighting would not be used at the school.
- 2/11/09 Article from the Malibu Times highlighting the School Board's admission to using temporary lights at Malibu High for the past five years and their future plans for night lighting 203 nights per year.
- 2/19/09 Article from Malibu Surfside News highlighting the active wildlife habitat that surrounds the school and residents protests against night lighting
- A daylight picture of the athletic field with temporary lights installed and two pictures of night football games at Malibu High taken in October of 2008.


Michael D. Matthews  
Principal  
Esther J. Winkelman  
Assistant Principal



# MALIBU HIGH SCHOOL

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

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

From: Michael D. Matthews 

Date: June 10, 1994

Re: Response to May 23 letter from Malibu Park Committee

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

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



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

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

Thank you for your concerns.

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

*Monday -*

# The Malibu Times

## NEWS

### School board votes for temporary field lights at Malibu High

Published:  
Wednesday, February 11, 2009 12:59 PM PST

Although the California Coastal Commission has prohibited the use of any field lights, the school has been using temporary lights for the past five years.

By Nora Fleming / Special to The Malibu Times

Although Malibu High School came under fire for using temporary athletic field lights in violation of a state-issued permit, the Santa Monica-Malibu Unified School District Board of Education voted last week in favor of applying for an amendment to the permit to maintain temporary lighting for the school's next football season. The current permit, issued by the California Coastal Commission, prohibits any night lighting on the school's athletic field.

Those opposed to the project have expressed concerns that the construction project includes plans for permanent lights that could be used up to 203 nights a year. High school athletes and parents of students in favor of the lights said evening games were a necessary part of building a sustainable athletic program and as a community builder.

The California Coastal Commission issued a coastal development permit in 2000 under Proposition X, another school improvements project, which prohibits both permanent and temporary lighting at Malibu High School. However, the school has used temporary field lights for the past five years, which were paid for by private donations, school Principal Mark Kelly said.

"How did you get so off track?" asked resident Steve Uhring. "You're lighting up the neighborhood like Times Square when you promised no night lighting. There's a coastal development permit you've directed your consultants to ignore. Apparently, the California Coastal Commission applies to everyone but [the school district]."

The board agreed that while the proposed permanent lighting, particularly the number of nights they would be used, should be reexamined, it was important to continue the school's Friday night football games next season, and to have field lights used legally. The board agreed that further community workshops and meetings might be necessary to continue discussion about the number of nights the lights might be used, if approved.

Several board members apologized for the use of the lights at Malibu High during the past five years without obtaining an amendment to the existing permit, which had contributed to a mistrust of the school district by some Malibu Park neighbors:

"There seems to be an erosion of trust," said Board member Oscar de la Torre. "I think that one of the outcomes of [continued] discussions needs to be some guarantee of strict guidelines in the use of the lights, and that in order for us to have a reasonable compromise we need to make it clear to the community that we need to be held accountable in the future."

The district said it would pay for CAA Consulting to apply to the California Coastal Commission for an amendment to the existing permit so that temporary lights could be used next year, but agreed not to use BB money to do so.

Steve Hudson, district manager for the South Central Coast office of the CCC, said he was unaware of any temporary lighting being used at the school during the past few years, but due to the current permit, use of lights would be cause for enforcement from the CCC.

Hudson said the item on the current permit prohibiting lighting was made due to concerns about the native and wildlife habitat in the area. If the district were to apply for an amendment, it would be asked to prove that the "amendment would not lessen the intent of the previous requirement of the permit," specifically that the lighting would not cause substantial negative environmental impact.

In August of last year, the school board approved hiring a consulting group to apply for an amendment for the permanent lights on behalf of the district; this application will depend on completion and evaluation of the project's environmental impact report, slated for spring this year.

The 203 nights was a number provided at a BB meeting last month in an effort to be "open and transparent," said Jan Maez, SMMUSD assistant superintendent. This number was generated based on all possible uses of the lights, including games for other sports teams and practices.

"We want to sit down with the community and put all of this on the table and find a reasonable plan," Maez said. "We know that 203 nights is not going to be acceptable and want to reach a middle ground, and we need to continue community meetings to reach that [middle ground]."

The City of Malibu currently has a joint-use agreement in place with the district to use Malibu High School facilities in exchange for an annual sum paid to the district. It is undetermined how many nights the city would be able to use facilities with night lighting, if the permanent lights are approved.

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## Many Assurances about Malibu High Were Not Put in Official Documents

**I**t's a Sunday morning at 9 a.m. Killdeer and western sandpipers have taken the field at Malibu High School's football stadium, engaged not in a game but in a hunt for breakfast. In the air above them, a pair of western kingbirds are hunting airborne insects. A scattering of residents are out walking, enjoying the February sunshine and the view of the ocean. In the background, raising above the sounds of softball practice and a tennis game from the brush on the berm beside the field comes the song of the California thrasher, which has been described as being like that of the old world nightingale.

It doesn't look like it, but this field and the hillside beside it have become a battleground in a conflict between residents and environmentalists on the one side and the school district and sports parents who want to see the school's athletic program remain competitive.

At the heart of the conflict are three elements of school improvement plans that are being funded by Measure BB bond money: permanent field lighting that would consist of four or six 70-to-80-foot-high light poles that have the potential to be in use 203 nights a year; synthetic turf that would replace the grass football field and is being criticized because of its potential to be a health and environmental hazard; and a parking lot consisting of a possible 250 stalls that would run the length of the ridge along the athletic field, and according to critics, will block a deeded trail easement, as well as have the potential to create additional light pollution and negatively affect the coastal sage scrub ecosystem and watershed adjacent to the ridge.

Most residents have been supportive of plans to remodel an existing building and replace the library and administrative buildings with Measure BB funds. They have also praised plans to improve safety and traffic flow, and are quick to point out that they have been providing input and suggestions for the project, but the improvements to the football stadium have raised a red flag.

"I keep hearing people say 'you should have realized you were buying a house near a school,'" one Sunday morning walker told the Malibu Surfside News. "I think it's maybe time that the school district realizes that it has built a school in an environmentally sensitive area. It needs to start behaving responsibly. Malibu Park is a little residential pocket surrounded by Zuma Beach and thousands of acres of National Park land. You can't just do what you want here. You have to respect the law. You have to honor your promises."

According to residents, the Santa Monica Malibu Unified School District has failed to do just that. In 1994, when the school was starting its football program, a letter from then Principal Michael Matthews assured residents "There are no plans to have night games at any time. There is no electrical infrastructure to support a new lighting system. In the long term future of the sports activities here, I do not see a need for lighting." When the school received its Coastal Development Permit from the California Coastal Commission in 2000 to install the football field, it agreed to eight special conditions. Special condition six was in the form of a deed restriction prohibiting temporary or permanent athletic

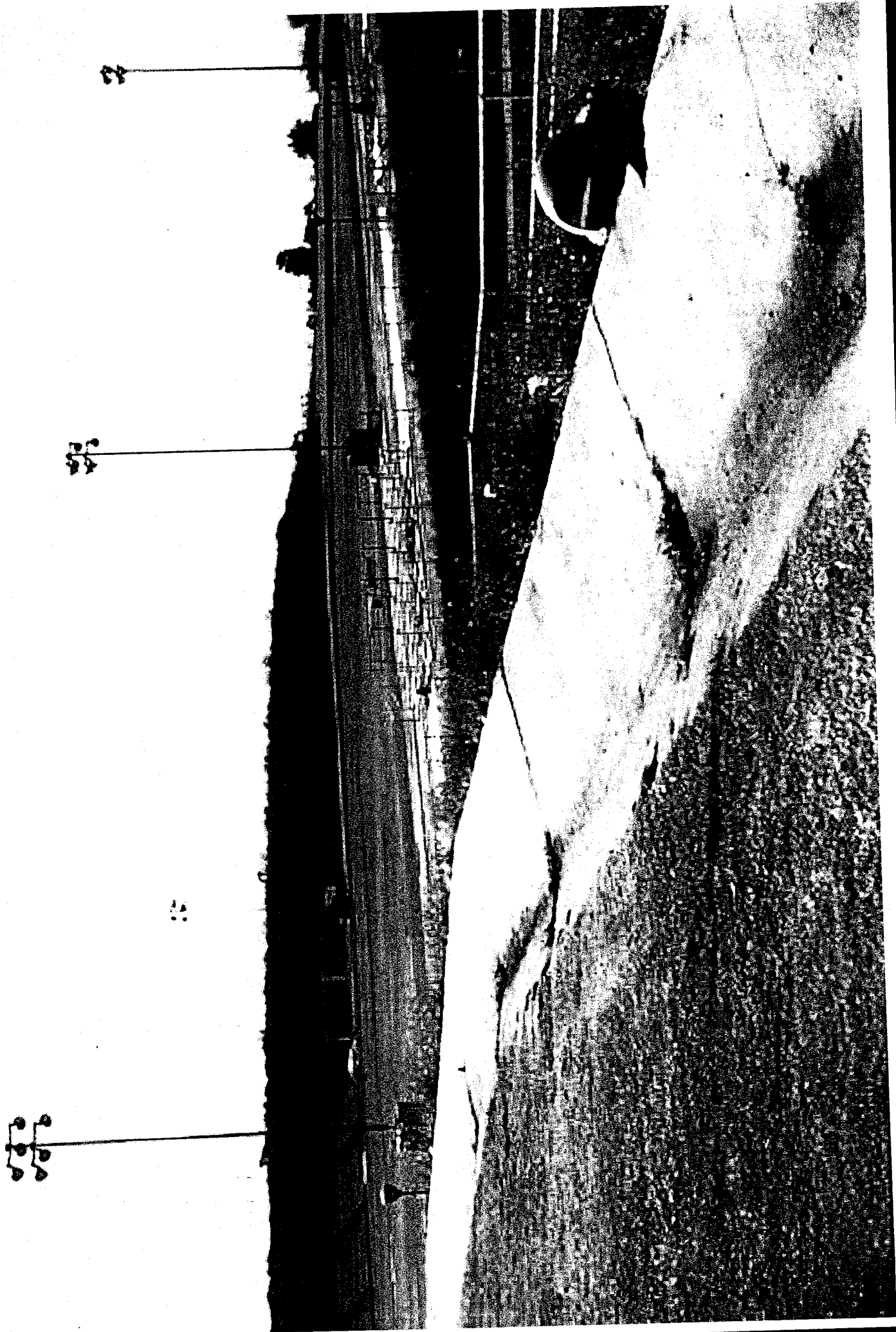
field lighting, to "protect the nearby scenic areas and native wildlife from avoidable disturbance that would otherwise be associated with nighttime use of the football stadium/ track and field facility," according to the language in the Coastal Commission staff report on the permit. Residents say that within a few years of the CDP being issued, the school was using rental lights for night games, funded, according to the school, by contributions from parents.

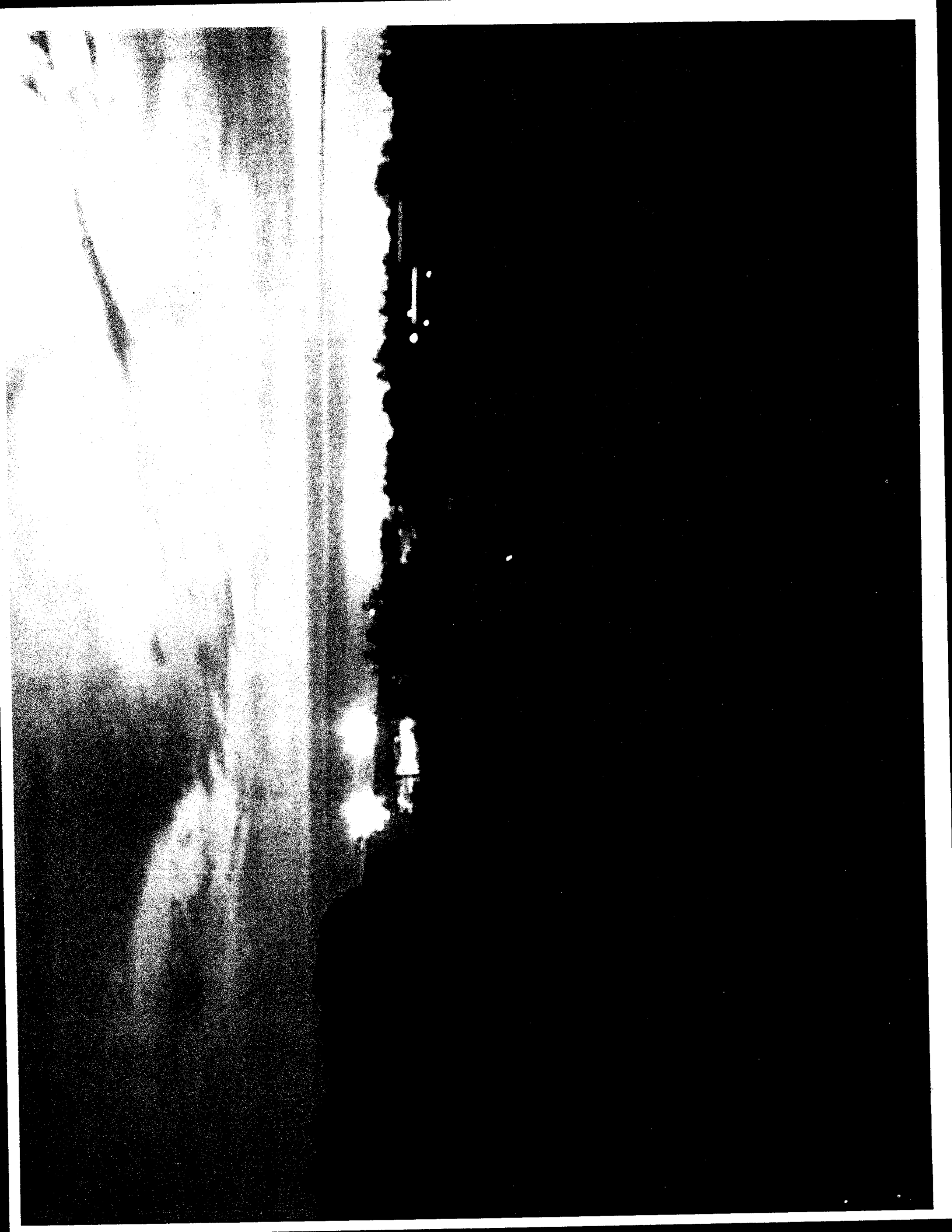
In 1991, when plans to upgrade Malibu Park Junior High into a full fledged high school were presented, Santa Monica parents protested the plan, claiming that the new school would be a "brain drain," and strip needed funding away from Santa Monica. Santa Monica and Malibu residents sat on opposite sides of the room at meetings, like relatives at a wedding. Some members of the Santa Monica group wore black armbands, according to reports published in the Los Angeles Times. Before approving the controversial new school in April of 1991, the board of education adopted revisions in an effort to reconcile the two sides. District officials, according to a Los Angeles Times article dated March 31, 1991, announced that the new high school "would not have the array of classes and extracurricular activities of Santa Monica High," in an effort to ease tensions between the two groups. In the April 18 L.A. Times, Eugene Tucker, who was superintendent at that time, is quoted saying "The orchestra and other extracurricular programs would also be scaled to an appropriate size. There [will] be no football team and no business or industrial arts in the foreseeable future." However, none of the restrictions appear in the language of Malibu high School's mission statement, or in the minutes of the board of education meeting, when MHS was approved. Residents are citing this history of past dealings as a reason not to believe assurances from the current school board that their concerns will be heard and that any future promises will be honored.

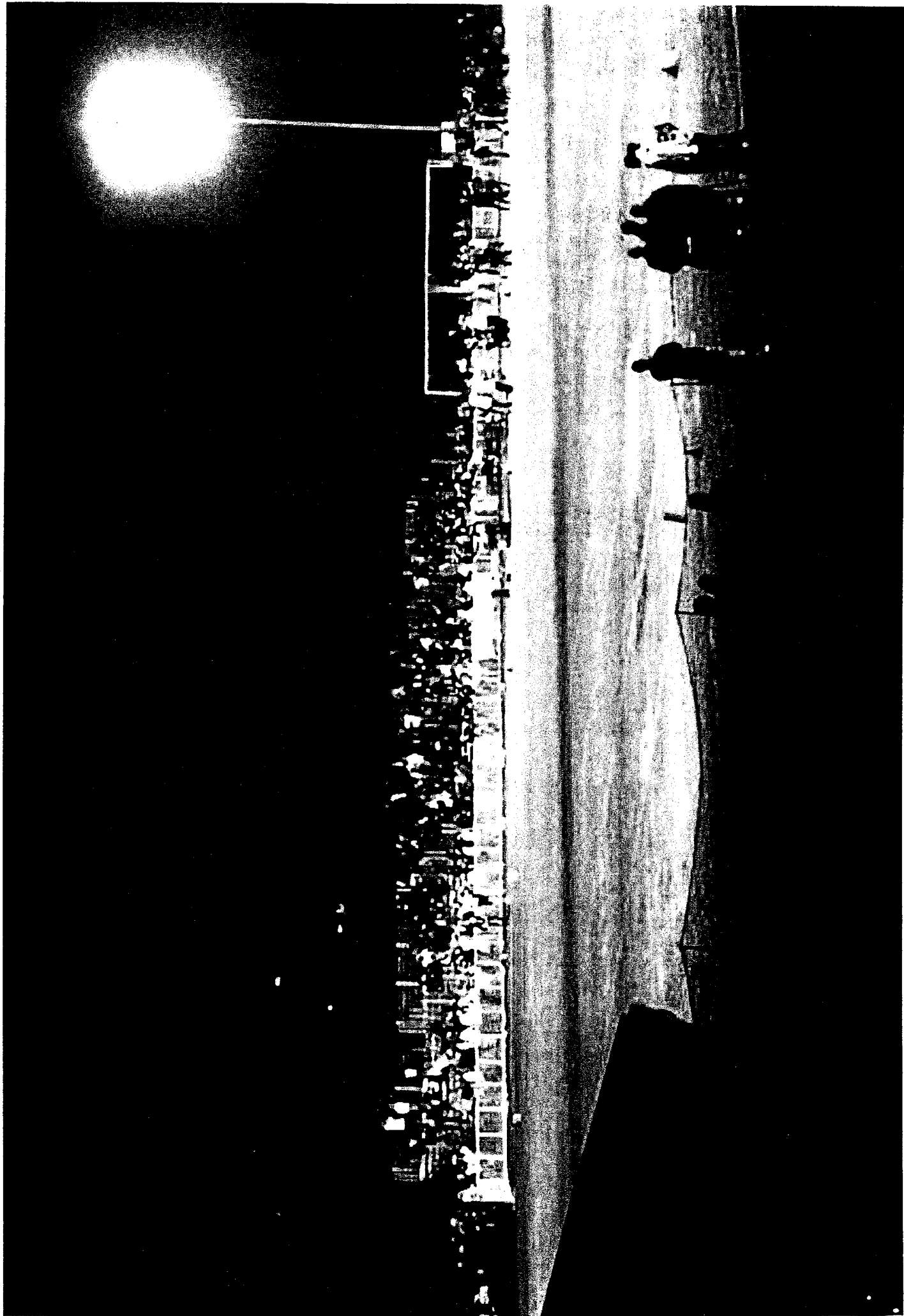
Malibu Park resident Jay Griffith stated at the Feb. 5 board of education meeting that the school told him when the lights first appeared that they would be "for homecoming night only, just one night. Now it's six weeks and they want 203 nights. It's a slippery slope now turned into a landslide." "Five or six night games for a high school of 755 students makes no sense in terms of this size expenditure— people should be outraged as the state moves to cut \$7 billion [from education]," Harriet Pollen told The News.

These concerns are echoed by her husband, Oxnard High School Principal James Edwards, who told The News that his campus, which has 3100 students, has an average of 25 to 30 nighttime events a year, including soccer, band practice and other events in addition to football. He questioned the need for permanent lighting at MHS and the 203 night number, adding that "The Pacific View League schools have been asked to cut back on night activities. When you flip the switch it's \$120 hour for the first hour, and \$90 per hour after that [for electricity]. Supervision is massive. We're really watching everything with the budget cuts." Some critics of the project believe the 203- night number does make sense, if the district plans to rent the facility out as part of a community use agreement it will be negotiating with the city. "It all makes sense when one realizes it's about a regional recreational center, not Friday Night Lights," one resident told The News. The current board of education, at its Feb. 5 meeting in Malibu, expressed dismay that MHS has been operating temporary lights without a permit. The board approved funds that won't come from Measure BB to pursue a Coastal Commission amendment to permit temporary lighting for this year's football season. The board also offered assurances to concerned residents that the district will listen to their concerns and work with them to find a solution that works for the school, the parents and the neighborhood.

BY SUZANNE GULDIMANN









**Deanna Christensen**

---

**From:** John Ainsworth  
**Sent:** Thursday, September 08, 2011 9:57 AM  
**To:** Deanna Christensen  
**Subject:** FW: Opposition to Night Lighting in Malibu Park

**Received**

SEP 08 2011

California Coastal Commission  
South Central Coast District

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

From: Judi Hutchinson [mailto:judihutch@gmail.com]  
Sent: Thu 9/8/2011 7:43 AM  
To: John Ainsworth  
Cc:  
Subject: Fwd: Opposition to Night Lighting in Malibu Park

Begin forwarded message:

> From: cori lowe <corilowe@mac.com>  
> Date: September 6, 2011 7:30:35 PM PDT  
> To: judihutch@gmail.com  
> Cc: rachel jones <rachelrj@mindspring.com>  
> Subject: Re: Opposition to Night Lighting in Malibu Park  
>  
> This was returned as undeliverable to the Commission. Could you  
> please make sure that they receive our letter? Thanks.  
>

>>

>>

>> Begin forwarded message:

>>

>>> From: cori lowe <corilowe@mac.com>  
>>> Date: September 6, 2011 7:11:19 PM PDT  
>>> To: jainsworth@coastalcommission.ca.gov  
>>> Subject: Opposition to Night Lighting in Malibu Park  
>>>

>>> We are residents of West Malibu for over 30 years opposed to the  
>>> change being considered to add night lighting. It would be a  
>>> tragedy to spoil this quiet rural family neighborhood with lighting.  
>>> Lighting of this kind would change the rural feel forever and  
>>> disrupt many residents who moved to Malibu for the  
>>> peace and quiet and dark skies. We pay property taxes and are  
>>> active citizens requesting that our concerns are considered when  
>>> making this decision. We feel strongly that it would have a  
>>> extremely negative impact and appreciate your thoughtfulness on this  
>>> matter.

>>>

>>> Cori and Richard Lowe  
>>> 6777 Wildlife Rd.  
>>> Malibu

>>

>

Judi Hutchinson

**Deanna Christensen**

---

**From:** John Ainsworth  
**Sent:** Wednesday, September 07, 2011 1:15 PM  
**To:** Deanna Christensen  
**Subject:** FW: Dark Skies Forever!

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

**From:** Debby Rondell [mailto:debrondell@mac.com]  
**Sent:** Tue 9/6/2011 4:08 PM  
**To:** John Ainsworth  
**Cc:**  
**Subject:** Dark Skies Forever!

I am completely opposed to putting in permanent lights and the Malibu High School football field. I join the others in trying to put a stop to this ruination of our beautiful dark and rural skies of Malibu. Please don't let this happen.

Regards.  
Deb

Debby Ross Rondell  
310-383-8977

**Received**

SEP 06 2011

California Coastal Commission  
South Central Coast District

Received

SEP 08 2011

California Coastal Commission  
South Central Coast District

Moore  
6416 Seastar Dr  
Malibu CA 90265

Sept 4, 2011

Dear Mr. Ainsworth and Mr. Hudson:

We live in Malibu Park. Our children attend the schools here, participate in the sports programs w/ the parks and at the Malibu High School Pool. We have lived in Malibu since 1997 and do so because of the community and the preserved and protected wildlife and nature.

We would appreciate that the MHS football field lights be on as little as possible. Thank you for your concisioness and proper reflection and action regarding this matter.

Sincerely

Denny + Sally Moore and Family

**Deanna Christensen**

---

**From:** John Ainsworth  
**Sent:** Friday, September 09, 2011 8:19 AM  
**To:** Deanna Christensen  
**Subject:** FW:

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

From: Jean Thompson [mailto:ladyjean@roadrunner.com]  
Sent: Fri 9/9/2011 7:18 AM  
To: John Ainsworth  
Cc: malibudarkskies@gmail.com  
Subject:

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

Dear Coastal Commissioners,

We request that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field.

The dark Malibu Park neighborhood is a unique part of our California Coast and we encourage you to continue to do whatever is necessary to protect it.

Sincerely,

Jean & Kenneth Thompson

**Deanna Christensen**

---

**From:** John Ainsworth  
**Sent:** Monday, September 12, 2011 8:27 AM  
**To:** Deanna Christensen  
**Subject:** FW: PROPOSED LCP AMENDMENT

---

**From:** J & M John [mailto:jfjmcj@yahoo.com]  
**Sent:** Sunday, September 11, 2011 11:57 PM  
**To:** John Ainsworth  
**Subject:** PROPOSED LCP AMENDMENT

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

Dear Coastal Commissioners,

**ATTN:** Mr. Jack Ainsworth

I am requesting that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field.

The dark Malibu Park neighborhood is a unique part of our California Coast and I encourage you to continue to do whatever is necessary to protect it. Malibu is a very special place in Southern California, and the World. Please keep the area as is.

Thank you for you time in this matter.

Sincerely yours,

Julius F. and Misbette C. John

Redondo Beach, CA 90277

9/12/2011

29630 Cuthbert Rd  
Malibu  
Ca 90265

9/11/11

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801  
<[jainsworth@coastal.ca.gov](mailto:jainsworth@coastal.ca.gov)>.

Dear Coastal Commissioners,

I am requesting that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field.

A lit ball field would be adverse to the wild life, be seen from the coastal trails including Zuma Ridge, and is not essential in helping to generating school spirit.

As dark skies become more and more rare in Southern California , many people appreciate and come to enjoy the dark nights, full moon hikes and star gazing as well as watching the sunsets from a natural vantage point.

The dark Malibu Park neighborhood is a unique part of our California Coast and I encourage you to continue to do whatever is necessary to protect it,

Thank you

Sincerely,

Rachel and Alan Roderick-Jones

Lauren Palmer  
6740 Los Verdes Dr #7  
Rancho Palos Verdes, CA 90275  
laurenstpl@aol.com

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801  
<[jainsworth@coastal.ca.gov](mailto:jainsworth@coastal.ca.gov)>.

Dear Coastal Commissioners,

I am requesting that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field. Lighting from football games would exacerbate the gradual but persistent destruction of our natural coastline.

A similar fight in Rancho Palos Verdes was just won by local residents when the school decided to rescind its plan to erect lighting for night football games. After a long fight, the decision here was that the integrity and quality of life in the neighborhood was ultimately more important than nighttime football games. A big difference between the two situations however is that the integrity of nighttime coastline wasn't in jeopardy as it is in Malibu.

The dark Malibu Park neighborhood is a unique part of our California Coast and I encourage you to continue to do whatever is necessary to protect it.

Sincerely,

Lauren Palmer

Deanna Christensen

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**From:** John Ainsworth  
**Sent:** Monday, September 12, 2011 8:29 AM  
**To:** Deanna Christensen  
**Subject:** FW: Re. Malibu High School Lights

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**From:** j brady fogel [mailto:jmikebrady@yahoo.com]  
**Sent:** Friday, September 09, 2011 5:04 PM  
**To:** John Ainsworth  
**Subject:** Re. Malibu High School Lights

Dear Mr. Ainsworth,

The issue of installing 18 foot high lights at Malibu High School is dividing our community. Everyone supports student sports but at what price? Perhaps staff would be willing to address "Skyglow" pollution (residents' main concern). Attached is an article explaining that it can be measured very inexpensively using a "Sky Quality Meter." **Would staff be willing to include in their report a suggested range of "Skyglow" permitted for the lights?** This might calm both sides down by allowing the lights but setting a "permitted range" of "Skyglow." Thank you so very much.

Regards,  
Judy Fogel  
(Teacher)

**One more thing to worry about: cloud light  
pollution amplification**

Posted on March 3, 2011 by Anthony Watts

9/12/2011





Chicago City Lights Photograph by Jim Richardson - National Geographic 2008 - Chicago at night burns bright under blankets of clouds. Much of the glow escapes from streetlamps, including clear, Victorian-style lamps good for creating atmosphere but poor for harnessing today's extra-bright bulbs. - [Click for details and to get a print](#)

## Clouds amplify ecological light pollution

The brightness of the nightly **sky glow** over major cities has been shown to **depend strongly on cloud cover**. In natural environments, clouds make the night sky darker by blocking the light of the stars but around urban centers, this effect is completely reversed, according to a new study by a group of physicists and ecologists at the Free University of Berlin (FU) and the Leibniz-Institute of Freshwater Ecology and Inland Fisheries (IGB).

"We found that overcast skies were almost three times brighter than clear at our rural location, and ten times as bright within the city itself," says the lead author of the study, Dr. Christopher Kyba, physicist at the Institute for Space Sciences at the FU. Their research was reported on March 2nd, 2011, in the open access journal *PLoS ONE*.

“The astronomers who founded the study of light pollution were concerned with how sky glow obscured the stars on perfectly clear nights,” says Kyba, “and researchers studying the potential influences of sky glow on human or ecosystem health often cite the results from satellite measurements taken on clear nights. What our study shows is that when considering biological impact on humans and the environment, the amplification of light pollution by clouds is large, and should be taken into account.”

The study compares measurements of clear and cloudy sky brightness data taken using “Sky Quality Meters” during five months in the spring and summer of 2010. Two monitoring stations took data at locations 10 and 32 km from the center of Berlin. “Recognition of the negative environmental influences of light pollution has come only recently,” says Dr. Franz Hölker, ecologist, study author, and project leader of Verlust der Nacht (VdN – Loss of the Night).

“Now that we have developed a software technique to quantify the amplification factor of clouds, the next step is to expand our detection network. The **Sky Quality Meter** is an inexpensive and easy to operate device, so we hope to recruit other researchers and citizen-scientists from around the world to build a global database of nighttime sky brightness measurements.” The authors encourage those interested in participating in such a measurement to contact them at [sqm@wew.fu-berlin.de](mailto:sqm@wew.fu-berlin.de).

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, September 12, 2011 8:30 AM  
**To:** Deanna Christensen  
**Subject:** FW: Reject Malibu Proposed LCP Amendment

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**From:** steve rucker [mailto:[steverucker@yahoo.com](mailto:steverucker@yahoo.com)]  
**Sent:** Friday, September 09, 2011 1:06 PM  
**To:** John Ainsworth  
**Subject:** Reject Malibu Proposed LCP Amendment

Dear Coastal Commissioners,

I am requesting that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field.

The dark Malibu Park neighborhood is a unique part of our California Coast and I encourage you to continue to do whatever is necessary to protect it.

Sincerely,

Steve Rucker  
310 589-2141  
<http://www.steveruckermusic.com>

9/12/2011

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, September 12, 2011 8:30 AM  
**To:** Deanna Christensen  
**Subject:** FW: Malibu's lights

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**From:** Frederique Eisenbach [mailto:frederique3@verizon.net]  
**Sent:** Friday, September 09, 2011 2:35 PM  
**To:** John Ainsworth  
**Subject:** Malibu's lights

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801

Dear Coastal Commissioners,

I am requesting that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field.

The dark Malibu Park neighborhood is a unique part of our California Coast and I encourage you to continue to do whatever is necessary to protect it.

Sincerely,

Frederique Eisenbach

9/12/2011

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, September 12, 2011 8:31 AM  
**To:** Deanna Christensen  
**Subject:** FW: Malibu Dark Sky

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**From:** Lawrence, Richard [mailto:rlawrence@reptalent.com]  
**Sent:** Friday, September 09, 2011 10:15 AM  
**To:** John Ainsworth  
**Cc:** malibudarkskies@gmail.com  
**Subject:** Malibu Dark Sky

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801  
<[jainsworth@coastal.ca.gov](mailto:jainsworth@coastal.ca.gov)>.

Dear Coastal Commissioners,

I am requesting that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field.

The dark Malibu Park neighborhood is a unique part of our California Coast and I encourage you to continue to do whatever is necessary to protect it.

Sincerely,

Richard Lawrence  
19264 Pacific Coast Highway  
Malibu, Ca. 90265

9/12/2011

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801  
<[jainsworth@coastal.ca.gov](mailto:jainsworth@coastal.ca.gov)>.

Dear Coastal Commissioners,

I am requesting that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field. Malibu High promised to not install lighting at night in 2000 and you need to make them uphold that promise.

The dark Malibu Park neighborhood is a unique part of our California Coast and I encourage you to continue to do whatever is necessary to protect it for all the neighborhood and the wildlife.

Sincerely,

JoAnn Smith

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, September 12, 2011 8:49 AM  
**To:** Deanna Christensen  
**Subject:** FW: : Night lighting in Malibu

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**From:** Steve Uhring [mailto:steve.uhring@gmail.com]  
**Sent:** Friday, September 09, 2011 8:50 AM  
**To:** John Ainsworth  
**Subject:** : Night lighting in Malibu

Dear Coastal Commissioners:

We have lived in Malibu for over 30 years, and have seen our night skies and view of the ocean diminished as developers add lights to their trees, roofs, and parking lots. We no longer can see the ocean at night. We have also seen the diminishing presence of night animals such as owls and coyotes. Please do not allow further impacts of night lighting by rejecting the Malibu proposed LCP Amendment that would allow the Malibu high school to install lights on their football field.

Regards,

Chris and Sally Benjamin  
3216 Colony View Circle  
Malibu Ca 90265

9/12/2011

**Deanna Christensen**

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**From:** John Ainsworth  
**Sent:** Monday, September 12, 2011 8:49 AM  
**To:** Deanna Christensen  
**Subject:** FW: Do Not Light Malibu High School's Athletic Field

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**From:** Maxine Wolf [mailto:letmaxinehelp@roadrunner.com]  
**Sent:** Friday, September 09, 2011 9:10 AM  
**To:** John Ainsworth  
**Subject:** Do Not Light Malibu High School's Athletic Field

California Coastal Commission,  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200,  
Ventura, CA 93001-2801  
[jainsworth@coastal.ca.gov](mailto:jainsworth@coastal.ca.gov).

Dear Coastal Commissioners,

I am requesting that you reject Malibu's proposed LCP Amendment that would permit night lighting at Malibu High School's athletic field.

The lighting causes so many issues. Having experienced the lighting at Palisades High School, it affects the entire neighborhood in so many ways with noise, light, increased traffic etc. It affects the wildlife.

The dark Malibu Park neighborhood is a unique part of our California Coast and I encourage you to continue to do whatever is necessary to protect it.

Sincerely,

Maxine Wolf

Pacific Palisades

9/12/2011



Deanna Christensen

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**From:** John Ainsworth  
**Sent:** Tuesday, September 13, 2011 5:18 PM  
**To:** Deanna Christensen  
**Subject:** FW: Vote no on nighttime sports lighting at Malibu High School

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**From:** Marshall Thompson [mailto:marshall@prvideo.tv]  
**Sent:** Monday, September 12, 2011 8:41 PM  
**To:** John Ainsworth  
**Subject:** Vote no on nighttime sports lighting at Malibu High School

Dear California Coastal Commission Commissioners,

As a local homeowner and former two-term President of the Malibu Park HOA, I have lived in Malibu Park within approximately ½ mile of the Malibu High School for more than 13 years. In many respects the school is a great community resource and it is also the place to where we evacuate in times of our too-frequent wildfires. A low rise and tree line separates us from the High School but during times the illegal temporary stadium lights were operating I was and am illuminated by excessive scatter lighting from the system, especially on evenings and nights when there is a heavy marine layer. Also we have a remarkably effective channeling of the crowd noise to our residence so we were treated to an unwanted play-by-play rendition of the ensuing games.

My wife and I have successfully raised four children to productive adulthood and cannot in any way be considered anti-kid or anti-school as we have occasionally been labeled in the past by supporters of this intrusive 100 plus days nighttime lighting scheme for sports. We are, however, avid protectors of California's wildlife and the local coastal environment. One of the major problems with the proposal is that over many years the Santa Monica-Malibu Unified School district has proven itself to be an untrustworthy partner with the local community on issues ranging from development, traffic, public safety and wildlife management. For example, while they host an organic farm and outdoor classroom from the cornucopia organization on the school grounds, they are currently supporting and funding a campaign to poison native wildlife on the playing fields. The illuminated fields cost money to install and operate and there is talk of amateur and professional teams using these facilities for a fee that would raise the negative impact these fields will have on the neighboring community. I hold the School district cannot be trusted to hold to any restrictive use agreement, due to it's negative past performance.

My family supports dark skies in Malibu. A nighttime satellite photo of the Southern California coastline illustrated that Malibu is a welcome patch of darkness immediately adjacent to the brilliant milky white blob of the majority of the Los Angeles County behemoth. Nighttime lighting disturbs the hunting activities of raptors such as owls in trees and brush lands that ring the school grounds. Scientific studies tell us that shoreline lighting has negative impacts on birds and aquatic inhabitants far out to sea.

Kindest regards,

Marshall Thompson 310-403-2507  
Former two term President Malibu Park HOA  
5782 Calpine Drive, Malibu, CA 90265

9/14/2011

**Received**

SEP 06 2011

**CHATTEN-BROWN & CARSTENS**

2601 OCEAN PARK BOULEVARD

SUITE 205

SANTA MONICA, CALIFORNIA 90405

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TELEPHONE: (310) 314-8040

FACSIMILE: (310) 314-8050

California Coastal Commission  
South Central Coast District

E-MAIL:

ACM@CBCEARTHLAW.COM

August 31, 2011

*Via Overnight Express*

California Coastal Commission  
45 Fremont Street  
Suite 2000  
San Francisco, CA 94105-2219

Re: Opposition to Proposed Amendment to Malibu Local Coastal Program to  
Allow Malibu High School Athletic Field Lighting, Local Coastal Program  
Amendment No. 09-004

Dear Commissioners:

On behalf of the Malibu Dark Skies Committee, we urge you to reject the City of Malibu's proposed Local Coastal Program Amendment No. 09-004 (LCP Amendment or Project). The LCP Amendment would modify Table B of the Local Implementation Plan. Table B identifies land use designations within Malibu's coastal areas and whether specified uses are allowed, allowed pursuant to a conditional use permit, or prohibited in each designated land use area. Currently, lighted sport courts are prohibited in institutional and all residential land use areas. The LCP Amendment would allow night lighting for sport courts for institutional land uses if a conditional use permit is obtained. More specifically, the LCP Amendment would allow Malibu High School, currently the only designated institutional use in the area covered by Malibu's LCP, to install 80 foot tall permanent nighttime lights at its athletic field, which could be operated more than 100 nights per year.

The Malibu Dark Skies Committee ("Committee") consists of area residents and environmental activists concerned with the significant impacts intensive nighttime lighting will have on wildlife and the nighttime scenic views in this rural area of Malibu. Committee members also enjoy hiking on the many trails near the Malibu High School (MHS). Most importantly, the Committee believes that the drafters of the 1976 Coastal Act, Malibu's Local Coastal Program and Malibu's General Plan were correct when they declared that California's coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people that exists as a delicately balanced ecosystem. The permanent protection of the state's natural and scenic resources is a paramount

Exhibit 8
CDP Amendment 4-99-276-A4
Correspondence Letter by Malibu Dark Skies Committee dated 8/31/11

present and future residents of the state and nation and the Committee takes seriously our individual responsibility to do what we can to protect this resource for future generations.

When the Santa Monica-Malibu Unified School District ("School District") first sought Coastal Commission approval of nighttime lighting for its athletic field in 2009, more than 200 community members signed a petition opposing the lighting, which was submitted to the Commission by the Committee.

The Coastal Commission should reject the proposed LCP Amendment for the same well-reasoned and thoroughly considered basis it rejected the School District's previous proposal to install the nighttime lighting of its athletic field based on an amendment to its coastal development permit. The LCP Amendment is inconsistent with the Malibu LCP's goals of protecting scenic resources, views, and biological resources. The nighttime lighting of the athletic field would have significant negative impacts to scenic and biological resources. Additionally, the LCP Amendment may result in significant noise, traffic, and cumulative impacts that have never been analyzed.

If the Commission grants the City's request to allow this intensive nighttime lighting then it may need to brace for similar requests from other coastal communities. By allowing nighttime lighting which would be visible from several public areas with scenic views and located near migratory bird and wildlife habitat, the Commission would be opening the door for any other coastal community wishing to install nighttime lighting. The indirect implications of approving this LCP Amendment could be an increase in nighttime lighting all along California's scenic and ecologically important coastline. The Commission would not be alone in rejecting nighttime lighting at an athletic field in a quiet, rural area; the Palos Verdes Peninsula School District recently rejected a proposal to install nighttime lighting at its athletic field due to the impacts on the similarly scenic and rural area surrounding the school.

The LCP Amendment should also be rejected on the basis of fairness. The School District illegally used nighttime lighting at the MHS athletic fields for seven years. The School District's years of bad faith actions should not be rewarded. Moreover, Malibu's LCP and the Commission's practice in the Santa Monica Mountains seek to prohibit nighttime lighting, except for the minimum required for security purposes. This includes a prohibition on nighttime lighting for tennis and sport courts for the residential uses surrounding MHS. MHS should not be exempted from a prohibition all others in the area must follow.

#### **I. History of Malibu High School Nighttime Lighting Project.**

The proposed LCP Amendment is driven by a specific project- MHS's desire to

operate 80 foot tall permanent nighttime lighting at its athletic field. The LCP Amendment is the latest maneuver by the School District to achieve that goal, despite the School District's previous commitment to the community that such night lighting would not be used. The Malibu Park area, surrounding MHS, is a quiet rural area. The neighborhood is essentially dark at night, with no existing street lights. The Malibu Park area also maintains its rural setting with few curbs and even fewer sidewalks. The community has long desired to remain rural and to protect its scenic environment and biological resources. Scenic publicly accessible areas are also located in close proximity to MHS. Zuma Beach County Park is located to the south of the MHS site, National Park Service parklands are located a short distance to the north, at a higher elevation in the Santa Monica Mountains, and a marine sanctuary is less than a mile to the south.

MHS knew of the Malibu Park community's desire to remain rural and protect its environment and agreed to honor this desire. In a 1994 letter to the Malibu Park community, the MHS principal stated: "There are no plans to have night games at any time... In the long term future of the sports activities here (at Malibu High) I do not see a need for night lights." (Attachment 1, June 10, 1994 letter from Mike Matthews, principal at Malibu High, to residents of Malibu Park.)

The Coastal Commission also agreed that the Malibu Park area qualified as a scenic area requiring protection from nighttime lighting intrusions. In 2000, the School District was granted a coastal development permit (CDP) that in part allowed construction of a permanent athletic field at MHS. This CDP includes Special Condition 6, a clear prohibition on any nighttime lighting of the athletic fields. Special Condition 6 was included in the CDP to "protect 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." (Attachment 2, Coastal Commission staff report for CDP.) Prior to issuance of the CDP, the School District submitted a written agreement acknowledging and agreeing to abide by this prohibition on nighttime lighting of the athletic field.

However, just two years after the approval of the CDP, the School District began operating temporary night lighting for the athletic field in direct violation of the Special Condition 6. This illegal operation of night lighting continued for seven years, despite the numerous complaints that were submitted to the School District regarding the lights. In 2009, the School District sought an amendment to its CDP to remove Special Condition 6 to legitimize its use of nighttime lighting. In its efforts to obtain the amendment to the CDP, the School District attempted to mislead the Commission with claims that the nighttime lights at the athletic field would be used only 16 nights per year, when in fact the School District had previously laid out its plan to allow joint community use of the

nighttime lighting, resulting in nighttime lighting for more than 200 nights per year. (Attachment 3, chart from January 14, 2009 School District meeting showing 203 nights of nighttime lighting use.) The Coastal Commission unanimously voted to reject the School District's requested removal of Special Condition 6, due to the negative aesthetic and biological impacts that would result from nighttime lighting in this rural area. The Commission also rejected the requested CDP amendment because the LCP specifically prohibits nighttime lighting of sports courts in institutional designated land uses.

Undeterred from its goal of installing intensive nighttime lighting for its athletic field, the School District next sought the help of the City of Malibu (City), urging the City to amend its LCP to remove the prohibition on nighttime lighting for sports courts. Instead of reprimanding the School District for its years of violating the LCP and its CDP by illegally operating nighttime lighting at its athletic field, the City has decided to reward that bad behavior by proposing to amend its LCP for the sole benefit of the School District. The City's Planning Commission attempted to place limitations on the nighttime lighting to reduce its significant impacts, including limiting nighttime lighting to only 16 nights per year, but the City Council rejected the inclusions of such limitations, claiming that they would require the City to prepare environmental review for the project. The City Council approved an amendment to its LCP, eliminating the prohibition on night lighting at MHS. The LCP Amendment would allow MHS to operate 80 foot tall intensive, permanent light stands at the athletic field for 4 months, Monday through Thursday, until 7:30 p.m., and for 18 days per year until 10:30 p.m., the only restriction being that the School District obtain a conditional use permit from the City first.

Additionally, the School District has signed a joint use agreement with the City to allow use of the athletic field for community recreational and athletic programs, with no restriction on nighttime use of the field. (Attachment 4, Joint Use Agreement.) Community use of the athletic field will substantially increase the number of nights the artificial lighting would be used. As disclosed at the School District's January 14, 2009 meeting, the joint use agreement could result in nighttime lighting for more than 200 nights per year.

While seeking to install night lighting at its athletic field, the School District is simultaneously seeking other improvements to MHS, including a new parking lot adjacent to the athletic field and other upgrades and expansions (MHS Expansion Project). The School District has prepared a draft environmental impact report (DEIR) for the MHS Expansion Project. While the notice of preparation of an EIR for the MHS Expansion Project included nighttime lighting of the athletic field as a component of the project, the DEIR excluded analysis of that nighttime lighting claiming "this component has been dropped from further consideration and is no longer part of the Proposed Project or any of

the Alternatives.” (DEIR p. 3-13.)

## **II. The Proposed Amendment Is Inconsistent with the Policies of Malibu’s Certified Land Use Plan.**

The proposed LCP amendment is inconsistent with and inadequate to carry out several policies of the City’s certified land use plan. Thus, it should not be approved.

### **A. The City’s LCP Requires Protection of Scenic and Visual Quality.**

One of the primary objectives of the Coastal Act is that “scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance.” (Public Resources Code § 30251.) In furtherance of this objective, the City’s LCP includes numerous policies prohibiting night lighting, requiring only compatible development, and limiting the height of structures:

**LUP Policy 6.23 and LIP Policy 4.6.2:** 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.

**LUP Policy 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.

**LUP Policy 6.12:** All new structures shall be sited and designed to minimize impacts to visual resources by:

- Ensuring visual compatibility with the character of surrounding areas.
- Avoiding large cantilevers or understories.
- Setting back higher elements of the structure toward the center or uphill portion of the building.

**LUP Policy 6.7:** The height of structures shall be limited to minimize impacts to visual resources. The maximum allowable height, except for beachfront lots, shall be 18 feet above existing or finished grade, whichever is lower. On beachfront lots, or where found appropriate through Site Plan Review, the maximum height shall be 24 feet (flat roofs) or 28 feet (pitched roofs) above existing or finished grade, whichever is lower. Chimneys and

rooftop antennas may be permitted to extend above the permitted height of the structure.

**LIP 3.3 N Institutional Zone, subsection 3.b.ii: Maximum Height.**

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

As set forth above, the area surrounding MHS is dark at night as there are no street lights in the Malibu Park neighborhood. The attached photograph shows how dark the Malibu Park neighborhood is at night, with no streets lights or other light sources beyond the occasional car headlight. (Attachment 5.) The DEIR for the MHS Expansion Project also provides photographs of the existing dark nighttime conditions in the Malibu Park neighborhood. (Figures 4.1-8a-c of the MHS Expansion Project DEIR, which is available at: [http://www.smmusd.org/measureBB/Malibu/DEIR/VOLI-MMHS\\_DEIR071211.pdf](http://www.smmusd.org/measureBB/Malibu/DEIR/VOLI-MMHS_DEIR071211.pdf) and is hereby incorporated by reference.) During the seven years MHS was illegally operating night lights at the athletic field, area residents took photographs demonstrating just how intrusive this lighting is in their rural community. (Attachment 6.) These bright artificial lights become the undesirable visual focus of this scenic area and cause sky glow, which degrades sunset views and reduces the visibility of stars. The Malibu General Plan Land Use Element, Appendix A(9) describes Malibu Park as a rural area reflected in the virtual absence of sidewalks and curbs and by the minimum use of street and home security lighting. The lighting proposed by the LCP Amendment is not consistent with the local Malibu Park neighborhood and will clearly alter the character of this dark, rural neighborhood.

The nighttime lights are also visible from public viewing areas such as public roads, trails, parklands, and beaches. (LUP Policy 6.2.) Committee members have also taken photographs showing that the athletic field lights and the significant sky glow they produce are highly visible from area trails, such as Zuma Ridge Trail. (See Attachment 7, day time photograph of view of athletic field from Zuma Ridge Trail.) Many hikers use the trails just prior to sundown to observe the beautiful sunset views over the Pacific Ocean, particularly in fall (which is when the football season would take place). These valued views would be significantly degraded by the nighttime lighting allowed by the proposed LCP Amendment. Additionally, the temporary lights used illegally by the School District for years are almost 30 feet shorter than the permanent light standards it now proposes to install. Thus, the nighttime lighting that would be allowed under the LCP Amendment would be visible from even farther and would have more widespread negative visual impacts than shown in the attached photographs.



The 80 foot tall light standards would also be visible from Pacific Coast Highway, a designated scenic road, and from Zuma Beach. Like Zuma Trail, both of these are considered public viewing areas. Allowing nighttime lighting of the athletic field would be inconsistent with the City's LCP as the plan specifically prohibits light sources that would be visible from public viewing areas.

The Project would also be inconsistent with the many height restrictions included in the LCP. Light standards of approximately 80 feet in height would be installed at the athletic field. The Coastal Commission staff previously recognized how visible MHS is from the surrounding area, noting that proposed 28 foot tall buildings and structures would be visible from existing homes, from the equestrian trail located in the foothills and from Morningview drive and the surrounding area. The staff report for the 2000 issuance of the CDP for Malibu High School also found that "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." (Attachment 2.) If the 28 foot tall buildings and the field box at the athletic field would be visible from the surrounding area, then surely the 80 foot tall light standards at the athletic field and the high intensity light they produce will be visible and degrading. Moreover, the light standards would be far in excess of the 28 foot height limits established by the LCP. As can be seen in the daytime photograph taken from the surrounding neighborhood when the significantly shorter temporary light standards were illegally erected, the light standards would detract from ocean views even when not lit. (Attachment 7.)

Further, the DEIR for the MHS Expansion Project, acknowledges that the nighttime lighting from much shorter and less intensive lighting for a 150 space parking lot proposed for construction adjacent to the athletic field would result in significantly adverse nighttime lighting impacts. The DEIR found that "due to the rural nature of the surrounding area, and the absence of streetlights, lighting levels in the vicinity of [MHS] are well below average for residential areas." (DEIR p. 4.1-69.) The DEIR further admitted that the MHS site is "visible from a number of vantage points that offers views of the ocean and mountains, [thus it] is considered to be located with a scenic area." (DEIR 4.1-2.) A Luminescence Study prepared to analyze the impacts of the MHS Expansion Project parking lot lights found that existing lighting levels at MHS and in adjacent areas were less than one foot candle, whereas typical residential areas have lighting levels of seven to ten foot candles. (*Ibid.*) The DEIR for the MHS project found that even after setting screening, time limits and other mitigation measures for the parking lot lighting, this less intensive night lighting would result in a significant adverse aesthetic impact.



Implementation of the Proposed Project would result in new sources of nighttime lighting that would create sky glow. Implementation of mitigation measures MM4.1-1 through MM4.1-3 would reduce this impact but not to a less-than significant level. This is considered a significant and unavoidable impact.

(DEIR p. 2-8, Table 2.2)

The Coastal Commission should reject the proposed LCP Amendment as it would be inconsistent with the many LCP policies adopted to protect the scenic and visual qualities of Malibu.

**B. The City's LCP Requires Protection of ESHA and Biological Resources.**

The Coastal Act also seeks to protect environmentally sensitive habitat areas (ESHA) and biological resources in coastal areas. "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." (Coastal Act § 30240(b).) The City's LCP includes several policies to enforce these Coastal Act protections in ESHAs. (LUP Policies 3.8, 3.14, 3.23, 3.30.) For purposes of the City's LCP, all areas that support rare or sensitive plant and animal species are considered to be ESHAs, even if they have not been formally designated as such. (See Policy 3.4) Riparian areas within the City are also considered to be ESHAs.

To protect biological resources, the City's LCP places significant limitations on night lighting in areas near ESHAs:

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

The athletic field is located on the edge of the District's property, adjacent to an equestrian park. A blue line stream is located approximately 600 feet from the athletic field, with .48 acres of ESHA designated Arroyo Willow Riparian Forest. There are also approximately 23 acres of wildlife foraging habitat east of the MHS athletic field. Numerous wildlife species have been found in the areas surrounding MHS:

- In a 2009 visit to the MHS site, then Commissioner Sara Wan found evidence of raptors, barn owls, great horned owls, and hawks which use the 23 acres of foraging habitat surrounding MHS, and provided testimony regarding those findings at the October 8, 2009 Commission hearing on the CDP amendment;
- On July 15, 2011 staff Biologist Joanna Engle and Diana Christensen located a large raptor nest on the MHS property within approximately 500 feet of the athletic field;
- The MHS Expansion Project DEIR found the MHS site is located along the Pacific Flyway for migratory birds;
- Area residents have frequently observed and heard wildlife species including: opossum, skunk, rabbits, coyotes, foxes, owls, hawk, the occasional deer or bobcat and numerous other small animals.

The night lighting produced by light standards at the athletic fields would be highly visible from the nearby ESHA and other foraging habitat. Despite this, when seeking the amendment to the CDP in 2009, the School District claimed that night lighting the athletic field would not disturb area wildlife. The School District based this claim on a flawed 2009 study by Glenn Lukos and Associates, which failed to identify the many wildlife species that have been found by nearby residents, former Commissioner Wan, Commission staff biologists, and the biologists preparing the DEIR for the MHS Expansion Project.

The artificial lighting that would be allowed by the LCP Amendment can have severely detrimental impacts on wildlife species, in particular migratory bird species. Artificial lighting physically attracts many species of birds, serving as a magnet that can cause night migrating birds to collide with brightly lit buildings. (Attachment 8, November 2008 National Geographic article *Our Vanishing Night* p. 108; and Audubon Magazine article *Dark Side of Flight*.) Studies included in Catherine Rich and Travis Longcore's book *Ecological Consequences of Artificial Night Lighting* detail the negative impacts of night lighting in coastal regions on migratory birds and seabirds. (Attachment 9, excerpts from *Ecological Consequences of Artificial Night Lighting*.)

In addition to the direct impacts of night lighting of the athletic field, birds and wildlife species would also be negatively impacted by the noise produced by nighttime games. This includes the sounds of games being played, crowds cheering, and possibly generators running to power the light standards. This also includes the traffic noise associated with the nighttime use of the athletic field.

The LCP Amendment should further be rejected due to its negative impacts on wildlife and migratory birds and its failure to protect ESHA from intrusive night lighting.

**III. The Proposed Amendment Could Result in Significant Adverse Environmental Impacts.**

Approval of the proposed LCP Amendment should also be rejected because it would result in significant adverse aesthetic and biological impacts, both cumulatively and on a project level. Significant noise and traffic impacts may be an additional result of the Project. Because the Project would result in significant adverse impacts, the Commission cannot approve the LCP Amendment if there are feasible alternatives or mitigation measures that would reduce the significant impacts. Requiring the MHS football team and other MHS sports teams to practice and play games during daytime hours is a feasible alternative that would eliminate the need for nighttime lighting of the athletic field and the associated impacts of the lighting. Thus, approval of the LCP Amendment as proposed would violate the California Environmental Quality Act.

**A. Night Lighting of the Athletic Field Would Have Significant Adverse Aesthetic and Biological Impacts.**

As discussed above, the night lighting allowed by the Project would be out of character with its rural surroundings, and would be visible from several public viewing areas, including Zuma Trail, the Pacific Coast Highway, and Zuma Beach. The LCP Amendment would result in sky glow and interference with ocean and scenic views. The night lighting would also disrupt migratory birds and other wildlife species. Thus, the LCP Amendment should not be approved as it would result in significant adverse aesthetic and biological impacts.

**B. The LCP Amendment Would Result in Increased Noise Levels.**

The nighttime lighting of the athletic field would result in increased noise levels in this quiet rural area. Noise levels are very low at night in the Malibu Park area due to the low density and rural character of the area. The noise levels produced by the participants and fans, and the traffic noise from those attending the games and practices would significantly increase the noise levels experienced by area residents and wildlife. Additionally, the use of generators to operate the lighting could produce significant noise levels. The mitigated negative declaration prepared to analyze the CDP amendment that was proposed in 2009 but then rejected found that such generators would result in noise levels of up to 80 decibels at a distance of 50 feet from the generators. The nearest resident is located only 550 feet from the football field and environmentally sensitive riparian habitat is located only 600 feet from the field. Noise levels generally dissipate at a rate of 6 decibels per doubling of distance. Thus, if the generators produce noise levels

of 80 decibels at 50 feet from the source, noise levels would be 74 decibels at 100 feet from the source, 68 decibels at 200 feet, 62 decibels at 400 feet. This would result in noise levels around 60 decibels around 550 to 600 feet from the source, which is a significant noise level in this quiet rural area.

**C. Significant Traffic Could be Produced by Nighttime Use of the Athletic Fields.**

The traffic associated with nighttime practices and sporting events could significantly increase nighttime traffic levels in the surrounding area.

**D. Nighttime Lighting Would Unnecessarily Increase the School District's Energy Consumption.**

Allowing night lighting at the athletic field for more than 100 nights per year would significantly and unnecessarily increase the School District energy usage, either from diesel generation for temporary lights or electricity for permanent lights. Both diesel generation and electricity result in the production of greenhouse gas emissions. The Commission should analyze the Project's increase in energy usage and the subsequent increase in greenhouse gas emissions.

**E. The LCP Amendment Could Result in Cumulative Coastal Impacts.**

To approve the requested amendment, the Commission would need to find that night lighting in a rural area, adjacent to an ESHA, and visible from public hiking trails, would not have a significant adverse aesthetic or biological impact. If the Commission were to make that finding for Malibu, that finding would be cited again and again for any coastal community wishing to install similarly incompatible night time lighting. Thus, approval of the LCP Amendment could result in a cumulatively considerable increase in nighttime lighting all along California's coast.

**F. The City Failed to Include Additional Limitations in an Attempt to Avoid CEQA Review**

After being instructed that they must recommend an ordinance that removes the prohibition on lighting for MHS, the City's Planning Commission attempted to lessen the impacts of the Project by incorporating development standards into the LCP Amendment. These standards included: limits on quantity and height of lights; required shielding of the lighting to limit overspill; requiring lighting for practice to end at 7:30 p.m.; a requirement the lights be taken down outside of the four months they are proposed for use; a required 1,000 foot public notification; and a narrow definition of a public high

school campus. The City Council improperly rejected these mitigation measures to avoid CEQA review, stating: "Since the impact of including these standards would need to be analyzed as part of CEQA, they could not be included as part of the current amendment."

(Attachment 10, City Council Staff Report for LCP Amendment.) The requirement to prepare environmental review for the LCP Amendment does not make these mitigation measures infeasible.

**G. The LCP Amendment Has Been Improperly Segmented from Environmental Review of the MHS Expansion Project.**

The School District is attempting to improperly segment review of the MHS Expansion Project from the nighttime lighting of the athletic field. CEQA prohibits public agencies from subdividing a single project into smaller individual subprojects in order to avoid the responsibility of considering the environmental impact of the project as a whole. (CEQA Guidelines § 15378, see also *Orinda Assn v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.) Although the nighttime lighting of the athletic field was described as part of the MHS Expansion Project in the notice of preparation for that project, the DEIR removed all analysis and consideration of the athletic field lighting. In addition to classroom upgrades and expansions, the MHS Expansion Project includes the construction of a 150 space parking lot directly adjacent to the athletic field, which would be used for sporting events and practices at the athletic field, thus the nighttime lighting of the athletic field should be considered part of the same MHS Expansion Project.

The DEIR claims that the School District is no longer planning nighttime lighting for the athletic field due to community opposition: "The provision of permanent field lighting was removed from the Proposed Project due to community concern that the permanent field lighting would not be consistent with the City of Malibu's LCP. As such, athletic field lighting are no longer included as part of the Proposed Project." (MHS Expansion Project DEIR p. 3-13) The School District's pursuit of the LCP Amendment while simultaneously moving forward with the MHS Expansion Project belies this claim. Moreover, the School District has already submitted an application to the Commission requesting a CDP amendment to remove Special Condition 6's prohibition on nighttime lighting of the athletic field if the LCP Amendment is approved. (Attachment 11, Letter from School District re CDP amendment.) The School District has improperly segmented the nighttime lighting of the athletic field from the remainder of the Expansion Project. The result of this improper segmentation is that an accurate assessment of the impact of the athletic field lights does not exist today, and there is no plan to correct this situation in the future. By removing the athletic field lighting from the project, the School District is attempting to avoid environmental review of the significant impacts associated with such intensive nighttime lighting.

Not only does the DEIR fail to consider the nighttime lighting of the athletic field as a component of the MHS Expansion Project, but it similarly fails to consider cumulative impacts of this lighting. The DEIR already acknowledges that the much less intensive nighttime lighting of the parking lot adjacent to the athletic field would have significant adverse aesthetic impacts. The cumulative impact of the nighttime lighting of the athletic field and the parking lot would substantially increase those impacts. Additionally, the nighttime lighting of the athletic field would increase the nighttime use of the adjacent parking lot, which would also substantially increase the project's negative impacts.

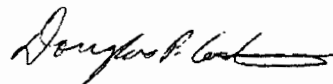
If the Commission does not reject the proposed LCP Amendment outright, the Commission should at a minimum postpone further consideration of the LCP Amendment until the nighttime lighting of the athletic field has been thoroughly analyzed in a revised and recirculated MHS Expansion Project DEIR that includes analysis of the potential impacts of such nighttime lighting in conjunction with the rest of the expansion project.

## CONCLUSION

The Malibu Dark Skies Committee respectfully requests that you deny the requested LCP amendment 09-004. The nighttime lighting of the MHS athletic field that it would allow would conflict with Malibu's Land Use Plan and the tenets of the Coastal Act. The nighttime lighting would adversely impact nighttime views, cause unnecessary sky glow, detract from ocean views, harm migratory birds and other wildlife species, and increase nighttime noise and traffic levels. The Commission should not approve this LCP Amendment because there is a feasible alternative that would not result in significant adverse impacts—that is, maintaining the prohibition on nighttime lighting of all sports courts in this rural area, as the Malibu High School principal promised residents he would do in 1994.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas B. Carstens", with a horizontal line extending to the right.

Douglas Carstens  
Amy Minter

California Coastal Commission

August 31, 2011

Page 14 of 14

[CLICK LINK HERE FOR ATTACHMENTS](#)

Attachments:

- (1) June 10, 1994 letter from Mike Matthews, principal at Malibu High, to residents of Malibu Park;
- (2) April 20, 2000 Coastal Commission staff report for MHS CDP;
- (3) Chart from January 14, 2009 School District meeting showing 203 nights of nighttime lighting use;
- (4) Joint Use Agreement between School District and Malibu;
- (5) Photograph of unlit the Malibu Park neighborhood;
- (6) Photographs of illegal use of nighttime lighting at MHS;
- (7) Photograph of athletic field from Zuma Ridge Trail;
- (8) November 2008 National Geographic article *Our Vanishing Night* and Audubon Magazine article *Dark Side of Flight*;
- (9) Excerpts from *Ecological Consequences of Artificial Night Lighting*;
- (10) March 4, 2010 City Council staff report for LCP Amendment;
- (11) June 15, 2011 letter from School District to Coastal Commission requesting CDP amendment

cc: Malibu Dark Skies Committee

Received

AUG 08 2011

3525 Coast View Drive  
Malibu, CA 90265

California Coastal Commission  
South Central Coast District

July 15, 2011

California Coastal Commission  
Attn: Jack Ainsworth  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

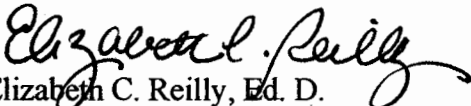
Dear Mr. Ainsworth:

I am writing to express my *complete support* for the Malibu City Council's amendment to the Local Commission Plan regarding permanent lighting for Malibu High School athletic fields. An opposing voice—that of the Malibu Dark Sky Committee—would suggest that a lighted athletic field for educationally sanctioned events threatens the “rural character” of Malibu. As a former K-12 school leader, a current university professor, and a mother of two Malibu High School students, in the strongest of terms I do not concur with this argument. One essential and central part of a rural community is its educational program. In the case of Malibu, we are fortunate to enjoy high quality public education with an exceptional comprehensive high school that offers extra curricular activities including athletics.

I know of no other community in the United States where dark skies trump the education of its children and the schools' obligation to provide a range of appropriate activities for them. High school athletics is an integral and celebrated component of any rural community. It is the community's obligation to support its schools and its young citizens—not limit their opportunities under the ruse of environmental protection.

I fully promote the Santa Monica-Malibu Unified School District's efforts to provide a comprehensive high school program, a safe haven for its youth, and a lighted field so our children can participate in athletics in the same manner that all high school children do throughout America. Please support the petition to enable Malibu High School children to enjoy athletics in a lighted stadium.

Yours sincerely,

  
Elizabeth C. Reilly, Ed. D.  
Malibu Resident and  
Professor of Educational Leadership  
Loyola Marymount University

Cc via Email: Jose Escarce, President, Board of Education, SMMUSD  
Sandra Lyon, Superintendent of Schools, SMMUSD  
Mark Kelly, Principal, Malibu High School

Exhibit 9
CDP Amendment 4-99-276-A4
Correspondence in Support of MHS Field Lights



Mr. and Mrs. Dennis Marsden  
640 Tabard Road  
Malibu, CA 90265  
July 15, 2011

California Coastal Commission  
Attn: Jack Ainsworth,  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

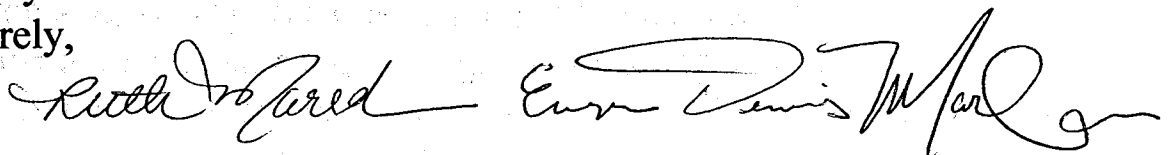
**Received**  
JUL 18 2011  
California  
Coastal Commission

Dear Mr. Ainsworth,

We are writing to you to express our support for night time field lighting at Malibu High School. We have been residents of Malibu since 1993 and have had two children progress through the Santa Monica/Malibu Unified School District from kindergarten onward. Having had two students graduate from Malibu High, we know how the students have suffered from not being able to compete against other schools due to the lack of appropriate lighting throughout the school year, especially during the late fall and winter months when it begins to get dark at 5pm. We think it is outrageously selfish for the handful of residents whose view line overlooks the high school playing field to make such a fuss over a few night games. The lights would be off by 10pm or so at the latest for these events, meaning the field would be illuminated for a period of less than 6 hours. These residents moved into a neighborhood which was built around a high school – this gives them wonderful privacy when school is not in session, but they must in turn expect to have to accommodate the needs of the students in attendance there. It is a neighborhood shared by both residents and a school community, which means there should be room for both 'dark skies' and night games!

Thank you.

Sincerely,

The block contains two handwritten signatures in cursive. The first signature is 'Ruth Marsden' and the second is 'Dennis Marsden'. They are written in dark ink and are positioned side-by-side.

Ruth and Dennis Marsden

**LAW OFFICE OF  
MARK J. LEONARDO  
25019 Pacific Coast Highway  
Malibu, California 90265  
[www.Leonardo-Law.com](http://www.Leonardo-Law.com)**

Telephone: (310) 456-7373

Email: [mjl4law@earthlink.net](mailto:mjl4law@earthlink.net)

Facsimile: (310) 317-7261

July 14, 2011

California Coastal Commission  
Attn: Jack Ainsworth  
89 South California Street, Suite 200  
Ventura, CA 93001-2801

**Received**

**JUL 18 2011**

California  
Coastal Commission

Re: Night Lighting at Malibu High School  
CCC Meeting: August 10, 2011

Dear Mr. Ainsworth:

I wanted to voice my opinion **in favor** of night lights at Malibu High School. I have been a Malibu resident for nearly 30 years and I believe this is a necessity for the community as a whole. I believe that the anticipated restrictions on hours and number of days of use per year should be sufficient to make the lighting only a minor intrusion, if any, on the surrounding neighbors in the area.

Should you have any comments or questions regarding the foregoing, please do not hesitate to contact the undersigned.

Very truly yours,

LAW OFFICE OF MARK J. LEONARDO



Mark J. Leonardo

MJL/

15 August 2011

Sir's John Ainsworth, Deputy Director and  
Steve Hudson, District Manager

my wife and I would like it to  
be known that we as residents of Malibu  
Park support the limited lighting of the  
Malibu High School football field.

Sincerely

Burl D Dahlstrom and  
Patricia M. Dahlstrom

5785 Calpeir Dr.

Malibu, Ca. 90265-3813

**Received**

AUG 17 2011

California  
Coastal Commission

Deanna Christensen

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**From:** RICKMALIBU@aol.com  
**Sent:** Tuesday, September 20, 2011 8:58 PM  
**To:** Deanna Christensen  
**Subject:** Malibu High School lights

September 20, 2011

Rick Wallace

20630 Pacific Coast Hwy

Malibu, Cal 90265

**RE: Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment No. 4-99-276-A4 (Santa Monica-Malibu Unified School District)**

DEAR CALIFORNIA COASTAL COMMISSION:

Please vote for lights for the Malibu High School field !!

Why should Malibu not be allowed to have night sports events on a limited basis, just like all other High Schools around the state? It has been unfair for the kids and the community of Malibu to be forced to have sports events only during the day time, which affects their study schedule and makes it difficult for parents to attend and enjoy their kid's participation.

The idea that nesting animals would be disturbed is ridiculous. There are over 3000 hours of darkness every year. I am sure the animals nearby can handle 50 hours of lights on during the course of the year.

I am a parent of a child in Malibu (and not very wealthy). I announce the high school football games which have very few in attendance during day games – the old night games that were so fun and had hundreds of participants and were a great community event. MALIBU NEEDS LIGHTS FOR COMMUNITY SPORTS EVENTS.

Thank you,

Rick Wallace

9/21/2011

**Received**

SEP 19 2011

September 19, 2011

California Coastal Commission  
South Central Coast District

Re: Malibu LCP Amendment 1-11 (High School Lights) and Coastal Development Permit Amendment 4-99-276- A4 (SM-Malibu School District) Malibu High School. The City's Amendment 13a, is the proposed change to the LCP and the District's amendment (agenda 17a) removes a previous restriction on lighting.

To Whom It May Concern:

I am in favor of allowing lighting at Malibu High School as is proposed. For 3 years my daughter has played soccer for MHS without the opportunity to play under the lights. Instead she drives to other schools that provide lights for their athletes. She has always had early outs (leaving 1-2 hrs before school ends) to allow travel time. If she had night time games she could come home after school, eat, get her homework done and then return in time to play.

I also note that lights bring bugs and birds and bats would thrive on them.

With lighting it encourages the community to come out and support the teams playing. In the past football had temporary lighting and it was so much fun to meet with families and watch the kids play. A sense of community has been lost since prohibiting lights at night. And, it would be fair to spread the allowable lighting nights out between all sports and not just football.

Please consider allowing the proposed night lighting at Malibu High School.

Thank you,



Tracy E. Stoker

**Received**

SEP 19 2011

California Coastal Commission  
South Central Coast District

**TO: California Coastal Commission  
South Central Coast District Office  
Deanna Christensen, Coastal Program Analyst  
89 South California Street, Suite 200  
Ventura, CA 93001-2801**

**RE: Malibu LCP Amendment 1-11 (High School Lights) and  
Coastal Development Permit Amendment No. 4-99-276-A4 (Santa  
Monica-Malibu Unified School District)**

**DEAR DEANNA,**

**PLEASE ALLOW THE LIGHTS AT MALIBU HIGH SCHOOL. Our family strongly feels that the students and parents at Malibu High School should be allowed to have night games. It is important for our children's sports and for the spirit of the school. It would be nice to allow the students to come together to cheer on their teams and have a night homecoming like the rest of the schools.**

**Thanks,  
David and Nicole Bassett  
(Sophie and Josie Bassett 6<sup>th</sup> Grade)**

**Deanna Christensen**

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**From:** keely [keelyjensen@hotmail.com]  
**Sent:** Tuesday, September 20, 2011 11:43 AM  
**To:** Deanna Christensen  
**Subject:** mhs lights

Hello,

I am a MHS parent Malibu park resident. I am in favor of the lights! Please vote in favor of the Costal development permit # 4-99-276-a4. The kids need it!

Thank you, Keely Jensen

9/20/2011