



# City of Malibu News

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## **For Immediate Release**

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## **Court Decides in Favor of Malibu, Upholding High School Sports Field Lights**

(Malibu, CA) – L.A. County Superior Court Judge Richard Fruin ruled on Tuesday, February 17 in favor of the City and the Santa Monica Malibu Unified School District (SMMUSD) in two lawsuits over the permitting of Malibu High School’s athletic field lights, allowing the lights to remain in place.

“Local school athletics is a big part of the life of our town and so are dark skies,” said Mayor John Sibert, “the City imposed restrictions on the lights in an effort to balance those interests. We are pleased that the court did not disturb our decision.”

Two lawsuits were filed against the City over the Coastal Development Permit (CDP) issued to SMMUSD to install permanent lighting for limited use on Malibu High School’s athletic field. One suit was filed by the Malibu Township Council (MTC) and a resident group, and the other by Cami Winikoff, Steve Uhring and a group formed to oppose the lights called the Malibu Community Alliance. MTC dropped out as a party early on but both lawsuits went to trial with the remaining plaintiffs.

SMMUSD requested the permits to install the lights after a group of residents formed The Shark Fund and raised the money to pay for the project. A lighted field is necessary to compete in certain levels of inter-school athletic games. The lights were installed in late 2012 after the Court turned down the plaintiffs’ request for an order preventing installation. The City issued the permits allowing permanent poles and removable light bars, but limited their use to 45 nights per year until 7:30 PM, and 16 nights per year until 10:30 PM.

The lawsuits challenged the City’s compliance with the California Environmental Quality Act (CEQA), claiming that that the lights would have adverse health effects for surrounding residents and that the lighting project should be considered together with Malibu High’s larger remodeling project. That project is currently pending before the Coastal Commission due to the plaintiff group’s appeal.

The lawsuits also challenged the City’s handling of the application because the City Council considered SMMUSD’s application without the ordinary decision from the Planning Commission, after the City determined that three of the five Planning Commissioners had interests in the application that disqualified them from the application.

In a 15-page ruling, Superior Court Judge Richard Fruin said that he found all of the plaintiffs' arguments "legally unavailing" and he found that the Planning Commission had acted properly under the circumstances by deciding to pass the application on to the City Council.

The plaintiffs argued that the Planning Commission had an obligation to decide the application which could be appealed to the City Council; but the Court stated that the Planning Commission was right not to "hold a useless, indeed farcical, public hearing and conduct a vote that everyone would understand was only for the purpose of permitting an appeal to the final decision maker."

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