

# **Tiburon Peninsula Club – Junior Tennis Club Project**

## **Revised Initial Study**

**April 2017**

**Prepared for:       Town of Tiburon  
1505 Tiburon Boulevard  
Tiburon, CA 94920**

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## Table of Contents

<u>Section</u>	<u>Page</u>
1. Introduction and Background	1
2. Project Location and Setting	1
3. Proposed Project Description	1
4. Lead Agency	4
5. Regulatory Oversight	4
6. Initial Study Checklist	4
7. Determination of Significant Effect	51
8. Sources and References	51

## Table of Figures

<u>Map</u>	<u>Following Page</u>
1. Project Vicinity	2
2. Project Location	2
3. Site Plan - Overview	2
4. Court Lighting Layout	8
5. Lighting Simulations	8
6. Site Plan - Biology	16
7. Site Plan – Drainage and Biology	16

## 1.0 Introduction and Background

This Revised Initial Study has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code 21000 *et seq*, the *State CEQA Guidelines*, California Code of Regulations Section 15000 *et seq*, and the *Town of Tiburon Environmental Review Guidelines*. The project assessed in this Revised Initial Study consists of the Tiburon Peninsula Club's (TPC) recently-scaled back project now proposing to construct two restrooms, a new entry to the southern tennis courts, and storage facilities; to consolidate current temporary storage structures to allow additional parking; and to add lighting to the existing six southern tennis courts. All work associated with the project is proposed on the Judge Field portion of the TPC site, located on the south side of Mar West Street adjacent to Railroad Marsh.

## 2.0 Project Location and Setting

The proposed project is located on the southern portion of the Tiburon Peninsula Club's (TPC) property at 1600 Mar West Street in the Town of Tiburon (see Figures 1 and 2). The TPC is located near the south end of a small valley that extends southwest from the Tiburon Ridge. The Old St. Hilary's Open Space Preserve lies to the northwest, and Railroad Marsh borders the south side of the southern courts. The slopes of this valley are relatively heavily developed with residential units, many of which have views down onto the project site. The east-facing hillside has some single-family residences and several large multi-family complexes, while the west-facing slope has mainly single-family units. The proposed project has been reduced in scale from a previous project design.

The tennis club was originally established in 1950 (as the Southern Marin Recreation Center) and originally served approximately 150 families. The name of the Club was changed to the Tiburon Peninsula Club in 1961. The Club's facilities have been renovated and expanded (including the addition of six tennis courts south of Mar West Street) numerous times over the intervening 67 years, and currently serve 700 families and 175 senior memberships. Most of the Club's recreational facilities are north of Mar West Street and include lighted tennis courts, swimming pools, a fitness building, sports court, locker rooms, a clubhouse, and other facilities. Six unlighted tennis courts and most of the Club's parking are located on the southern portion of the site (the Judge Field portion). The parking area is surfaced with gravel and four light standards with double lights on each standard that provide illumination for the parking area.

Railroad Marsh is located on land dedicated to the Town by the TPC and the developer of Point Tiburon (the former railroad yard) in the 1980s. The marsh was historically part of the Belvedere Lagoon and supported saltmarsh and tidal mudflat habitat. In the 1880s, the site was cut off from tidal action by construction of the Northwestern Pacific Railroad yard. Railroad Marsh currently serves as a holding basin for runoff from the Downtown watershed that includes the TPC property, much of Old St. Hilary's Open Space Preserve, and the residentially-developed areas throughout the watershed. Railroad Marsh also provides wildlife habitat and a visual amenity.

### **3.0 Proposed Project Description**

The TPC seeks Town approval of a Conditional Use Permit to construct a Junior Tennis Center that would be used to expand its current junior clinic program and provide lessons for members and non-members.

#### ***Proposed Improvements***

The main improvements are listed below, and shown on Figure 3.

1. A one-story structure will be constructed adjacent to the north side of the existing lower tennis courts that will include two bathrooms (a total of 550 square feet) and 300 square feet of storage for TPC-owned tennis related equipment.
2. North of this structure will be a landscaped entry to a 792-square foot covered entrance (translucent roof) to the facility. The entryway will include folding gates and a card reader.
3. Adjacent to and east of the proposed entry area will be a 1,340-square foot screened outdoor area open to the sky and screened from public view by a wall and doors to be coordinated with the tennis facility program to accommodate the temporary maintenance and storage structures on the site (five Tough Sheds, four dumpsters, and eight trash bins). This facility will be screened but not covered.
4. Pole lights will be installed to light the six existing courts so that afterschool programs can extend until the “before dinner” hours. Lighting will be used from September 8th to April 14th only. The earliest sunset occurs at 4:50 p.m. in December, and ranges to 7:45 and later in April through September when the lights are never turned on. The lights will turn on 30 minutes before full sunset (varies from day to day). During the season when lights are necessary, classes and activities will cease at 7:30 and the lights will stay on until 7:45 allowing 15 minutes for cleanup.

The proposed lighting will include eight (8) lamps per court. All 48 lamps will be mounted on 22-foot high poles. Three different types of pole-and-light configurations are specified, with each pole holding one, two, or four individual lights.

The lighting will be LED and will have individual on-off switching and motion sensors, be screened and shielded, and be “dark sky” compliant (as defined by the international Dark-Sky Association). All light sources will be set below the floor level of neighboring houses on Mar West Road. The light system will use an astronomic clock for switching, which will automatically adjust daily to reflect the changing sunset hour.

This project description has been revised from that in the original Initial Study, which was publicly circulated on January 4, 2017. The revisions are at the request of the applicant, and assess the potential impacts from a project that is smaller than the project assessed

in the circulated Initial Study. The revised project is a pared-down version of the originally proposed project. In addition to the elements described above, the original project proposal also called for construction of a viewing patio above the storage area, two new tennis courts with associated lighting, additional paved parking areas, and two bioswales in different locations from the one currently proposed.

### ***Environmental Mitigations Incorporated into the Proposed Project***

The applicant has eliminated or reduced several potential project impacts by including several self-mitigating design components and approaches in the project application. These include the following:

1. Reducing visual impacts by limiting outdoor tennis court lighting to no later than 7:30 PM and installing types of lights that eliminate views of direct light illumination from off the site. The lighting will be LED lights with individual on-off switching and motion sensors. The lights would be switched off when a court is not in use. All lighting would have concealed sources that are mounted below the height of floor elevations of adjacent residences on Mar West Street and residences at higher elevations to the north. To further reduce lighting effects, 1) luminaires (i.e., the complete light units) would be installed parallel to the court surface, not include adjustable knuckle mounts, and not permit future adjustment; 2) the LED lighting would be limited to 4000K (“natural White” color); and 3) the average paint reflectance of the tennis court playing and out-of-bounds surfaces would be 10% or less.
2. Reducing biological impacts by maintaining construction setbacks of at least 100 feet from the marsh edge, 25 feet from the wetland edge, and 5 feet from native trees.
3. Reducing impacts to water quality by installing a 500 square foot bioswale to naturally filter site roof and patio runoff prior to its discharge to Railroad Marsh. The bioswale would be constructed on the north side of the existing courts, adjacent to the west side of the proposed bathrooms and locker structure. It would collect runoff from the roof of the covered entryway and adjacent bathrooms and storage locker. A 4-inch outlet pipe will collect biofiltered water from below the filtration level of the bioswale and transport it to a discharge point in the existing concrete-lined drainage swale leading to the marsh. No ground surface runoff will be collected. The depth of the 4-inch drainage line is between 1.5 and 2 feet.
4. The Marin County Stormwater Pollution Prevention Program (MCSTOPPP) requires a minimum of an 18-inch infiltration zone plus a slope to allow runoff to enter the treatment area. The treated water would need to be removed via a perforated pipe to the discharge point.

### ***Usage***

TPC currently has 700 Family memberships and 175 Senior memberships. TPC currently has programs teaching the game of tennis to young beginners through advanced tournament play. The project would allow an expansion of the current junior clinic program and group lessons for both TPC members and non-members. The applicant estimates that the proposed project would increase usage of the lower courts

by 20 more students per day between September and mid-April, or 6 more students at any given time. The applicant expects that the traffic increase would be minimal as some students can access the site by walking or bicycling. There would be no increase of court usage during the months when natural sunlight is adequate to light the courts

### ***Project Objectives***

The applicant's objective is to develop a facility that can provide a complete tennis learning experience for the children of the Tiburon Peninsula. It is intended to teach the game of tennis to young players from an introduction to the game through to top-level tournament competition. It is also intended to foster the wholesome interaction and friendships that grow from shared athletic experience under young adult mentors and role models. The applicant believes that the project would allow TPC to expand its role as an asset to the community both for TPC members and non-members.

## **4.0 Lead Agency Information**

### **A. Project Title**

Tiburon Peninsula Club – Junior Tennis Center

### **B. Lead Agency Name and Address**

Tiburon Community Development Department  
Town of Tiburon  
1505 Tiburon Boulevard  
Tiburon, CA 94920

### **C. Contact Person and Phone Number**

Dan Watrous, Planning Manager  
415.435.7393

## **5.0 Regulatory Oversight**

This Initial Study is being circulated to the public for review and comment. All agencies and departments that have jurisdiction over the subject property or the natural resources affected by the project have received a copy of the original Initial Study. Because the project has been reduced in scale and size, that Initial Study identified more impacts than are identified in this Revised Initial Study. As such, the Revised Initial Study was not recirculated to these other agencies. The agencies and departments that the original Initial Study was sent include: Tiburon Public Works Department; Tiburon Fire Protection District; Tiburon Police Department; the California Department of Fish and Wildlife; the San Francisco Regional Water Quality Control Board; the Bay Area Air Quality Management District; the Marin Municipal Water District; and Sanitary District No. 5. It was also sent to the Federated Indians of Graton Rancheria and the Torres Martinez Desert Cahuilla Indians.

## 6.0 Initial Study Checklist

This Initial Study is based on CEQA's Environmental Checklist Form. Each item on the checklist is answered as either "potentially significant impact," "less than significant with mitigation incorporated," "less than significant," or "no impact" depending on the anticipated level of impact. The checklist is followed by explanatory comments corresponding to each checklist item.

A "no impact" response indicates that it is clear that the project will not have any impact. In some cases, the explanation accompanying this response may include reference to an adopted plan or map. A "less than significant impact" response indicates that there will be some impact but that the level of impact is insufficiently substantial to be deemed significant. The text explains the rationale for this conclusion. A "less than significant impact with mitigation incorporated" response indicates that there will be a potentially significant impact, but the Initial Study determines there are adequate mitigations, which are described and have been included in the project, to reduce the impact to an insignificant level. Finally, a "potentially significant impact" response would indicate that there is insufficient analysis to conclude that there is not reasonable evidence of a significant impact or the Initial Study cannot identify mitigation measures to adequately reduce the impact to a level that is less than significant. In the case of this response, an EIR would be required.

## Discussion of Environmental Impacts

### I. Aesthetics

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>a. Have a substantial adverse effect on a scenic vista?</i>			X	
<i>b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</i>				X
<i>c. Substantially degrade the existing visual character or quality of the site and its surroundings?</i>			X	
<i>d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</i>	X			

### Setting

The project site is located adjacent to the six southern tennis courts of the TPC (i.e., the TPC courts located south of Mar West Street). The proposed construction would primarily be located immediately north of those courts in an area currently occupied by a storage area and parking.

The site is located toward the southeastern edge of a small valley that trends south from Tiburon Ridge toward Richardson Bay. The valley's hillsides are primarily developed with multi-family complexes and single-family homes to the west and with primarily single-family residences to the east. The Old St. Hilary's Open Space Preserve occupies the hillside to the northeast. Railroad Marsh, which is largely surrounded by willows and other vegetation, is located along the mouth of the valley to the south.

The southern end of the valley is largely occupied by the Tiburon Peninsula Club facilities. Mar West Street runs through the center of the TPC property. Currently a swim center with three pools, a tennis facility with six tennis courts, and other facilities are located north of Mar West Street. South of Mar West Street there are six additional tennis courts, the parking lot, and overflow parking areas.

From the elevated viewpoints on the surrounding hillsides, current views of the project vicinity encompass existing TPC infrastructure, including blue-and-green painted tennis courts; swimming facilities; a parking lot with associated parked vehicles; and scattered landscaping. The TPC is substantially surrounded by trees and other vegetation.

A dense band of trees along the north edge of Railroad Marsh largely shields the site from view from Tiburon Boulevard and buildings along that street, including the Belvedere-Tiburon Public Library and the Tiburon Town Hall—as well as other public and commercial buildings and residences located on the flat land to the south (including the Point Tiburon Marsh Condominiums). During the winter when deciduous trees bordering the marsh lose their leaves, the vegetation provides less shielding from some vantage points south of the marsh. As a result, current public views of the site are primarily limited to those from Mar West Street as it passes through the TPC, from a few locations along some residential streets in the surrounding hills, and from portions of the Old St. Hilary's Open Space Preserve. The site may be visible during the winter months from certain vantage points to the south of the marsh, such as the Point Tiburon Marsh Condominiums.

The site is in view of more than 100 private residences located on the surrounding hills, including condominiums, apartments, and single-family residences. Despite the amphitheater-like topography, current public views of the project site from the streets and sidewalks on the hillsides and on Mar West Street are partially or completely obscured in most places by mature trees and man-made structures such as fences and residences. Presumably many of the private residences that screen public views from the streets would themselves have full or partial views of the project site.

Existing lighting includes street lights along Mar West Street in the project area, four elevated lights in the TPC parking lot, residential lighting on the hills above the project site, and residential and commercial lighting to the south. The proposed project would include installation of lighting at the six existing courts. The illumination would be visible from the hillsides, and the lights themselves could be visible from some residential units such as those on Point Tiburon Marsh Condominiums. Lighting is discussed in more detail below.



## **Potential Impacts**

- a. *Have a substantial adverse effect on a scenic vista. Less than significant impact.*

The Town's General Plan states that the views that community members enjoy from their homes and open spaces are among the most valued characteristics of the community. Consequently, the Town has the following relevant goals and policies regarding protection of scenic views. These goals and policies also identify the types of views that could be considered scenic vistas.

Goal OSC-B: To provide and permanently preserve as much open space as possible to protect shorelines, open water, wetlands, significant ridgelines, streams, drainageways, riparian corridors, steep slopes, rock outcroppings, special status species and their habitat, woodlands, and areas of visual importance, such as views of and views from open space.

Goal OSC-C: To permanently protect to the maximum extent feasible, the unique open space character of the Town which is attributable to its large amounts of undeveloped land and open water.

Policy OSC-31: The preservation of visual qualities, views, and the view potential of the natural and built environment shall be a major consideration of the Town in any development project review.

The proposed project is a relatively minor addition to the existing tennis courts, and in keeping with the adjacent development. Accordingly, the impact on daytime views is deemed less than significant. The immediate area is already moderately developed, with tennis courts and parking lots adjacent to the project site and on both sides of Mar West Street. The project would not cause the loss of views of natural open space or other desirable views. The project site is largely shielded from view from hiking trails on the Old St. Hilary's Open Space Preserve by topography and surrounding trees. Other than the adjacent Railroad Marsh to the south, the site is surrounded by urban development. It is expected that the proposed new facilities would not substantially change views from surrounding residences and open space located above and distant from the project site.

The construction of low-lying structures with a small footprint would not substantially change the visual character of the site nor affect a scenic vista. Therefore, the impact to scenic vistas would be less than significant. The proposed lighting could affect scenic resources; that potential lighting impact is addressed below under Checklist Item I(d).

- b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? No impact.*

This site is not adjacent to or within the viewshed of a State Scenic Highway or other designated scenic roadway. There would be no impact per this criterion.

- c. *Substantially degrade the existing visual character or quality of the site and its surroundings?* **Less than significant impact.**

The proposed project is in keeping with adjacent site development. There are existing tennis courts and parking lots adjacent to the project and on both sides of Mar West Street. The project would not cause the loss of natural open space or other desirable visual elements. The site is largely shielded from public vantage points such as surrounding roads and hiking trails by vegetation, topography, and residential housing, though there are three residences situated above the site on the eastern leg of Mar West Street that have a clear view down to the site. However, the project additions would not introduce new types of structures nor substantially change or degrade the existing visual character or quality of the site or its surroundings. There would be a less-than-significant impact per this criterion.

- d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* **Potentially significant impact.**

The proposed project includes the installation of lighting at the six existing courts on the south side of Mar West Street (see Figure 4). Lighting would be of the following three different types:

- Single dimmable horizontal LED fixture
- Back-to-back dimmable horizontal LED fixtures
- Two 120 degree angled fixtures

Each light would be atop a 22-foot-tall pole, affixed via a 3-foot-long horizontal arm. Rather than using a “standard” system—a shoebox HID light—the applicant’s design describes the specified LED lights as being energy efficient and generating “no off-site glare” and “no upward light pollution”.

The site is likely fully or partially visible from at least 100 residential units (see Figure 5 for the lighting photosimulation submitted as part of the project application). The applicant’s visual analysis concluded that there would be a less-than-significant impact from the lighting if the following mitigation measures are incorporated:

1. Luminaires (i.e., the complete light units) should be installed parallel to the court surface, do not use adjustable knuckle mounts, and do not permit future adjustment.
2. The LED lighting should be limited to 4000K.
3. The average paint reflectance of the tennis court playing and out-of-bounds surfaces must be 10% or less; most tennis court paints that are dark green, dark blue, or dark red meet this qualification.

A survey of the existing nighttime lighting from the vantage point of hillside residences and open space conducted for this Initial Study indicates that the

impact to the overall nighttime views may be small, given existing lights on the site and in the area. The proposed project is adjacent to a parking lot that is equipped with four lampposts, each of which is equipped with two lights. Looking south from the estimated 100+ hillside residences, the project site would be set against a backdrop of commercial lighting associated with the businesses and parking lots flanking Tiburon Boulevard, downtown Tiburon, and the waterfront. The project would add new lighting, but the area is already well lit. In addition, the lighting would occur only during that part of the year where there is insufficient natural lighting until 7:30 PM; lights would be left on no later than 7:30 PM. There would therefore be no lighting impact after that time.

However, other than the adjacent parking lot, the nighttime lighting environment on the south side of Mar West Street primarily consists of a patchwork of unlit areas, scattered streetlights along that street, and the illumination associated with residences. The proposed lighting would be a bright patch in that milieu and could adversely affect nighttime views from higher elevation vantage spots such on the open space to the north of the TPC or from some of the adjacent residential housing. Additionally, it is possible that the new lights will be visible when looking north from southern vantage points, including the 34-unit Point Tiburon Marsh Condominiums (particularly from second floor units).

In conclusion, given the high degree of visibility of the site and absent additional technical peer review of the applicant's submitted photosimulations and lighting plan, there is a fair argument that the project could have a significant impact. There is also the possible impact to residents living south of the marsh, and no photosimulations were prepared from a southern vantage point. In addition, the new lighting could have a cumulative impact on nighttime views when added to the existing lit courts on TPC. The possibility of an adverse impact cannot be conclusively determined without additional studies. Therefore, the impact remains potentially significant. Possible mitigations might include retrofitting the existing parking lot lights to reduce offsite impacts from those lights as well as additional limits to the number of lights and/or the time of use proposed by the applicant.

**II. Agriculture and Forestry Resources**

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</i>				X
b. <i>Conflict with existing zoning for agricultural use, or a Williamson Act contract?</i>				X
c. <i>Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section</i>				X

12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

- |    |   |   |
|----|---|---|
| d. | <i>Result in the loss of forest land or conversion of forest land to non-forest use?</i>  | x |
| e. | <i>Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</i> | x |

**Setting**

The project site is located in an urban setting. This setting is not suitable for commercial agriculture or forestry. Accordingly, the site is not designated nor zoned for these commercial uses.

**Potential Impacts**

- a. *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **No impact.***

The project site is not mapped as Farmland by the State.

- b. *Conflict with existing zoning for agricultural use, or a Williamson Act contract? **No impact.***

There are no agricultural uses in the project area, and the site is not under a Williamson Act contract.

- c. *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? **No impact.***

The site is not zoned as forest land or timberland.

- d. *Result in the loss of forest land or conversion of forest land to non-forest use? **No impact.***

The site does not contain forest land, also it would not result in conversion of such land to other uses.

- e. *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? **No impact.***

There is no Farmland in the area, so proposed construction of the project would not result in conversion of Farmlands to other uses.

**III. Air Quality**

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Conflict with or obstruct implementation of the applicable air quality plan?</i>		X		
b. <i>Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</i>		X		
c. <i>Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?</i>		X		
d. <i>Expose sensitive receptors to substantial pollutant concentrations?</i>		X		
e. <i>Create objectionable odors affecting a substantial number of people?</i>				X

**Setting**

The project is located within the San Francisco Bay Area (Bay Area) Air Basin. Air quality in the Bay Area Air Basin is governed by the Bay Area Air Quality Management District (BAAQMD). The Bay Area Air Basin is currently classified as non-attainment for the 1-hour State ozone standard as well as for the federal and State 8-hour standards. Additionally, the Bay Area Air Basin is classified as non-attainment for the State 24-hour and annual arithmetic mean PM10 standards as well as the State annual arithmetic mean and the federal 24-hour PM2.5 standards.

BAAQMD is the agency responsible for regulating air pollutant emissions in the San Francisco Bay Area Air Basin. BAAQMD is responsible for implementing emissions standards and other requirements of federal and state laws. The air basin, including Marin County, is considered a “nonattainment area” for the 1-hour State ozone standard as well as for the federal and State 8-hour standards and for the State 24-hour and annual arithmetic mean PM10 standards as well as the State annual arithmetic mean and the federal 24-hour PM2.5 standards. In September 2010, the BAAQMD adopted the Bay Area 2010 Clean Air Plan (CAP). BAAQMD adopted updated CEQA Air Quality Guidelines, including new thresholds of significance, in June 2010, which advise lead agencies on how to evaluate potential air quality impacts using screening criteria though

these criteria have been eliminated from the most recent May 2012 guidelines.<sup>1</sup> However, the updated BAAQMD 2012 guidelines contain the same thresholds of significance as the 2010 guidelines.

### **Potential Impacts**

- a. *Conflict with or obstruct implementation of the applicable air quality plan?* **Less than significant with mitigation incorporated.**

Though the revised project has been reduced from the one originally proposed, it will still result in emissions of the reactive organic gases (ROGs) carbon monoxide, nitrogen oxides, sulfur oxides, and particulates. Construction-related emissions would result from the likely use of off-road, heavy equipment operating at the project site to construct the new facilities and from truck trips associated with deliveries and construction workers commuting to and from the project site. Emissions associated with project operation would include those from car trips and maintenance activities.

To determine the significance of the project impact that would be related to the potential for it to cause or contribute to an air quality standard violation, Tiburon utilizes the screening criteria provided in BAAQMD's 2010 CEQA Air Quality Guidelines. If a proposed project exceeds the screening criteria, it is expected that its emissions would exceed the thresholds of significance included in the Guidelines, and a detailed air quality analysis would be required. The screening criteria do not specifically include a category for tennis courts and tennis programs. However, the threshold for racquet clubs is 277,000 square feet for construction-related emissions and 291,000 square feet for operational emissions (the thresholds for racquetball clubs is 277,000 square feet for construction-related emissions and 128,000 square feet for operational emissions). The proposed project (approximately 1,700, square feet of development) is substantially smaller than these screening thresholds. Therefore, construction and operation of the project would not result in a violation of an air quality standard or contribute significantly to an existing or projected air quality violation with implementation of the standard construction air quality controls required by the BAAQMD.

To ensure that project construction does not cause significant project-level or cumulative air quality impacts, the BAAQMD has identified a set of feasible air

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<sup>1</sup> BAAQMD's adoption of the thresholds was called into question by an order issued March 5, 2012, in *California Building Industry Association v. BAAQMD* (Alameda Superior Court Case No. RG10548693). The order requires BAAQMD to set aside its approval of the thresholds until it has conducted further environmental review under CEQA. The claims made in the case concerned the environmental impacts of adopting the thresholds, that is, how the thresholds would indirectly affect land use development patterns. Those issues are not relevant to the scientific soundness of the BAAQMD's analysis of what levels of pollutants should be deemed significant, or the threshold to use in assessing any health risk impact a project will have on the existing environment. The Town agrees that those thresholds are supported by substantial evidence. Moreover, the thresholds will not cause any indirect impact in terms of land use development patterns insofar as this project is concerned, because the proposal to develop the project site was not influenced by the BAAQMD guidelines. Accordingly, the analysis herein uses the updated thresholds and methodologies from BAAQMD's 2010 CEQA Air Quality Guidelines to determine the potential impacts of the project on the existing environment.

quality control measures for construction activities (i.e., *Basic Construction Mitigation Measures Recommended for All Proposed Projects*). The project includes those controls as Mitigation Measure AQ-1 described below, to reduce the effects of construction activities.

### **Mitigation Measure AQ-1**

In accordance with the BAAQMD CEQA Guidelines (BAAQMD, 2012), the project shall implement the following actions (that are pertinent to this project) to control dust from escaping from the site:

1. If construction occurs during the dry season, water all exposed surfaces twice daily;
2. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard;
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
4. All areas to be paved shall be completed as soon as possible;
5. Minimize idling time either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]);
6. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation; and
7. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance.

### **Impact Significance After Mitigation**

Implementation of these standard construction mitigation measures would likely reduce air pollutant emissions to levels that the BAAQMD recognizes as being acceptable. It is expected that the impact would be reduced to a level that is less than significant.

- b. *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* **Less than significant with mitigation incorporated.**

As noted above, the project would include the BAAQMD-required control measures so that project construction is not expected to violate any air quality standard. As discussed later in this report under Traffic (Checklist Item XVIa), the project could generate a maximum daily average of 80 new trips in the winter (as discussed under Traffic, this is a worst case trip generation that assumes all

additional students would be transported by motor vehicles and there would be no carpooling). The project size (and trips generated) would be below the screening criteria for a project that could generate significant emissions. Accordingly, it is expected that the project would not violate any air quality standard nor contribute significantly to any projected air quality violation.

- c. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* **Less than significant with mitigation incorporated.**

As noted above, the project will include the BAAQMD-required control measures so that the project is not expected to contribute a substantial amount of any criteria pollutant. Because the project is below the screening criteria, it would not be expected to exceed the thresholds of significance and, therefore, have a less-than-significant cumulative impact to air quality.

- d. *Expose sensitive receptors to substantial pollutant concentrations?* **Less than significant with mitigation incorporated.**

As described in the previous three responses, the project, with mitigation, would not result in significant construction or operational-related impacts. Accordingly, it would not expose nearby neighbors nor other sensitive receptors to substantial pollutant concentrations.

- e. *Create objectionable odors affecting a substantial number of people?* **No impact.**

The recreation-related project would not be expected to generate objectionable odors.



#### IV. **Biological Resources**

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</i>		x		
b. <i>Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</i>		x		
c. <i>Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</i>		x		
d. <i>Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</i>		x		
e. <i>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</i>				x
f. <i>Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</i>				x

#### **Setting**

A biological report was prepared for the project; it is included in the appendix of this Initial Study. Much of the analysis described below was taken from data in this appended report.

The project site is located between a serpentine hillside on the Old St. Hilary's Open Space Preserve to the north and Railroad Marsh to the southwest. Part of the TPC property encompasses a northern portion of this marsh. The proposed project is located adjacent to the existing parking lots and tennis courts located on the south side of Mar West Road. The biological report states that other than the marsh, the TPC property has low biological value. The area to the north and east of the existing tennis courts near

where the new entry would be developed contains non-native vegetation with a heavy stand of black acacia and French broom between the courts and Mar West Street.

The approximately 10-acre Railroad Marsh is a sensitive natural community and is the preeminent biological resource near the project site. The marsh was historically part of the Belvedere Lagoon and supported saltmarsh and tidal mudflat habitat. In the 1880s, the site was cut off from tidal action by construction of the Northwestern Pacific Railroad yard. The marsh is surrounded by urban development and is replenished by runoff from these developed areas and a stream which flows from Tiburon Ridge to the north. Subsequent siltation converted the marsh to a freshwater marsh and reduced the open water portion of the marsh to about one acre by the 1960s. In the 1980s, the Town initiated efforts to restore the marsh (per the original *Tiburon Freshwater Marsh Restoration Plan*, WRA 1985). In implementing that plan, the Town has dredged the marsh sediment basins, installed sediment traps, replanted the margins with native plants, and manipulated the water level to control cattails. In 2000, the Town had the Marsh Restoration Plan revised to address maintenance problems including effects of increased public access and trash.

As shown on Figure 6, the marsh vegetation is dominated by willow (*Salix* sp.) with cattail (*Typha* sp.), French broom (*Genista monspessulana*), acacia trees (*Acacia* sp.), blackberry (*Rubus* sp.), pampas grass (*Cortaderia selloana*) and poison hemlock (*Conium maculatum*). The riparian vegetation adjacent to the project site, as well as the wetlands and waters within the marsh, provides habitat for a variety of wildlife species including resident and migratory birds.

Railroad Marsh's willow riparian habitat exists along the southern property boundary of the TPC and could provide nesting habitat for the *salt marsh common yellowthroat* (*Geothlypis trichas sinuosa*), a California species of special concern. There is also potential habitat for *California red-legged frog* (*Rana draytonii*), a federal Threatened species. These species were last reported during a site investigation in 1982. No special status species were observed during preparation of the project biological report. No nests or roosts of special status species of birds were observed during preparation of the project biological report. The biological report concludes that there is a low likelihood of special status wildlife species occurring at the marsh due to its isolation from other habitat areas, its location near the tip of the Tiburon Peninsula, and its immediate urban surroundings. No special status species of plants were observed. However, there is historic evidence of California red-legged frogs and the salt marsh common yellowthroat in the marsh area. The developed portion of the project site north of the marsh is not expected to support any special status species of plants or wildlife.

The biological report mapped the marsh shore and the wetlands between the shore and the proposed project. Figure 7 shows the 100-foot setback from the shore, the 25-foot setback from wetlands, and a 5-foot setback from willow and oaks.<sup>2</sup>

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<sup>2</sup> Wetlands south of the project site occur at the foot of the fill slope starting on the project site. A formal wetland delineation would be required to determine the wetland status of this area.

## **Potential Impacts**

- a. *Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. **Less than significant with mitigation incorporated.***

The revised project does not include any intrusion of new facilities into the 100-foot wetland setback. As described in the Setting section, except for the California red-legged frog, there is no evidence of the site supporting special-status plants or breeding or nesting habitat for any special-status wildlife species. Though none of these frogs has been sighted here in 35 years, it is possible that they could inhabit the area or travel into the proposed construction area. Consequently, project construction could result in injury or death to this threatened species.

### **Mitigation Measure BR-1**

The project shall not damage native vegetation in the buffer zone (defined as the 5-foot setback from trees as shown on Figure 7. The boundary of the buffer zone shall be staked and flagged in the field with a highly visible color coded system and all construction and equipment operators shall be instructed to remain outside this no-disturbance boundary for the duration of construction.

### **Mitigation Measure BR-2**

The project shall not injure or destroy habitat used by California red-legged frogs (CRLF). To accomplish this standard, a qualified biologist, capable of monitoring projects with potential habitat for California red-legged frogs (CRLF) shall be present at the site to implement the following:

1. Install exclusion fencing outside the buffer area. Prior to and within 3 days of installation of the exclusion fencing, the biologist shall survey the location of the installation for the presence of CRLF. In addition, should any burrows be observed, the burrows shall be inspected by the biologist to determine if it is being used by the species. Should CRLF be observed, the area shall be vacated and re-inspected in one week. If no animal use is noted, the burrows shall be carefully excavated using a small trowel or shovel. Careful prodding using a blunt object will aid in determining the course of the tunnel such that the tunnel is excavated from the sides rather than the top, reducing the potential for any injury should an animal be present. Excavated burrows with no CRLF shall be left open so they cannot be re-occupied. If any non-listed species are located, they shall be translocated outside of the construction zone. Should any individual CRLF be found during the field survey or excavation, the area where that individual has been found shall remain undisturbed. If any life stage of the CRLF is found during these surveys or excavations, the Department of Fish and Game and the US Fish and Wildlife Service shall be contacted

immediately, and activities that could result in take shall be postponed until appropriate actions are taken to allow project activities to continue.

2. During installation of the construction zone exclusion fencing, the biological monitor shall be present and will oversee the installation of all construction fencing.
3. Immediately following installation of exclusion fencing, the biological monitor shall survey the enclosed construction zone for the presence of CRLF. If any life stage of the CRLF is found during these surveys, the Department of Fish and Game and the U.S. Fish and Wildlife Service shall be contacted immediately, and activities that could result in take shall be postponed until appropriate actions are taken to allow project activities to continue.
4. The biological monitor shall coordinate with the construction contractor to ensure that all workers understand not to intrude past the exclusion fencing.
5. The biological monitor shall conduct weekly site visits when construction is occurring to verify that all construction zone exclusionary fencing is in place and functioning as intended. Any repair or maintenance to the fencing deemed necessary by the biological monitor shall be completed under the monitor's supervision. Such maintenance activities include adequate removal of vegetation at the construction fence line to ensure that vegetation "ladders" for species access are not allowed to establish.

### **Impact Significance After Mitigation**

The mitigation measures would reduce the impact of constructing all proposed improvements to a less-than-significant level.

- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?* **Less than significant impact.**

Part of the TPC property extends into the wetland portion of Railroad Marsh. As shown in the biological report map, all project improvements would be constructed at least 100 feet from the marsh shore and 25 feet from the wetland edge. There would be 90 to 145 foot buffer from the tree edge on the project site to the marsh shore. In addition, all improvements would be set back at least five (5) feet from native trees (as was recommended in the project biological report).

- c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?* **Less than significant impact.**

See the discussion under Item IV(b) above.

- d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? **Less than significant with mitigation incorporated.***

The site is surrounded by urban development. It is likely that common area wildlife residents such as deer (which were seen on the site during a site visit), raccoons, opossums, and other wildlife make their way between surrounding development across the lower parking area and trees bordering the east side of the existing courts to Railroad Marsh. However, the proposed project additions would not block or seriously impede this already impeded travel route. The area to be developed does not include suitable nesting or nursery sites. The project biological report found that so long as new lighting is not directed toward the willow area on the marsh, it would not be expected to affect wildlife because of existing ambient light generated by residential and commercial development and headlights on Mar West Street.

Breeding birds are a concern if construction activity could cause the abandonment or failure of an active nest. For instance, breeding birds could abandon a nest with eggs or nestlings if construction activity was so close as to flush the birds from the nest. This would be a violation of the Migratory Bird Treaty Act and Sections 3503 & 3513 of the Fish and Game Code. This is a potentially significant impact.

**Mitigation Measure BR-5**

The following mitigation was recommended in the biological report submitted by the project applicant.

Surveys for breeding birds are recommended if construction were to occur during of the nesting season (February 15 to August 15). Surveys for nesting birds should be completed within 14 days of the beginning of construction between February 15 and August 15. Once construction starts and occurs continuously, surveys are not be recommended. If a lapse in construction were to occur longer than 14 days, then the surveys for nesting birds shall resume.

If raptors are observed nesting within 250 feet of the construction area, the behavior of the raptors shall be observed to determine the width of a suitable buffer. Typical raptor buffers are 250 – 300 feet wide.

If songbirds are observed nesting near the construction area, a 50-foot buffer shall be established between the nest and construction until the nest is no longer used. Travel and other human activity should be prohibited within the nest buffers for the raptors and songbirds.

**Impact Significance After Mitigation**

Implementation of these protections would reduce construction impacts to nesting birds. Because the project site is within an urban area with intense human use, where the tennis courts are in almost constant use, the library on the other side of Railroad Marsh is heavily used, and traffic occurs along Tiburon Boulevard and Mar West Street, any nesting raptor would be acclimated to human activity and a buffer shorter than 250 feet may be suitable. These standard mitigations would reduce the impact to a less-than-significant level.

- e. *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **No impact.***

The Town's Tree Ordinance regulates the removal of Protected Trees, which are native oaks; Heritage Trees with a minimum circumference of 60 inches at 24 inches above ground level and Dedicated Trees (trees designated as having special significance). The project would not remove any Protected Trees.

- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? **No impact.***

The project construction activities would not conflict with any Habitat Conservation Plans, Natural Conservation Community Plans, or any approved local, regional, or State habitat conservation plans.

**V. Cultural Resources**

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</i>		x		
b. <i>Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?</i>		x		
c. <i>Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</i>		x		
d. <i>Disturb any human remains, including those interred outside of formal cemeteries?</i>		x		
e. <i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is:</i>				
1) <i>Listed or eligible for listing in the Caltrans Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or</i>				X
2) <i>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</i>				X

**Setting**

A Records Search for cultural resources was requested from the Northwest Information Center (NWIC) at Sonoma State University; see Appendix A. NWIC states that based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Marin County have been found along the San Francisco Bay margins, on protected terraces, and under the bay muds. The project area was historically located in a small coastal inlet on the Tiburon Peninsula. The majority of the project area contains Holocene era San Francisco Bay Mud. Additionally, there is approximately a quarter or more of the proposed project area within the Latest Pleistocene to Holocene Alluvium, which was less marshy. Given the similarity of one or more of these environmental factors, there is a moderately high potential for unrecorded Native American resources in the proposed project area. NWIC

states that their review of historical literature and maps gave no indication of the possibility of historic-period activity within the proposed project area.

Given the small construction footprint of the revised proposed project combined with the already disturbed nature project site, there is a low potential for unrecorded historic-period archaeological resources in the proposed Tiburon Peninsula Club's Tennis Facilities project area.

### ***Potential Impacts***

- a. *Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? **Less than significant with mitigation incorporated.***

While no resources were reported on the site, there is a chance that buried archaeological resources are present and could be discovered while constructing the project. The project area is reportedly on a fill slope that was historically created to prepare the relatively flat area for the existing tennis courts and the TPC parking area. No grading plan has been submitted, so the extent and depth of grading is currently unknown. NWIC recommends that if project grading would disturb soils below this fill, then there would be the potential to damage currently undiscovered archaeological resources and that would be a potentially significant impact.

As recommended by NWIC, the local Native American tribe (the Federated Indians of Graton Rancheria) was contacted by the Town about the project to gather their concerns and recommendations (see request letter in Appendix A). No response was received.

### **Mitigation Measure CR-1**

The revised geotechnical report required in subsequent Mitigation Measure GS-1 will determine if the grading or excavation below the existing fill soil layer is needed. If it is, then a qualified archaeological consultant will conduct an investigation. Field study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other common methods used to identify the presence of archaeological resources.

If archaeological resources are encountered during construction, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.



It is recommended that any identified cultural resources be recorded on DPR 523 historic resource recordation forms, available online from the Office of Historic Preservation's website.

**Impact Significance After Mitigation**

Assessing and curating any archaeological resources found during construction per Mitigation Measure CR-1 would reduce the impacts to potential archaeological resources to a less than significant level.

- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?* **Less than significant with mitigation incorporated.**

As described above, archaeological resources could occur on the project site. Damaging such resources would constitute a significant adverse impact. Mitigation Measure CR-1 applies also to this impact, and this mitigation measure would reduce the impact to a less-than-significant level.

- c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?* **Less than significant with mitigation incorporated.**

While not expected, it is possible that paleontological resources occur on the project site, which could be damaged by excavation and project construction. This would be a potentially significant impact.

**Mitigation Measure CR-2**

If paleontological resources are found, all work in the vicinity of the find must cease, and a paleontologist and Town staff must be notified to develop proper mitigation measures required for the discovery. No earthwork in the vicinity of the find shall commence until a mitigation plan is approved and completed subject to the review and approval of the paleontologist and Town staff. This condition shall be noted on all grading and construction plans and provided to all contractors and superintendents on the job site.

**Impact Significance After Mitigation**

Assessing and curating any resources found during construction per Mitigation Measure CR-2 would reduce the impacts to potential paleontological resources to a less-than-significant level.

- d. *Disturb any human remains, including those interred outside of formal cemeteries?* **Less than significant with mitigation incorporated.**

See the discussion under Impact V(a). While there is no reason to suspect the presence of human remains on the project site, it is possible that currently unknown remains may occur.

### **Mitigation Measure CR-3**

This mitigation incorporates the requirement established in Mitigation Measure CR-1 and adds the requirements that in the event that human remains are encountered, the contractor shall stop work in the area and the Town shall contact the Marin County Coroner in accordance with Section 7050.5 of the State Health and Safety Code. This condition shall be noted on all grading and construction plans and provided to all contractors and superintendents on the job site.

### **Impact Significance After Mitigation**

The recommended mitigation will ensure that any unknown human remains found on the site would be accorded appropriate reburial or disposition. The impact will be reduced to a less-than-significant level.

- e. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the Caltrans Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), **No Impact.***

There is no evidence of significant tribal resources on the site. The local Native American tribe (the Federated Indians of Graton Rancheria) did not respond to a letter notifying them of the project. The project site is not listed or eligible for listing in the Caltrans Register of Historical Resources, or in a local register of historical resources.

*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. **No Impact.***

As noted previously, there is no evidence of significant tribal resources on the site.

## VI. Geology and Soils

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</i>				
i. <i>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</i>				X
ii. <i>Strong seismic ground shaking?</i>		X		
iii. <i>Seismic-related ground failure, including liquefaction?</i>		X		
iv. <i>Landslides?</i>				X
b. <i>Result in substantial soil erosion or the loss of topsoil?</i>				X
c. <i>Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</i>		X		
d. <i>Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?</i>		X		
e. <i>Have soils incapable of adequately supporting the use of septic tanks or alternative water disposal systems where sewers are not available for the disposal of waste water?</i>				X

### Setting

No geotechnical analysis nor grading plan has been submitted as part of the project application. However, a geotechnical analysis of the project site was done as part of TPC's 2004 application package for the two westernmost of the existing southern tennis courts (the other four courts were in place before 2000).<sup>3</sup> That report describes the site as an old out-slope created when the original site grading was done for the then-existing site facilities. The site is relatively flat, though it slopes gradually south towards the marsh. The site contains fill overlaying alluvial sediments that overlay Holocene Bay Mud strata. Based on the boring logs done for that report, it appears that there was no evidence of landsliding or seepage on the project site. No faults were found on the site,

<sup>3</sup> Kleinfelder, Inc, 2001.

but the site like the surrounding area is subject to a high degree of ground shaking during earthquakes on the San Andreas and Hayward Faults.

### ***Potential Impacts***

- a. *Expose people or structures to potential substantial adverse effects, including the loss, injury, or death involving:*
  - i. *Rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. **No impact.***
  - ii. *Strong seismic ground shaking? **Less than significant with mitigation incorporated.***
  - iii. *Seismic-related ground failure, including liquefaction? **Less than significant with mitigation incorporated.***
  - iv. *Landslides? **No impact.***

The previous geotechnical reports did not address the seismic risk for the new structures to be constructed at the north entry to the existing courts. Potential seismic impacts to these structures would be a potentially significant impact.

### **Mitigation Measure GS-1**

The project shall be constructed to withstand the maximum probable earthquake and to withstand other geologic and soil constraints or hazards on the site. All new development shall be constructed consistent with the seismic design requirements of the 2013 California Building Code (as referenced in the Town's Municipal Code) or any successor code in effect at the time of building permit issuance. The 2001 Kleinfelder, Inc. geotechnical report shall be revised to identify geologic design requirements that comply with the Building Code seismic and soil treatment requirements for the improvements proposed north of the existing tennis courts. The project shall be constructed consistent with all recommendations for site grading, seismic design for structures, foundation design, and site drainage contained in that revised report.

### **Impact Significance After Mitigation**

It is expected that seismic design requirements contained in the Town's adopted building code and the seismic design recommendations for other buildings on the TPC property that were included in the 2001 Kleinfelder report would apply to the proposed bathrooms, storage areas, and entry and would reduce the impact to a less-than-significant level as was the case for the previously approved improvements.

- b. *Result in substantial soil erosion or the loss of topsoil?* **Less than significant.**

Minimal grading would be necessary as the site is level and already compacted, and the footprint of the revised project is quite small. The impact would be less than significant.

- c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?* **Less than significant with mitigation incorporated.**

The 2001 Kleinfelder report noted that the four tennis courts occupying the site before 2000 had settled approximately two inches towards the marsh. Constructing the new facilities to the north would be subject to the California Building Code requirements and design recommendations set forth in the required revised geotechnical report required in Mitigation Measure GS-1. This mitigation would reduce all geologic impacts to a less-than-significant level.

- d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1974), creating substantial risks to life or property?* **Less than significant with mitigation incorporated.**

There are compressible soils on the site. Mitigation Measure GS-1 would address this stability impact, and the required fill compaction would reduce the impact to a less-than-significant level.

- e. *Have soils incapable of adequately supporting the use of septic tanks or alternative water disposal systems where sewers are not available for the disposal of waste water?* **No impact.**

The project does not require construction of waste disposal systems.

## VII. Greenhouse Gas Emissions

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>			x	
b. <i>Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i>			x	

## **Setting**

Climate change is caused by greenhouse gases (GHGs) emitted into the atmosphere around the world from a variety of sources, including the combustion of fuel for energy and transportation, cement manufacturing, and refrigerant emissions. GHGs are those gases that have the ability to trap heat in the atmosphere, a process that is analogous to the way a greenhouse traps heat. GHGs may be emitted as a result of human activities, as well as through natural processes. GHGs have been accumulating in the earth's atmosphere at a faster rate over the last 150 years than has occurred historically. Increasing GHG concentrations in the atmosphere are leading to global climate change. To address this crisis, the Town adopted a *Climate Action Plan* in 2011. The plan outlines strategies that the Town and the community can take to reduce GHG emissions and address climate change.

## **Potential Impacts**

- a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?* **Less than significant impact.**

The use of heavy equipment to construct the proposed facilities would result in the emission of greenhouse gas (GHG). However, the emissions would be minimal since construction using heavy equipment would occur for a few weeks. As described in the Traffic section (Checklist Item XI), future use of the project would generate emissions from a maximum daily estimate of 80 new trips during the winter (this is a worst case trip generation that assumes all additional students would be transported by motor vehicles and there would be no carpooling). The BAAQMD's 2010 screening level size criteria below which a project-specific GHG analysis is not required is 46,000 square feet for a racquet club. As was the case for emission of criteria air pollutants, the project emissions would be well below the BAAQMD screening criteria for GHG emissions. Accordingly, these GHG emissions would be expected to make a less than cumulatively considerable contribution to the cumulative impact on global climate change. In addition, the proposed project is expected to be consistent with recommendations set forth in the Town's Climate Action Plan.

- b. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?* **Less than significant impact.**

Because the emission of GHGs would be small, the project would not conflict with the BAAQMD's Clean Air Plan or its CEQA Guidelines. The project is consistent with recommendations set forth in the Town's *Climate Action Plan*. Given the limited GHG emissions, the project would not conflict with the Town's goals as expressed in that plan.

**VIII. Hazards and Hazardous Materials**

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>			x	
b. <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>			x	
c. <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i>				x
d. <i>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</i>				x
e. <i>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, would the project result in a safety hazard for people residing or working in the project area?</i>				x
f. <i>For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</i>				x
g. <i>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</i>				x
h. <i>Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</i>			x	

**Setting**

The project site is currently undeveloped land located between one of the parking areas and the tennis courts. No hazardous materials are used on the site. The site contains little vegetation and is unlikely to be subject to a wildfire spreading from the wildland-urban interface to the north.

## **Potential Impacts**

- a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **Less than significant impact.***

As regards transport, use, and disposal of hazardous materials, project construction would involve the routine transport and use of gasoline and diesel. Use of these types of substances would not occur in significant (that is, regulatory) amounts or frequencies to constitute a potential hazard to the public or environment. Once constructed, it is not expected that TPC would use hazardous materials to maintain their facilities in significant (that is, regulatory) amounts or frequencies to constitute a potential hazard to the public or environment.

- b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **Less than significant impact.***

See the previous response to Item VIII(a).

- c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **No impact.***

Reed Elementary School is over 0.4 miles from the nearest part of the proposed project. The school is not within one-quarter mile of the project site. In addition, as described in Response VIII(a), no regulatory amounts of hazardous materials would be expected to be used at the project. Accordingly, students at this school would not be at risk from hazardous materials spills.

- d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **No impact.***

There are no known hazardous material sites on or near the project site.

- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, would the project result in a safety hazard for people residing or working in the project area? **No impact.***

The site is not within the area of any airport land use plan.

- f. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? **No impact.***

The project is not within the vicinity of a private airstrip.



- g. *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?* **No impact.**

The project is on private land off of Mar West Street and would not block or interfere with emergency access or evacuation.

- h. *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?* **Less than significant impact.**

The project site is not mapped in the Tiburon General Plan as an area susceptible to wildfire.

## IX. Hydrology and Water Quality

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Violate any water quality standards or waste discharge requirements?</i>		x		
b. <i>Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</i>			x	
c. <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?</i>			x	
d. <i>Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?</i>		x		
e. <i>Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</i>		x		
f. <i>Otherwise substantially degrade water quality?</i>				x
g. <i>Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</i>				x
h. <i>Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</i>				x
i. <i>Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</i>			x	
j. <i>Inundation by seiche, tsunami, or mudflow?</i>				x

### Setting

The project site drains directly via sheet flow to the Railroad Marsh or to a paved drainage ditch along the east side of the lower (south) tennis courts, which transports collected runoff to an outfall that leads to the marsh. The Railroad Marsh is a pond/marsh feature that serves as a flood control feature for the Mar West (upper and

lower) watershed. The water level in the marsh is controlled by two outlet structures. The primary outlet drains to a culvert (the Lagoon Vista storm drain) that discharges to Raccoon Strait, while the secondary outlet drains south to Belvedere Lagoon. A small portion of the southwest corner of the site appears to be within the 100-year flood elevation (Zone AE).<sup>4</sup>

It is expected that project site soils have limited permeability. The project application shows a new bioswale to be constructed along the north side of the existing courts. Runoff from the roof(s) of the new structures would be collected and transported to the bioswale prior to its existing outlet to the marsh.

A Drainage Analysis was prepared in 2004 for the then proposed improvements to TPC.<sup>5</sup> That analysis determined that the improvements proposed at that time would have a less than significant impact on stormdrains and flooding.

### ***Potential Impacts***

- a. *Violate any water quality standards or waste discharge requirements?* **Less than significant with mitigation incorporated.**

The project application describes how roof runoff from the new facilities will be directed to a new bioswale located outside the marsh and wetlands setback lines. After treatment at the bioswale, runoff will be directed via a 4-inch pipe to an outfall leading to the marsh. Unless the bioswale is adequately sized, designed, constructed, and maintained, project runoff could adversely affect the water quality of the marsh. This has the potential of significantly affecting water quality.

#### **Mitigation Measure HWQ-1**

The applicant shall prepare a Stormwater Control Plan (SCP), following the procedures outlined by MCSTOPPP. The SCP shall include the project SWPPP (see Mitigation Measure GS-2 above) as well as a description of post-construction BMPs being implemented. Bioretention features will be designed following the guidance found in MCSTOPPP's stormwater quality manual and the California Storm Water BMP Handbook for New and Redevelopment. BMPs will address treating runoff from proposed parking areas. The Plan shall be prepared by a registered engineer for review and approval by the Town Department of Public Works. Once approved, an agreement will be executed by property owner and Town and recorded against the property to insure the ongoing operation of the SCP.

#### **Impact Significance After Mitigation**

The mitigation will ensure that the site drainage system operates acceptably, which will reduce the water quality impact to a less-than-significant level.

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<sup>4</sup> Christopher Josephs Associates

<sup>5</sup> ILS & B Associates, Inc. 2004.

- b. *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?* **Less than significant impact.**

The project would reduce the amount of water that could enter a local groundwater aquifer, though the reduction would be minimal given the small size of the site. More importantly, groundwater is not used as a source of potable water in the Town so any reduction in recharge, if it did occur, would not have a significant impact on area water supplies.

- c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?* **Less than significant impact.**

Project grading would not substantially alter the site or area drainage pattern. Site runoff would continue to flow to Railroad Marsh either as sheet flow or as sheetflow after being treated and distributed from the proposed bioswale.

- d. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?* **Less than significant with mitigation incorporated.**

The reduced project would include construction of impervious surfaces in areas that are already heavily compacted by vehicles and pedestrians. It is not expected that adding approximately 1,700, square feet of roofs would measurably increase project site runoff. It is not expected that the relatively small increase in impervious surface on the site would result in a substantial increase in flood elevations or the frequency of flooding in Railroad Marsh or the storm drain system that drains excess water from the marsh. However, there is no technical data or analysis to support this expectation. In addition, it has not been shown how the Tiburon General Plan 2020 policy (Policy SE-12) of maintaining the post-development 100-year peak flow at the pre-development level would be met. Accordingly, the impact remains potentially significant.

#### **Mitigation Measure HWQ-2**

The applicant shall prepare pre- and post-project runoff calculations showing that there would be no increase in site runoff. If there will be an increase in site runoff, then a drainage plan will be prepared that demonstrates to the Town's satisfaction that post-project runoff volumes will not exceed pre-project volumes. Excess runoff can be detained on-site using underground storage facilities or other means of detaining and releasing peak flows to maintain the pre-existing conditions.

### **Impact Significance After Mitigation**

It is not expected that post-project runoff volumes would be significantly greater than occurs now. Detaining the excess runoff until the peak runoff period passes is feasible. This would reduce the impact to a less-than-significant level.

- e. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?* **Less than significant with mitigation incorporated.**

Because project-generated runoff would travel to Railroad Marsh as sheetflow or through a pipe, the project is not expected to have an impact on Town stormdrains. Flows from Railroad Marsh to the bay could be affected, though the amount of new impervious surface added by the project makes this unlikely. Impact HWQ-2 described above would reduce the possible impact to a less-than-significant level.

- f. *Otherwise substantially degrade water quality?* **No impact.**

Beyond the impacts described in Checklist Item IX(a), there are no other elements of the project that would degrade water quality.

- g. *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?* **No impact.**

The project does not include any proposed housing.

- h. *Place within a 100-year flood hazard area structures which would impede or redirect flood flows.* **No impact.**

The southwest corner project site is within the 100-year flood hazard area. However, no structures are proposed for this area.

- i. *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?* **Less than significant impact.**

The project site is not downstream of a levee or a dam. Flooding during a 100-year event would only affect one proposed parking area on the site.

- j. *Inundation by seiche, tsunami, or mudflow?* **No impact.**

The project site is not mapped as an area that could be affected by tsunami, seiche, or substantive mudflows.

## X. Land Use and Planning

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Physically divide an established community?</i>				X
b. <i>Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</i>	X			
c. <i>Conflict with any applicable habitat conservation plan or natural community conservation plan?</i>				X

### Setting

The project site is located on the partially developed strip of land north of the tennis courts.

### Potential Impacts

- a. *Physically divide an established community?* **No impact.**

The project site is a currently undeveloped. Development of this site would not divide the community.

- b. *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?* **Potentially significant impact.**

The project site is designated Commercial in the Town's General Plan and zoned Public/Quasi-Public. The proposed improvements are similar to those approved by the Town in the past; most recently the improvements approved in 2005. As was the case with past improvements to the property, the Town requires its approval of a Conditional Use Permit in order for the project to be constructed and used.

The following assesses project consistency with pertinent General Plan policies. It should be noted that CEQA requires that an Initial Study discuss any inconsistencies between the proposed project and applicable general plans and regional plans. For purposes of this Initial Study, an apparent inconsistency of the project with a policy reflected in the Town's general plan or its municipal code would not, in and of itself, constitute a significant impact on the environment. Rather, the policies of the General Plan and the regulations included in the Town Municipal Code are used as sources of criteria for assessing potential

environmental effects identified throughout this Initial Study. Ultimately, the Town Planning Commission and Town Council will determine the consistency of the project with the General Plan and other Town plans and regulations and the project site's suitability for the proposed use.

1. Project lighting could adversely affect nighttime views from Old St. Hilary's Open Space Preserve. This impact could make the project inconsistent with Open Space and Conservation Policy OSC-30 that states that development shall be encouraged in areas that least interfere with views from open space.
2. Given the described uncertainty about the visual impacts of the proposed project lighting, it is possible that the project may be inconsistent with Section 16-30.070 of the Zoning Code that requires new lighting to not produce light pollution.
3. Given the uncertainty about possible effects of construction impacts to California red-legged frogs, the project may be inconsistent with Policy OSC-26 that states to the maximum extent feasible that new development shall not affect special status species.

Other than these three possible inconsistencies, the project appears consistent with other Town policies and regulations.

- c. *Conflict with any applicable habitat conservation plan or natural community conservation plan? **No impact.***

There is no adopted habitat conservation plan or natural community conservation plan for the area that would be affected by the project.

## **XI. Mineral Resources**

<i>Would the project:</i>	Potentially significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?</i>				x
b. <i>Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?</i>				x

- a. *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **No impact.***

There are no identified mineral resources within the project area. The project would not directly or indirectly affect any known mineral resources.

- b. *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **No impact.***

The Tiburon General Plan does not identify a mineral resource recovery site near the project site.

## **XII. Noise**

<i>Would the project result in:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</i>			X	
b. <i>Exposure of persons to or generation of excessive groundborne vibration of groundborne noise levels?</i>				X
c. <i>A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</i>			X	
d. <i>A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?</i>			X	
e. <i>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</i>				X
f. <i>For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</i>				X

### **Setting**

The project site is in a relatively quiet area as it is distant from heavily traveled streets. A noise report prepared in 2004 for the then proposed improvements to the TPC (including two new tennis courts adjacent to the proposed project site) stated that average 24-hour noise levels at the four nearest residences to the proposed 2004 improvements ranged from 49 decibels (dBA Ldn) to 53 dBA Ldn, which meets the Town's "Normally Acceptable" noise criteria for residential uses of Ldn 60 dB or below. That 2004 noise study did not specifically address the new tennis courts at the southern end of the TPC property, which is where the currently proposed project would be located.<sup>6</sup>

<sup>6</sup> Charles M. Salter Associates, Inc. 2004.



## **Potential Impacts**

- a. *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* **Less than significant impact.**

Project construction will involve the use of equipment that generates noise. Equipment likely to be used for constructing the project includes heavy equipment and generators. This equipment typically generates 80 to 85 decibels of noise (Lmax dBA) at 50 feet from the construction.

Noise levels decrease by about 6 dBA for each doubling of the distance between the noise source and the receptor. The nearest residence along Mar West Street east of the TPC is within 100 feet of the proposed development at the north end of the existing courts. There are six other residences along Mar West Street within 200-300 feet of project development sites. Residents at the nearest home would periodically experience noise levels of 74-79 of dBA while more distant residences along Mar West Street would experience noise levels of 62-67 dBA. The nearest condominium on Point Tiburon Marsh Condominiums is about 500 feet from the nearest proposed tennis court. Future noise levels at this condominium would be expected to be about 60 dBA, though intervening vegetation could further reduce the noise exposure.

While this noise may periodically be audible at nearby residences, it would not be expected to be considered significant given that it would occur periodically and not constantly, only for a short length of time, and given consistency with Town requirements that construction be limited to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday and 9:30 a.m. to 4:00 p.m. on Saturday (on Saturday only “quiet work” is allowed, that is work that does not generate noise audible beyond the property line). Additionally, heavy equipment can only be used from 8:00 a.m. to 5:00 p.m. on Monday through Friday. The Town’s General Plan also contains Policy N-10 requiring standard quiet construction methods when construction activities occur within 500 feet of noise sensitive areas. Given these regulations and the cited policy, the Town’s General Plan EIR concluded that construction noise impacts resulting from buildout of the town would be less than significant.

Given existing traffic volumes, the maximum daily average increase of 80 trips during the winter the project would generate (this is a worst case trip generation that assumes all additional students would be transported by motor vehicles and no carpooling), the project would not measurably affect noise levels along Mar West Street or more distant streets. The noise increase would be expected to be less than 1 dBA.

While use of the courts may result in voices of players or spectators occasionally being audible at nearby residences, the short-term and sporadic nature of this noise would not be expected to increase average noise levels by more than one decibel. However, such noise may be perceived as a nuisance by some neighbors.

- b. *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?* **No impact.**

Excavation of the site and site grading would not be expected to cause substantial groundborne vibration or groundborne noise levels. The grading is typical for such urban site development. Site geology would not indicate the need for unusual or prolonged site grading and excavation.

- c. *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?* **Less than significant impact.**

As noted above under Item XII(a), traffic generated by the project would not significantly affect the noise environment along Mar West Street or more distant streets. Future recreational use of the tennis courts for a few hours after darkness falls in the winter months would be similar to noise created by use of the existing courts, and would not be expected to cause a substantial noise increase at nearby residences.

- d. *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?* **Less than significant impact.**

As described above under Impact XI(a), project construction would generate short-term noise. However, as described under that impact, it is expected that the impact would be less than significant given the required limits on when construction can occur. As described under Impact XI(c), noise caused by increased use of the courts would not increase substantially, and the impact would be expected to be less than significant.

- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?* **No impact.**

The project site is 13 miles from the nearest public airport.

- f. *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?* **No impact.**

The project is not near a private airstrip, and the project does not include housing or employment where people would be susceptible to noise.

### **XIII. Population and Housing**

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</i>				X
b. <i>Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?</i>				X
c. <i>Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?</i>				X

#### **Setting**

The 2015 Census data lists the population of Tiburon as 9,214 people. As of the most recent data (2010) the Town included 4,025 dwelling units.

#### **Potential Impacts**

- a. *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* **No impact.**

The project would not add housing nor increase employment; it would not increase the Town population.

- b. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?* **No impact.**

The project site does not contain housing, and the project would not require that residences be demolished or removed.

- c. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?* **No impact.**

The project site does not contain housing, and no people would be displaced during project construction or operation.

**XIV. Public Services**

<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Fire protection?</i>			X	
<i>Police protection?</i>			X	
<i>Schools?</i>				X
<i>Parks?</i>				X
<i>Other public facilities?</i>				X

**Setting**

Fire protection for the project would be provided by the Tiburon Fire Protection District, while police protection would be provided by the Tiburon Police Department.

**Potential Impacts**

- a. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

*Fire protection?* **Less than significant impact.**

The TFPD has reviewed the project application and required that the “folding shades” to be used on the project comply with flame propagation performance criteria and flame spread index as per CBC 3105.4. Otherwise, the District had no comments on the project. It is not expected that the addition of bathrooms, storage facilities, and other entry improvements would substantially increase the demand for fire protection.

*Police protection?* **Less than significant impact.**

It is not expected that the addition of bathrooms, storage facilities, and other entry improvements would substantially increase the demand for police protection.

*Schools?* **No impact.**

The project does not include new housing or employment opportunity. Therefore, it would not generate new students and would have no effect on local schools.

*Parks?* **No impact.**

The project would not generate additional population. There would be no impact to public parks.

*Other public facilities?* **No impact.**

The project would not increase the Town's population and would have no effect on other public facilities.

**XV. Recreation**

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i>				X
b. <i>Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</i>	X			

**Setting**

The TPC is a private club that provides recreational facilities for 700 families and 175 seniors, 85% of which reside within the 94920 zip code.

**Potential Impacts**

a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* **No impact.**

The project would increase recreational opportunities for TPC and non-TPC members. It would not increase demand or use of Town-operated facilities.

b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?* **Potentially significant impact.**

The project does include recreational facilities. As reported in this Initial Study, the project does have potentially significant impacts to aesthetic/visual resources.

**XVI. Transportation/Traffic**

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?</i>		x		
b. <i>Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?</i>		x		
c. <i>Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</i>				x
d. <i>Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>				x
e. <i>Result in inadequate emergency access?</i>				x
f. <i>Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?</i>				x

**Setting**

Public access to the project site is provided by Mar West Street. Mar West Street intersects with Tiburon Boulevard to the west and to Beach Road to the east that also connects with Tiburon Boulevard (see Figure 2). Tiburon Boulevard is a State Highway (State Route 131) operating under the jurisdiction of Caltrans.

**Potential Impacts**

- a. *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to*

*intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?* **Potentially significant impact.**

The applicant estimates that the project would result in 20 more students per day in the winter months. Some of these students will walk or bicycle to and/or from the facility. It is unknown whether drivers who drive students to the facility would stay at the TPC while the one hour lesson took place or whether they would return home or combine the trip with shopping or traveling to other destinations in the downtown area. Given this uncertainty, the project could generate a maximum of 80+ trips in the fall/winter (20 trips to TPC + 20 trips home + 20 trips back to TPC to collect the students + 20 trips home). It is more likely that the number of new trips would be lower as not every parent or driver delivering or picking up students would drive to TPC and their residence twice a day plus some students would carpool, walk, or bicycle. It is expected that these trips would occur between 3:00 p.m. and 7:45 p.m. in the winter.

In addition, the lighted courts would be available for use by other TPC members. While the applicant does not expect there would be many non-Junior Tennis Club members using the courts, it is possible. Such use would add some unknown, but likely small, number of additional trips. The applicant also assumes that the project would not increase membership in the Junior Tennis Program. If an increase were to occur, it could result in additional court usage in the winter. Therefore, the project could generate more new trips than estimated by the applicant. Conversely, there will be days in the winter when weather conditions will likely eliminate or reduce use of the courts.

The 2004 traffic study done for the TPC improvements proposed at that time determined that the traffic generated by that project plus existing traffic would generate 881 weekday trips, 969 Saturday trips, and 793 Sunday trips.<sup>7</sup> Based on that analysis, the number of daily trips generated by the current project would be expected to be less than the worst case estimate.

The intersection of Tiburon Boulevard and Mar West Street currently operates at Level of Service (LOS) B during the p.m. peak hour (which is the 4:00 p.m. to 6:00 p.m. period).<sup>8</sup> Some of the new project-generated traffic would travel through this intersection during the p.m. peak hour period, which would increase the travel delay at that intersection.

It is possible, but unlikely, that project-generated traffic could cause the LOS at this intersection to drop to an unacceptable LOS E. The project-generated traffic would make a contribution to future cumulative traffic affecting this intersection. The traffic analysis done in 2010 for the Belvedere-Tiburon Library Expansion Project Draft EIR calculated that at buildout of the Town, the intersection would operate at LOS D. That cumulative impact analysis did not include additional trips from the Tiburon Peninsula Club as part of the buildout scenario assessed in that EIR. Therefore, it is possible that the additional trips generated by the proposed

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<sup>7</sup> Alta Planning + Design, 2004.

<sup>8</sup> Traffic data from the *Belvedere-Tiburon Library Expansion Project Draft EIR, 2010, Christopher A. Joseph & Associates.*

project could result in a lower level of service than reported in that EIR. That previous EIR also determined that buildout traffic would satisfy a peak-hour signal warrant for the intersection under cumulative conditions. The proposed project would make a contribution to this cumulative impact. This would be a potentially significant impact.

### **Mitigation Measure T-1**

Applicable traffic mitigation fees shall be paid by the applicant at the time of issuance of the building permit. The Town shall apply to Caltrans for signalization or installation of a rotary/traffic circle at the intersection of Mar West Street and Tiburon Boulevard once a signal warrant is met. The Town shall employ its own criteria for ranking and prioritization, including other signal warrants and accident history, when considering the need and timing for traffic signal or a rotary/traffic circle installation. The Town shall coordinate with Caltrans when planning and implementing the mitigation, but the final decision regarding signalization or a rotary/traffic circle lies with Caltrans.

### **Impact Significance After Mitigation**

This mitigation is similar to the mitigation the Town required for the library expansion project. As was the case for the library approval, it is expected that the mitigation would reduce the cumulative impact to a less-than-significant level.

- b. *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? **Less than significant with mitigation incorporated.***

The designated CMP system within the study area is Tiburon Boulevard between U.S. Highway 101 and Main Street. The EIR prepared for the Belvedere-Tiburon Library Expansion Project assessed future roadway conditions along Tiburon Boulevard and concluded that the roadway would operate at an acceptable LOS with the addition of the new library-generated traffic. It is expected that this would be the case for the addition of the current proposed project's traffic. Caltrans in commenting on the original EIR stated that the EIR prepared for the Belvedere-Tiburon Library Expansion Project was too old to be used for assessing traffic impacts of this proposed project. Even if the project's contribution is cumulatively considerable, it is expected that Mitigation Measure T-1 would reduce the impact to a less-than-significant level.

- c. *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? **No impact.***

The project is over 18 miles from the nearest public airport and would not cause any change in air traffic patterns.



- d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?* **No impact.**

The project would not result in any new streets or driveways.

- e. *Result in inadequate emergency access?* **No impact.**

The project site has adequate emergency access via public streets.

- f. *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?* **No impact.**

The project would not conflict with any Town plans or policies to encourage alternative means of transportation such as bicycles.

### **XVII. Utilities and Service Systems**

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</i>			X	
b. <i>Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>				X
c. <i>Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</i>		X		
d. <i>Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</i>			X	
e. <i>Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?</i>			X	
f. <i>Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?</i>			X	
g. <i>Comply with federal, state, and local statutes and regulations related to solid waste?</i>			X	

## **Setting**

Public water for the project site would be provided by the Marin Municipal Water District (MMWD). Wastewater collection, treatment, and disposal would be provided by Sanitary District No. 5.

## **Potential Impacts**

- a. *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **Less than significant impact.***

Sanitary District No. 5 operates its main treatment and disposal plant on Point Tiburon. The main treatment plant was constructed to be able to handle buildout flows from development within the area potentially served by Sanitary District No. 5. Since the plant was constructed, the Tiburon General Plan has been revised to decrease potential buildout within the District's service area. In addition, some lands that were projected for development have been purchased as open space, and some properties have had approved developments that were less than predicted when the plant was designed. As such, the main treatment plant has capacity to serve the project and buildout within its service area.

The project would add bathroom facilities to better serve users of the southern courts. Currently users of the southern courts either use porta-potties at the site or walk across Mar West Street to access the restroom facilities on the northern part of the TPC. The wastewater collector line serving the project area has sufficient capacity to deliver the additional wastewater from the proposed project to the pumping facility, and the District has sufficient treatment and disposal capacity to serve the project.<sup>9</sup> Therefore, it is not expected that the project would exceed wastewater treatment requirements.

- b. *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **No impact.***

The small amount of water used to operate the restroom facilities and serve a drinking fountain would not substantially increase existing water usage nor require the expansion of water facilities. The small amount of wastewater generated can be served by Sanitary District No. 5. The project would not require constructing additional water or wastewater treatment facilities.

- c. *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **Less than significant with mitigation incorporated.***

Site runoff would flow to existing or new on-site storm drains that would be extended to Railroad Marsh, which is maintained by the Town. As reported under Checklist Item IX(d), it is not expected that the relatively small increase in

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<sup>9</sup> Tony Rubio, personal communication, 8/16/16

impervious surface on the site would result in a substantial increase in flood elevations or the frequency of flooding in Railroad Marsh or the storm drain system that drains excess water from the marsh. However, as described in the previous section on Hydrology, there is no engineering data or analysis to support this expectation. In addition, it has not been shown how the Tiburon General Plan 2020 policy of maintaining the post-development 100-year peak flow at the pre-development level would be met. Accordingly, though unlikely, it is possible that downstream drainage facilities may require expansion or alteration. Mitigation Measure HWQ-1 applies to this impact, and it would reduce the impact to a less-than-significant level.

- d. *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **Less than significant impact.***

MMWD has reviewed the proposed project and determined that it can provide water service to the project so long as its standard water hookup requirements are met. These requirements include completing water service applications; paying fees and charges; verifying that indoor fixtures comply with district requirements; submittal of a landscape plan, irrigation plan, and grading plan; and compliance with backflow prevention requirements and gray water recycling requirements (where practicable).<sup>10</sup>

- e. *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? **Less than significant impact.***

See Response XVII(a) above.

- f. *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? **Less than significant impact.***

Currently, the Redwood Landfill has sufficient capacity to dispose of the small amount of non-recycled solid waste generated by the tennis players and the occasional spectators at tournaments. The landfill is currently permitted to accept 2,300 tons per day.

- g. *Comply with federal, state, and local statutes and regulations related to solid waste? **Less than significant impact.***

The Redwood Landfill or other area landfills have sufficient capacity to dispose of the very small amount of non-recycled solid waste that might be generated by tennis players and tournament spectators. All solid waste would be disposed of in compliance with applicable regulations related to solid waste.

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<sup>10</sup> Letter from Chris Borjian, Engineering Technician, MMWD to Leonard Charles dated September 8, 2016; on file with the Tiburon Community Development Department.

## XVIII. Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. <i>Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	x			
b. <i>Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</i>	x			
c. <i>Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i>	x			

- a. *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* **Potentially significant impact.**

As described in the previous assessments of Checklist Item IV, the project could significantly affect the California red-legged frog listed as federally "threatened".

- b. *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?* **Potentially significant impact.**

Implementation of the traffic mitigation measures recommended in this Initial Study would be expected to reduce the project's potential contribution to any significant cumulative traffic impact to a less-than-considerable level. The project's potentially significant lighting impacts could make a considerable contribution to significant cumulative visual quality/aesthetic impacts (cumulative impacts to scenic resources and nighttime views) resulting from Town buildout as identified in the EIR prepared for the Town General Plan. The project would not make a considerable contribution to the other significant cumulative impacts

(cumulative loss of wildlife habitat and wildlife movement opportunities; and water, wastewater, school and park/recreational services} identified in the General Plan EIR.

- c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* **Potentially significant impact.**

As discussed under Checklist Item I, the project could adversely affect nighttime views from surrounding open space, streets, and residences.

## 7.0 Determination of Significant Effect

On the basis of this Initial Study, I find that the proposed project could have a significant effect on the environment. An Environmental Impact Report will be prepared.

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Dan Watrous, Planning Manager  
Town of Tiburon

Date

## 8.0 Sources and References

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## **B. Persons Contacted**

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Sanitary District No. 5 Manager  
Town of Tiburon Planning Manager

## **C. Report Preparation**

- Leonard Charles, Ph.D., Project Manager and Environmental Analyst
- Lynn Milliman, M.A., Environmental Analyst
- Jacoba Charles, M.S. & M.A., Environmental Analyst