Tiburon Peninsula Club – Junior Tennis Club Project

FINAL ENVIRONMENTAL IMPACT REPORT

Response to Comments Document

Preliminary Response to Comments

State Clearinghouse No. 2017012020

October 2018

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CHAPTER 1
INTRODUCTION

A. PROJECT DESCRIPTION

The Tiburon Peninsula Club (TPC) seeks Town approval of a Conditional Use Permit to construct a Junior Tennis Center that would be used to expand its current Junior Tennis Club program and provide tennis lessons for members and non-members. The main improvements that would be constructed for this tennis center are described below. A one-story structure will be constructed adjacent to the north side of the existing lower tennis courts that will include two bathrooms and storage for TPC-owned tennis-related equipment. North of this structure will be a landscaped entry to a 792-square foot covered entrance (with a translucent roof) to the facility. The entryway will include folding gates and a card reader. Adjacent to the proposed entry area will be a screened outdoor area open to the sky and screened from public view by a wall and doors. Pole lights will be installed to light the six existing courts so that current afterschool programs can be extended to 7:30 p.m. during the winter months. Lighting will be used from September 8th to April 14th only. 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 lighting will use LED lights that will have individual on-off switching and motion sensors, be screened and shielded, and be "dark sky" compliant.

B. CEQA PROCESS

The Town of Tiburon (Lead Agency) prepared a Draft Environmental Impact Report (DEIR) for the project and circulated it for public review in March 2018. The 45-day public review period began on March 28, 2018 and ended on May 14, 2018. The Town also held a public hearing before the Tiburon Planning Commission to receive oral comments on the DEIR at the Town Hall at 1505 Tiburon Boulevard in Tiburon, CA 94920 on May 9, 2018.

The DEIR for the Tiburon Peninsula Club – Junior Tennis Club Project, together with this Response to Comments Document, constitute the Final EIR (FEIR) for the proposed project. The FEIR is an informational document prepared by the Lead Agency that must be considered and certified by decision-makers before approving the proposed project (CEQA Guidelines, Section 15090). California Environmental Quality Act (CEQA) Guidelines (Section 15132) specify the following:

"The Final EIR shall consist of:

(a) The Draft EIR or a revision of that draft.
(b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
(c) A list of persons, organizations, and public agencies commenting on the Draft EIR.
(d) The responses of the Lead Agency to significant environmental points raised in review and consultation process.
(e) Any other information added by the Lead Agency."

This document has been prepared pursuant to CEQA and in conformance with the CEQA Guidelines. This Response to Comments Document incorporates comments from public agencies, organizations, and the general public, and contains appropriate responses by the Lead Agency to those comments.

C. ORGANIZATION OF THIS FEIR

This FEIR for the proposed project contains information in response to comments raised during the public comment period.

Chapter 1 describes the CEQA process and the organization of this Response to Comments Document.

Chapter 2 contains a list of all persons and organizations that submitted written comments and/or made spoken comments on the DEIR during the public review period.

Chapter 3 contains copies of the comment letters and a summary of comments made at the public hearing, and the responses to those comments. Within each letter and public hearing comments, individual comments are labeled with a number in the margin. Immediately following the comment letter are responses to each of the numbered comments.

Chapter 4 contains text changes made to the DEIR.

Chapter 5 contains the Mitigation Monitoring Program for the project.

The **Appendix** contains CEQA noticing information.

CHAPTER 2
AGENCIES, ORGANIZATIONS, AND PERSONS COMMENTING ON THE DEIR

This chapter provides a list of the agencies and individuals that commented on the DEIR and where their letter and the Town's response to the comments can be found.

The Town received twenty-five (25) comment letters on the DEIR during the public review period. One (1) of these letters was from a public agency, and twenty-four (24) were from individuals. The Town also received five (5) comment letters after the close of the public review period; these five letters are included and are responded to in this document.

At the public hearing, comments were provided by twelve (12) members of the public. In addition, three (3) Planning Commissioners provided comments. The table below shows the location of the comment letter (as well as the public hearing comments) within the Final EIR and the responses to the letter or comments.

Commentor	Date	Comment Page	Response Page
Public Agencies			
1. State Office of Planning and Research	5/14/18	33	35
2. California Department of Transportation (Patricia Maurice)	5/11/18	36	39
36			
Interested Persons			
3. Erica Williams	5/10/18	40	42
4. Alice Fredericks	5/9/18	46	50
5. Alice Fredericks (second letter)	5/10/18	52	55
6. Barbara Salzman (Marin Audubon Society)	5/14/18	56	59
7. Michael Parker	5/3/18	62	70
8. Chris Skelton	5/14/18	71	78
9. Michelle Trautwein	5/14/18	83	87
10. Adrea & Daniel Goldberg	5/14/18	88	90
11. Jim & Suzanne White	5/3/18	91	94
12. Bruce & Janice Russell	5/6/18	95	98
13. Julia Faucett & Martin Knestrick	5/7/18	99	106
14. M. J. King	4/27/18	101	106
15. Bruno Coelho	4/30/18	102	106
16. Faith Cornwall	4/30/18	103	106
17. Brian Service (Marbella Homeowners Assoc.)	5/14/18	104	106
18. Harbor Hill Condominium Association	5/7/18	105	106
19. Joyce & David Albert	5/11/18	107	114
20. Marilyn Victor	5/14/18	109	114
21. Michael Stephens	5/14/18	110	114
22. Maysa Namakian	5/14/18	111	114
23. Maureen Corcoran	5/14/18	112	114
24. Cathy Kennedy	5/14/18	113	114
25. Eva & Sven Ericsson	5/12/18	115	125
26. Carol Weiss	5/15/18	116	125
27. Jacqueline M. Leung	5/15/18	117	125
28. Susan & Tom Peitz	5/17/18	119	125
29. Christopher Mosher	5/20/18	121	125
30. Erin & Robert Starnes	5/23/18	124	125
Comments Made at the Public Hearing			
31. Tiburon Planning Commission Public Hearing	5/9/18	126	136

CHAPTER 3
COMMENTS ON THE DEIR AND RESPONSES TO THOSE COMMENTS

The following chapter contains the letters received and responses to those letters. The first 12 letters are each followed by a response page(s). The remaining shorter letters are grouped with a response page addressing several letters. Each comment and its corresponding response are numbered. The end of this chapter contains a summary of comments made at the May 9, 2018 Planning Commission public hearing, and responses to those comments. Where responses have resulted in changes to the DEIR, these changes also appear in Chapter 4 - Revisions to the DEIR.

Because many of the letters and oral comments focus on lighting and noise impacts, this chapter begins with two Master Responses that addresses many of the points raised regarding lighting and noise impacts in the specific letters and oral comments.

Master Response 1 - Lighting Impact

The following Master Response summarizes the visual assessment presented in the DEIR and adds clarifications to that assessment to address the primary concerns raised by several commenters on the DEIR as regards project lighting impacts. Responses to subsequent comments regarding lighting will reference this Master Response and add additional response to specific issues not fully addressed in this Master Response.

The first step of the visual assessment was to characterize the existing nighttime appearance of the site and surrounding area. As described on pages 31 and 32 of the DEIR and as shown on Figure 4.1-4b, the existing nighttime appearance of the project site and the surrounding area from a sample vantage point to the east of the site consists of relatively bright lighting of the TPC parking lot and residential lighting on the hillsides to the west. As described on pages 32 and 33 of the DEIR and as shown on Figures 4.1-6b, views from a sample vantage point to the west of the site are of the well-lit TPC parking lot, extensive lighting in the downtown Tiburon area, and more distant lighting of Belvedere and across the bay. Foreground views are of residential lighting between the vantage point and the TPC property. These two sample vantage points were selected as examples of residential vantage points that have clear and relatively near views down onto the site. A third sample vantage point is from south of Railroad Marsh. This vantage point was selected to capture potential nighttime impacts to Tiburon Marsh Condominiums residents and other viewers residing or working south of the marsh. As described on page 32 of the DEIR and shown on Figure 4.1-5b only a few lights are visible on the TPC and at upper elevation residences. The existing nighttime view from this vantage point is dominated by darkness.

The figures that show the existing nighttime appearance of the site do not capture the well-lit tennis courts and other lighted facilities on the northern portion of TPC. The aim of the photosimulations was to show the addition of proposed project lighting and not existing lighting to the north. As shown on photographs submitted by one of the commenters on the DEIR (see the subsequent Comment Letter 7 and the photos

attached to that letter), the upper courts are quite prominent from vantage points that have a view down onto the courts. These photos, like the figures included in the DEIR show that views of lights are possible from many residences in the area, with the existing lights on TPC being among the brightest in the viewshed from many vantage points.

It is expected that photos taken from other residences in the project viewshed that would have some view of the new lighting would have views of similar residential lighting at upper elevations and bright lighting in the Downtown area framed by more distant lighting in Belvedere and across the bay. From many vantage points, the existing TPC lights would be expected to be part of the nighttime view, and, in many cases, the brightest light source.

It is noted that a number of commenters on the DEIR complained about the effects of the existing lighting at the TPC and how the upper court lighting has become worse with the thinning and death of trees that once provided shielding. The effect of this lighting is an existing condition that is not a component of the proposed project, and not the subject of this EIR. However, this existing lighting is part of the baseline conditions and changes are made to the EIR text (see Chapter 4 of this FEIR (Revisions to the Draft EIR Text) for text that is added to describe this existing lighting in the viewshed. The applicant was queried about the status of these lights and the screening vegetation. The applicant reports that the lights are 1000 Watt Metal Halide lights mounted at 22 feet. They are not shielded nor focused LED lights as proposed for the project. They are on timers set to turn off at 9:00 p.m. However, the applicant states that the timers are 20+ years old and have been known to malfunction. They were to be replaced with new digital timers this year. The applicant is working with Bartlett Trees to develop a comprehensive plan to replace the dead and dying trees. That plan is attached to the end of this master response.

The parking lot lights are on timers that turn them off at 9:45 p.m. This allows an additional 45 minutes for closing down the facilities after the 9:00 p.m. closing time.

Project Plus Existing Lighting

To assess the change in the nighttime appearance of the viewshed, photosimulations of project lighting added to existing lighting were prepared. The photosimulations presented in the DEIR were prepared by consultants working for the project applicant. The objective of preparing simulations was to present information on how project lighting would affect various views in the area. The applicant selected three vantage points that they felt displayed the range of impacts on views. Town staff concurred that the vantage points selected could provide sufficient information for the EIR visual assessment.

To ensure that the photosimulations accurately displayed changes in the nighttime views, the Town required that the simulations be peer reviewed by a consultant skilled in preparing photosimulations. As described in the DEIR, the reviewing firm (Environmental Vision of Berkeley) found that the applicant's simulations were adequate to convey a general sense of the project's nighttime appearance. Using the provided simulations, the EIR preparers assessed the project's potential impacts on the nighttime appearance of the area. Clearer reproductions of the baseline lighting and the photosimulations from the west and east vantage points included in the DEIR are reproduced at the end of this

master response to provide additional information for the public and the decision-makers.[1]

As described on pages 21 and 30-31 of the DEIR, the project would light the lower tennis courts, thereby adding new light sources to the night viewshed. The photosimulations in the DEIR show that the lit tennis courts would be quite visible from the selected west and east vantage points. The new lighting would extend the currently lit area of the TPC parking lot. As shown in the DEIR photosimulations, the lighting would be quite noticeable from the selected west and east vantage points. The simulation submitted as part of Comment Letter 7 also shows that the lit courts would be quite noticeable from the vantage point on Harbor Oak Drive.[2] The project lighting would illuminate the bright-colored green and blue court surfaces, making them quite noticeable to viewers with a view down onto the courts. It is expected that the nearer the viewer is to the courts, the more noticeable the lit courts would be, assuming a view is possible.

When New Lighting Impacts Are Considered a Significant Environmental Impact

As stated on page 33 of the DEIR, the new lighting would be quite evident to many viewers, and there would undoubtedly be a change in the nighttime appearance of the project site. The DEIR does not attempt to minimize these lighting effects. The question for the DEIR is whether this change would be considered significant given the CEQA Guidelines significance criterion regarding light impacts. According to Appendix G of the CEQA Guidelines, a lighting impact is considered significant if it *(c)reates a new source of substantial light or glare which would adversely affect day or nighttime views in the area*.

Significance of Proposed Project Lighting

There is a level of subjectivity when assessing lighting impacts. As listed on page 33 of the DEIR, the following factors were considered when determining the magnitude of the lighting impact.

- Due to the type of lighting proposed, the project lighting would not add glare to the viewshed. The LED lights would be shielded and directed downward. Accordingly, there would be no glare from the lights visible at any residences in the area. The area illuminated by the lights would be brightly lit. However, the lit courts would not result in glare. Glare is difficulty seeing in the presence of bright light such as direct or reflected sunlight or artificial light such as car headlamps at night. Discomfort glare results in an instinctive desire to look away from a bright light source or difficulty in seeing a task. The International Commission on Illumination (CIE) defines glare as: *visual conditions in which there is excessive contrast or an inappropriate distribution of light sources that disturbs the observer or limits the ability to distinguish details and objects.* The illuminated courts would be quite visible, but the illuminated courts would not cause viewers to be unable to

[1] Additional reproductions of the existing and future lighting from Vantage Point 2 are not included since the proposed lighting is not intrusive from that vantage point.

[2] It is not known whether this submitted simulation accurately portrays the future project. For example, the photo that was submitted as part of this comment letter showing the nighttime view of the TPC parking lot has brighter parking lot lights than the simulation showing the parking lot lights and the lit tennis courts; however, the simulation gives an idea of a possible future view.

distinguish details and objects or cause difficulty in seeing. Accordingly, the project would not cause substantial glare.

- The project would not be a new substantial light source in an otherwise dark nighttime viewshed. The new lighting would be an incremental change to existing nighttime lighting in the viewshed. The existing facilities on the TPC site including the well-lit parking lot and the brightly lit upper tennis courts along with surrounding residential lighting and commercial lighting to the south do not constitute a "dark nighttime viewshed." The selected vantage point to the south of the site that has a relatively dark nighttime view would not be substantially affected by project lighting. The independent third-party visual consultants working on the photosimulation review for the DEIR concluded that *(t)he visual simulations demonstrate the incremental change to existing nighttime lighting conditions would not represent a substantial aesthetic change in the project area.*

- The lights would be used from September 8th to April 14th. During the season when lights are necessary, classes and activities would cease at 7:30 p.m., and the lights would stay on until 7:45 p.m. allowing 15 minutes for cleanup. Therefore, the new lighting would be visible for a limited time during the early evening during the early autumn to mid-spring each year. It is recognized, as expressed in several comment letters, that this period includes the dinner time of many residents, and that these residents may be annoyed by additional TPC lighting during that time. As described under the previous bullet points, the new lighting is an incremental addition to the existing lighting on TPC and elsewhere in the viewshed. Though the new lighting may be annoying to some viewers, the limited time the lighting would occur along with the finding that the new lighting would make an incremental change in the overall nighttime appearance would not constitute a "source of substantial light." It is noted that California voters will vote on a proposition in November whether to extend daylight savings time for the whole year. If this proposition passes, it would reduce the amount of time the courts would be lit by an hour each day. This would further reduce the impact.

This EIR, while recognizing the subjectivity of a visual assessment made in the absence of Town-adopted visual impact methodology and guidelines, concludes that the time-restricted addition of shielded lighting to an existing recreational facility in a relatively well-lit viewshed would not exceed the CEQA Guidelines threshold regarding light impacts. Additional photosimulations from other vantage points in the viewshed would not provide additional information that would alter the significance of the impact. As stated in the DEIR, the new lighting will be visible when it is on and may be annoying to certain residents, but the overall impact on the environment is not substantial and is less than significant.

As described in the DEIR, no mitigation is required for the lighting impacts because the impact was found to be less than significant. Though mitigation is not required, the Town could potentially impose conditions on the project that could implement EIR-recommended Mitigation Measure 4.1-C.1 that calls for retrofitting the parking lot lights with shielded LED lights. It could potentially impose conditions requiring one or more suggestions made by commenters on the DEIR, including:

1. Retrofitting the upper court lights with shielded LED lights on sensors that tuned the lights off if a court was not in use;

2. Turning off the lights at the upper courts earlier in the evening;

3. Planting a tree screen along the east and west sides of the lower courts and maintain existing trees on east side of courts; and/or

4. Not allowing use of the southernmost courts unless the northern courts are full and the southern courts are needed for tennis instruction.

Some commenters on the DEIR have requested additional photosimulations showing different types of possible tennis court and parking lot lighting and locations where such lighting alternatives are used so they could be reviewed to determine the efficacy of EIR-proposed mitigations. However, as stated above, mitigation is not required for the project lighting impact, and requested additional simulations and/or examples of alternative lighting schemes are not required to assess the impacts of the proposed project. The Town decision-makers may request such additional information from the applicant to inform their decision on the merits of the project, but this information is not required for this EIR.

To further reduce potential lighting impacts, the EIR contains Project Alternative 2 - Mitigated Project that includes retrofitting of the parking lot lights plus reducing the time the lights are on to 6:30 p.m. for tennis court use plus 15 minutes for cleaning up. This alternative would reduce the time lights would be used from September 8 - April 12 to September 8- March 20. It would also eliminate new tennis court lighting after 6:45 p.m. throughout the period when lighting would be used. The EIR identified this alternative as the environmentally superior alternative. If California voters approve the extension of daylight savings time for the whole year, this would mean that lighting would only extend to an equivalent of 5:45 p.m. on daylight savings time (i.e., lights would be allowed on to 6:45 p.m., but it would stay light an hour later, so that even on the winter solstice the lights would only be on for about one hour).

Project Consistency with the Town Municipal Code and General Plan

The DEIR noted that the Town Municipal Code states that "(e)exterior lighting shall not invade the privacy of other properties, or produce glare or light pollution." The proposed project lighting results in an area of new illumination for a portion of the early evening hours. However, it would not result in glare nor invade the privacy of other properties. This EIR concludes that it would not cause significant light pollution. However, the Town will make the final decision on whether the project is consistent with this Code requirement as well as with General Plan Policy LU-16, which states that outside lighting shall be allowed for safety purposes and that it shall not produce light pollution. If the Town finds that project lighting is inconsistent with Town policies, then the Town may determine that additional changes need to be made to the project or to deny the project.

LEGEND:

1. 6 EXISTING TENNIS COURTS - LIGHTS ADDED
2. CURRENT 9.855 SF OVERFLOW PARKING AREA - UNCHANGED
3. CURRENT FORMAL PARKING TO REMAIN UNCHANGED
4. 5 EXISTING "TOUGH SHEDS", 4 DUMPSTERS, ± 8 TRASH BINS MOVED BEHIND SCREENING WALL
5. CANOPY OVER ENTRY
6. TWO NEW BATHROOMS AND STORAGE LOCKER FOR TENNIS GEAR
7. CONNECTION TO PUBLIC WALK
8. FOUR EXISTING TALL PARKING LOT LIGHT POSTS AND FIXTURES .

5' SETBACK FROM TREES

LINE OF WETLANDS

LINE OF 100' BACK FROM EDGE OF MARSH
NEW PARKING LOCATED BEHIND 100' LINE

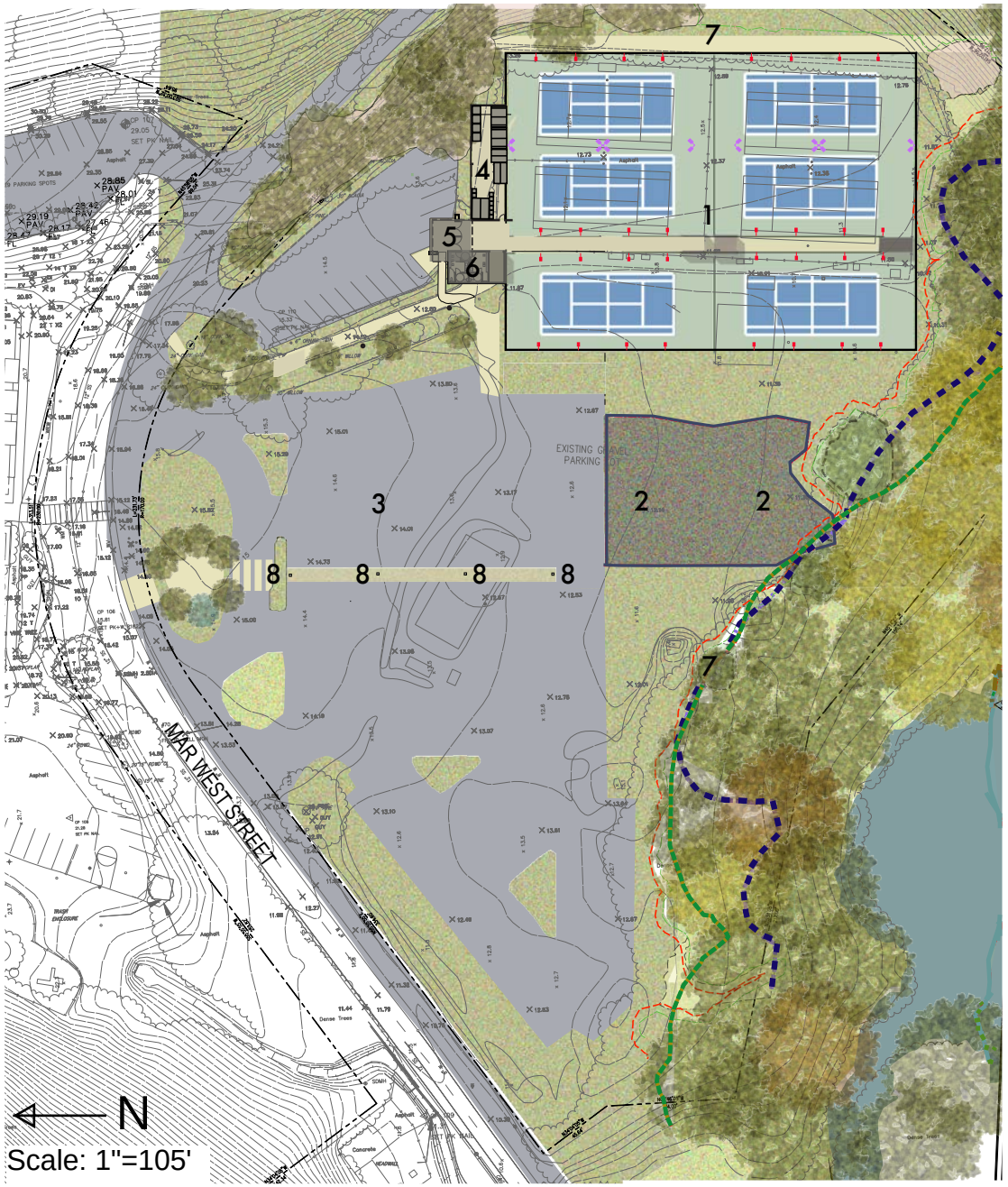


Figure 3.1-3
Overall Site Plan

T. P. C.
TIBURON PENNINSULA CLUB

1600 MAR WEST
TIBURON, CA

JUNIOR TENNIS
CENTER
CONCEPTDESIGN

MILES BERGER, A. I. A.
14 RACCOON LANE
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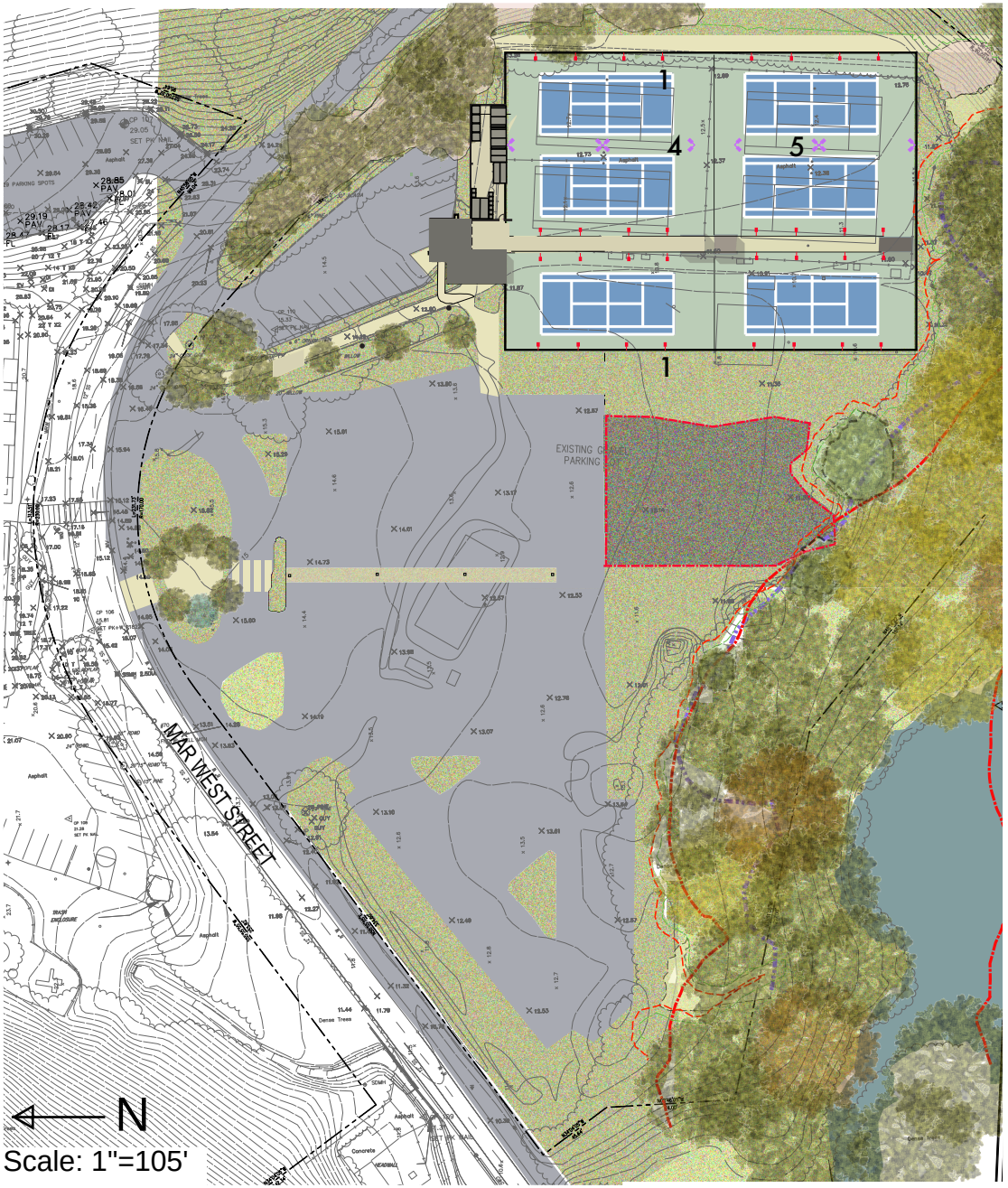
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REVISED DESIGN
SCALE: 1" = 30' -0"
DRAWN BY: MLB
PROJECT No.: 1406
DATE: 1.23.2017

AO.0

LEGEND:

LIGHTING

1. SINGLE POLE - 18' TALL, 3' ARM DIMMABLE LED FIXTURE MOUNTED HORIZONTALLY (I.E. NO TILT) 443.42 LUMEN WATTS
2. SINGLE POLE W/ 2 BACK TO BACK DIMMABLE LED FIXTURES 18' TALL, 3' ARMS, MOUNTED HORIZONTALY 443.42 LUMEN WATTS
3. SINGLE POLE W/ 2 120 DEGREE ANGLED FIXTURES 18' TALL, 3' ARMS, MOUNTED HORIZONTALLY 443.42 LUMEN WATTS.
4. SINGLE POLE W/ 2 90 DEGREE ANGLED FIXTURES 18' TALL, 3' ARMS, MOUNTED HORIZONTALLY 443.42 LUMEN WATTS.
5. SINGLE POLE W/ 4 90 DEGREE ANGLED FIXTURES 18' TALL, 3' ARMS, MOUNTED HORIZONTALLY 443.42 LUMEN WATTS.



Scale: 1"=105'

Proposed Lighting Plan

T. P. C.
TIBURON PENNINSULA CLUB

1600 MAR WEST
TIBURON, CA

JUNIOR TENNIS CENTER
CONCEPTDESIGN

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SHEET TITLE: LIGHTING PLAN
REVISED DESIGN
SCALE: 1" = 30' -0"
DRAWN BY: MLB
PROJECT No.: 1406
DATE: 2.3.2017

AO.4

BARTLETT TREE EXPERTS

SCIENTIFIC TREE CARE SINCE 1907

At the Tiburon Peninsula Club's request I have written my considerations for replanting with the Sequoia sempervirens 'Soquel' in certain areas of on the property.

Sequoia sempervirens 'Soquel' is a species of Redwood that are a great planting choice for the majority of the same reasons all Redwoods are. They are fire resistant, basal decay and root rot resistant, have very little pest and disease management issues, grow fast, are aesthetically pleasing, and are native to the area. They also hold another characteristic that, makes them desirable. These trees, depending on condition and nursery accuracy, are to only grow anywhere from 50-75'. This makes them an ideal tree for a fast growing screen without the complications of some of their relatives reaching heights of 200'.

The main area for planting these trees would be in the left rear corner of the property. After inspection, I believe that this can be an ample planting sight for these tree and would accomplish both screening the lights of the courts, and would be an acceptable replacement for the declining Monterey Pines.

Although these trees can be seen thriving in the area, they will need consistent watering and mulch or wood chip applications to ensure their survival and vigor. The hot summer month of Jun-Sept in Tiburon can be stressful for both young and mature Redwoods. Irrigation will have to be fully functional at the time of planting, and ample mulch ring around the drip line of the tree will need to be applied. This will need to be consistently visited to make sure the irrigation is adequate for a growing tree, and that mulch is reapplied when necessary.

Asher Gotzmer

ISA Certified Arborist WE-11926A

CA DRP Applicator

Tiburon Peninsula Club Proposed Tree Plan

Map | Satellite

130
72
71
70
69
68
134
139
140
143
146
147
64
152
155
51
50

- Removed
- To be removed
- To be planted

Google

Imagery ©2018 , DigitalGlobe, U.S. Geological Survey | 10 m | Terms of Use | Report a map error



4.1-4a Photosimulation Viewpoint 1:
Viewshed being studied

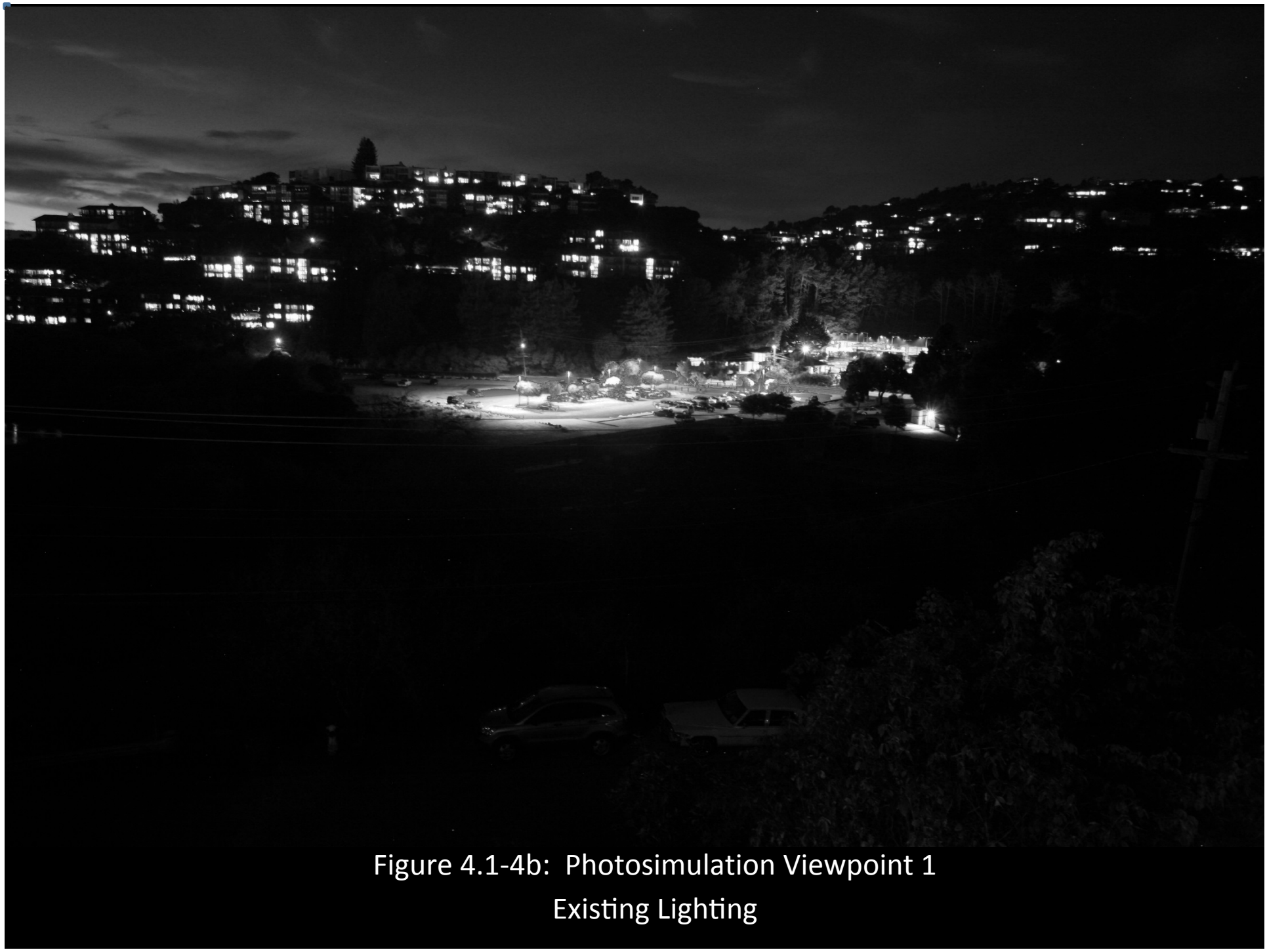


Figure 4.1-4b: Photosimulation Viewpoint 1
Existing Lighting



Figure 4.1-4c: Photosimulation Viewpoint 1
Proposed New Lighting



4.1-5a Photosimulation Viewpoint 2:

Viewshed being studied

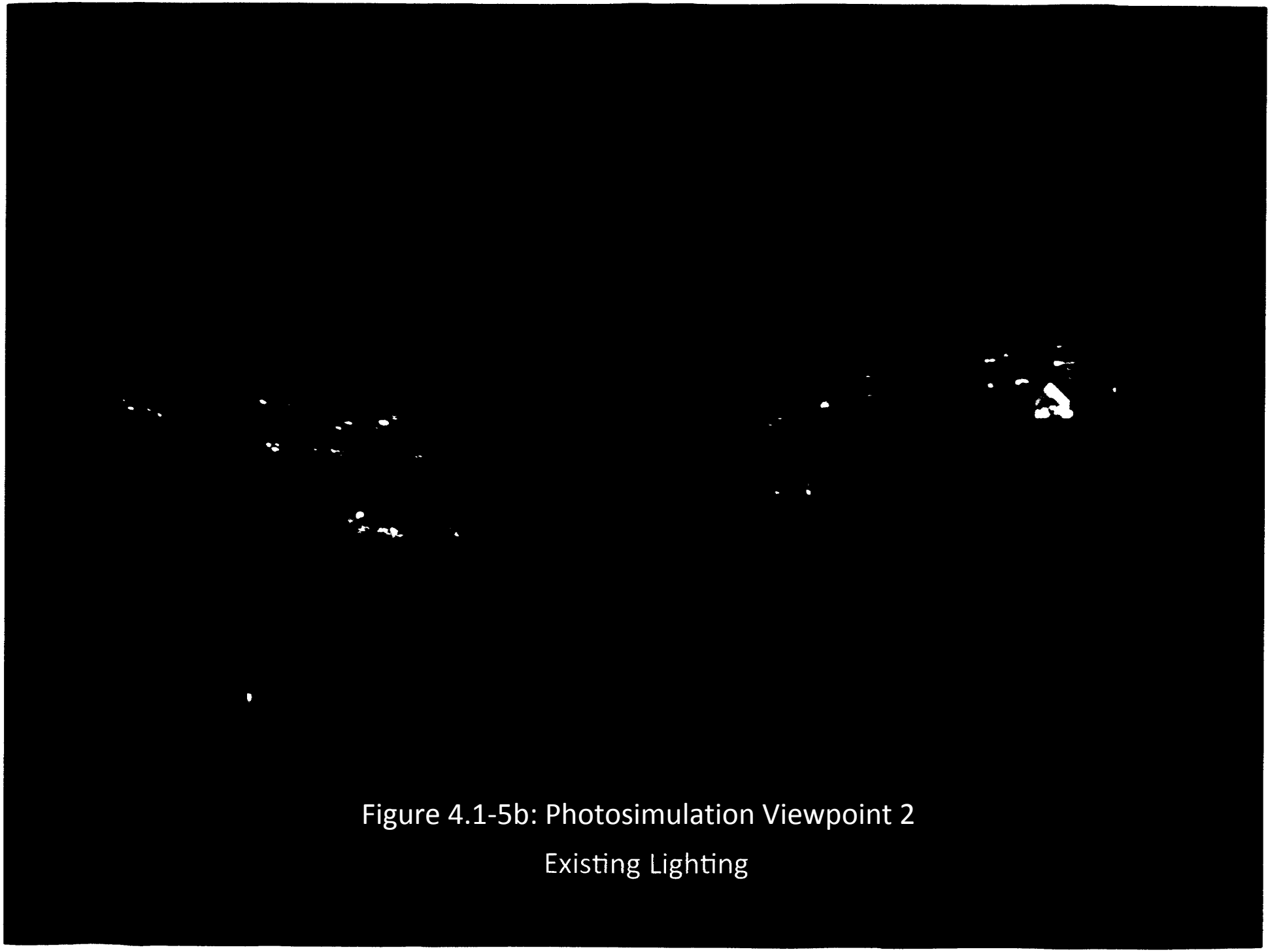


Figure 4.1-5b: Photosimulation Viewpoint 2

Existing Lighting

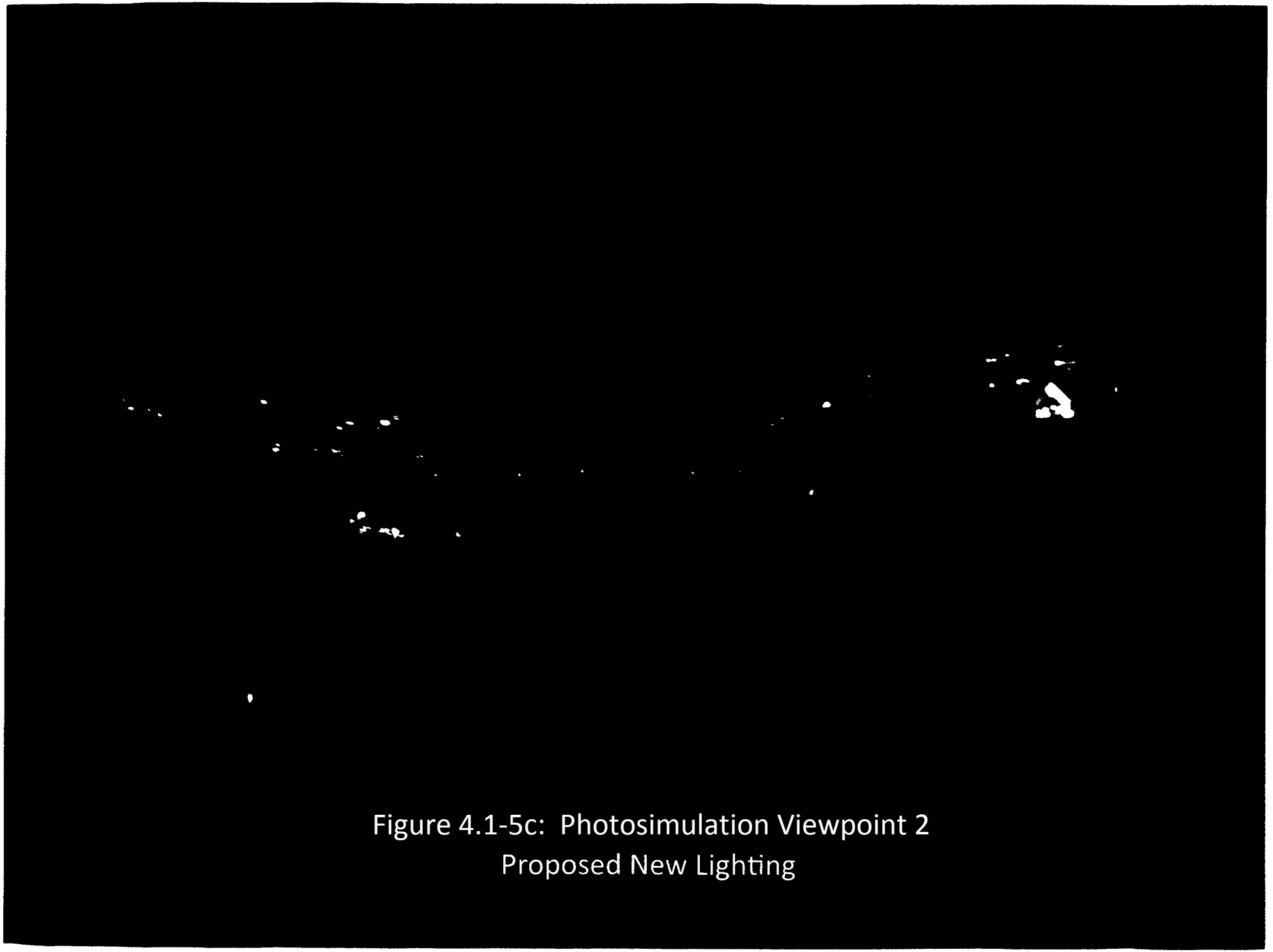
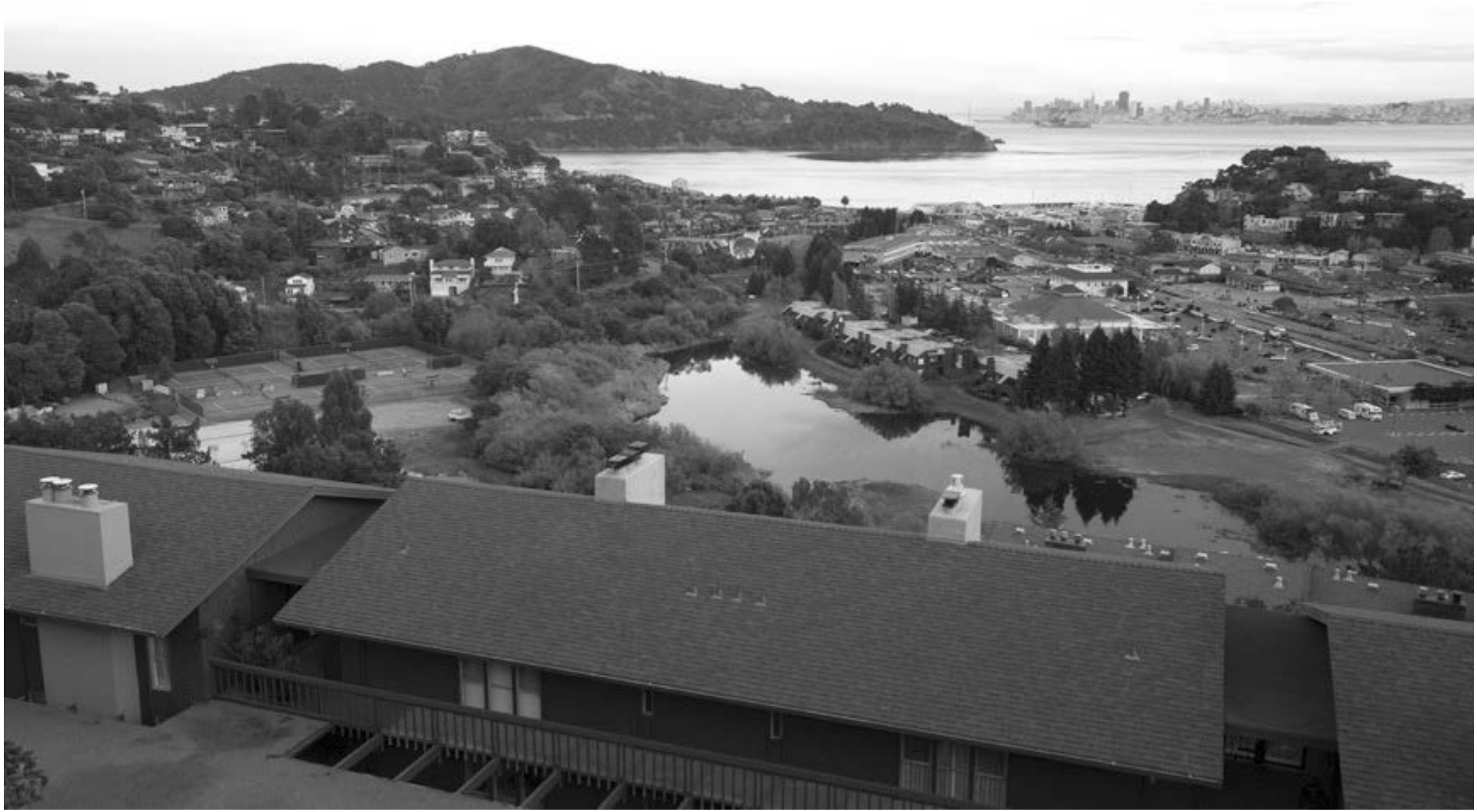


Figure 4.1-5c: Photosimulation Viewpoint 2
Proposed New Lighting



4.1-6a Photosimulation Viewpoint 3:
Viewshed being studied



Figure 4.1-6b: Photosimulation Viewpoint 3
Existing Lighting



Figure 4.1-6c: Photosimulation Viewpoint 3
Proposed New Lighting

Master Response 2 - Noise Impact

The following Master Response summarizes the noise assessment presented in the DEIR and adds clarifications to that assessment to address the primary concerns raised by several commenters on the DEIR as regards project noise impacts. Responses to subsequent comments regarding noise will reference this Master Response and add additional response to specific issues not fully addressed in this Master Response.

Existing (Baseline) Conditions

Ambient noise conditions in the area around the lower tennis courts was calculated using a 2004 noise study and additional noise measurements taken in December 2017. The primary purpose for the 2017 noise measurements was to determine if the ambient noise levels in the area had changed since the 2004 TPC noise study. Based on the 2017 measurements, the average A-weighted noise level (L_{dn}) at LT-1 was 52 decibels (dBA L_{dn}),which fell within the 49 – 53 dBA L_{dn} range described in the 2004 study. This confirmed that ambient noise levels in the area had not noticeably changed since 2004.

The 2017 measurements included several hours when adult tennis lessons were occurring, as well as other normal activities that occur in the area of the TPC. The measurements also included the evening hours when there was no activity on the courts, and during the time that the project would propose to extend use of the courts. This allowed for a direct comparison of project-generated noise with existing noise levels.

The 2017 noise measurements were conducted to obtain ambient noise levels at the nearest sensitive receptors to the project site that would be most affected by the noise from the project. This location was above the courts and had direct line-of-sight of the courts. Noise levels drop off with distance from the noise source. Project-generated noise levels would be lower at all other receptors, and, therefore, additional test locations, as several commenters requested, are not necessary to determine impact significance.

During the 2017 noise measurements, adult lessons were occurring at all six courts. Voice levels ranged from normal to intermittent shouts. The sound levels from adult tennis lessons were believed to represent the worst-case scenario because typically adult voice levels are louder than youth voice levels. Adult ball strikes are also louder than youth ball strikes because adults apply more force when hitting the balls. These are reasonable assumptions supported by measurements made during adult and youth tennis matches.

In response to the concerns raised by various commenters, additional measurements were made on Wednesday, June 13, 2018 during youth tennis lessons and clinics. The measurement location was the same as LT-1/ST-1 described in the DEIR, approximately 25 feet west from the Mar West Street centerline, approximately 180 feet northeast from the center of the six tennis courts, and approximately 100 feet from the center of the nearest tennis court. The measurements were made in consecutive 10-minute intervals between 3:00 p.m. and 4:30 p.m. Activities were observed throughout the measurements. Noise sources included activities on the tennis courts and occasional cars driving by on

Mar West Street. The 10-minute average noise level ranged from 47 dBA L_{eq} to 52 dBA L_{eq}. The average noise level over the hour and a half monitoring period was 50 dBA L_{eq}. The highest noise level of 52 dBA L_{eq} occurred during two intervals when there was a vocal tennis coach conducting a lesson, and subsequently a doubles game with four youths on the nearest court located approximately 100 feet from the noise monitoring location. When tennis activities were occurring on the near court, the maximum instantaneous noise levels reached 50 to 54 dBA L_{max} from intermittent raised voices. There was one "shout" that reached 62 dBA L_{max}. When there was no activity on the near court, activities on three other courts resulted in maximum instantaneous noise levels from 45 to 48 dBA L_{max}. Car passby noise on Mar West Street ranged from 55 to 69 dBA L_{max}.

The noise analysis for the DEIR assumed an average noise level of 51 dBA L_{eq} during the period of extended hours of tennis activities in the evening. The measurements made during the youth tennis lessons and clinics at TPC confirm that the assumptions made during the preparation of the DEIR and its conclusions were reasonable.

When New Noise Impacts Are Considered a Significant Environmental Impact

The CEQA Guidelines Appendix G significance criteria pertinent to operational noise are if a project:

1. Exposes people to, or generates, noise levels in excess of the thresholds set forth in the Tiburon 2020 General Plan or Municipal Code.

2. Causes a substantial permanent increase in ambient noise levels in the project vicinity above the noise levels existing without the project. A noise impact would be identified if the permanent noise level increase resulting from the project is 3 dBA L_{dn} or greater.

Significance of Proposed Project Noise

As reported in the DEIR, the Town establishes 60 dBA L_{dn} as the normally acceptable exterior maximum noise level at residential land uses. The permanent noise level increase due to the project's extended hours of tennis activities would be up to 1 dBA L_{dn} at the nearest noise-sensitive receptors in the project vicinity. Existing ambient noise levels in the project vicinity range from 49 to 53 dBA L_{dn}. Therefore, noise levels from the project would continue to fall within the normally acceptable threshold. Furthermore, the proposed project would not cause a substantial (3 dBA L_{dn} or greater) permanent noise level increase in the L_{dn} at the nearby noise-sensitive receptors.

Accordingly, the noise analysis presented in the DEIR accurately describes ambient noise and ambient plus project noise. The noise generated by the project, though possibly annoying to certain residents, does not exceed either of the two significance thresholds, and, as concluded in the DEIR, the impact is therefore deemed less than significant under CEQA.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

May 14, 2018

RECEIVED
MAY 17 2018
PLANNING DIVISION

Sung Kwon
City of Tiburon
1505 Tiburon Blvd
Tiburon, CA 94920

Subject: Tiburon Peninsula Club Expansion Project
SCH#: 2017012020

Dear Sung Kwon:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 11, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly. 1-1

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2017012020
Project Title Tiburon Peninsula Club Expansion Project
Lead Agency Tiburon, City of

Type EIR Draft EIR

Description The Tiburon Peninsula Club seeks Town approval of a CUP 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. Pole lights will be installed to light six existing tennis courts so that after school programs can extend until early evening hours. The proposed lighting will include 8 lamps per court. All 48 lamps will be mounted on 22-ft high poles. 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 sf) and 300 sf of storage for TPC-owned tennis related equipment.

Lead Agency Contact

Name Sung Kwon
Agency City of Tiburon
Phone 415-435-7393 **Fax**
email
Address 1505 Tiburon Blvd
City Tiburon **State** CA **Zip** 94920

Project Location

County Marin
City Tiburon
Region
Lat / Long
Cross Streets Mar West St
Parcel No. 058-171-17, -76, -84
Township **Range** **Section** **Base**

Proximity to:

Highways 131
Airports
Railways
Waterways SF Bay, Richardson Bay
Schools Reed ES
Land Use P/P

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Noise; Traffic/Circulation; Water Quality; Landuse; Other Issues

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; San Francisco Bay Conservation and Development Commission; California Highway Patrol; Caltrans, District 4; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission; State Lands Commission

Date Received 03/28/2018 **Start of Review** 03/28/2018 **End of Review** 05/11/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Letter from Scott Morgan, Office of Planning and Research, State Clearinghouse

1-1 This is a cover letter that states that the Town has complied with State Clearinghouse review requirements for draft environmental documents that are subject to CEQA. No response is required.

Sung Kwon

From: Conteh, Stephen@DOT <Stephen.Conteh@dot.ca.gov>
Sent: Friday, May 11, 2018 4:38 PM
To: Sung Kwon
Cc: Maurice, Patricia@DOT
Subject: 04-MRN-2017-00085 Tiburon Peninsula Club Expansion - DEIR May 11, 2018
Attachments: 04-MRN-2017-00085 Tiburon Peninsula Club Expansion - DEIR May 11, 2018.pdf

Dear Mr. Kwon:

Please find the attached soft copy of the Caltrans comment letter regarding the Tiburon Peninsula Club Expansion – Draft Environmental Impact Report (DEIR). The original letter has been mailed via U.S Postal Service. Thank you for including Caltrans in the environmental review process. Should you have any questions regarding this letter or require any additional information, please feel free to contact me at (510) 286-5534 or stephen.conteh@dot.ca.gov.

Sincerely,

Stephen Conteh

Associate Transportation Planner

Local Development-Intergovernmental Review, District 4

111 Grand Avenue, MS 10D

Oakland, CA 94612

(510) 286-5534 office (510)286-5559 fax

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life!

May 11, 2018

SCH# 2017012020
04-MRN-2017-00085
GTS ID 4532

Mr. Sung Kwon
Town of Tiburon
Community Development Department
1505 Tiburon Boulevard
Tiburon, CA 94920

Tiburon Peninsula Club Expansion – Draft Environmental Impact Report (DEIR)

Dear Mr. Kwon:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the DEIR.

Project Understanding

The proposed project would include a Conditional Use Permit to construct a Junior Tennis Center that would be used to expand the current junior clinic program at 1600 Mar West Street in the Town of Tiburon. The proposed project would mainly be constructed in an area that is currently used as overflow parking for the existing Tiburon Peninsula Club (TPC) adjacent to six tennis courts. Main improvements include:

- An 850 square-foot (sf) structure to include bathrooms and tennis-related storage;
- Landscaped entry to a covered entrance to the facility with folding gates and a card reader;
- A 1,340 sf screened outdoor area open to the sky and screened from public view by a wall and doors; and
- Six light poles to existing tennis courts.

Access to the project site will be provided via five existing driveways on Mar West Street. The site is regionally accessed approximately 0.2 of the miles east State Route (SR) 131/Mar West Street intersection.

Travel Demand Fees

Given the intensification of use and increased VMT, the project should be conditioned to contribute fair share traffic impact fees toward future signalization of the SR 131/Mar West Street intersection or other improvements as cited in the October 2017 Traffic Study. Please submit a copy of the final staff report including the conditions of approval to Caltrans for our review. We welcome the opportunity to meet with the City to discuss these improvements. 2-1

Lead Agency

As the Lead Agency, the Town of Tiburon is responsible for all project mitigation, including any needed improvements to the STN. The project's financing, scheduling, implementation responsibilities and monitoring should be fully discussed for all proposed mitigation measures. Mitigation that includes the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the Town. 2-2

Should you have any questions regarding this letter, please call Stephen Conteh at 510-286-5534 or stephen.conteh@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

Response to Letter from Patricia Maurice, California Department of Transportation

2-1 Mitigation Measure 4.2-B.1 of the DEIR requires the applicant to pay its fair share of future improvements to the Tiburon Boulevard (SE 131) / Mar West Street intersection. Technically, this is not a mitigation since it is required of all projects subject to a discretionary permit that result in the generation of new PM peak hour trips, as set forth in the Town's Traffic Mitigation Fee program. This condition would be included as a Condition of Approval for the project. Accordingly, the project will be conditioned as requested by Caltrans.

2-2 The applicant will pay the required traffic mitigation fee per the 2017 *Traffic Mitigation Fee Update.* The fee will be used by the Town to make roadway improvements as identified in that Update. The Mar West Street/Tiburon Boulevard intersection is identified in the Update as "needed improvement" site.

Sung Kwon

From: Erica Williams <ericafwilliams@gmail.com>
Sent: Thursday, May 10, 2018 6:01 PM
To: Scott Anderson; Sung Kwon
Subject: Fwd: TPC DEIR Comments

Hi Scott and Sung,

See below. I just wanted to keep you guys in the loop here. Deirdre called, asking me for clarification by phone or email.

Sung, so sorry I missed your phone message the other day; I just picked it up, I've been swamped!

Erica
---------- Forwarded message ----------
From: **Erica Williams** <ericafwilliams@gmail.com>
Date: Thu, May 10, 2018 at 5:58 PM
Subject: TPC DEIR Comments
To: Deirdre McCrohan <dmccrohan@thearknewspaper.com>

Hi Deirdre,

Here are my notes from last night - hope this helps fill in the gaps in your notes vis-a-vis my comments.

Erica

Visual

- As far as I can tell, Figure 3.1-3 provides the only up-close visual depiction of the proposed project (38 poles/lights plus equipment/storage). Consider including visual simulations of the proposed project as well as better simulations of the lighting impacts. I found the photo simulations to be very unhelpful (I also noted possible "methodological errors"). I found it difficult to assess the reasonableness of the proposed mitigations without more information. What, for example, does a 4000-Kilowatt LED light look like; can this be demonstrated? Are there local comparables that can be included, for example, other tennis clubs in the area that have successfully used the proposed mitigations? 3-1
    - To recap, consider adding a better visual depiction of the proposed project design in addition to Figure 3.1-3 to illustrate view impacts.
    - Consider adding color visual simulations of lighting impacts. The grainy, black-and-white photos are not very helpful.
    - Consider adding simulations or other some other depiction of the specific lighting, i.e., 4000K, proposed. 3-2
- Was a lighting or court design expert consulted? If not, consider doing so.
- Consider mitigation measures that use natural hedges and/or trees to mitigate light impacts such as glare and also possible noise impacts. 3-3
- Consider the impact if/when the trees along Mar West are cut back to the level at which they have been maintained historically. 3-4
- Consider a project with fewer lights. 38 poles seem like an awful lot. Is there a project alternative with fewer lights? 3-5

- Consider materials other than a translucent roof for the entry area. As proposed, it seems the roof would unnecessarily contribute to light pollution. 3-6
- Confirm no viewing area or bleachers are proposed.
- My memory from the scoping session is that Commissioner Weller asked that the DEIR address the potential light impacts on nesting birds. The DEIR is focused on construction impacts, but not project impacts. (4.7A.) 3-7

Noise

- The DEIR found that there would be no significant noise increases as a result of the project. This seemed to be based on a single noise test from a location above the six unlighted courts, which currently (presumably) aren't getting as much use. I was struck by the fact that the DEIR's conclusion is based on: 3-8

    - A noise report for the TPC prepared in 2004. A long time ago!
    - Two or three 2017 noise measurements made from a single location above the lower courts, and these measurements were taken during adult tennis lessons. 3-9
    - A 1997 Palo Alto study (cited as analogous) that found that "youth match" noises actually exceeded Tiburon's acceptable sound levels. Was this considered in reaching the "no significant impact" conclusion?

- So, to recap, consider including noise tests from additional locations. 3-10
- I would like to see a study of baseline youth noise levels at the TPC, as well as anticipated noise levels for youth tennis lessons (not adult lessons). That is, a better measure of potential impacts due to increased youth activity at the lower courts, based on a more sound methodology. 3-11
- Consider including comparable measurements, if available and appropriate. Are there current youth programs in place that can be measured? Other clubs similar to the TPC that offer youth programs? What about Scott Valley? 3-12

Response to Letter from Erica Williams

3-1 Please see Master Response 1 and the photosimulations attached to that master response regarding several of the issues raised in this comment. As explained in that master response, additional photosimulations would show similar impacts to views from surrounding residential vantage points as impacts shown in the simulations included in the DEIR. Those simulations were prepared by a competent consultant working for the applicant and peer reviewed for technical accuracy in the DEIR by an independent third party visual consultant firm under the supervision of the EIR preparers. As discussed in Master Response 1, although the lighting impact will affect many viewers in the viewshed, it is less than significant under CEQA because it does not rise to the level of being a substantial change in the existing nighttime viewshed. While the new lighting will be visible for a period of time in the early evening, the lighting is an incremental addition to an already well-lit site and viewshed. As discussed in detail in Master Response 1, the lighting impact does not exceed the CEQA Guidelines Appendix G significance criterion for lighting impacts. As such, no mitigation is required under CEQA for aesthetic impacts. This conclusion of significance would not change with inclusion of more photosimulations from other vantage points. Accordingly, Town staff has concluded that preparation of additional photosimulations, including simulations showing different type of lights is not warranted. The applicant will install a light on the site prior to the Planning Commissioner considering the merits of the proposed project. The DEIR recommends a mitigation (Mitigation Measure 4.1-C.1) to further reduce the less-than-significant lighting impact. Also, additional changes to TPC lighting are suggested in Master Response 1, but, again, these changes are not required by CEQA. However, the Town could potentially require conditions of approval as part of the CUP approval if it chooses. Such conditions could further reduce ambient lighting in the viewshed, but, again, they are not required as CEQA mitigations for this project's lighting impact. As noted in the master response, the DEIR contains Alternative 2, which reduces impacts from parking lot lighting on the TPC as well as reducing the hours of lighting. This alternative is identified as the environmentally superior alternative.

The commenter notes that the DEIR states that the applicant's photosimulations were adequate for showing the changes in nighttime views but contained a few methodological errors. The errors are minor and do not affect the basic purpose of the simulations, which is to show how project lighting would affect the character of the area. See a description of these errors in Appendix B of the DEIR.

3-2 The applicant hired a lighting expert to design the proposed lighting. The Town did not require such an expert to prepare the DEIR analysis.

3-3 Most vantage points are located at a higher elevation than the proposed court lighting, making it difficult to screen views of the lighted courts for higher elevation vantage points. While trees could be planted near the lit edge of the courts to block views of the poles, views from higher elevation vantage points would need to have trees that reach heights significantly higher than the poles in order to block views of the 150-foot wide lit courts. For example, if one stands at the same

elevation as the tennis courts and looks towards the courts, a 22-foot tall tree hedge would block the view of the 22-foot tall court light poles and the lit court surfaces behind the lights. However, at a vantage point 100 feet higher than the courts, the 22-foot tall row of trees could screen the light poles and some of the courts nearest the poles but not the light poles on the other side of the court nor lit court surfaces nearer those poles. Blocking views of the entire lit court and all the light poles from this higher vantage point would require a much taller row of trees than the 22-foot tall poles. The higher the vantage point, the taller the row of trees would need to be,

However, planting a tree row could reduce views from some of the nearer and lower elevation vantage points. As noted in the master response, the EIR concluded that the change in nighttime views would not exceed the CEQA Guidelines criterion regarding effects on nighttime views. However, the Town could require additional conditions if it believes they are warranted. This could include requiring preparation of a preliminary landscape plan to determine the feasibility of screening views and what size trees would be needed to screen views from various elevations in the viewshed. This plan could be required prior to approving the project and a landscaping plan, if the Town concludes such a tree planting plan is warranted.

3-4 The EIR preparers are not aware of any plan to cut trees along Mar West Street to the east of the tennis courts. As can be seen on Figure 4.1-4c in the DEIR, trees between Mar West Street and the courts would screen views of some of the lit courts from a residential vantage point east of Mar West Street. If trees on the TPC site were pruned lower, then more of the lighted courts would be visible from that vantage point and other vantage points on the west-facing hillside.

3-5 This number of lights is needed to provide satisfactory tennis court illumination. A cursory review of other lighted courts in the area shows that they are all brightly lit. Again, for CEQA purposes the lighting impact is less than significant. As such, there is no need to consider the feasibility of installing fewer lights.

3-6 The translucent roof would provide natural lighting to the entry during the daytime. No mitigation is required for the lighting impact. However, during Design Review the Town has the authority to require a different roofing material.

3-7 The EIR preparers re-contacted the applicant and were informed that as stated in the DEIR no viewing area, bleachers, or tournaments are proposed for the lower courts.

3-8 Lighting impacts on birds are discussed under Impact 4.7-A in the DEIR (pages 79-81). The impact on visual resources was determined to be less than significant. Recommended Mitigation Measure 4.1-C.1 would reduce the amount of light entering the marsh area from the parking lot, which would further reduce the light impact to birds. Project Alternative 2 includes that mitigation as well as reducing the amount of time the tennis courts are lit. The commenter is also directed to the subsequent Comment Letter 6 from the Marin Audubon Society

and responses to that letter. That letter also contains comments about lighting impacts on birds.

3-9 See Master Response 2. The primary purpose for the 2017 noise measurements was to determine if the ambient noise levels in the area had changed since the 2004 TPC noise study. Based on the 2017 measurements, the L_{dn} at LT-1 was 52 dBA L_{dn}, which fell within the 49 – 53 dBA L_{dn} range described in the 2004 study. This confirmed that ambient noise levels in the area had not noticeably changed since 2004.

The 2017 measurements included several hours when adult tennis lessons were occurring, as well as other normal activities that occur in the area of the TPC. The measurements also included the evening hours when there was no activity on the courts, and during the time that the project would propose to extend use of the courts. This allowed for a direct comparison of project-generated noise with existing noise levels.

The 1997 Palo Alto study cited in the DEIR did not identify noise levels that "actually exceeded Tiburon's acceptable sound levels" as noted by the commenter. The commenter is comparing the project's measured maximum instantaneous noise levels with the Town's 24-hour average L_{dn} threshold.

3-10 See Master Response 2. The 2017 noise measurements were conducted to obtain ambient noise levels at the nearest sensitive receptors to the project site that would be most affected by the noise from the project. This location was above the courts and had direct line-of-sight. Noise levels drop off with distance. Project-generated noise levels would be lower at all other receptors, and, therefore, additional test locations are not necessary to determine impact significance.

3-11 See Master Response 2. As noted in the noise section, adult lessons were occurring at all six courts. Voice levels ranged from normal to intermittent shouts. The sound levels from adult tennis lessons were believed to represent the worst-case scenario because typically adult voice levels are louder than youth voice levels. Adult ball strikes are also louder than youth ball strikes because adults apply more force when hitting the balls. These are reasonable assumptions supported by measurements made during adult and youth tennis matches.

In response to the concerns raised by various commenters, additional measurements were made on Wednesday, June 13, 2018 during youth tennis lessons and clinics. The measurement location was the same as LT-1/ST-1, approximately 25 feet west from the Mar West Street centerline, approximately 180 feet northeast from the center of the six tennis courts, and approximately 100 feet from the center of the nearest tennis court. The measurements were made in consecutive 10-minute intervals between 3:00 p.m. and 4:30 p.m. Activities were observed throughout the measurements. Noise sources included activities on the tennis courts and occasional cars driving by on Mar West Street. The 10-minute average noise level ranged from 47 dBA L_{eq} to 52 dBA L_{eq}. The average noise level over the hour and a half monitoring period was 50 dBA L_{eq}. The highest noise level of 52 dBA L_{eq} occurred during two intervals when there was a vocal

tennis coach conducting a lesson, and subsequently a doubles game with four youths on the nearest court located approximately 100 feet from the noise monitoring location. When tennis activities were occurring on the near court, the maximum instantaneous noise levels reached 50 to 54 dBA L_{max} from intermittent raised voices. There was one "shout" that reached 62 dBA L_{max}. When there was no activity on the near court, activities on three other courts resulted in maximum instantaneous noise levels from 45 to 48 dBA L_{max}. Car passby noise on Mar West Street ranged from 55 to 69 dBA L_{max}.

The noise analysis for the DEIR assumed an average noise level of 51 dBA L_{eq} during the period of extended hours of tennis activities in the evening. The measurements made during the youth tennis lessons and clinics at TPC confirm that the assumptions made during the preparations of the DEIR and its conclusions were reasonable. Accordingly, no changes to the DEIR text nor conclusions are warranted.

As described on pages 48 and 49 of the DEIR, to be considered a significant noise impact from project operations, the project must generate 1) noise that exceeds the thresholds set forth in the Town's General Plan, or 2) a permanent noise level increase of 3 dBA L_{dn} The noise generated by the project, though possibly annoying to certain residents, does not exceed either of these significance thresholds, and the impact was therefore deemed less than significant under CEQA.

3-12 See Response 3-11 above with the information about additional measurements made during youth tennis lessons at TPC.

Sung Kwon

From: Alice Fredericks <alice@alicefredericks.net>
Sent: Wednesday, May 9, 2018 12:50 PM
To: Sung Kwon
Cc: Lea Stefani
Subject: Late Mail for Planning Commission
Attachments: DEIR TPC Tennis Courts Comments.pdf

Attached is late mail for the Planning Commission hearing on the DEIR for the TPC Tennis Court Project tonite. I am sending these comments on behalf of my spouse and myself as residents impacted by the project. 4-1
Alice Fredericks

RE: DEIR:Tiburon Peninsula Club Expansion Project; File #CUP2015004; Tiburon Peninsula Club, Owner; Assessor Parcels 058-171-17, 058-171-76, and 058-171-84 [DW]
Planning Commission
May 9, 2018

To: Staff and Planning Commission Members:
From: Alice Fredericks and Neal Benowitz
1 Cazadero Lane, Tiburon

The following is a revision of the letter sent in response to the Initial Study for the Revised TPC project (April 2017) and addresses the DEIR considered tonight (May 9) at the Planning Commission and any subsequent permits considered as the project goes forward. In general, the DEIR accurately identifies the potential impacts of the study, but does not identify extent of the impacts on our home and potentially other homes or reasonable mitigations. 4-2

A. Lighting-

Much of mitigation of the visual impact on 1 Cazadero and presumably others to the northeast depends on the tree screen. Although the trees have been there for years, only relatively recently have they grown to screen most of the courts in the project area as viewed from 1 Cazadero, which is directly above the courts. Because trees have the potential to grow into the views of others, a consideration of the impacts were they cut back to the level at which they were maintained for the previous decade is warranted. 4-3

Visual impact on night views is one consideration, ambient glare, even from dark sky compliant lights, is another. Judging from our own night sky outdoor lights, direct upward glare from the night sky compliant lights are less of an issue than the prominence of the area illuminated in the view shed. Our impacted views are that of the Belvedere lagoon, Richardson Bay, the coastal hills, the sunset and any instance of zodiacal haze on the coastal ridges in late winter should use be intensified. 4-4

The proposed mitigation is the use of dark sky compliant lights. LEDS are bright and white, even those sold as "warm" (1700K is considered warm in the home lighting literature). The proposed "natural light" at 4000K actually has the potential of being very bright white. 4-5

Having lived with the soda machine on Boardwalk Market glaring up into our bedroom for a couple of years, requiring blinds to be closed even on warm summer nights, I am wary of the light pollution of these very bright dark sky compliant luminaires even though their proposed use does not affect use of the master bedroom. 4-6

Brightly lit courts illuminated with proposed pools of light will be highly visible in our main view (kitchen/dining/living room great room) and potentially obliterate the dimly lit farther views. The pooled light directed at the ground can potentially obscure the views in the evening from for up to 3 hours during proposed winter months use, including some of the hours during which dinner is typically served. An evening view from our dining area is enjoyed by dimming our own lights.

Some of the proposed fixtures will light courts other than those in which the supporting poles are positioned, according to the applicant, and have the potential of creating a direct glare of the kind seen with non-dark sky compliant lights. 4-7
If the hours of use are extended further, as they very well may be given the history of increasing demand reflected in the club president's letters as early as 2012, the impacts of night light and court use noise would be unacceptable to working folks who have to bed early or people desiring to have a quiet dinner before 7:30pm or either in the dining area or on the deck on the warmest nights of the year.

The illuminated area will also be visible from the west facing windows of our master bedroom. Longer night use of lights has potential impact on views from, but more importantly, comfort level of use of, our master bedroom. Use of window coverings could be an answer, but that forecloses the option of subduing the noise by closing windows or enjoying a modicum of fresh air. However, if use is kept at the hours proposed, the light will not interfere with the current hours of typical bedroom use. 4-8

Conclusion: The extent of the lighting impact can be mitigated by:

1) maintaining the current height of the trees on the east end of the courts 4-9
2) constraint of the future use to the level of currently proposed reasonable limitations on the frequency, duration, days and hours of use. 4-10
3) Current technology which includes LED lighting that comes with adjustable lenses to adjust the scope of light scatter. This technology is known to the Town Public Works Engineer and should be explored if not already implemented. 4-11

B. Noise -

Current use does not introduce any noise impacts that are significantly disturbing. The current level of noise associated with use of the courts ranges from the noise of the bouncing balls to conversations and are merely annoying. 4-12

Previously when the courts were used, more and louder conversations and even cursing could be heard, occasionally early on weekend mornings, broadcasting to the upper level master bedroom and main living areas.

Proposed use by children and instructors introduces a potential of yelling and shouted instructions and/or use of amplification devices. Initially, proposed use of bleachers seating 100 introduces yet another potential impact. The vague change from bleachers to view area obfuscates the potential impact, the significance of which would vary depending on how often, which days of the week, and which hours that use is proposed.

Noise that intrudes into hours of rest for other working families on weekends and winter evening hours has the potential of being a significant and unappreciated burden. The hours currently proposed overlap dining hours for many families' weekdays and entertaining on weekends but can be acceptable depending on all factors enforcing and constraining availability of the courts. Should instructional use include yelling or use of amplification the impacts would conflict with 4-13

quiet residential uses. Finally, proposed use of bleachers/viewing areas has the potential of introducing more unacceptable levels of noise at any time proposed.
Conclusion: Impact of both instructional and recreational uses depends time of day, day of week, duration, frequency, use of amplification. It is our request that the noise impact be mitigated by strictly limiting all hours of use, especially evening use, all spectator events, prohibiting use of bleachers, prohibiting use of amplification.

C. Translucent Roofing –

Finally, the use of a translucent roof on the entry to the area, though charming, appears to be a gratuitous source of light pollution. 4-14
Conclusion: Applicant should be encouraged to use other roofing material.

Cordially



Alice Fredericks
askalicenow@usa.net
Alice Fredericks and Neal Benowitz
1 Cazadero Lane
Tiburon
415 789 5166

Response to Letter from Alice Fredericks

4-1 This is a transmittal letter that does not require response.

4-2 The opinion is noted for the record. It is accurate that the DEIR does not address lighting and noise impacts for each residence in the area. The EIR assesses impacts on all the residents living near the project site to determine if there would be a significant impact on the community and environment as a whole.

4-3 If screening trees are pruned, it is possible that there would be additional views of the project lighting.

4-4 See Master Response 1. As described in that master response, the project lighting will not cause glare. The proposed lighting will illuminate the court surfaces. Objects that are lit reflect the light rays that cause the illumination, and it is this reflected light that will be visible to offsite viewers. As the commenter states, the lighting impact from the project is adding a new source of illumination on the project site, which will affect views from many vantage points in the viewshed. The DEIR recognizes the visual impacts of this new source of lighting. However, as described in Master Response 1, the impact on visual resources does not rise to the level of being significant under CEQA.

4-5 It is correct that these lights are very bright, which is why they are used to illuminate tennis courts. However, the lights are directed downward so the lights themselves will not be visible from off-site residential vantage points.

4-6 The visibility of the lit areas on the project site from portions of the commenter's residence are noted for the record. As noted above, this impact during the early evening hours may be visible to residents of, or visitors to the commenter's home. However, this impact, though affecting the residents when the lights are on, does not rise to the level of being considered a significant lighting impact for the overall viewshed.

4-7 All lights will be shielded and directed downward. As Master Response 1 describes, the project will not cause glare. There is no stated intention of the applicant to construct additional facilities. Membership in the TPC is limited by the Conditional Use Permit (see the listing of conditions in subsequent Response 8-3). As discussed in Master Response 1, lighting impacts will affect some residents, but these early evening impacts for part of the year are considered less than significant. Similarly, noise impacts are less than significant; see the additional discussion in Responses 3-9 to 3-11. Project Alternative 2 in the DEIR would further reduce these impacts by requiring lights to be turned off by 6:45 p.m.

4-8 The effect on the commenter is noted for the record. See previous Response 4-6.

4-9 Retention of these trees is listed as a possible additional mitigation in Master Response 1.

4-10 The commenter's recommendation is the No Project Alternative assessed in the DEIR. The commenter's recommendation that this alternative be selected by the Planning Commission is noted for the record.

4-11 The proposed lighting will be directed downward to focus the lights on the tennis courts. As shown in Photosimulations 4.1-4c and 4.1-6c, the lighting primarily lights the courts with little light scatter off the courts.

4-12 The project description does not mention the use of bullhorns or amplification devices. The use of these devices was not observed during the noise measurements of tennis lessons. The project does not include formal audience areas as described in the comment. During the additional measurements mentioned in Response 3-11, there was no use of amplified devices. The noise from these sources was therefore not included in the noise study.

4-13 The noise study evaluated the extended hours of youth tennis lessons until 7:30 p.m. and the lights on until 7:45 p.m. allowing 15 minutes for cleanup, as stated in the project description. The concern for other noise sources is noted. It will be the responsibility of TPC to adhere to the allowable hours of use and other noise restrictions approved by the Town.

4-14 The translucent roof allows the entry to have natural lighting during the daytime. No mitigation is required for the lighting impact. However, the Town has the authority to require a different roofing material.

Sung Kwon

From: Scott Anderson
Sent: Thursday, May 10, 2018 7:59 AM
To: Sung Kwon
Subject: FW: Oral Comments at PC May 9
Attachments: Planning Commission Talk May 2018.docx

For the record.

From: Alice Fredericks [mailto:alice@alicefredericks.net]
Sent: Wednesday, May 09, 2018 9:14 PM
To: Scott Anderson
Subject: Oral Comments at PC May 9

Attached are the comments I made at the Planning Commission tonight. I was a bit thrown by John's too gracious introduction and forgot to mention I am a member of the club. 5-1

Alice

--

The club has to address demands for uses that often conflict and are increasing. Not all members use needs are met. Recreational uses often take a back seat to organized uses for training and competition purposes. Senior reduced fees memberships have had a long unfulfilled waiting list for years. 5-2

The growth in the club, over which the club has control, is due in part to allowing members who are not residents of the community to join.

Accommodating all the members needs both sustains the resources to meet needs and places a burden on the organization to recruit new members. However, the sustainable business plan should not come at the expense of residents in their homes.

And I know - the coming to the nuisance argument,

but no one ever predicts that a small quiet neighborhood recreation facility will decide to creep in increments ever closer to floodplains and biological resources

to prioritize competitive tennis tournaments and water polo teams over quieter less intensive recreational use,

The burgeoning needs have started consideration of even further intensification, with a promise to the disenfranchised recreational lap swimmers that another pool will be built in the future.

A private club choosing its members and use priorities is a reasonable practice but it generates some consideration for equity, which is not addressed by the Ca Env. Quality Act or the DEIR

I speak as a resident who is impacted by the current project and *for whom the light, noise, hours of use impacts* could become unacceptable if uses of the facilities are not restricted now, and the restrictions enforced in perpetuity.

You saw my previous letter, you have the present letter before you, **I ask that you consider the mitigations offered in the context of preserving an equitable balance of needs, with the residents in the surrounding homes given weighty consideration.**

>>>>>>>>>>>>>>>>>>>>>>>>>>>
2013 presidents letter
. The Club will seek Town approval for the whole shebang but go about building it in phases over time. Phase 1 is for utilities (water, elec), court lighting, and 2½ new courts. Phase 2 is for bathrooms , storage and a concrete patio (viewing platform) where a building will eventually go and Phase 3 is the building itself. Phase 1 and part of phase 2 are expected to be member financed. The rest is planned with donor financing in mind.

Earlier own put cap on total membership

,

Response to Letter from Second Letter from Alice Fredericks

5-1 This is a transmittal letter that does not require response.

5-2 The comments on TPC membership are noted for the record. As no questions are asked regarding the DEIR, no additional response is provided. The mitigations mentioned by the commenter were addressed in the responses to Comment Letter 4.

5-3 This information is noted for the record. The applicant has not stated that any additional additions are proposed for the TPC.

Sung Kwon

From: Barbara Salzman <bsalzman48@gmail.com>
Sent: Monday, May 14, 2018 4:49 PM
To: Sung Kwon
Subject: MAS Comment letter on Pen Club
Attachments: Tiburon Pen Club Expansion 3.pdf

Sung

Marin Audubon's comment letter on the DEIR for the Peninsula Club Expansion is attached 6-1

Barbara S

Marin Audubon Society

P.O. Box 599 | Mill Valley, CA 94942-0599 | marinaudubon.org

May 14, 2018

Sung Kwon, Planning Manager
Town of Tiburon
1505 Tiburon Blvd.
Tiburon, CA 904920

RE: DRAFT EIR FOR TIBURON PENINSULA CLUB EXPANSION PROJECT

Dear Mr. Sung,

The Marin Audubon Society appreciates the opportunity to comment on the EIR for the Tiburon Peninsula Club Expansion for the Junior Science Center. The current project is reduced in size so that it consists of a new structure on the north side of the existing facility and new lighting in the existing courts and parking area. There would be no expansion of the parking area and no new tennis courts and it appears that the environmental impacts would reduced as well. We have some questions and comments on the EIR information.

1. Figure 3.1.-3 The Overall Site Plan should show the location of the new lighting at the tennis courts. 6-2

It also needs a direction arrow, an accurate scale that enables the reader to determine distances, and more accurate terminology (see discussion about wetlands-marshes below).

2. Wetland/pond impacts – The reader is referred to Figure 3.3-1 the Overall Site Plan for a visual depiction of the project and relationship to adjacent natural resources. 6-3

Figure 3.3-1 uses the terms wetlands and marsh. These terms are often used interchangeably. How are these terms defined in this EIR? According to the key, the black dashed line identifies the line of wetlands while the lighter dashed green line shows the "line 100' back from the edge of the marsh." The figure shows that in at least three sections the green dashed line is well inside the line of identified wetlands. This apparent inaccuracy should be corrected.

The project is stated as being at least 100 feet from the pond edge and 25 feet from the edge of the wetland. We don't know where the wetland and pond edges are. Also, the water level in the pond changes depending on season and the rainfall. In winter rainy seasons water levels of pond and wetland rise compared to the summer dry season. Explain whether the water level was calculated winter or summer.

The area of concern about an inadequate buffer is near the existing tennis courts where lighting would be added. Although Figure 3.1-3 does not show where the new lighting would be installed, it appears and acknowledges that the buffer zone between it and the marsh would be inadequate and not comply with Town buffer zone policy and the EIR (Impact 4.7-D) because it would "not include a buffer zone of 6-4

at least 100 feet between development and a wetland." The explanation excusing this discrepancy (that it does have a buffer of 100 feet to the edge of the marsh pond) is double talk. The EIR appears to be using the pond edge as the boundary when it benefits the project and the wetland/marsh edge other times. Also, the fact that the marsh may already be surrounded by development should not be used as an excuse for more development, but is reason to ensure the most protective measures. Because the now 18 year-old Restoration Plan was not a protective as it should be also should not be an excuse. Instead, other mitigations should be considered to protect the marsh, such as lighting only the two courts away from the marsh, or measures that would buffer the marsh from the lights perhaps increased native vegetation that is tall.

3. Lighting – Most of the discussion of lighting is on impact of lighting on people. 6-5

The EIR should have a more comprehensive discussion of the impacts of lighting changes on early nesting. The new lighting at the tennis courts could have impacts on the marsh. There is a brief discussion of the impacts on breeding birds, and on the impacts on winter use by overwintering migrant birds.

Page 80, second paragraph the reader is referred to Mitigation Measure 4.1-3 that would "reduce light spillage from the existing parking lot lights." There is no mitigation measure 4.1.3. The discussion further states that with the mitigation to reduce light spillage from the existing parking lot lights, "the project may result in a reduction in light spillage...on the marsh." A mitigation cannot be considered valid unless there is a reasonable certainty it would be effective. "May" doesn't sound very certain.

Regarding Breeding Season impacts, the EIR notes that lights would not be on for most of the breeding season. Breeding season begins mid-February which means lighting would overlap with breeding season February 15th through Marsh and the Transmittal Letter states they would be on through April 14. This is the most important time for nesting when birds are either setting up territories, building nests or early brooding when they are more likely to abandon nests with disturbance. Potential adverse impacts on nesting birds from lighting for two months into the early nesting season should be discussed. It appears that the habitat near the courts where lighting would be increased consists of wetlands and willows, which would be good nesting habitat for many species. We are unable to determine from the information provided what the actual distance the new lights would be from the wetland vegetation. 6-6

The analysis of the impact of the lighting on migrating and overwintering migrant bird's use of the pond and wetland simply states that there would not be any such impacts because the pond is already lighted and the impact could be reduced because existing lights could be shaded.

It is also noted that while impacts of existing light could be less than before, new lighting would present new cumulative impacts and could be increased.

In summary, it appears that the major issues are inadequate4 buffer and lighting impacts on wildlife using the marsh/wetland/pond. These issues need further attention in the Final EIR.

Many thanks for addressing our concerns.

Sincerely,

Barbara Salzman

Response to Letter from Barbara Salzman, Marin Audubon Society

6-1 This letter is a transmittal letter, and no response is required.

6-2 The DEIR maps of the project were prepared by the applicant and lacked a north arrow. A new copy of that map with the north arrow as well as the requested lighting plan are presented at the end of the responses to Comment Letter 6.

6-3 The applicant's map identifies the marsh being the open water portion of Railroad Marsh. Wetlands are the open water plus likely jurisdictional wetlands. The green dashed line identifies a 100-foot setback from the water edge while the black dashed line shows areas of wetlands as mapped by LSA (see Appendix E of the DEIR). This setback and extent of wetlands are accurately mapped in the DEIR. The project is set back 25 feet from the edge of the mapped wetlands, regardless of the elevation of open water in the pond. As described in Appendix E of the DEIR, the wetland boundary for Railroad Marsh was determined by mapping the edge of the fill slope and the occurrence of hydrophytic vegetation. LSA mapped site vegetation using USGS Orthoimagery dated April 2011 and the Biological Resources Map was prepared on October 3, 2014.

6-4 The commenter's opinion about the adequacy of the Town's Marsh Restoration Plan are noted for the record. The DEIR accurately states that the project does not contain a 100-foot setback from site wetlands. In approving the Belvedere-Tiburon Library Expansion Project in 2011, the Town Council determined that General Plan Policy OSC-20 is sufficiently flexible to permit a project to extend into the 100-foot wetland buffer. The 100-foot buffer is required for what the Town defines as "development," which is subdivisions or precise development plan projects. In addition, the tennis courts are an existing facility that does not contain this setback, so wildlife inhabiting the marsh wetlands are currently exposed to noise and human presence on the tennis courts. The project would increase the time that wildlife would be exposed to court-related noise as well as adding lights. As described on page 83 of the DEIR, the site as well as areas surrounding the pond are already well-lighted. The proposed lighting will consist of shielded lights directed down onto the tennis courts. There will be no views of the lights from off the site, and as shown in the photosimulations very little to no scatter of light beyond the courts. The photosimulations presented in the DEIR show that the area is already lit but that the light does not penetrate into the marsh vegetation. Trees and shrubs along the edge of the wetlands effectively screen the interior vegetation to the south from site lighting. Planting additional screening between the tennis courts and the existing trees and shrubs would move the vegetative screening a few feet to the north of the existing trees and shrubs, which would not be much of an advantage. The DEIR includes a mitigation measure to decrease the lighting impacts of the unshielded parking lot lights. These unshielded metal halide lights are kept on until 9:45 p.m. As can be seen in Figure 4.1-4b, these 22-foot tall unshielded lights brightly illuminate the area. The proposed project lighting would be turned off at 7:45 p.m. during the portion of the year when lighting is needed.

Based on the facts that: 1) the tennis courts are an existing facility; 2) the area is well lit by parking lot lights that are on until 9:45 p.m. every night: 3) new lighting would be shielded to prevent glare or light scatter onto the marsh wetlands; 4) the

area surrounding the marsh is well lit; 5) project lighting would not be expected to penetrate the marsh except at the edge nearest the tennis courts, the DEIR found that the lighting impact on wildlife would be less than significant. This is the same conclusion reached by LSA in their report contained in Appendix E of the DEIR. LSA noted that such lighting is not likely to affect wildlife because of existing ambient light generated by nearby residences and existing vehicular traffic. To be considered significant under CEQA, the lighting would need to have a substantial adverse effect on 1) special status wildlife species; 2) riparian habitat; and/or 3) movement of wildlife or of wildlife nursery sites. The DEIR (Impact 4.7-A) concluded that project lighting would not substantially affect the two possible special status wildlife species (California red-legged frog and salt marsh common yellowthroat) given the five reasons listed above plus the mitigation to reduce the lighting impacts of the existing parking lot lights. It is possible there could be some de minimus lighting effects on marsh wildlife. There is no evidence that the effects would be "substantially adverse." The new lighting would not adversely affect the marsh habitat. The only possible habitat-related impacts would be to marsh wildlife. As explained above, the lighting would not have a substantial adverse impact on special status species. The new lighting also would not have an adverse impact on other resident wildlife. As described under Impact 4.7-C, the additional lighting would not "substantially interfere with the movement of wildlife or impede the use of nursery sites. The new lighting would be on until 7:45 p.m. This incremental increase in lighting that surrounds the marsh would not substantially interfere with nocturnal bird migration. The DEIR concludes that with the addition of EIR-recommended mitigation measures, the lighting impacts on marsh habitat and wildlife would be less than significant.

Under Impact 4.7-D. the DEIR states that the project would be consistent with the General Plan policy stating that there should be a 100-foot buffer between the project and wetlands and not inconsistent with that policy as the commenter states. In addition, as mentioned previously, the Planning Commission and Town Council have determined that projects can extend some distance into a 100-foot wetlands buffer without being inconsistent with this policy. This 100-foot buffer is technically required for "development" of new subdivisions or precise development plan projects. This prior determination by the legislative body confirms that the project is not inconsistent with this General Plan policy, and was specifically applied to the buffer around Railroad Marsh following extensive environmental review.

While impacts to biological resources were found to be mitigated to a less-than-significant level, the DEIR contains Project Alternative 2 that would reduce tennis court lighting to 6:45 p.m. as well as require retrofitting of the parking lot lights. The EIR concluded that Alternative 2 is the environmentally superior alternative. If the Town concurs with the commenter that additional mitigation is warranted to protect marsh resources, then this alternative is available for approval. The commenter suggests a mitigation to allow only lighting of the two northernmost courts. While such mitigation is not warranted under CEQA given the significance of the proposed lighting, the Town could require additional conditions of approval when approving the CUP. It is noted that the proposed lighting will be controlled by sensors that would turn off the lights for a particular court if it was not in use. If the Town believes additional mitigation is warranted, it could require the applicant to use the northernmost courts first, and only use southern courts if there are

enough students to warrant use of those courts. As noted in Master Response 1, if the Town believes there are adverse impacts on wildlife or neighboring residents, the Town could also condition the project to require TPC to retrofit the upper tennis court lighting to further reduce the overall lighting in the area.

6-5 Additional discussion of lighting impacts was provided in the previous response. The DEIR relied on the conclusions of the consulting biologists of LSA that the project lighting impacts would be less than significant given the five factors listed in Response 6-4. The commenter is correct that the DEIR incorrectly identified the mitigation measure related to reducing lighting impacts; the cited mitigation on page 34 of the DEIR should be Mitigation Measure 4.1-C.1. This correction is hereby made; see Chapter 4 of this FEIR. Shielding new LED lights will reduce light impacts from the existing unshielded metal halide lights.

6-6 The commenter is correct that the proposed lighting schedule would overlap with the bird breeding season, and this correction has been made in Chapter 4 of this FEIR. The southernmost lights would be located as near as 25 feet from the nearest marsh vegetation. However, as described in the DEIR and in previous responses to this comment letter, the lights will be shielded to prevent offsite glare and light trespass and directed downward to illuminate the court surface. The DEIR does not dismiss lighting impacts on birds. Rather, it does not find any evidence that the proposed lighting would make a substantial change to the nighttime environment within the marsh woodlands and habitat, and, therefore would not substantially affect migratory or nesting wildlife. As described in previous responses, the effect is not substantial given project design, ambient conditions, and recommended mitigations. The DEIR also addressed cumulative impacts (Impact 4.7-E). There are no other projects proposed near the project site that would have new lighting that would combine with the proposed project lighting to increase the lighting of the marsh. Lighting impacts would be limited to those created by the proposed project, and those impacts are less than significant, and would be further reduced if recommended Mitigation Measure 4.1-C.1 is required for implementation.

The commenter concludes that additional analysis of wetland buffers and lighting are needed. Responses 6-2 to 6-5 present additional information clarifying the conclusions of the DEIR regarding these two areas of concern. Again, the DEIR includes a project alternative that would further reduce impacts to biological resources.

Sung Kwon

From: Michael Parker <parker49@yahoo.com>
Sent: Thursday, May 3, 2018 11:30 AM
To: Sung Kwon
Subject: Tiburon Peninsula Club Expansion Project
Attachments: TPC Tennis Court Expansion V3 Final.doc; TPC Lower Cts Day.jpg; TPC Lower Cts Nite.jpg; TPC Photo Simulation v2.jpg; TPC Upper Cts ON.jpg; TPC Upper Cts Off.jpg

Mr Kwan;

Attached you will find a MS Word doc containing my comments regarding the TPC expansion; attached as well are five photos in jpg format as follows: 7-1

Pano view from 50 Harbor Oak Dr of the TPC lower courts just after sunset, 7:38pm - 4/20/2017
Pano view from 50 Harbor Oak Dr of the TPC lower courts at night 8:26pm - 4/20/2017
Pano view from 50 Harbor Oak Dr of the TPC lower courts at night - Photo-simulation of the effect of lighted lower courts.
Two photos of the upper courts taken from the East side of 50 Harbor Oak Dr. looking East on 04/20/2017 with the lights on and later with the lights off for comparison.

I noticed that these photo, when compressed for web, have colors shifted; somewhat more vivid than intended. I will provide the Commission with prints of these photos which should be more color accurate. As a final note; the photos of the lower courts were stitched together to form a panorama. They were taken with a "normal" perspective lens, approximating the human eye (50mm). In other words, they accurately represent what a person would see standing on the deck at 50 Harbor Oak Dr.

Thanks

Michael Parker

Michael Parker
25 Harbor Oak Drive
Tiburon CA 94920

April 20, 2018

Sung Kwon
Planning Manager
Town of Tiburon
1505 Tiburon Blvd
Tiburon CA 94920

RE: Tiburon Peninsula Club Expansion Project – Draft EIR

As the owner, since 2002, of the six-unit building at 50 Harbor Oak Drive, I would like to express my opposition to the proposed additional expansion of the Tiburon Peninsula Club; primarily because of the lighting of the courts and additional activity on winter evenings would have a decidedly negative impact on the views and quiet enjoyment of the residents in their homes. 7-2

50 Harbor Oak Drive is located on the hill to the north of the TPC; approx. 700 feet from the proposed expansion. All the residential units in this building have views looking south toward San Francisco, the Bay, and Angel Island; and in the foreground; the six tennis courts in question.

The Draft EIR addresses the lighting issue, citing light pollution, glare, and degradation of views, as one factor that has the potential to have the most negative impact on neighboring properties. The conclusion, however, that "the impact would be less than significant" and that these negative impacts will be "mitigated" is highly flawed. 7-3

The lighting simulations contained in the DEIR minimize the level of brightness that lighting the courts will produce and fail to represent the impact of lighting on residents close to the TPC. I have attached my own "simulation" that provides a more realistic representation of the visual impact of the lighted courts on my property and my immediate neighbors. 7-4

It is not necessary, however, to rely solely on simulations to judge the effect of lighting the courts. The six upper courts are lit every night until 9:00 pm (or later). Due to the loss of many of the trees that used to screen these courts from their neighbors; there is now ample demonstration of the glare, light pollution, and degradation of the open space darkness that six lighted tennis courts produce. Recent phots of the upper courts with the lights on and off, taken from the east side of 50 Harbor Oak are attached for reference. 7-5

The TPC is proposing to light six more tennis courts, 43,200 square feet of blue and green painted concrete, in a relatively dark area and asking us to believe that light pollution will be "minimal". From my perspective and that of many of the residents on Harbor Hill; it would be equivalent to six freeway billboards, squarely in the field of view, lit up every dark winter night. 7-6

(415) 604-2000 - parker49@yahoo.com

In my opinion, the only mitigation that would be effective would be to plant trees, (and wait for them to grow) tall enough to screen the courts. This was done historically for the original upper courts and was quite effective until age and disease took their toll on those trees. The failure of the TPC to address the loss of screening trees on the upper courts, or to plant any trees around the lower courts which they are proposing to light; demonstrates their lack of concern for the effects of light and noise radiating out into the surrounding homes and open space. 7-7

Cited as a mitigating factor in the DEIR, is the retrofit of the existing HID lighting in the parking lot to better controlled LEDs. I would suggest that before moving ahead with the addition of a vast array of new lighting with potentially significant impact; the TPC retrofit of the parking area lights as well as the lighting of the upper courts, which currently create a substantial nuisance, to demonstrate the actual effect of the proposed new lighting. 7-8

The management of the TPC will naturally try to maximize the benefits of the club to its members. From long experience, I can tell you that concerns for the impact of their operation, noise, traffic, and light on their neighbors are vanishingly small; except when they need to come before the planning commission for approvals. I would therefore strongly urge the commission to deny the proposed expansion unless and until adequate mitigation of light pollution is addressed. 7-9

Sincerely;



Michael Parker

(415) 604-2000 - parker49@yahoo.com



TPC Upper Courts looking east from 50 Harbor Oak Dr - 04-20-217 / 9:33PM



TPC Upper Courts looking east from 50 Harbor Oak Dr - 04-20-217 / 8:58PM


Lower courts from 50 Harbor Oak Drive - Unit 32 - 04/20/2017 - 7:38PM



Lower courts from 50 Harbor Oak Drive - Unit 32 - 04/20/2017 - 8:26PM



Photo Simulation of lighted lower courts from 50 Harbor Oak Drive - Unit 32 - 04/20/2017 - 8:26PM

Response to Letter from Michael Parker

7-1 The information contained in this initial comment are noted for the record. As no questions are asked regarding the DEIR, no additional response is warranted.

7-2 The commenter's opinion is noted for the record. It is expected that the commenter is correct that residents in the complex where he resides have views of the project site.

7-3 The commenter's opinion about the lighting analysis is noted for the record. The commenter is directed to Master Response 1 for more information regarding the lighting analysis.

7-4 See Master Response 1 plus the better quality simulations attached to that master response. While no technical review has been conducted on the simulation provided by the commenter, that simulation is reasonable and is referred to in the master response as an example of views of the proposed project.

7-5 The attached photos are included in the record. It is accurate that these upper courts are visible from surrounding vantage points. See Master Response 1 regarding the existing upper court lights.

7-6 The opinion is noted for the record.

7-7 See Response 3-3 regarding this same suggestion. The opinion about TPC operations is noted for the record.

7-8 The suggestion is noted for the record. It is factual that replacing unshielded metal halide lights with shielded LED lights will reduce the glare and light trespass from the parking lot lights. The lighting impacts would be less than significant without any mitigation, but the suggested mitigation or conditions of approval could further reduce the lighting impacts.

7-9 The commenter's opinion is noted for the record.

Sung Kwon

From: Chris Skelton <chris@rifkindlawgroup.com>
Sent: Monday, May 14, 2018 3:46 PM
To: Sung Kwon
Cc: Patti Pickett
Subject: TPC DEIR
Attachments: TPC DEIR Comment Letter.pdf

Sung,

Please find attached a public comment letter on the TPC's DEIR. Please confirm receipt since I understand that the deadline is 5:30 this afternoon. 8-1

Many thanks,

Chris
Chris A. Skelton
RIFKIND LAW GROUP
100 Drake's Landing Road, Suite 260 | Greenbrae, CA 94904
t. 415.785.7988 | f. 415.785.7976
chris@rifkindlawgroup.com | www.rifkindlawgroup.com

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Christopher A. Skelton
chris@rifkindlawgroup.com

May 14, 2018

Delivered Via Email Only
(*skwon@townoftiburon.org*)

Sung Kwon, Planning Manager
Town of Tiburon
1505 Tiburon Blvd.
Tiburon, CA 94920

RE: Tiburon Peninsula Club Draft EIR Comment Letter

Dear Mr. Kwon:

Our office represents a coalition of concerned citizens regarding the Tiburon Peninsula Club's pending application referred as CUP 2015004 (the "Project"). This public comment letter is submitted to identify issues in the Draft Environmental Review document ("DEIR") so that the agency may respond and provide the necessary supplemental information to afford a well-informed decision-making process. As presented, the DEIR is insufficient and Project decisions rendered from a similarly drafted FEIR will be subject to challenge. 8-2

Summary

1. Project Description, especially location and setting, is inadequate;
2. Project objective is already satisfied without taking on the Project
3. Project usage is unsupportable based on information provided, which has a corresponding impact on parking and transportation;
4. Lighting is incompatible with General Plan and Municipal Code, necessitating amendments to these policy documents as part of the Project.

Project Description – Inadequate Background

Paragraph 2 on page 20 of the DEIR provides the historical background of the Property and the development of the tennis club. Notably absent from the DEIR is reference to any prior planning approvals that set the baseline for understand the current entitlements and/or restrictions. The DEIR reads "the Club's facilities have been 8-3

renovated [] numerous times over the intervening years (including the addition of six tennis courts south of Mar West Street), and currently serve 700 families and 175 senior memberships." This description fails to provide necessary background and leaves decisionmakers uninformed on the property baseline for evaluating the Project's potential impacts. The property history does, and should, influence its future development.

The full planning/building file history should be included in the Project description to provide the current decisionmakers context for how the TPC was developed as it exists today. The following historical information should be provided as part of the overall Project description:

1. All conditional use permits;
2. Town limits on club membership numbers (currently 700 families and 175 seniors)
3. Parking standards assigned to the tennis club use by the Town
4. When, and under what circumstances, the existing court lights were approved;
5. Limits on hours of operation for existing lit facilities and the club as a whole;
6. Limits on special events.

This background information is important because it may reveal Project (in)consistency with current entitlements. When the lower courts were built, were they constructed with the condition that they not be lit? When the club was last expanded, was there a condition that capped the membership, hours of operation, or some other component of the use of the property that is now the subject of this current Project? Without a more complete understanding of the history of the property, the DEIR is deficient and fails to satisfy the purpose of CEQA, which is to provide decisionmakers with information that enables them to evaluate and review possible environmental consequences intelligently.

Project Background – unclear future activities

The Project description should extend to the entire activity that will ultimately result from approval of the proposed Project. The Project description also must include reasonably foreseeable future activities that are consequences of the Project. (See *Laurel Heights Improvement Assn. v. Regents of University of California*, (1988) 47 Cal. 3d 376, 394-95).

The project description reads, "The TPC seeks Town approval of a CUP to construct a Junior Tennis Center that would be used to expand its current junior clinic program and provide tennis lessons for members and non-members." (DEIR, page 20). The usage derived from the Project is for beginners though advanced tournament play. (DEIR, page 22). It appears from the Project description that expanding the membership

8-4

and/or access to the club is a key component of the Project. However, it is unclear how this is managed under the CUP's land use and entitlements – is there a current membership or patronage cap based on transportation and/or parking?

It is also uncertain from the Project description what additional improvements, modification, and limitations are proposed. In the January 2017 Notice of Preparation, the project description included portable bleachers for tournament seating. It appears that this component is no longer part of the Project, yet the full-scope of the work is not described in sufficient detail to give the public or decisionmakers an opportunity for review and comment.

Project objectives do not necessitate proposed scope of work

As stated above, the Project objective is "to develop a facility that can provide a complete tennis learning experience for the children of the Tiburon Peninsula." (DEIR, page 22). The proposed lights are not necessary to accomplish this objective. The Club already benefits from lit courts on the upper portion of its property. This appears to be a management of facilities issue and not an inadequacy of facilities matter, as the project objective suggests. Allowing young members and non-members to use the lit courts in the winter months evenings appears to address the Project objective. Furthermore, given the limited increase in usage proposed by the Applicant in the DEIR (discussed below), it is unclear how/why the addition of lights to the lower courts will materially increase young player access to the game of tennis. 8-5

The existing facilities accomplish the Project objective. For this reason, it demands a closer review of what additional future activities will follow from the current application resulting in an adverse environmental impact.

Project usage is unsupported by fact

"The applicant estimates that the proposed project would increase usage of the lower courts by 20 or more students per day between September and mid-April, or 6 more students at any given time." (DEIR, page 22; see also, April 26, 2017 Planning Commission Staff Report, Exhibit 2, page 4). This "estimate" is unsupported by any objective data and contradicts many assumptions that are provided by the applicant in the April 27, 2017 staff report materials.

To demonstrate this point, the following facts are known:

1. There are six courts at issue. 8-6
2. There is approximately 4 hours of additional usage time with the inclusion of lighting.
3. Courts are used for singles, doubles, and private and group lessons.

4. Tennis lessons are one-hour long.

Six students per hour (assumes private one-on-one lessen), over four additional hours, is 24 additional students using the facility – not 20 as suggested by the Applicant. This scenario does not include group lessons, which should be factored into the usage. Based on the facts presented, it is more realistic to expect 30+ player increase in usage, which is 150% the Project estimate.

The Project estimate is flawed because it assumes, without any supporting data, that at least one of the courts will be vacant each hour. It also assumes that a "turn" of the court is 1.5 hours, despite lessons only lasting one hour. In evaluating the project impacts, in particular the usage, the Town should not base the decision on unsupported data and anecdotal evidence supplied by the Applicant.

Project Usage – consequential impacts

Identifying an objective assessment of the increased usage is important for evaluating noise, transportation, and parking impacts under the DEIR. Without an honest assessment of usage, the impacts that are evaluated under the flawed assumptions are subject to collateral attack. 8-7

Noise:

The DEIR suggests that a noise study was conducted by Charles Salter Associates in 2004 as part of a two-court addition to the upper courts.[1] Supplemental study was performed in 2017. The DEIR appears to focus the evaluation of noise related to construction. (See DEIR page 39). Where it does refer back to tennis play, it is relative to adult lessons, not youth. It is unclear if it is group lessons or private lessons. It is reasonable to expect that more players on a court will generate additional noise. 8-8

The DEIR does acknowledge that the Project could violate normally acceptable noise criteria; even if it did not breach that threshold, it could result in a nuisance level noise impact. An updated noise acoustic study should be prepared to evaluate the noise impacts from the current Project in a way that is more aligned with the Project objectives.

Transportation/Traffic:

The DEIR concludes that a maximum of 40 additional trips would result from the Project.[2] (DEIR page 39). The fundamental flaw in the estimated usage increase has a 8-9

[1] This is an example of why the project history should be detailed in the Project description so that there is a greater transparency of prior decisions, the basis for those actions, and how they may relate to the current proposal.

[2] The revised initial study identified 80 additional trips could result from the Project: 20 trips to the club for drop off, 20 trips to return home, 20 trips to the club for pick up, and 20 trips to return home.

direct result in evaluating transportation and traffic. Here too, the DEIR appears to partially rely on outdated information, a 2004 traffic study that was performed in connected with a different Project as well as level of service information for 2010. Transportation demand and user behavior has changed over the past 14 years that demands greater clarification as to how Parisi utilized, supplemented, or reconciled the data. Regardless of this potentially stale data, Parisi's transportation impact study from 2017 is premised on unsupportable assumptions about increased usage, supplied by the applicant, and how those players will travel to access the property. It is unlikely that young tennis players will take alternative modes of transportation to the club during the cold, dark, and potentially wet winter months, which is the subject of the Project usage.

Parking:

Although parking is not, in and of itself, an environmental impact that needs to be evaluated, it does directly contribute to evaluation of transportation/traffic as well as green house gases. The project does not detail what parking standard is applied to the property. This is a standard that is most likely identified under an earlier CUP and property expansion. Understanding the relationship of the existing improvements to the existing parking is necessary to evaluate the project impacts and potential mitigation measures. For example, the Project proposes additional square footage, including expansion of staff/employees by at least 1. The staff member parking must be accounted for in evaluating whether the use can be adequately parked on the property. Additionally, the Tiburon Municipal Code ("TMC"), Chapter 16.32, includes objective parking standards, typically based on square footage of improvements. The Project includes the addition of square footage, so that area should be captured and understood relative to parking compliance. 8-10

Lighting compliance with Town policies and standards

The DEIR correctly identifies that the proposed lighting is incompatible with the General Plan and TMC – outside lighting is limited to *safety and security purposes*. (Tiburon GP 2020, Policy LU 16; TMC 16.30.070 (a)). Here, the Project declares that the purpose of the lighting is to expand the junior tennis facilities and provide community access to evening tennis year-round. Simply stated, even if the DEIR identifies that the lighting design is sufficiently mitigated to eliminate the environmental impact, genuine findings approving the design review application for the lights cannot be made absent an amendment to the General Plan and TMC. 8-11

Although beyond the scope of the CEQA review process, the Applicant would benefit from converting the lights on the upper courts and/or parking lot are to the newer technology proposed on the lower courts by way of demonstrating the absence of

adverse impacts. This would provide an opportunity for both the public and decisionmakers to understand in real-time the potential improvements to the lighting of the property as a whole and reduce the uncertainty in visual impacts potentially introduced by the additional lights. To this same point, it is unclear why the Project does not include conversion of all lights to the newer technology – it is identified as a mitigation measure and not as part of the Project.

Conclusion

The DEIR is inadequate and fatally flawed to provide the decisionmakers necessary information to make a fully informed intelligent decision on the merits of the project. The absence of property entitlement history, coupled with fundamentally flawed assumptions in establishing baseline information, renders the DEIR deficient for purposes of preparing the FEIR. I encourage the Town, as the lead agency, to demand additional information from the Applicant before proceeding with preparation of the FEIR. 8-12

Respectfully,



Rifkind Law Group
By: Christopher A. Skelton

Response to Letter from Chris A. Skelton

8-1 This comment is a transmittal letter and does not require response.

8-2 This is an introductory comment that summarizes the issues that the commenter believes are not adequately addressed in the DEIR. Responses to the specific issues summarized in this comment are presented in the following responses.

8-3 The use history can be summarized in the use permit analysis. The extensive list of approvals is not appropriate for the project description in this Environmental Impact Report. The current membership, lower court construction, upper court light approval, and current social event allowances are provided below.

Current Membership

In 2008, the Planning Commission approved a conditional use permit authorizing TPC to have 700 regular memberships, 175 senior memberships, and 10 scholarship memberships. Parking demand was addressed at this time.

Lower Court Construction

Town records indicate the four original lower courts were approved for construction in the 1960s.

The Planning Commission approved increasing the number of lower tennis courts from 4 courts to 6 courts on February 23, 2005. At that time, the Planning Commission adopted the following condition of approval. "(Condition 13) The new tennis courts and sports courts shall not be lit for nighttime use. Hours of use for the sports courts shall be limited to 8:00 a.m. to dusk."

Upper Court Lights

Upper court lights at the TPC were approved by the Town in 1989, 1991, and 1997 (two courts lighted with each approval).

Current Social Event Allowances

In 2009, the Planning Commission approved the following limitation on social events.

5. The following limits shall be placed on social events:
    - A. Indoor social events and use of meeting rooms shall be permitted only until 9:00 p.m. on any day. Outdoor social events shall be permitted only until 8: 00 p.m. on any day.
    - B. Outdoor amplified sound shall not be used at any social events. Exterior doors and windows shall not be propped open when amplified sound is used for indoor social events.
    - C. The Tiburon Town Manager may grant up to eight (8) exceptions to these requirements each calendar year, for hours no later than 11:00 p.m. on Fridays and Saturdays and no later than 10:00 p.m. on Sundays through Thursdays, by approving a Special Event Permit. Exceptions shall be granted for official TPC-sponsored or member-sponsored events only.
    - D. TPC shall notify neighboring property owners and residents within a radius designated by Town Staff, but no less than 500 feet of the TPC property, by mail at least fourteen (14) days in advance of

events authorized by such exceptions. These notices shall include the name and phone number of a contact person in charge for neighbors to call regarding noise from outdoor events.

E. Signs shall be posted on TPC property encouraging members and guests to be courteous of neighbors when exiting the club following events that end after 9:00 p.m.

F. This condition of approval shall be reviewed by the Planning Commission at a public hearing in October, 2009.

Providing a detailed history of the various approvals and conditions imposed as part of those approvals is often part of a planning staff report for a project. The information is not necessary to establish whether a proposed project, in relation to existing physical conditions, would result in a significant impact on the environment.

CEQA requires evaluation of physical environmental effects. The analysis in an EIR must include a description of the physical environmental conditions in the vicinity of the project site when the analysis is started. These physical conditions are normally the baseline against which a proposed project is evaluated. Therefore, the DEIR does not need to present a full permit history in order to inform the public and decision-makers as to whether a proposed project would have significant impacts on the physical environment.

Over twenty years of upper tennis court lighting is the physical environmental baseline against which the proposed new lighting has been and should be evaluated in the DEIR. The EIR is not inadequate for not including a detailed listing of the various zoning approval actions taken to authorize the existing tennis court lighting.

Similarly, the actual numbers of persons using and visiting the facility on a typical day is the physical environment against which the proposed project has been and should be evaluated in the EIR. Traffic counts to establish the existing traffic conditions were taken in 2017 (see DEIR pp. 35-36). Those counts include users of the club on a typical day, unrelated to the full membership. Vehicle trips that would be generated by the proposed project account for new users that would be served by the proposed improvements (see DEIR p. 39 regarding the conservative approach to trip generation).

The comment indicates that the DEIR's project description must include reasonably foreseeable future activities that could result from implementation of the proposed project. The TPC does not have any concrete plans for additional changes in the reasonably foreseeable future.

8-4 The project assessed in the DEIR is a proposal to install lights to extend the time available for tennis lessons on the lower courts during the months when there is inadequate natural light. The lower courts are currently used from 3:30 p.m. to 7:30 p.m. by the Junior Tennis Club (JTC) from April to early September. Other times of year, fewer lessons are possible due to inadequate light. The JTC is open to TPC members as well as non-members. One's child does not need to be a member to receive tennis lessons at the JTC. It is speculative that allowing more lessons in the darker portion of the year would expand membership in the TPC. It is possible that young people, whose families are TPC members, who take lessons in late spring to early fall would be able to continue their lessons throughout the year when the courts are lit. It is also possible that TPC members'

children will begin taking lessons as they become old enough or interested enough to want to learn to play tennis. See previous Response 8-3 about membership caps.

The project does not include bleachers, and the applicant does not plan to hold tournaments at the project site. No other improvements were listed by the applicant while the EIR was being prepared except for the tree plan described in Master Response 1. In summary, consistent with CEQA Guidelines, the DEIR provides sufficient description of the project to allow an environmental review of the project's impacts so that Town decision-makers have sufficient information to make an informed decision on the project.

8-5 The upper courts are currently used by adult and young tennis players. Use of these courts would displace TPC members that currently use these courts at night. The project objective is to increase the amount of time that young players can receive lessons without displacing other players.

Lighting the lower courts allows lessons to extend until 7:30 p.m. year round. This would allow additional students to be given lessons. Whether the additional time for lessons would "materially" increase access for young people learning tennis is speculative. As described on page 22 of the DEIR, the applicant estimates that the lighting would increase usage of the lower courts by approximately 20 students per day between September and mid-April. No other projects have been proposed on the TPC except for the tree plan described in Master Response 1.

8-6 The applicant's estimate of an additional 20 players is an average over the period from September 7 to April 14. On many days, the lights would be on less than 3 hours per day (before November 6 and after January 7). For example after March 13 when daylight savings time begins, lights would be on less than one hour per day. In addition, the estimates do not include reduced or no use on cold and rainy nights or holidays. It is likely that there would be many evenings when lessons would be curtailed or postponed by either staff or the players due to weather conditions. The commenter estimates 24 additional students based on 4 hours of additional time available due to lighting and full use of all 6 courts, though the applicant states this is rarely the case. This estimate is overstated as is the suggested addition of more players due to group lessons. The applicant's estimate was based on some group lessons occurring so that there would be an average of 3 students per court for each "turn." The applicant estimates that a turn is an average of 1.5 hours that includes time for one group to leave and to get organized for the next lesson and that players often continue playing after the lesson ends. Town staff reviewed the applicant's estimate of increased usage due to the project and found that it was a reasonable estimate for conducting the CEQA analysis. The commenter's estimate is based on maximal use of all the courts for an additional 4 hours per day for the full 7 months that lights would be used. The estimate developed by the applicant is a more likely worst case estimate, and it was deemed acceptable for assessing project impacts. It is recognized that the commenter disagrees with this estimate.

8-7 The opinion is noted for the record. As stated above, the increased usage rate used in preparing the EIR is a reasonable estimate.

8-8 The study did include an assessment for construction noise of the project, but the study's focus was noise from the extended hours of tennis lessons, including group lessons. See Master Response 2 that addresses concerns regarding adult lessons vs. youth lessons as well as well as containing additional measurements made during youth tennis lessons.

8-9 As addressed in Response 8-6, the opinion of a different number of students using the courts is acknowledged. The number used in the DEIR was determined by the Town to be sufficiently accurate for the EIR analysis.

Traffic studies from both 2004 and 2010 were referenced with regards to best engineering judgment. The EIR traffic engineers looked at the development pattern of Tiburon since 2010 and determined that it was essentially built out with little to no more room for growth. Nevertheless, to be conservative in the cumulative impact analysis a growth factor was applied to calculate future cumulative traffic based on both engineering judgment as well as local knowledge of trends within Marin County. The growth factor was determined using the same methodology as was done for the 2010 EIR.

Although the traffic engineers state in the DEIR that students may take alternative modes of transportation, this was not taken into consideration in identifying the trip generation calculations. In order to remain conservative, the traffic engineers based trip generation calculations on the worst-case scenario in which each student arrives via motor vehicle trip. No alternative modes were assumed.

The footnote to this comment notes how the revised Initial Study prepared for the project estimated that the project would generate more trips than described in the DEIR. This traffic discussion included in the revised Initial Study was prepared by the EIR preparers and not traffic engineers. The DEIR traffic analysis was prepared by a professional transportation consultant. They determined that the Initial Study substantially overestimated project trip generation. See page 5 of DEIR Appendix C for a discussion of how the engineers calculated project trip generation.

Even if, as suggested by the commenter, there were a few more trips generated than the traffic engineers calculated, the only potentially significant traffic impact is to the Tiburon Boulevard / Mar West Street intersection. The DEIR already identifies that the project would make a cumulatively considerable contribution to a cumulative impact at this intersection and requires that the applicant pay the Town-required traffic mitigation fee at the time of project approval to cover the project's share of future improvement of this intersection. The DEIR addresses and mitigates the impact to this intersection. There would be no change to the impact or mitigation even with the additional of a few more trips.

8-10 The State of California decided that parking is not a CEQA concern, as providing for parking needs is not considered an environmental impact. Since the original application was submitted, TPC has surfaced areas of the formal parking lot that were previously unsuitable for parking. There will be ample parking, especially considering that trips generated by the project would occur near or after dark in the cooler portion of the year. The Town will determine whether the project has

sufficient parking to meet Town parking requirements when considering the merits of the proposed Conditional Use Permit.

8-11 On page 102 of the DEIR, the Town has stated that the proposed lighting would be consistent with Town policies with approval of a conditional use permit for the project. Similar consistency was found for other lighted tennis courts in the Town. This EIR requires retrofitting of the parking lot lights as the commenter suggests. See Master Response 1 about possibly retrofitting the upper tennis court lights.

8-12 The commenter's opinions are noted for the record. As discussed in previous responses to this commenter, the DEIR provides a reasonable estimate of proposed project use and accurately identifies impacts regarding noise, traffic, and nighttime views. No revisions of the DEIR text are warranted.

Sung Kwon

From: Michelle Trautwein <michelletrautwein@gmail.com>
Sent: Monday, May 14, 2018 1:54 PM
To: Sung Kwon
Subject: Response to TPC DEIR
Attachments: Trautwein_TPC_DEIR_concerns.pdf

Dear Mr. Kwon,

Please find my letter of concern regarding the Tiburon Peninsula Club's DEIR attached. I am a resident of 1683 Mar West and will be greatly impacted by their planned development. 9-1

Thank you for your consideration,

Michelle Trautwein

CALIFORNIA
ACADEMY OF
SCIENCES

May 12, 2018

Sung Kwon
Planning Manager
Town of Tiburon
1505 Tiburon Blvd.

Dear Mr. Kwon,

Thank you for receiving comments regarding the Tiburon Peninsula Club's DEIR for their plans regarding the lower tennis courts.

I live at 1683 Mar West and my house sits just above the tennis courts in question. My husband and I are members of the TPC and our two kids that play tennis regularly there. I am also a research scientist at the California Academy of Sciences.

My concerns about the TPC's DEIR center on two main factors:

1. Lighting
2. Noise (from the increased hours of tennis court usage)

Noise: In the DEIR, it states that the noise generated by these lighted tennis courts would not be a substantial increase to existing noise. It may be true that the noise generated by this plan would not be substantially louder…but it would be a notable increase in duration of what we already experience to be disruptively loud noise on these tennis courts. 9-2

The town considers noise below 60 decibels to be acceptable. Currently, when the tennis courts are in use, they are loud and disruptive. Though I have not measured the noise myself, if it happens to stay below 60 decibels- I would be surprised. In fact, if the noise on the courts is truly below 60 decibels then it makes our town rules seem meaningless- because the level of noise on these tennis courts is really quite loud and disruptive. I have found multiple sources suggesting tennis play is often louder than 60 decibles (1, 2).

As neighbors to these tennis courts, we tolerate the noise associated with current usage. Yet, we also very much appreciate that through the fall, winter and part of the spring, the tennis courts are not used after ~ 5 pm, and we have additional hours of peace and quiet. This new plan would make us endure hundreds of more hours of noisy tennis during our otherwise peaceful fall and winter nights. Even as tennis and TPC lovers, this is unacceptable.

In this DEIR, I suspect that the noise from these courts was not measured during a time frame that included group play on multiple courts. I suggest the noise levels be measured again more rigorously across the loudest examples of usage (perhaps even from my balcony!). 9-3

CALIFORNIA ACADEMY OF SCIENCES

Lighting: As a neighbor to these tennis courts, I am disturbed by the impact that additional lighting will have on my personal view of the sunset and the night sky. As a mitigating factor, this DEIR suggests that motion detecting lights will be used. The only thing worse than continuous lights disturbing our dark, peaceful winter nights are flashing lights. The off and on of motion detecting lights do not in any way mitigate this problem and in fact, they create new problems. 9-4

As a biodiversity scientist, I am also concerned about the effects of additional lighting on the diversity of wildlife in our neighborhood. These tennis courts sit just above Railroad Marsh- a site that is visited by ~80 bird species (https://ebird.org/hotspot/L2489079). We regularly see a variety of raptors, song birds and bats soaring in our little valley where the TPC sits. River otters use the Railroad Marsh, yet their populations are still very reduced throughout the Bay Area (3). Ecological light pollution is known to be have a direct effect on bird migration, bird nesting, bat distribution, insect abundance and diversity, reptile, frog and mammal behavior (4). In addition to the known negative impacts, both noise and light pollution have large ranging ecological effects that are often unexpected and in many cases, uncharacterized (5-8). 9-5

We are a community that values our open space and the wildlife it maintains. Why put that at risk for a few more hours of tennis that can already take place at the upper courts?

Lastly, as a parent of young children, I try to get my household to sleep around 8pm during the school year. Though the TPC suggests they will have lights off by 7:45pm, in practice they keep the lights on at the upper courts well into the night- hours past their expected turn-off time. The noise and light disruption that will take place due to the additional use of these tennis courts will make the bedtime routine for my kids (and me) much more difficult. 9-6

I urge you to reject the proposal of more lighting at the TPC's lower courts. There are no acceptable options to mitigate the negative effects of additional light and noise on our neighborhood's residents, both human and otherwise.

Please feel free to contact me for more information. Thank you,

Michelle Trautwein

Michelle Trautwein, PhD
Schlinger Chair of Diptera
Institute for Biodiversity Science and Sustainability
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References

1. https://en.wikipedia.org/wiki/Grunting_in_tennis#cite_note-Gamesmanship_or_unsportsmanlike?-6

2. O'Connell, D.G., Hinman, M.R., Hearne, K.F., Michael, Z.S. and Nixon, S.L., 2014. The effects of "grunting" on serve and forehand velocities in collegiate tennis players. *The Journal of Strength & Conditioning Research*, *28*(12), pp.3469-3475.

3. Bouley, P., Isadore, M. and Carroll, T., 2015. Return of North American river otters, Lontra canadensis, to coastal habitats of the San Francisco Bay Area, California. *Northwestern naturalist*, *96*(1), pp.1-12.

4. Longcore, T. and Rich, C., 2004. Ecological light pollution. *Frontiers in Ecology and the Environment*, *2*(4), pp.191-198.

5. Francis, C.D., Ortega, C.P. and Cruz, A., 2011. Noise pollution filters bird communities based on vocal frequency. *PLoS one*, *6*(11), p.e27052.

6. Francis, C.D., Kleist, N.J., Ortega, C.P. and Cruz, A., 2012. Noise pollution alters ecological services: enhanced pollination and disrupted seed dispersal. *Proc. R. Soc. B*, *279*(1739), pp.2727-2735.

7. Davies, T.W., Bennie, J., Inger, R., Ibarra, N.H. and Gaston, K.J., 2013. Artificial light pollution: are shifting spectral signatures changing the balance of species interactions?. *Global Change Biology*, *19*(5), pp.1417-1423.

8. Russo, D., Cistrone, L., Libralato, N., Korine, C., Jones, G. and Ancillotto, L., 2017. Adverse effects of artificial illumination on bat drinking activity. *Animal Conservation*, *20*(6), pp.492-501.

Response to Letter from Michelle Trautwein

9-1 This is a transmittal letter that does not require response.

9-2 The commenter's opinion about the effects of noise are noted for the record. The commenter is directed to Master Response 2 regarding the level of noise generated by youth tennis lessons on the tennis courts. The measured 10-minute average noise level ranged from 47 dBA L_{eq} to 52 dBA L_{eq}. As reported in the DEIR, the noise generated is less than significant under the CEQA Guidelines Appendix G and the Town's noise policies, though it may be a nuisance to nearby neighbors.

9-3 See Master Response 2 regarding additional noise measurements taken on the site.

9-4 See Responses 6-4 to 6-6 for clarification about lighting impacts on wildlife. The motion detector lights are programmed to determine when a court is in use. Lights will be turned off after sensors detect there is no use of the court. These are not the same as the motion detector lights that go on when the sensor detects movements and goes off very quickly after the movement stops. There will not be frequent change from dark to light courts.

9-5 See Responses 6-4 to 6-6 for clarification about lighting impacts on wildlife. The commenter is correct that there are known, and likely additional unknown, impacts to birds and other wildlife from bright lighting and noise resulting from new development. However, those impacts are substantial when new lighting or noise is added to an environment that is wholly dark or dimly lit and relatively quiet. That is not the case for Railroad Marsh, which is located in a well-lit urban environment where wildlife is accustomed to area lighting and noise. Given the ambient conditions at the marsh, shielded lighting on for a limited time, and other factors discussed in Response 6-4, the impact is found to be less than significant under CEQA.

Sung Kwon

From: Daniel Goldberg <dgoldbergsf@gmail.com>
Sent: Monday, May 14, 2018 3:59 PM
To: Sung Kwon
Cc: Adrea Goldberg; Danny Goldberg
Subject: Tiburon Peninsula Club Draft EIR Written Comments

Dear Sung Kwon,

I am writing to submit public comment on the Draft EIR for the Tiburon Peninsula Club's conditional use permit application. Based on the written comments already submitted and the public input provided to the Planning Commission on March 9, 2018, this project appears to have significant environmental impacts and presents substantial concerns from a processing standpoint. The environmental impacts are not distinct to this project but are germane to similar projects that have been contemplated in Marin, including: lighting athletic facilities at Marin Catholic as well as the lights previously proposed at Belvedere Tennis Club. 10-1

Impacts

Noise

I was intrigued to hear residents in the community raise issue with the noise impacts of this project. Based on my review of the DEIR, it appears that this issue has not been adequately evaluated. Specifically, the noise study is based on information from 2004 and then supplemented with limited data from 2017. The 2017 data collection does not reveal the location of the collection points and so it is difficult to understand the actual noise impact on the surrounding community. Additionally, and perhaps more importantly, the noise evaluation appears to compare adult tennis lessons with youth tennis lessons. Analytically, I suggest that there is no direct comparison between noise generated from adult lessons and noise generated from youth lessons. Actual youth lessons should be studied since the premise of the Project is to expand youth tennis into the lower court facilities. 10-2

Facility Usage

The applicant's estimation of additional usage is devoid of any factual analysis or data. The DEIR assumes 20 student increase is considered "conservative." Based on the application materials, the 20-student count is mathematically undervalued, which is far from conservative. This fundamental flaw is then transposed in every study, evaluation, and supplemental material prepared by the Applicant's experts (e.g. see 2017 Transportation impact study by Parisi Transportation Consulting). I also expect that the usage estimate could influence Charles Salter's noise impact evaluation if it were clarified that group youth lessons included up to 8 students on a single court. It is not my intention to micromanage how the courts are used, but it is prudent to understand that practical aspects of the proposed use so that the ultimate environmental and neighborhood impacts can be fully 10-3

understood. As presented, there simply is not sufficient information for the decision makers to make a fully informed decision.

Lights

The lights are detrimental to the quiet use and enjoyment of our property. We have reviewed the lighting models. Although they are pretty pictures, it does not convey the actual impacts of the additional lighting facilities proposed as part of the Project. The property history is devoid of any reference to how/why lighting was approved for the upper courts and parking area. I must believe that the current tennis courts were omitted from prior plans based on a condition of approval that adverse impacts not be further externalized onto the neighboring property owners for the singular benefit of the TPC. 10-4

Process

As currently design and located, these lights will have a substantial impact on our views. It is unclear why this Project is being broken apart under CEQA, CUP, and then design review. These three elements go hand-in-hand and should all be evaluated at the same time. It is unfair to an applicant to spend thousands of dollars in reliance on a process only to be later informed that the design review findings cannot be made. Conversely, it is unfair to the public to piecemeal the application so that it is effectively approved at the earliest opportunity and then later rubber stamped at the time of design review based on the environmental impacts report. For these reasons, we respectfully request that the Town consolidated the design review, CUP, and CEQA processing of the application. Otherwise, it inhibits transparency and an open public dialogue on the project merits. 10-5

Conclusion

The transportation, traffic, visual impacts (lighting), and noise raise significant concerns that are not adequately evaluated under the DEIR. Additionally, the property history is seemingly missing, which devalues the public process. It is contrary to planning principles to ignore how a property was developed when evaluating proposed property improvements. I hope that the Town's CEQA consultant can supplement this information in preparation for releasing a final EIR for public review and consumption. 10-6

Respectfully,

Adrea & Daniel Goldberg

143 Esperanza Street

Tiburon, CA 94920

Response to Letter from Adrea and Daniel Goldberg

10-1 The introductory comment and opinion are noted for the record. As no question is asked regarding the EIR, no additional response is warranted.

10-2 See Master Response 2 regarding where and when noise studies were done and new data on noise generated by youth tennis lessons. The additional noise measurements corroborated the DEIR noise analysis that found project-generated noise to have a less-than-significant impact.

10-3 See previous Response 8-6 to these same questions regarding estimated future use of the project. The projected use numbers were found to be reasonable by the Town and provide a reasonable basis for assessing noise and traffic impacts.

10-4 The photosimulations are just that – simulations. They provide the reviewer with a simulation of what the new lighting would illuminate in the absence of lights actually being installed. Clearer prints of the simulations have been included in Master Response 1. See previous Responses 8-3 and 8-4 regarding the current Conditional Use Permit.

10-5 The Planning Commission will consider certifying the EIR as having adequately complied with provisions of CEQA. Legally, the Planning Commission must certify the EIR before it can consider the merits of the project. Design review follows CUP approval. Project plans, including lighting plans, will be reviewed by the Town's Design Review Board. EIR mitigations relevant to design review will be incorporated, but the Design Review Board may make revisions to the project design. Town staff notifies all neighbors within 300 feet of the project of the design review application and considers the project at a Design Review Board meeting where input from the public is encouraged. The Board then makes a decision on the project design and imposes changes it believes are needed to comply with Town policies. Their decision can be appealed to the Town Council. The commenter's opinion that the EIR, the CUP, and Design Review should occur simultaneously is noted for the record. The process used to assess the current project proposal is, however, in accordance with Town ordinances and practices.

10-6 The approach used to assess noise, lighting, and traffic impacts in the DEIR was to be consistent with all CEQA Guidelines. The analysis of the significance of these impacts is based on whether the impacts reach a level beyond the significance thresholds set forth in the State of California CEQA Guidelines, Appendix G. These analyses, as well as the history of the existing Conditional Use Permit have been expanded and, where warranted, clarified in previous responses in this FEIR.

Sung Kwon

From: James White <whitejar@aol.com>
Sent: Thursday, May 3, 2018 9:55 AM
To: Sung Kwon
Cc: suzblanc@aol.com
Subject: Tiburon Peninsula Club Expansion Project opposition
Attachments: Tiburon Peninsula Club expansion letter.docx

To Sung Kwon—

Attached is a letter from my wife and me detailing our objections to the proposal to light six additional courts at the TPC. Summarizing, the new lights will be in the center of our stunning view of Tiburon and the bay. By interfering with our view, the lights will decrease our property value and the property values of our neighbors. 11-1

We will be out of town and will miss the May 9 Planning Commission meeting. We would appreciate your adding our comments to the record.

Could you please acknowledge receipt of our letter? This matter is very important to us.

Thank you.

Jim White

James R. White
5 Corinthian Court #22
whitejar@aol.com
301-437-3839

May 3, 2018

Sung Kwon
Planning Manager
Town of Tiburon
1505 Tiburon Blvd
Tiburon, CA 94920

To Sung Kwon:

Re: Tiburon Peninsula Club Expansion Project

We are writing to strongly oppose adding lights to the existing unlit courts at the Club. The proposed lights would interfere with our glorious view of the bay and lower our property value.

We bought our condo on Corinthian Court two years ago because of its sweeping views of Tiburon, Old St Hilary's open space, Raccoon Strait, the bay and San Francisco. The stunning view, both day and night, is a significant portion of the value of our condo.

The Tiburon Peninsula Club has been a good neighbor. The noise of daytime tennis and kids playing in the pool is refreshing. The existing very brightly lit tennis courts are off to our side (not in our line of sight to the bay) and shielded by a stand of tall Monterey Pines. However, the proposed additional lighting will be front and center in our view and, contrary to the claims in the DEIR, is not mitigated. 11-2

The problem with the proposed lights is the reflection off the surface of the six tennis courts. That large surface will reflect the very bright light upwards directly into our field of view. The so-called mitigation does not address the problem. The issue is not the type of bulb (LED), whether the source is concealed (we look down on the club and all existing light bulbs are concealed from our vantage point), or the color temperature (natural white). The issue is the brightness of the light reflected off the expansive court surfaces. We know from the existing lit courts that lighting sufficiently bright for tennis is very bright indeed and produces a very bright reflection off the surface. Another mitigating factor cited in the DEIR is that the lights will be turned off at 7:45 PM and thus will be on "only a few hours a day." This is a joke. Prime time for enjoying our evening view is from sunset until we go to bed. Having the lights off when we are asleep does nothing to protect our view or our property value. 11-3

We also want to point out some omissions and unsupported claims in the DEIR. On page 26 the DEIR lists existing lighting in the area of the project (TPC parking lot, residential and commercial) but omits the brightest lights (by far) in the neighborhood: the existing tennis court lights which are often on well past 8:00 PM. The DEIR quotes from the Tiburon General Plan and Municipal Code including Section 16-30.070 on lighting, "Exterior lighting shall not invade the privacy of other properties, or produce glare or light pollution." In response, the DEIR asserts that the new lights "would not produce any glare nor invade the privacy of other properties" and "would not cause significant light pollution." These assertions are plainly wrong. Lights bright enough for tennis on six courts will not be invisible. They will necessarily produce glare and reflection off the court surfaces and be a new source of light pollution. The existing lit courts are the brightest source of glare in the neighborhood – much brighter than the existing TPC parking lot lights. Hundreds of neighbors will be able to see the new lighting – the proposed lighting is not private. All of these affected neighbors will have their evening views impacted and see some loss of property value because of the new lighting. 11-4

We also do not believe that offering classes to non-members of the TPC should justify the project. We assume that evening classes for non-members will be a new revenue source for the club. It is not fair for the Town to allow the TPC to conduct what is essentially a new, nighttime business by taking some of our property value.

To conclude, we urge Town officials, before making a decision, to find some vantage points in the surrounding neighborhoods for viewing the existing lit TPC courts in the evening. Doing so will make it obvious whether or not the proposed new lights front and center in our viewshed will produce glare and pollution and be private. 11-5

/s/ Jim White
/s/ Suzanne White

5 Corinthian Court #22
Tiburon, CA 94920
whitejar@aol.com

Response to Letter from James R. White

11-1 The commenter's opinion regarding the project is noted for the record.

11-2 See Master Response 1 for more information on lighting impacts and the reasons why those impacts are found to be less than significant.

11-3 The commenter is correct that lighting will be on until 7:45 p.m. This may affect the commenter. However, as explained in Master Response 1, the impact on the commenter and some others does not rise to the level of being a significant impact under CEQA.

11-4 The commenter is directed to Master Response 1 regarding the upper court lighting. As discussed in Response 8-11, Town approval of a Conditional Use Permit would make the project consistent with Town policies and guidelines regarding new lighting. As discussed in Master Response 1, project lighting would not cause glare. The lit courts would be plainly visible from certain vantage points, but that additional lighting on for a few hours in an already well-lit area does not make a substantial enough change to be considered a significant impact for CEQA purposes. The temporally limited impact experienced by some viewers is fully noted. The EIR contains recommended changes in existing TPC lighting and includes a project alternative that would further reduce the impact.

11-5 The commenter's opinion about the fairness of the proposed project is noted for the record as is the commenter's recommendation that Town decision-makers find a vantage point from which they can see the lighting effects of the existing lighted courts.

Sung Kwon

From: Janice Russell <janiceru@gmail.com>
Sent: Sunday, May 6, 2018 4:22 PM
To: Sung Kwon
Subject: Comment Letter re: EIR for TPC tennis court lighting
Attachments: Russell Letter dated May 6 2018 to Planning Committee on TPC EIR _20180506_ 162114.pdf

Please find a letter from Bruce and Janice Russell regarding the captioned EIR. 12-1

Thank you

Janice Russell
415-889-5329

Bruce & Janice Russell
50 Harbor Oak Drive, #21
Tiburon, CA 94920

May 6, 2018

Town of Tiburon
Planning Commission
1505 Tiburon Blvd
Tiburon, CA 94920
Attention: Sung Kwon, Planning Manager

RE: Tiburon Peninsula Club Expansion Project-Draft EIR

Ladies and Gentlemen:

For the past seven (7) years, we have resided a mere 700 feet from the proposed expansion of the Tiburon Peninsula Club ("TPC"). There is only open space between the left side of our home (located on the west side of Harbor Oak Hill) and the TPC. We are, therefore, among the TCP neighbors most seriously affected by any expansion and/or additional lighting of the TPC and its facilities. As such, we would like to express our strong opposition to the latest proposed expansion and additional lighting of the upper and lower tennis courts. Our nighttime views of Angel Island and the San Francisco Bay and our peaceful enjoyment of the dinnertime hours between 5:00 to 7:45 pm would be materially and adversely impacted from September to April by both the proposed additional lighting of all existing TPC tennis courts and the increased noise created by the nighttime activities that would take place on these 12 courts to the left and in front of our home. 12-2

We have watched with dismay as the trees to our left on the TPC property have lost their canopies and died. It is obvious these trees are at the end of their life span and the light and noise reduction they previously provided us has deteriorated and will soon disappear entirely. The TPC is well aware of this situation as they have recently had some of the dead trees removed, but there are several more dead and dying trees. In addition, during the last 2 years, with the expansion of the TPC after school and other programs, the noise levels have increased dramatically. The EIR makes no mention of the loss of these trees and the TPC apparently has no plans to erect sound and light barriers in their place, thereby making it clear that the TPC has no interest in being a good neighbor and addressing the loss of this existing noise and light screen.

It is obvious the TPC wants to increase revenues by implementing an expanded junior tennis program open to the general public until 7:30 P.M. year round, thereby necessitating nighttime lighting of its existing tennis courts at the expense of the surrounding residential neighborhood.

Our review of the EIR reveals that it simply dismisses these substantial impacts by concluding at the bottom of page 29 that, "Gauging visual impacts is relatively subjective, particularly regarding impacts to private views." The gauging of the aesthetic beauty of vistas may indeed be subjective, but the light and glare of nighttime tennis courts is decidedly not a "subjective" matter and most certainly has an objectively discernible adverse impact on the surrounding residential neighborhood. Moreover, to state, as the EIR does, that the lighting from downtown Tiburon is comparable to other urban areas with significant light and noise pollution is patently false. Nighttime Tiburon is so quiet, and its unique amphitheater-like bowl configuration so adept at sound amplification, that we can clearly hear an occasional car going down Beach Road in Belvedere in the evening. Moreover, to suggest that the lights from downtown Tiburon, which is approximately one half mile from our hillside, have more impact on our nighttime views of Angel Island and San Francisco than 6 lighted tennis courts in our direct view less than 700 feet away flies in the face of common sense and is most decidedly not a "subjective" impression. The conclusion in the EIR that these light and noise impacts will be "less than significant" is self-serving nonsense and the failure to offer any mitigation for them is a material omission that makes the EIR submitted to the city fatally flawed.

12-3

12-4

We urge the commission to deny the proposed expansion until adequate mitigation of the substantial adverse impacts on the peace and quiet enjoyment of the affected residential neighborhood is provided.

Sincerely,

Bruce Russell Janice Russell

Bruce Russell Janice Russell

Response to Letter from Bruce and Janice Russell

12-1 This is a transmittal letter that does not require a response.

12-2 The commenter's opinion about the lighting effects on them is noted for the record. See Master Response 1 for further clarification of why the EIR did not find that these impacts rose to a level where they would be considered significant under CEQA. That master response also provides additional information from the applicant about planned replanting of dead and diseased trees at the upper courts.

12-3 The EIR does not dismiss the impacts of proposed court lighting. It describes those impacts in the DEIR and clarifies that earlier discussion in Master Response 1. As stated there, the impact will be evident to a number of viewers, and undesirable to some. But the overall impact of adding lighting to a part of an already well lighted site and viewshed does not change the nighttime environment to a level where is would be considered significant under CEQA.

12-4 The commenter is correct that the area is fairly quiet, but the noise generated from youth tennis lessons up to 7:30 in the evening during the months when it gets dark earlier than 7:30 is not substantial. See Master Response 2 for more discussion of noise impacts. The impact would be less than significant. The EIR does not state that the lights of downtown Tiburon have more visual impact than the proposed tennis court lighting. Instead, the DEIR states that the area contains many light sources and that the addition of new lighting in one small portion of this viewshed until 7:45 p.m. on some nights of the year, while aggravating to some viewers, is not a significant change in the overall visual environment. See Master Response 1 for further clarification of why the EIR found that this impact would be less than significant under CEQA.

Sung Kwon

From: Julia Faucett <julia@knestrick.net>
Sent: Monday, May 7, 2018 8:01 AM
To: Sung Kwon
Subject: Re: Expansion of Tiburon Peninsula Club-Environmental Impact Report

I would like to echo Mr. Service's concerns below. My husband and I love Tiburon and live here because of the peace and quiet and the village-like nature of the Town. However, we have several years of experience with the lack of responsiveness of the TPC in terms of managing the noise from the swimming pools - mostly from the children- that floats up over the Preserve to the Red Hill Circle, Corinthian, Round Hill and Lyford Drive neighborhoods. We must call the TPC regularly to ask the staff to please remind the parents and children to control the level of screaming and hollering. Some children's play is, of course, just fine, but often in the summer months the children play without supervision from guards or parents and the noise easily becomes intolerable. Also, often on summer evenings, children find their way onto the back courts when no matches are in progress to play without any supervision, and again the noise floats up from the valley. It is difficult to support 'improvements' for the club, if it has not demonstrated its own responsiveness back to the surrounding neighborhoods. 13-1

We can easily see the courts through the trees below, and appreciate that the dead branches and undergrowth have recently been trimmed and cleaned-up - but the recently trimming has also considerably opened up the view of the courts. If more lighting is placed around the courts, it will certainly interfere with the view of the water, the Preserve, and beyond for those of us living above and could well prove an annoyance in its own right. Proper consideration of shielding should be required at the very minimum. In the interest of trying to be cooperative neighbors, it would be useful to have view poles set up for the neighbors to better understand more precisely the location and height of the proposed lights.

We are unfortunately out of town on the date of the Town discussion of the TPC improvements. Nevertheless, given our experience with the lack of consideration long demonstrated by the TPC, we would have to ask the Town, at this point, to deny the improvements that have been requested unless firm rules are established and consistently enforced (or policed).

Thank you for your consideration of the neighborhoods, Julia Faucett & Martin Knestrick

On May 5, 2018, at 6:11 PM, Brian Service <brianservice2106@gmail.com> wrote:

Sir,
I write on behalf of the Marbella Homeowners Assoc, 121-127 Red Hill Circle.

In the experience of our owners TPC is already lax in monitoring and controlling sound on the tennis courts below Marbella and the court lighting is clearly visible. Consequently Marbella HOA will object the proposed expansion to add additional tennis courts and 38 lights unless the sound and lighting impact is mitigated so that the combined effect will be no greater than our owners currently experience. 13-2

While a sound engineer and lighting consultant should be able to facilitate such a solution we might suggest both planting mature trees along the north side of both sets of tennis courts to absorb sound and light, as well as having the lighting kept below the roof lines of the buildings where at all possible to alleviate the effect on the views from surrounding houses.

Yours faithfully
Brian Service
President Marbella HOAPO Box 538
Tiburon, CA 94920

Sent from my iPad

Sung Kwon

From: Mary King <okmjking@yahoo.com>
Sent: Friday, April 27, 2018 11:27 AM
To: Sung Kwon
Subject: Tiburon Peninsula Club Expansion Project

TO: Sung Kwon, Planning Manager, Town of Tiburon

As a property owner and resident on Corinthian Court in Tiburon, I am very concerned that the proposed tennis court project will have a detrimental impact on my view and property value. 14-1

The proposed lighting will negatively impact my view of the bay, San Francisco, and Golden Gate Bridge at night. Even if "hooded", the reflected light from the court surface will have a negative visual impact.

There is also a negative impact from the noise on the courts and the bullhorn used at the pool.

Respectfully,
M. J. King
5 Corinthian Court
Tiburon, CA. 94920

Sung Kwon

From: Bruno Coelho <brunodcoelho@gmail.com>
Sent: Monday, April 30, 2018 8:39 PM
To: Sung Kwon
Subject: Comment regarding TPC Expansion Project

Dear Sung Kwon,

I am writing to express my strong opposition to the Tiburon Peninsula Club Expansion Project. I am a resident of 40 Harbor Oak Dr. My apartment overlooks TPC, Old St. Hilary's church and preserve, Angel Island, the bay and San Francisco. The proposed lighting to be added to the tennis courts, which are not only visible but within close proximity to my residence, would negatively affect the views from my apartment during sunset and at night, times when I'm often on my deck. Moreover, the noise from people playing tennis at night would be a substantial disturbance. The primary reasons why my wife and I decided to move to our current residence are the beautiful views and the quiet evenings. The proposed project is a substantial threat to the most cherished gifts Tiburon has given us. 15-1

Thank you,

Bruno Coelho
40 Harbor Oak Dr
Tiburon-CA

Sung Kwon

From: Faith Cornwall <fcornwall@gmail.com>
Sent: Monday, April 30, 2018 8:42 PM
To: Sung Kwon
Subject: Comment on TPC Expansion

Dear Sung Kwon,

I am writing to express my strong opposition to the Tiburon Peninsula Club's proposed expansion project. 16-1

I live in an apartment at 40 Harbor Oak Dr, and my unit overlooks the TPC. The addition of night lights at the tennis courts would be very disruptive. Even with the lights going off at 7:45pm and only used from September 8th to April 14th, that still disrupts half the year's sunsets and stargazing opportunities.

Light pollution is no small matter. More and more communities are coming to realize this and implementing programs to protect night skies: see darksky.org to learn how the increased use of artificial light at night adversely affects the environment, our safety, energy consumption, and very importantly, human health.

My husband and I moved to Tiburon because we value the peace, quiet, incredible natural beauty, and abundant wildlife: these qualities have nourished our minds, bodies, and souls. The expansion project threatens all of these things we hold so dear about our beautiful home.

I happily enjoy most of the sounds coming from TPC during the day: hearing folks splashing in the pool and playing tennis, getting exercise and enjoying their friends, is a wonderful part of the human experience. Like all Earthly life, I need cycles and rhythms to thrive, and that means the daily respite from our down hill neighbors' activity, light and noise is welcome and necessary for the ongoing harmonious relationship.

I think tennis is a wonderful sport and I am happy the TPC program is thriving. Tiburon and Southern Marin thankfully have an abundance of courts to support the local interest. I hope TPC considers using pre-existing facilities to support their growth.

Thank you,

Faith Cornwall

Sent from my iPhone

Sung Kwon

From: Brian Service <brianservice2106@gmail.com>
Sent: Saturday, May 5, 2018 9:11 AM
To: Sung Kwon
Cc: Julia.Faucett@ucsf.edu; Peter Endersby; Pat Montag
Subject: Re: Expansion of Tiburon Peninsula Club-Environmental Impact Report

Sir,
I write on behalf of the Marbella Homeowners Assoc, 121-127 Red Hill Circle.

In the experience of our owners TPC is already lax in monitoring and controlling sound on the tennis courts below Marbella and the court lighting is clearly visible. Consequently Marbella HOA will object the proposed expansion to add additional tennis courts and 38 lights unless the sound and lighting impact is mitigated so that the combined effect will be no greater than our owners currently experience. 17-1

While a sound engineer and lighting consultant should be able to facilitate such a solution we might suggest both planting mature trees along the north side of both sets of tennis courts to absorb sound and light, as well as having the lighting kept below the roof lines of the buildings where at all possible to alleviate the effect on the views from surrounding houses.

Yours faithfully
Brian Service
President Marbella HOAPO Box 538
Tiburon, CA 94920

Sent from my iPad

CitiScape property management group, LLC
Professional Management, Personal Service

California Association of Community Managers, Inc.
CACM
Management Firm Council Member

May 7, 2018

RECEIVED
MAY 09 2018
PLANNING DIVISION

LATE MAIL # 2

Sung Kwon
Planning Manager
Town of Tiburon
1505 Tiburon Blvd
Tiburon, CA 94920

RE: Tiburon Peninsula Club Expansion

To Sung Kwon:

Our association represents 54 condominium properties residing directly above the Tiburon Peninsula Club. Property addresses are on both Corinthian Court and Harbor Oak. 18-1

We are commenting on the Tiburon Peninsula Club's expansion project. We currently endure the noise from the Club as well as extremely bright lights which impact our coveted views and thus property values. In short, we already face challenges with the Club's current operations.

Our association not only opposes the expansion, especially the addition of lights to six existing unlit courts, but also would be in favor of the Town mandating restrictions on the intensity and timing of current lighting.

Harbor Hill Condominium Association

3450 Third Street, Suite 1-A ♦ San Francisco, CA 94124 ♦ Main: 415.401.2000 ♦ Fax: 415.695.2999
www.citiscapesf.com

Response to Letter from Julia Fawcett

13-1 The commenter's observations and opinions are noted for the record. See Master Response 1 for more information on the planting of screening vegetation on the upper courts. The attached letter from Brian Service is the subsequent Comment Letter 17, and responses to that letter follow that comment letter.

Response to Letter from M. J. King

14-1 The commenter's opinion regarding project lighting and noise impacts is noted for the record. As no specific questions are raised, no additional response is warranted.

Response to Letter from Bruno Coelho

15-1 The commenter's opinion regarding project lighting and noise impacts is noted for the record. As no specific questions are raised, no additional response is warranted.

Response to Letter from Faith Cornwall

16-1 The commenter is correct that increased lighting will have an effect on many nighttime vantage points. These impacts are identified and assessed in the DEIR and this FEIR. While there will be some increased effects on the nighttime environment, the change is not substantial enough to be judged significant under significance thresholds included in the CEQA Guidelines. The commenter's opinions on the lighting and noise impacts are, however, noted for the record.

Response to Letter from Brian Service

17-1 The commenter's potential opposition to the project unless mitigated is noted for the record. Proposed lights would be located below the roof lines of surrounding residences. See previous Response 3-3 regarding possible planting of new trees to screen views.

Response to Letter from Harbor Hill Condominium Association

18-1 The commenter's opposition to the project is noted for the record. As discussed in Master Response 1, the applicant is proposing some changes to existing lighting and replanting trees to better screen existing views of court lighting.

RECEIVED
MAY 10 2018
PLANNING DIVISION

5/11/2018

Tiburon Planning Commission
Commissioners, John Cocoran, Erica Williams, Daniel Amir, Jeff Tsai, Kathleen Defever
Re: Tiburon Peninsula Club Expansion-Court Lighting and Junior Clubhouse.
Impact On the Lyford Drive-Red Hill-Corinthian Court Neighborhoods.

Dear Commission Member's :

The enclosed photo was taken about a week ago at 9:45 PM, there had been no one using those tennis courts for several hours. Yet the lights continued to be on and to pollute our view, this is not a rare or unique occasion, most of the year the light's on the tennis courts remain on well after dark, in the past when this was brought to the clubs attention by our previous boards, they were told it was "necessary" to keep the sodium lights on because they take 15 minutes to warm up.. I'm not sure why it is permissible for an entire hillside to suffer light pollution for the convenience of several people who might or might not want to play tennis? 19-1

Over the 25 years that we have lived in this location the TPC Club has had an expanding role in creating more and more sound pollution each year, the constant noise of the swim buzzer, screams of the match attendees, the sound of the tennis balls hitting the courts, and the entirely audible conversations on the tennis courts, added to the frequent special events diminishes the enjoyment of the wildlife in the open space that we (tax payers) support.

The Lyford hillside is blessed with an environment that is filled with song birds, birds of prey and owls , each that lend their songs to the lovely hillside above TPC.. There are multiple forms of wildlife that are visible in the quiet of the morning and early evening, except when these sounds are either driven away or drowned out by the noise from the club.. 19-2

If this was a single family home, creating this amount of sound and light pollution on a continual basis, no one would allow it...TPC caters to an elite membership at the expense of the entire neighboring hillside. TPC has continually requested more and more events, and longer operating hours, they are a business and operate to fulfill the demands of their membership and seem to be indifferent to the expectations of an entire hillside of Tiburon citizens to peacefully enjoy their homes,
How about no more lights after 7PM on any tennis courts, and put a limit on the decibel level of that buzzer and music ?...enough already.! 19-3

NO on expansion.

Joyce and David Albert, 90 Lyford Drive #8, Tiburon, 94920

Joyce & David albert



TPC 9:45 PM Taken From Golf Pond
No one on Tennis Courts for hours

RECEIVE
MAY 10 2018
PLANNING DIVISION

Sung Kwon

From: Marilyn Victor <mvictor6044@gmail.com>
Sent: Monday, May 14, 2018 1:59 PM
To: Sung Kwon
Subject: lighting

To Whom it may concern:

My name is Marilyn Victor and I live at 411 Paradise Drive in Tiburon. Although I am not a neighbor of the Tiburon Peninsula Club I have a gorgeous view over a park like setting. As a resident of Tiburon with a wonderful view I find it extremely concerning that an application to construct enormous light poles in neighbors primary view corridors for the benefit of a junior tennis program completely inappropriate. 20-1

The Town of Tiburon must draw a line and set an example that light pollution and dark sky initiatives are real. Residents in a place like Tiburon should be able to enjoy their winter evenings with natural darkness along with the birds and other wildlife.

Thank You,

Marilyn Victor

--
Please note my new email address mvictor6044@gmail.com

Sung Kwon

From: Michael Stephens <michael.stephens@paralleladvisors.com>
Sent: Monday, May 14, 2018 10:57 AM
To: Sung Kwon
Subject: TPC Lighting Proposal

To Whom it may concern,

My name is Michael Stephens and I live at 687 Hawthorne Dr.. Obviously the plan to light the TPC tennis courts has no direct effect on my view or my home. However, the potential for TPC to accomplish their lighting plan has a direct effect on BTC's long desire to light more of their courts.

I am truely alarmed by Tiburon's bizzare flip flopping stance to "light pollution" in our town. In 2010, I remodeled my home on Hawthorne Drive and had to come before the Tiburon design review board three times to modify my plans due largely to the **potential for any light pollution** from a kitchen light or a sky light that may have a minor effect on my neighbors view. I capitulated on all fronts to satisfy my neighbors, 100%. I had no desire to be a bad neighbor and RUIN my neighbor's view. 21-1

BTC has tried and now TPC is attempting to march forward with their plans to build more towers of light, that will clearly have a dramatic negative effect on their neighbors view. I do not support TPC's plan to add lights.

Views are a premium at all times of year in the town of Tiburon. From my personal experience, Tiburon Design Review has said that one home owner does not have the right to reduce the view or their neighbors with unnecessary light pollution. Why would it be any different for the private clubs?

Please also take into consideration, when BTC was attempting to convince Hawthorne Terrace to allow their lighting plan to go through. All the people pushing the idea did not live adjacent to the club, did not share our views and/or they were not residents of Tiburon.

I strongly believe that the Town of Tiburon needs to take a firm stance that this type of proposal should never be given any form of consideration. It is the towns responsibility to weed out frivolous ideas that clearly damage the environment for many of the neighbors of TPC and BTC. If the town continues to allow these issues to come to a vote eventually one of the clubs might get it done and then the neighbors have **NO Recourse**.

Thank you for your consideration

Michael Stephens | Principal
Parallel Advisors, LLC
150 Spear Street, Suite 950
San Francisco, CA 94105
w: 415.728.9176 m: 415.948.4272
web | email | linkedin

Sung Kwon

From: Maysa Namakian <mnamakian@gmail.com>
Sent: Monday, May 14, 2018 1:14 PM
To: Sung Kwon
Subject: TPC Expansion Project

Dear Sung,

I am writing to express my concerns as a resident of Tiburon for the TPC Expansion Project. My husband and I are opposed to the addition of eight lamps per court during non-daylight hours. The amount of noise and light pollution proposed is unacceptable to local residents who will be greatly affected by this project. In addition, this will set precedent for other local tennis and outdoor facilities. Tiburon is a residential community which values unobstructed views and limited light and noise pollution at night and early mornings. Residents and families should be able to enjoy their evenings and early mornings without disruptions of a local tennis court. The town has also gone through great lengths to limit the number of street lamps in each neighborhood and to implement strict homeowner lighting rules (ie; skylights, downward facing exterior lights, etc) for homes; therefore, they should remain consistent with their values on this project. I urge the Town to reject this the TPC Expansion Proposal. 22-1

Best,
--
Maysa Namakian
681 Hawthorne Drive, Tiburon, CA 94920

Sung Kwon

From: Maureen Corcoran <corcoran.maureen@gmail.com>
Sent: Monday, May 14, 2018 4:40 PM
To: Sung Kwon
Subject: TPC lights

I live above the TPC and object to the lights on the same bases as Alice Fredericks thoroughly set forth in her earlier letter. In addition, the noise from the courts is a serious concern for me. I currently hear every word and child's shriek from the junior courts. I should not have to close my windows to be able to enjoy dinner in the early evening. 23-1

Maureen Corcoran

Sung Kwon

From: Cathy Kennedy <cthyken@aol.com>
Sent: Tuesday, May 15, 2018 7:01 AM
To: Sung Kwon
Subject: TPC lower courts lighting proposal

Mr Kwon,

I am writing regarding the TPC proposal to light the lower courts as part of a so-called junior tennis program. I have been a member of TPC for nearly 30 years. My entire family and I have been active recreational players and have participated in over a dozen competitive teams. I do not support the request to add additional lighting. 24-1

First, I am opposed to additional light pollution in our community, to which this would certainly contribute.

Second, I do care about maintaining friendly relations with the neighbors surrounding TPC. At present, a large number of our juniors spend long hours at the club unsupervised, creating a noise disturbance to us and many of our member friends. Adding more space for juniors to spend evening time at the club would certainly add significant noise pollution, especially since the involved courts are located at the base of a bowl-like valley. 24-2

Finally, as stated in the letter template our Tennis Director sent members encouraging them to sign in support of this proposal, the benefit of the additional court time this proposal would allow would accrue chiefly to the pros. TPC is staffed with far more teaching pros than comparably sized regional clubs, and I believe this is an effort to keep them all occupied. 24-3

I am writing this so you can be aware that not all TPC members view this proposal positively. I would appreciate it if you would keep my name confidential.

Thank you.

Cathy Kennedy

Sent from my iPhone

Response to Letter from Joyce and David Albert

19-1 The commenter's observations about existing noise and light impacts are noted for the record. See Master Response 1 for information regarding what the applicant proposes to do to reduce the lighting impacts from the upper courts.

19-2 The observations about noise impacts to birds are noted for the record. See responses to Comment Letters 6 and 9 regarding noise and lighting impacts on birds.

19-3 Alternative 2 presented in the DEIR would include no new lighting after 6:45 p.m. While not required to reduce the lighting impact to a less-than-significant level, the Town could consider additional lighting limitations on the existing courts.

Response to Letter from Marilyn Victor

20-1 The commenter's opinion about the project is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

Response to Letter from Michael Stevens

21-1 The commenter's opinions are noted for the record. The proposed project would need to undergo Design Review as did the commenter's project. As no question is asked regarding the EIR, no further response is warranted.

Response to Letter from Maysa Namakian

22-1 The commenter's opinion is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

Response to Letter from Maureen Corcoran

23-1 The commenter's opinion is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

Response to Letter from Cathy Kennedy

24-1 The commenter's opinion is noted for the record.

24-2 The commenter's opinion is noted for the record.

24-3 The commenter's opinion is noted for the record.

Eva & Sven Ericsson
90 Lyford Drive, unit #5
Tiburon, CA 94020
630-235-0224
eva@ericssonfamily.com
sven@ericssonfamily.com

May 12, 2018

Tiburon Planning Commission
Commissioners, John Corcoran, Erica Williams, Daniel Amir, Jeff Tsai, Kathleen Defever

Re; Tiburon Peninsula Club Expansion, Court Lighting and Junior Clubhouse impact on the Lyford Drive, Red Hill, Corinthian Court neighborhoods

Dear Commission Members,

It has come to our attention that the Tiburon Peninsula Club is requesting approval for an expansion. We wish to express our objections.

The open space in front of our Tiburon home as well as the same for our neighbors is a treasure for everyone in the community that should not be damaged. It is the interplay of beautiful nature that comingle with appropriate housing that makes Tiburon uniquely attractive. 25-1

In addition to the human enjoyment of nature the valley between our home and the tennis club is a wonderful habitat for many types of animals. I am particularly enthused about the hawks, swallows, hummingbirds and an owl – with her chicks last year. In addition, we often see deer and currently their fawns and yes during the nights we hear coyotes. To see all of this with the backdrop of the San Francisco skyline is truly magnificent.

The tennis club is at times noisy with lights on well into the evenings disturbing the neighborhood for people and animals, but it is there, and this will not change. One detail that the club members may not realize is that we can often hear every word in conversations being carried perhaps by the topography of the valley and hillside to the homes along the higher elevations. To expand the club at the price of further interference and disturbance to all living things surrounding this club would not be right. 25-2

We sincerely hope that your decision will support the beautiful nature of the Tiburon community.

Sincerely,

Eva and Sven Ericsson

Sung Kwon

From: carol weiss <carolweiss37@yahoo.com>
Sent: Tuesday, May 15, 2018 4:43 PM
To: Sung Kwon
Cc: elenastephens522@gmail.com; Linda Wishart; chrisweil@me.com; Dominic & Margaret Di Mare
Subject: Belvedete Tennis Club Lights

I am vehemently opposed to the BTC being permitted to have additional lights. As it is, we are subjected to light pollution that looks like airport runways ruining our views. Please do not permit the addition of more lights. 26-1

Thank you,

Carol Weiss
684 Hilary Drive
Tiburon, CA.
415/302-7529

Jacqueline M Leung, MD
1835 Mountain View Drive
Tiburon, CA 94920

RECEIVED
MAY 16 2018
PLANNING DIVISION

Mr. Sung H. Kwon
Planning Manager
Town of Tiburon
1505 Tiburon Blvd.
Tiburon, CA 94920
skwon@townoftiburon.org

May 15, 2018

27-1

RE: Letter of Support for the TPC's Junior Tennis Center Project

Dear Mr. Kwon – I am writing to enthusiastically support the TPC's Junior Tennis Center Project.

My husband and I have been long-term residents of Tiburon for over 20 years and have lived in the same home directly above TPC since we moved to Tiburon in 1993. We have been deeply interested in all affairs that affect our community. In the past, we have been active participants in many town related activities such as supporting our local community and residents in hearings regarding the Martha Property. Recently, we have been one of the first proponents of limiting short-term residential rental in Tiburon in order to preserve our community safety and environment.

TPC has been a wonderful and nurturing environment for my twin boys aged 12. We joined TPC several years ago primarily because of the junior tennis experience. My boys are avid tennis players and have participated in numerous junior tennis clinics, summer camps, and represented the club in junior tennis league tournaments. They love the coaching and the camaraderie of other junior players at TPC.

Before we became members of TPC, my sons learned how to swim in the south pool when they were in pre-school as non-member participants. The swim coaching has been instrumental in converting them now to good swimmers, and one still swims regularly in the TPC swim team. In addition to the athletic facilities which we use regularly including the gym, TPC has really been a home away from home. As working parents, we frequently dine in the TPC café in a relaxed environment after a long day of work, while our kids can join in after their activities at the club.

The TPC junior tennis project is a wonderful idea. Typically, before daylight saving time change in late fall, the junior tennis program is greatly truncated in duration. Many nights, the kids were playing tennis in the dusk, I recall parents sometimes shined their car high beam to enable the kids to see better at the end of the clinic. After daylight saving time change, the junior programs are moved to the upper courts with lighting, but that created considerable

congestion with the adult players. Frequently during the winter, parents will take their kids out of the program and drive to other programs with lighted tennis courts. This creates much more traffic along Tiburon, not to mention inconvenience. If the junior tennis center is allowed to have lights installed, this will allow the junior tennis program to carry on in an un-interrupted fashion. More importantly, this will allow many children to continue with the sport they love close to home.

Historically, TPC has been very aware of neighbors' concerns, and a number of steps have already been taken to minimize the project impact on the neighborhood. For example, the lighted courts will only stay on until 7:45 pm, and only in winter months. In fact, during the rainy days in the winter season, the tennis courts would not even be used. Personally, I drive on Tiburon Boulevard to go home every day, and I notice that the Bank of American lights and Boardwalk shopping center lights stay on way past 10 pm, and those lights are very visible from most parts of old Tiburon. As to the noise concern from tennis, these are well supervised tennis clinics or private lessons, and the noise levels is substantially less than that from Friday Night on Main!

In summary, I enthusiastically support the junior tennis project and ask for your vote to approve it. This project will allow children who reside in the Tiburon community access to year-round wonderful tennis programs, without having to commute to a different city for several months of the year when the programs are suspended or reduced.

Sincerely,

Jacqueline M Leung, MD

Sung Kwon

From: Susan Peitz <susanpeitz@comcast.net>
Sent: Thursday, May 17, 2018 9:53 AM
To: Sung Kwon
Subject: Letter of Support for the TPC's Junior Tennis Center Project

Mr. Sung H. Kwon

Planning Manager

Town of Tiburon

1505 Tiburon Blvd.

Tiburon, CA 94920

skwon@townoftiburon.org

May 17, 2018

Subject: Letter of Support for the TPC's Junior Tennis Center Project

Dear Mr Kwon,

We live at 3 Southridge Drive in Tiburon and have been TPC members since 2002. We joined TPC to so our kids could be part of the swim and tennis community in Tiburon. My son, Jacob, age 11, has participated in TPC's tennis program for 8 years! TPC is important to our family because it allows our young son, Jacob, to have the opportunity to be part of the youth tennis community in Tiburon. 28-1

We support the TPC Junior Tennis Center Project because the project supports and strengthens the TPC's junior tennis program and will relieve congestion on the courts during peak usage times, specifically, weekdays during the winter months. It will help Jacob thrive in the sport he loves!

Please approve this project and support our kids! Feel free to call (415-259-7168) or email if you have questions!

Thank you,

Susan and Tom Peitz

3 Southridge Drive

Tiburon, CA 94920

Sung Kwon

From: Mosher, Chris <chrism@plantco.com>
Sent: Sunday, May 20, 2018 5:20 PM
To: Sung Kwon
Cc: Stephanie deGorog Mosher
Subject: Letter of support for TPC junior tennis center
Attachments: 180520 TPC JTC Letter of Support- Mosher.pdf; ATT00001.htm

Dear Mr Kwon,
Please see attached letter. Thank you.

[This e-mail message is intended only for the personal use of the recipient(s) named above. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify Plant Construction Company, L.P. Support (helpdesk@plantco.com) immediately by e-mail and delete the original message.]

29-1

Mr. Sung H. Kwon
Planning Manager
Town of Tiburon
1505 Tiburon Blvd.
Tiburon, CA 94920
skwon@townoftiburon.org

May 20, 2018

Subject: Letter of Support for the TPC's Junior Tennis Center Project

I write this letter as a member of the Tiburon community who is looking forward to approval of the Tiburon Peninsula Club Junior Tennis Center Project. 29-2

My wife, two kids, and I live on Paradise Drive and we have been members of the TPC for five years. My wife and I (and our kids) were born and raised in southern Marin. My parents, grandparents, and great grandparents lived here also. As a kid, I remember competing against the TPC on swim team and visiting the TPC with other kids when I participated in Junior Sailing at the SF Yacht Club. My mother and my grandparents (when they were alive) also live in Tiburon. My mother has been a member of the TPC for over twenty years.

A big part of the reason that we moved here from Corte Madera is the TPC. Even before we moved here, we spent time at the Club visiting with my mother and enjoying the facilities. We discovered a unique place; it sets Tiburon apart from other communities. The TPC is a place where my family has the opportunity to meet, interact, and develop relationships with other Community members, both kids and adults. My wife and I have lived in Mill Valley, Sausalito, and Corte Madera, and nothing we experienced in those communities comes close to the TPC.

Our two girls, 6 and 10, are members of the tennis and swim programs at the TPC. During a typical school week, our older daughter is at the TPC three afternoons a week for tennis practice and to participate in USTA events with the TPC team. Our younger daughter has just started to do one weekday afternoon lesson. Both also have a lesson with their instructors on Sunday morning. Our oldest competes regularly in individual USTA tournaments throughout the bay area. She also competes on the TPC's USTA tennis team. Our youngest is eager to get started in these competitions.

We support the Junior Tennis Center because it will make us a stronger Community and it will benefit all of our kids. Our kids love tennis and swimming and play one or the other, mostly tennis, throughout the year. The activities at the TPC have had a remarkable positive impact on our daughters. The tennis, in particular, has paid off in many ways. Competing at a high level in tennis demands organization and maturity from our kids. Its other benefits include, facilitating a personal, meaningful connection with other families in the community, showing our kids how to be successful while coordinating school work and tennis, promoting a feeling of teamwork

on behalf of Tiburon, and teaching sportsmanship and fair play. The winter months are a challenge because the limited amount of courts, the short days, and our kids' early bedtime.

The above benefits, however, can only be worthwhile as long as it benefits the neighbors without causing negative impact. We have looked at the plan for the project and it seems that maintaining quality of life for neighbors is highlighted in the design. Some of the features we note are the limited hours of illumination of the lower courts, the LED lighting that was chosen for the lower courts coupled with the switch to LED for the parking area that controls overall lighting levels. Also, the appearance and safety of the area will be improved with the removal of the portable toilets and improved hand-wash facilities. It also eliminates the obtrusive portable toilet service visits. The two additional courts and the increased hours of access will spread use and reduce congestion.

My entire family wholeheartedly supports the project and we ask you to vote for its approval.

Thank you,
Christopher Mosher
4935 Paradise Drive
415-672-2057
chrism@plantco.com

Sung Kwon

From: Erin Starnes <erin1006@gmail.com>
Sent: Wednesday, May 23, 2018 9:13 AM
To: Sung Kwon
Subject: TPC plan for expansion

Dear Sung Kwon,

We are a family of three that have lived at 1410 Vistazo Street West since 2006. Our home sits directly behind TPC. As you probably know, we have great concerns regarding TPC's plans for expansion. We would like to bring to your attention the lights have been left on all night frequently with no one at TPC. We have reached out to the manager on several occasions regarding this situation. Since 2006, trees have thinned out and the light pollution is very noticeable. Our view and enjoyment of our own home has suffered from TPC's lights and to think that they are going to add more lights is unacceptable. Our homes are situated on a natural amphitheater. The member's conversations can be heard very clearly, as if they are in our home. Our daughter has grown up listening to the swearing of the tennis players to which I have also called and talked to staff members who are kind enough to apologize and say they will talk to the club members. Nothing has changed except it is louder than ever before. Children screaming at birthday parties every weekend that even our own daughter attends. 30-1

Our daughter has attended summer camps at TPC as well. To think that the expansion will create even more noise is not fair to our community that has to see and hear this every day. The proposed expansion will impact parking/ pedestrian safety and the possibility of the need to add crosswalks/lights to our community. What is most concerning is our birds and owls with their nests that we watch every day (directly behind the TPC). The deer have their babies every year in this area as well. We would be more than happy for you to come observe the noise/light pollution we deal with every day and observe the precious wildlife that are being affected by the TPC. Many neighbors complain about all of this. Many people/neighbors have also said they have not received the notice in the mail or were aware of such expansion. Feel free to call me.

Thank you,
Erin & Robert Starnes
(415) 990-7248

Sent from Erin's iPhone

Response to Letter from Eva and Sven Ericsson

25-1 The commenter's opinions are noted for the record. Please refer to responses to Comment Letters 6 and 9 regarding project impacts on wildlife.

25-2 The commenter's opinion is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

Response to Letter from Carol Weiss

26-1 The commenter's opinion is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

Response to Letter from Jacqueline M. Leung

27-1 The commenter's opinion is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

Response to Letter from Susan and Tom Peitz

28-1 The commenter's opinion is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

Response to Letter from Christopher Mosher

29-1 This is a transmittal letter and requires no response.

29-2 The commenter's opinion is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

Response to Letter from Erin and Robert Starnes

30-1 The commenter's observations and opinion are noted for the record. Please refer to responses to Comment Letters 6 and 9 regarding project impacts on wildlife.

PLANNING COMMISSION
MINUTES NO. 1081 **DRAFT**
Regular Meeting
May 9, 2018
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California

CALL TO ORDER AND ROLL CALL:

Chair Corcoran called the meeting to order at 7:30 p.m.

Present: Chair Corcoran; Vice Chair Williams; Commissioner Defever

Absent: Commissioners Amir and Tsai

Staff Present: Director of Community Development Scott Anderson and Planning Manager Sung Kwon

ORAL COMMUNICATIONS:

There were none.

COMMISSION AND STAFF BRIEFING

1. Commission and Committee Reports/Director's Report

Planning Manager Kwon requested that Commission members indicate their availability to attend regular Commission meetings over the next few months at the end of the meeting.

ACTION ITEMS

Chair Corcoran moved consideration of the minutes to the end of the meeting.

1. 1600 Mar West Street: Accept Public Comment on Draft Environmental Impact Report (DEIR) for the Tiburon Peninsula Club Junior Tennis Center and Lighting Project; File# CUP2015-004; Tiburon Peninsula Club, Owner; Miles Berger, Applicant; Assessor Parcel Numbers: 058-171-17, 058-171-76, and 058-171-84. [SK]

Planning Manager Kwon stated the purpose of this item is to take public comments on the DEIR which was circulated on March 28, 2018 and the comment period will end on May 14, 2018. At the next Planning Commission meeting the Commission will discuss whether or not to re-circulate the DEIR.

Chair Corcoran asked if Commissioners had questions of staff prior to taking public comments, and there were none.

Public Comments:

Alice Fredericks stated she is speaking as a resident and is impacted by the proposed use of the project. The TPC must address demands for uses, often conflicting and increasing uses. Not only are some of the members' uses not met, recreational uses often take a back seat to organized use for training and for competitive purposes. Even the senior reduced fee list has a long, unfulfilled waiting list that has been open for years. The growth in the club, over which the club has control, is due in part to allowing members who are not residents of the community to join. Accommodating all members' needs sustains the resources to meet needs, but also places a burden on the organization to go and find members. This is a hard balance which she recognizes. A sustainable business plan should not come at the expense of the residents in the surrounding homes. 31-1

Ms. Fredericks said she knows of the 'coming to the nuisance' argument, but no one predicts that a small, quiet neighborhood recreation facility will decide to creep in increments ever closer to flood plains and biological resources and to prioritize competitive tennis tournaments and water polo teams over a quieter, less intensive recreational uses. In fact, the burgeoning uses are still on-going even after this project, with a promise to some disenfranchised lap swimmers that another pool is in their future. This is because the current one is heated to accommodate seniors, which is a good thing, but is much too hot for exercising lap swimmers.

A private club choosing its members and use priorities is a reasonable practice, but it generates some consideration for equities and this is not addressed by CEQA or in the DEIR the Commission will be considering. Ms. Fredericks reiterated she is speaking as a resident who is impacted by the current project and for whom the light, noise and hours of use impact and could become unacceptable if the use of the facilities are not restricted now and those restrictions enforced. She said she hoped the Commission read her previous letter regarding the Initial Study, and there is an updated version for this particular meeting, and she asked that the Commission consider the mitigations offered in the context of preserving an equitable balance of needs with residents in surrounding homes, given weighty consideration.

Anita Rozsa said she is a 22 year resident in Harbor Hills. She strongly objects to the proposed TPC expansion, recognizes TPC offers a valuable service to the community, but neighbors already tolerate a lot of noise, light pollution, visual pollution and traffic from kids screaming and yelling, and this gets amplified because of the topography of the area. The proposed expansion will change the character of Tiburon as a small community. Lighting, noise and traffic will increase, and she cannot foresee having a roundabout at Tiburon Boulevard and Mar West Street given the current congestion, and she thinks the existing divider is enough. 31-2

She agrees the TPC offers service to the community, but neighbors have reached a limit as to what they can tolerate. She asked the Club to consider its neighbors and allow them peaceful enjoyment of their property because it has not been that way for a while. They hear noise in the morning from the pool, in the evening from kids playing in the play yard, and also noise from tennis players who yell and cheer. She said residents live here but many members do not, and the residents are forced to listen to the noise.

Michael Parker said he is the owner of a 6-unit apartment building at the end of Harbor Oak Drive and the building is exposed on the east side to the upper courts and on the south side to the 6 courts in question. When he bought property in 1987, the TPC was a quiet little club and the thick span of trees that surrounded it completely screened the tennis courts. But, over the years he has seen operations of the TPC vastly expand along with its impact on the surrounding area. He asked to keep in mind that the TPC operates 7 days a week from 6AM to 9PM and an occasional noise or party would not be a problem, but it is becoming relentless, and this is why the Commission will see a lot of resistance to this proposal. It is not the 2 hours [of new tennis court lighting] they are talking about, but rather the accumulation of impact that is objectionable. 31-3

He said he has already submitted a written statement, but added that in 1987 there was a big battle going on when they were about to carve up that land [the adjacent Old St. Hilary Open Space Preserve], and there were a few dedicated people and the voters of Tiburon eventually taxed themselves to pay for it. So, it is open space, a public amenity, and silence and darkness of night is one of those amenities, and not just a buffer zone for an ever-expanding TPC.

Regarding sound, the acoustical properties there are remarkable. Today, the junior tennis is going on and his property's deck is 700 feet from those tennis courts. They can hear tennis shoes squeaking, balls being hit, and when coaches are giving instruction from the sidelines, people hear them too.

Daniel Goldberg thanked the Commission for the opportunity to share public comment on the DEIR for the proposed project. Based upon written comments already submitted and more to come, he hopes the Commission can appreciate the significant concerns created by the project. These same concerns resonate in Marin as evidenced by past opposition to lighted athletic fields at Marin Catholic and down the road at the Belvedere Tennis Club. The lighting proposed should require a General Plan Amendment in his opinion, since it completely contradicts the safety and security parameters of the Town's planning code. Further, he does not believe the Commission has ever considered a request to light a tennis court on a residential project. 31-4

He did not see anywhere in the EIR any information on why the lower courts were not originally lit when built, and whether it was ever discussed as a condition that they would not be lit to allow lights on the upper courts. No history was referenced with regard to any of that expansion. 31-5

Regarding parking in the DEIR, the application reads, "Additional parking will be freed up on the lower court parking area; however, the site plan states that current parking remains unchanged. It is unclear how to reconcile the two statements since the application identifies that at least an additional staff member will work the pro shop and snack bar. Therefore, parking demand will increase, even if incrementally. Further to this point, the site plan does not show how new structures and improvements will integrate with the existing parking areas. For instance, he asked if the new structure will be built over existing parking spaces. If so, it seems the property would no longer comply with the Town parking regulations but perhaps it is an issue for clarification under the CUP. 31-6

Considering that the intent of the project is to increase patronage and overall access to tennis facilities, a careful review of the current parking demands and parking compliance should be 31-7

included in this review document. With regard to usage, the applicant's estimation of additional usage is devoid of any factual analysis or data. The EIR assumes a 20-student increase as conservative based on application materials. The 20-student count is mathematically undervalued, which is far from conservative. He encouraged the Commission, Town staff and the applicant to reconcile this information since it directly relates to traffic trips, parking and ultimately the project goals.

In closing, he strongly disagrees that the club's existing facilities do not accomplish the stated objective. The TPC simply chooses to manage the club in a manner that restricts this from happening. They have 6 lit tennis courts and choose to use them in a different way. He said he will be submitting additional written comments during the EIR comment period to expand on these points, as well as address other material concerns with the environmental document. 31-8

He would also like to point out that the number of homes included in some of the letters received was far greater than the letters themselves since there are many homeowner associations and rental properties that are very unique to Tiburon, and those are the people who have their primary viewshed he was looking over. 31-9

DeAnn Biss said she supports and echoes all previous comments and said she is a mother of two children in the school district. While she supports after-school activities for students, this is not the venue to hold those activities. She specifically mentioned lighting, traffic and noise issues, and said all are significant where she lives. She hopes the Commission takes this under consideration because this is certainly not an appropriate expansion for the children. 31-10

Michelle Trautwein said her house sits right above the lower tennis courts under discussion, that she is also a very happy TPC member, and knows her family contributes to the loud noise everybody has mentioned. Living above the tennis courts, it sounds like a very loud summer camp throughout spring, summer and fall months. The idea of so much more lighting and so much more noise is really off-putting, even for someone who really loves the TPC. She thanked the Commission for taking her comments, and hoped the expansion does not move forward. 31-11

Erin Starnes said she also has a child that goes to Bel Aire and that she has been a resident since 2006. The noise, light pollution and environmental pollution have significantly increased throughout the years. They watch birds, owls and other wildlife through the trees. Lights are left on continuously and she has emailed the manager on several occasions and received very courteous replies promising that this will not continue, but to no avail. The lights are left on all the time and she has pictures of them, and said it is incredible the amount of light shining in their homes on Vistazo West. 31-12

She has called TPC on numerous occasions regarding the noise and swearing, and they are very apologetic. She can hear every single conversation going on in the courts. Her small child also hears the swearing in their home, which is horrible, and they hear every bit of instruction given from aquatics. She presented pictures of what has happened to the neighborhood's space and said it has been very upsetting to their lives.

Michael Hraba said he lives next door to Ms. Starnes, stated a picture is worth a thousand words and he distributed photographs to the Commission. He is a businessman and understands the economics of needing to survive, but he also has been lucky enough to do some rehabilitation projects at Fort Baker and the Presidio and learned a lot about the dark sky initiatives. As a resident he must also abide by the Town's dark sky initiative and it seems like the "big guys" do not. 31-13

After some of the trees were thinned, lights are on and glowing in a way that washes out people's field of vision. It is not just about him, because having the lights on can also affect other things. He echoed comments of other speakers, especially about the swearing and conversations, as well as the training megaphone, which is used on all Saturdays and Sundays. While quaint and while it makes him understand he is part of a community, he chose to get out of the city and find a piece of heaven he was lucky enough to be part of, and did not know of this impact beforehand.

He said it also seems like the tennis courts are often empty, and most of the sound was from activities at the pool. Light pollution has also been proven to impact the wildlife, including nesting raptors and owls, in many different ways.

His main point is that if residents are meant to trust what TPC is doing, the Town needs to see how they are operating, as they are not true to their word about their operations. They state that they keep their lights on until 7:30 p.m. but they stay on until 10:00 or 10:30 p.m. every night and sometimes they do not shut off. He therefore asked the Commission to consider the environment and the open space the Town decided to protect and shield for these species.

Priscilla Embry echoed all of the comments of speakers regarding noise and traffic and those which particularly speak to the issue of light pollution. Darkness is a resource and it is important for people's health and is easily destroyed. This is why the Town approved dark sky compliant lights when they replace fixtures on their homes. However, it does not seem as though the TPC follows that same rule. Their lights might be dark sky compliant in some way, but when looking at the drawing, she opposed them. She has an owl living in a pine tree right outside of her house and thinks darkness is something everybody needs to treasure. 31-14

Miles Berger said he was the architect in some of the original planning on the project and agreed that this comment period should relate to the aspects of the project mentioned in the DEIR and comments should have nothing to say about pools, jumpy houses or other things. He said TPC takes seriously the concerns of the neighbors, but one thing to remember is there are mitigation measures described such as altering parking lights that currently stay on until 10:00 p.m. However, part of the mitigation in the DEIR is to lower that amount of lighting, so there will be improvements in the final project. 31-15

He said mitigation measures incorporated will be LED lights on motion sensors and they only come on when someone is on the court and go off when the court is empty. They would also go off every night at 7:45 p.m. Other items mentioned tonight relate to a roundabout, but he said there is no roundabout planned soon at Tiburon Boulevard and Mar West Street. In fact, the LOS was measured in the DEIR and was more than adequate, and it would be adequate with the project in place.

He said the TPC will also be making a contribution to Tiburon's fund if, at some point in the future, a traffic signal was needed for that intersection. Regarding open space, there is no change in the open space use. This project is being done on existing courts and existing parts of the paved parking lot, so concerns about additional biological impacts are mitigated by the project.

Regarding noise, the levels of noise were measured by the EIR and were found to be within the acceptable levels according to the Town's ordinance. This is not to say there is not something to be listened to and improved upon in terms of bull horns and instruction.

Lastly, there is no pro shop proposed, but rather two bathrooms and a storage room, and the entry area is covered so the light that is installed will not be seen. From a parking point of view, currently that area has a series of Tuff Sheds that are built in the parking lot and in this project storage will be moved away and consolidated, and this frees up parking. He makes these points just to say that the DEIR considers them and the Commission can read in the DEIR how they are considered. He believes the DEIR is extremely thorough, and during the process of developing it TPC learned things about how to improve upon the project. They eliminated two proposed new tennis courts and removed some of the buildings proposed. He also noted that LED lighting will come on instantly and go off when courts are not in use, and all lighting will go off at 7:45 p.m.

Chair Corcoran said for the benefit of everyone present, procedurally, while the Commission appreciates Mr. Berger's responses, the DEIR consultant will take all comments and provide written responses. He confirmed with Mr. Kwon that at the next meeting, the Commission will decide whether or not to re-circulate the DEIR, and written responses will be provided before the Commission's decision on the use permit.

Director Anderson added that staff and the consultant will review all written and verbal comments and determine if there is anything that would require re-circulation under CEQA, and this will be the topic of discussion at the meeting in two weeks. Following that, responses will be drafted to all comments, both verbal and written, and those will be put forth in a compendium called, "Response to Comments". That document and the DEIR will constitute the FEIR and then there will be a subsequent meeting, which is always held at least two weeks after the FEIR has been released, so that people have a chance to review it and comment. At that time, the Commission will tackle both whether to certify the EIR and will also consider the merits of the project.

Janice Russell echoed comments of other speakers and said she appreciates the response to date of TPC in trying to address comments. She lives directly next to the upper tennis courts and believes there is an omission in the DEIR. This area has a grove of trees that used to be healthy and neighbors saw no light leakage through those trees, which also helped as a sound barrier. They have watched in an accelerated basis those trees dying. The Club has come out and cut them down and is aware of the situation, and it is now letting a significant amount of light through, which she did not see addressed in the DEIR. Given the significant increased use of these courts and what TPC plans for the future, she thinks the Town should ask the TPC to address this situation. 31-16

Ari Lit said he is a TPC member and does not support the lights. His family plays tennis at the TPC, including his two children. His son is also on the water polo team and practices three times a week with the current lighting, which is sufficient. He swims masters competitively in the cold pool and there is plenty of time for him to do his swimming. He has heard the cool pool is under-utilized from those who work at TPC as part of the swim program. The TPC will definitely save money by not running lights at nighttime and he would like to see the cost benefit analysis to the TPC of this project, and said he would be shocked if they were making any money. In fact, they will probably ask members for more money for their membership. 31-17

According to the Tiburon noise element, 80 decibels is unacceptable for residential tennis courts. He looked up decibels for pro players grunting noises and said they range from 93, 88 and 85 decibels, and said it will be difficult to guarantee these noises and grunts will not get above 80 decibels. He said it is very loud for residents and agrees with other speaker comments on noise.

Regarding issues of parking lot lights, they should go off early irrespective of what is being discussed tonight. The motion detection sensors should also be added to the upper courts, and he thinks that LED lights should also be added to the upper courts [to replace current lighting].

Mr. Kwon provided photographs to the Commission from a resident, incorporation into the administrative record.

Chair Corcoran stated Planning Commissioners can provide comments on the DEIR at this time if they wish. Mr. Kwon added that staff will provide a staff report at the next meeting that will analyze whether to re-circulate the DEIR.

Vice Chair Williams echoed Mr. Berger's sentiments about the civility of the Town in this process and the importance of this process. She said this is the opportunity to speak and share how development impacts the community, and she also echoed a comment from Mr. Hraba that in order to trust what the TPC is doing, there is a need to see how they are operating.

To preface her comments and as she understands the DEIR, it is to educate the community as to the potential impacts of the proposed development. In this case it is lighting of the lower tennis courts and the addition of an entryway structure, some bathrooms and storage area, and the focus is on the lower tennis court area. It educates the public as to the potential impacts of that limited development and on the possible ways to mitigate those environmental impacts.

The importance of this document is to ensure that it accurately and in a full way covers potential impacts and mitigation efforts and other project alternatives. As she looks at the DEIR, she personally feels that she does not have enough information to assess impacts.

Her first point relates to the noise impact. The finding in the DEIR is that the project will not result in any significant noise impacts. What is striking is that a noise report for the TPC had been prepared in 2004 (a very long time ago), and this related to the entire TPC and not to this specific area. Two or three measurements were taken in a single location above the lower courts which, as someone mentioned, are not getting much use right now, and that those measurements were taken during adult tennis lessons. 31-18

Another 1997 Palo Alto study was cited that looked at a comparable tennis facility or club there and they took some measurements of different activities on tennis courts. She noticed that the decibel levels for youth matches exceeded what would be appropriate levels in the Town.

Therefore, in looking at this data, she wondered about the underlying methodology that led to that conclusion. She wanted to make sure that the methods used to reach that conclusion captured the potential for increased activity with lights at night for youth programs, and will result in younger people playing on the courts. She questioned whether or not DEIR really captured the potential noise impact and questioned the methodology, as it seems that based on the study cited in the DEIR using the Palo Alto Tennis Club, youth activities on tennis courts do result in substantial noise.

She has focused on the noise and the lighting given the community's concerns and she was also mindful of the Town's Municipal Code which states, "Exterior lighting shall not invade the privacy of other properties, glare or light pollution and that baffles, shields or other structural elements may be required to limit light pollution from exterior lights". As far as she can tell from the DEIR, the only visual depiction of the proposed lights and equipment and material to be used is Figure 3.1-3, which does not provide much in terms of an understanding of what the project will look like and what the impact might be. She asked if preparers could consider visual simulations, and asked if they were in the Appendix, which was not copied for the Commission. 31-19

Mr. Berger provided a display of photographs, and Vice Chair Williams noted these are the black and white photo simulations of the view impact of lighting on views. She instead asked for a simulation of what the courts will look like with the lights proposed. 31-20

Mr. Kwon referred to page 32, and Vice Chair Williams replied that the focus there is the view from remote areas, and she asked for a closer visual of what the courts look like so the Commission can have an understanding of potential impacts. She also thought the DEIR photo simulations were not very helpful as compared to what the Commission has received from residents, which were visually more interesting and useful.

She asked that the applicant consider consulting a lighting expert, and Mr. Berger responded that they did. She asked that the EIR consider mitigation measures that use shields and trees, and asked if this was done, since the issue was brought up by a few speakers tonight and also at the scoping session. 31-22 31-10

Vice Chair Williams said another letter writer asked to consider the impact of the trees along Mar West Street, which have been cut back over the years. If more trees are cut back, the question is what impact will there be on residents who live on the other side of Mar West Street.

She assumes the applicant has considered lighting based on safety and project needs, but she said 38 poles [for court lighting] seemed like an awful lot. Another commenter wrote about the translucent roof and she echoed the concern, as this could be a source of additional light. Another commenter raised apprehension about the viewing area or bleachers, and she understands this is no longer part of the project. 31-23

In going back to the photo-simulations and the 4000 KW LED lighting, as a lay person she was not sure what kind of light this produces, and she asked that this be visually demonstrated.

Chair Corcoran suggested a multi-media presentation of lighting could be provided at the next meeting instead of photocopies. 31-24

Vice Chair Williams concluded, stating she knows construction impacts were addressed but her recollection was that Commissioner Weller had specifically asked that the DEIR address potential long-term light impacts on nesting birds and biological species. 31-25

Commissioner Defever echoed Vice Chair Williams' comments. This is her first time looking at any EIRs or discussions relating to this project, as she was new to the Commission. She is concerned about noise levels, and it sounds as if they do not know what the current noise level is because the only noise measured is what the addition will be and she heard a concern from Erin Starnes that since she moved in back in 2006, noise levels at TPC have increased significantly. 31-26

She also voiced concern with the trees and shrubbery. The Commission heard from Janice Russell, who said lighting was shielded when the trees were healthy, and she suggested looking more at where the trees are located and whether trees could be added as mitigation measures. This would provide progression, mitigation and balance for both TPC and neighbors who have noise and light concerns. 31-27

She asked to know how much existing trees have been trimmed, what was feasible to increase that mitigation, and noted that someone mentioned in a letter that it would be very helpful to see a sample LED light of the 4000 KW wattage, and she suggested putting this on a pole for everyone to see. She knows from her own experience that LED bulbs do not look anything like regular light bulbs, and she questioned whether this would be better or worse when putting them on a tennis court. She suggested using a drone to fly the area and record lighting in a video for people to see, as this is an important subject for neighbors living here, and thinks there should be better exhibits and more mitigation ideas. 31-28 31-29

Chair Corcoran stated that he was appreciative for the public to come to the meeting and submit written comments and voice concerns in a respectful way. He said CEQA is a strange process, and some of the discussion tonight bleeds from discussing environmental impacts and mitigation measures, and there are still the merits of the project. After the EIR is certified the Commission can make a determination based on the merits of the project and any changes that are necessary based on what the applicant is requesting. Some of this will come up at subsequent meetings and he said he looks forward to reading responses to all written and oral comments.

Vice Chair Williams added that her issue with the noise and what has been studied is that she did not have a sense of what the noise impact would be from increased youth activities. She did not see any assessment of this, but only adult activity at the upper courts, the 2004 study of the entire TPC, and the 1997 study of a Palo Alto club that had youth tennis lessons. She thought there must be some comparable tennis club in the area or even current youth activities in the Town, so the Commission can get a better sense of baseline noise and better projections, as she felt those 31-30

projections provided were not tethered to the current baseline activities at TPC. There were many unconnected elements that seemed to be a flaw in the methodology.

Chair Corcoran confirmed with Mr. Anderson that no action was needed at this time by the Commission, and he thanked all speakers for their comments.

PUBLIC HEARINGS

1. 24 Via San Fernando; Consider a Conditional Use Permit Application to Legalize the Keeping of Honeybees on a Single-Family Residential Zoned Parcel ; File #CUP2018003; Skip and Ellen Smith, Owner and Applicant; Assessor's Parcel No. 038-342-26 [SK] **Continue without Discussion to June 13, 2018.**

ACTION: M/S (Williams/Defever) to continue to June 13, 2018. Motion carried 3-0.

ACTION ITEMS (Continued from beginning of meeting)

1. Planning Commission Minutes – Meeting of April 11, 2018

ACTION: M/S (Williams/Defever) to approve the minutes of April 11, 2018, as submitted. Motion carried 3-0.

ADJOURNMENT

The Planning Commission adjourned the meeting at 8:25 p.m.

_____
JOHN CORCORAN, CHAIR
Tiburon Planning Commission

ATTEST:

_____
SCOTT ANDERSON, SECRETARY (ACTING)

Responses to Oral Comments Made at the May 9, 2018 Planning Commission Public Hearing on the DEIR

A photograph was submitted at the Public Hearing that was too blurry to make out what was being photographed, so it is not included in this FEIR.

31-1 See the previous responses to Comment Letter 5 that include the oral comments made here.

31-2 The commenter's opinion about the proposed project is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

31-3 The commenter's opinion about the proposed project is noted for the record. As no question is asked regarding the EIR, no further response is warranted. Responses were provided to Comment Letter 7 submitted by this commenter.

31-4 The commenter's opinion about the proposed project is noted for the record. The Town did not require an application for a General Plan Amendment for this project. As no question is asked regarding the EIR, no further response is warranted. Also, see responses to Comment Letter 10 from this commenter.

31-5 See Response 8-4 regarding CUP limitations. No lighting of the lower courts was allowed in the 2005 CUP.

31-6 See previous Response 8-10 regarding parking issues.

31-7 See previous Response 8-6 regarding the same questions about use estimates.

31-8 See previous Response 8-5 regarding the issue of whether existing facilities can meet project objectives.

31-9 The comment is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

31-10 The commenter's opinion about the proposed project is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

31-11 The commenter's opinion about the proposed project is noted for the record. As no question is asked regarding the EIR, no further response is warranted.

31-12 The commenter's comments and opinion about the proposed project are noted for the record. As no question is asked regarding the EIR, no further response is warranted.

31-13 The commenter's comments and opinion about the proposed project are noted for the record. As no question is asked regarding the EIR, no further response is warranted.

31-14 The commenter's comments and opinion about the proposed project are noted for the record. See previous Responses 6-4 to 6-6 regarding impacts of lighting on birds.

31-15 The commenter's comments and opinion about the EIR are noted for the record. As no question is asked regarding the EIR, no further response is warranted.

31-16 Please see Master Response 1 regarding the tree screening of the upper courts, and the applicant's plans to address the loss of trees.

31-17 The commenter's comments and opinion about the proposed project are noted for the record. A cost-benefit analysis of the project is not required under CEQA. Please refer to Master Response 2 for further discussion of noise generated by tennis players. The noise generated is less than significant given the Town's noise significance thresholds. As reported in Master Response 1 and previous responses related to lighting impacts, additional mitigation for lighting impacts is not required. However, the Town can consider the commenter's suggestion to reduce the time lights can be on at the upper courts.

31-18 Please see Master Response 2 regarding these same questions about how the noise impacts were assessed. Additional measurements were done for youth lessons and games, and these measurements corroborated the DEIR findings on the amount of noise that would be generated.

31-19 See Master Response 1 regarding lighting impacts, consistency with the Municipal Code, and the need for additional photosimulations. No additional photosimulations were included in the DEIR Appendix. Also, see the better reproductions of the photosimulations that are attached to Master Response 1.

31-20 Please refer to Master Response 1 regarding the need for additional photosimulations. As explained in that master response, the vantage points used for the photosimulations were selected to show views from nearby residences with clear views of the project site. Additional simulations may be valuable to the Planning Commission to gauge how many residential areas would be affected. But additional simulations are not needed to determine that this proposed lighting would not result in a substantial new light source that would exceed the CEQA Guidelines, Appendix G significance criterion for lighting impacts. In addition, though the impact was deemed less than significant, mitigations were recommended and clarified in Master Response 1, plus a project alternative was presented that would further reduce lighting impacts.

31-21 Please refer to Response 3-3 regarding this same question about the use of screening.

31-22 Please see Response 3-4 to this same question.

31-23 Please see Responses 3-5 to 3-7 to these same questions.

31-24 Please see Response 3-1 regarding what the proposed lights look like.

31-25 Please refer to Responses 6-4 to 6-6 regarding lighting impacts on nesting birds and other species.

31-26 Please refer to Master Response 2 regarding ambient noise and project-generated noise impacts.

31-27 Please see Master Response 1 regarding tree loss at the upper courts. Additional mitigation is not required for the lighting impact.

31-28 Please see Master Response 1 regarding tree screening at the upper courts.

31-29 Please see Response 3-1 regarding the need to install a sample light on the site. Requiring a drone flight could be required by the Town, but it is not needed to assess the significance of the lighting impact.

31-30 Please see Master Response 2 regarding noise impacts.

CHAPTER 4
REVISIONS TO THE DEIR

The following chapter presents changes to the text of the DEIR that are warranted given errors found by the Town and the comments presented in Chapter 3. Changes are shown in the following manner:

- Additions to the text are shown as underlined text like this added text.
- Deletions from the text are shown as strike-out text, like this ~~strike-out~~.

Based on Town review and comments received, the following DEIR text revisions are warranted. These revisions are intended to clarify the DEIR analyses. However, none of these revisions would result in a new potentially significant impact nor substantially increase the significance of any impact.

1. Replace Figure 3.1-3 in the DEIR with the revised Figure 3.1-3 in this Final EIR.

2. Add the following language to the end of the discussion of Existing Views on page 24 of the DEIR: "As shown on Figures 4.1-4b and 4.1-6b, the project site contains substantial lighting from the parking lot lights, and this TPC lighting is part of a relatively well-lit viewshed. It is expected that photos taken from other residences in the project viewshed that would have some view of existing lighting would show similar residential lighting at upper elevations and bright lighting in the Downtown area framed by more distant lighting in Belvedere and across the bay. The two photographs of existing TPC lighting do not capture existing lighting on the TPC facilities to the north of Mar West Street. The northern tennis courts are brightly lit with metal halide lights. These lights are on timers that are programmed to turn the lights off at 9:00 p.m."

3. Change the text on page 80 of the DEIR as follows: "The lights would ~~not~~ be on during ~~most~~ part of the bird breeding season. The suggested Mitigation Measure 4.1-C.1 ~~4.1-3.a~~ would reduce the light spillage from the existing parking lot lights, which are on later than the proposed tennis court lights."

4. Mitigation Measure 4.2-B.1 on page 42 of the DEIR is deleted since the requirement to pay a traffic mitigation fee is required by the adopted Town Traffic Mitigation Fee Program. Accordingly, payment of this fee will be required as a Condition of Approval for the project, but it is not a mitigation under CEQA.

CHAPTER 5
MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring program when approving a project or changes to a project, in order to mitigate or avoid significant effects on the environment (Public Resources Code section 21081.6). The program is based on the findings and the required mitigation measures presented in an Environmental Impact Report (EIR) that has been prepared on the project and certified by the lead agency. The reporting program must be designed to ensure compliance during project implementation.

Pursuant to the CEQA Guidelines, a Mitigation Monitoring and Reporting Program (MMRP) must cover the following:

- The MMRP must identify the entity that is responsible for each monitoring and reporting task, be it the Town of Tiburon (as lead agency), other agency (responsible or trustee agency), or a private entity (i.e., the project sponsor).

- The MMRP must be based on the project description and the required mitigation measures presented in the environmental document prepared for the project and certified by the lead agency.

- The MMRP must be approved by the lead agency at the same time of project entitlement action or approvals.

MMRPs are typically designed in chart and checklist format for ease of monitoring.

PURPOSE AND USE OF THE MONITORING PROGRAM

The purpose of the monitoring program is to provide the Town of Tiburon with a simple guideline of procedures to ensure that the mitigation measures required under the Final EIR are implemented properly.

Since each required mitigation measure must be implemented, a monitoring chart was created, which is attached to this report. This chart provides the following information and direction for use.

1. The required mitigation measures are listed in the first column, corresponding to the list of measures provided in the Draft and Final EIR.

2. The second column lists the agency or entity responsible for implementing the mitigation measure.

3. The third column describes when the mitigation will be implemented and the monitoring period.

4. The fourth column provides a location for the monitor to sign-off that the mitigation has been successfully implemented.

MITIGATION MEASURE	IMPLEMENTATION PHASE	PARTY RESPONSIBLE FOR IMPLEMENTATION	PARTY RESPONSIBLE FOR COMPLIANCE
4.4	**Air Quality**		
4.4-A.1	In accordance with the BAAQMD CEQA Guidelines (BAAQMD, 2017), the project shall implement the following actions (that are pertinent to this project) to control dust from escaping from the site: 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day if construction occurs during dry weather. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 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 vehicle speeds on unpaved roads shall be limited to 15 mph. 5. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized 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]). Clear signage shall be provided for construction workers at all access points. 7. 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. 8. 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 with applicable regulations.	**Start:** Initiation of construction **Complete:** Completion of construction	Project Sponsor	Town Engineer
4.7	**Biological Resources**		
4.7-A.1	The project shall not damage native vegetation in the buffer zone (defined as the 5-foot setback from trees as shown on Figure 3.1-3. The boundary of the buffer zone shall be staked and flagged in the field with	**Start:** Prior to initiation of construction **Complete:** Completion of construction	Project Sponsor	Town Engineer

MITIGATION MEASURE	IMPLEMENTATION PHASE	PARTY RESPONSIBLE FOR IMPLEMENTATION	PARTY RESPONSIBLE FOR COMPLIANCE
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.			
4.7-A.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 they are 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	**Start:** Prior to initiation of construction **Complete:** Completion of construction	Project Sponsor and Biologist approved by the Community Development Department	Project Biologist, Community Development Department, and Town Engineer

MITIGATION MEASURE	IMPLEMENTATION PHASE	PARTY RESPONSIBLE FOR IMPLEMENTATION	PARTY RESPONSIBLE FOR COMPLIANCE
	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. 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.			
4.7-A.3	A qualified biologist shall inspect the project site prior to construction to ensure there are no active nests of salt marsh common yellowthroat near the construction area. If active nests are discovered, a 50-foot buffer will be established between the nest and the construction site. Travel and other human activity should be prohibited within the nest area for the duration of construction.	**Start:** Prior to construction **Complete:** Buffer, if warranted, maintained throughout construction	Project Sponsor and Biologist approved by the Community Development Department	Project Biologist, Community Development Department, and Town Engineer
4.7-C.1	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 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.	**Start:** 14 days prior to construction **Complete:** Buffers, if warranted, maintained throughout construction	Project Sponsor and Biologist approved by the Community Development Department	Project Biologist, Community Development Department, and Town Engineer

	MITIGATION MEASURE	IMPLEMENTATION PHASE	PARTY RESPONSIBLE FOR IMPLEMENTATION	PARTY RESPONSIBLE FOR COMPLIANCE
	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.			
4.8	**Cultural Resources**			
4.8-A.1	If buried archeological resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground-disturbing activities, work would stop in that area and within 100 feet of the find until the FIGR Tribal Heritage Preservation Office (THPO) is contacted about the finds. The THPO will determine whether a qualified archaeologist should assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the Town and other appropriate agencies, or whether an alternative approach is warranted for the finds.	**Start:** At time of discovery of archaeological resources **Complete:** When FIGR THPO determines additional analysis is not required or, if additional analysis is required, when that analysis is completed and treatment measures needed are completed	Project Sponsor and FIGR THPO if warranted	Community Development Department and Town Engineer
4.8-A.2	If human remains of Native American origin are discovered during project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (PRC 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: • The county coroner has been informed and has determined that no investigation of the cause of death is required; and • If the remains are of Native American origin, the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98. Or The NAHC was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by the	**Start:** When remains are found **Complete:** Completion of state-required process regulating disposition of remains	Project Sponsor and possibly the County coroner and NAHC, if warranted	Community Development Department, Town Engineer and NAHC

MITIGATION MEASURE		IMPLEMENTATION PHASE	PARTY RESPONSIBLE FOR IMPLEMENTATION	PARTY RESPONSIBLE FOR COMPLIANCE
	commission.			
4.8-A.3	If human remains are discovered during any construction activities, all ground-disturbing activity within a 100-meter radius of the remains shall be halted immediately, and the Marin County coroner shall be notified immediately, according to Section 5097.98 of the state Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The Town shall consult with FIGR or the Most Likely Descendant, if any, identified by the NAHC regarding the treatment and disposition of the remains.	**Start:** When human remains are found **Complete:** Disposition of remains	Project Sponsor and possibly the County coroner, FIGR, and NAHC, if warranted	Community Development Department, Town Engineer, and FIGR
4.8-A.4	Should paleontological resources be identified at any project construction site, the construction manager shall cease operation within a 100-meter radius of the discovery and immediately notify the Town. The project proponent shall retain a qualified paleontologist to provide an evaluation of the find and to prescribe mitigation measures to reduce impacts to a less-than-significant level. In considering any suggested mitigation proposed by the consulting paleontologist, the Town shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, land use assumptions, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation for paleontological resources is carried out.	**Start:** When paleontological resources are found **Complete:** Disposition of remains	Project Sponsor and Town-approved paleontologist, if warranted	Community Development Department and Town Engineer

MITIGATION MEASURE	IMPLEMENTATION PHASE	PARTY RESPONSIBLE FOR IMPLEMENTATION	PARTY RESPONSIBLE FOR COMPLIANCE
4.9	**Hydrology and Water Quality**		
4.9-A.1	A registered civil or hydrologic engineer shall calculate pre- and post-project runoff from the site for the 2-year and 100-year storm events. 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 with timed release or other means of detaining and releasing peak flows to maintain the pre-existing conditions.	**Start:** Prior to initiation of construction **Complete:** Prior to initiation of construction	Project Sponsor	Town Engineer
4.9-B.1	The applicant shall prepare a Stormwater Control Plan (SCP), following the procedures outlined by MCSTOPPP. The SCP shall include the required Construction Erosion and Sediment Control Plans. 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. 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.	**Start:** Prior to initiation of construction **Complete:** Completion of construction with an approval requiring ongoing operation of SCP	Project Sponsor	Town Engineer
4.11	**Other Resources**		
4.11-1	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 any geologic design requirements that comply with the current 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.	**Start:** Prior to initiation of construction **Complete:** Completion of construction	Project Sponsor	Town Engineer

APPENDIX A

NOTICE OF PREPARATION (NOP)
OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DRAFT EIR)
FOR THE TIBURON PENINSULA CLUB EXPANSION PROJECT
1600 MAR WEST STREET
TIBURON, MARIN COUNTY, CALIFORNIA

The Town of Tiburon is the Lead Agency for the preparation and review of an Environmental Impact Report (EIR) for the Tiburon Peninsula Club Expansion Project. The Town is soliciting the views of interested persons and agencies on the scope and content of the environmental information to be included in the EIR. Agencies should comment on the scope and content of the environmental information that is relevant to the agencies' statutory responsibilities, as required by Section 15082 of the California Environmental Quality Act (CEQA) *Guidelines*. Agencies will need to use the EIR prepared by our agency when considering any subsequent permits or approvals for the project. The Town will also accept written comments concerning the scope and content of the EIR from interested persons and organizations concerned with the project, in accordance with *State CEQA Guidelines* Section 15083. Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than thirty (30) days after receipt of this notice. **The 30-day NOP review and comment period begins January 4, 2017 and ends at 5:30 p.m. on February 6, 2017.**

All written public and agency comments should be directed to **Daniel M. Watrous, Planning Manager, Town of Tiburon, 1505 Tiburon Boulevard, Tiburon, CA 94920, (415) 435-7393, or dwatrous@townoftiburon.org.** Please include the name of a contact person for your agency, if applicable. There will be additional opportunities for comment during the public review period following completion of the Draft EIR. **A public scoping session will be held on January 25, 2017, at 7:30 p.m. at the Tiburon Town Council Chambers, 1505 Tiburon Boulevard, Tiburon, California.**

PROJECT TITLE: Tiburon Peninsula Club Expansion Project

PROJECT LOCATION: As shown in Figure 1, the Tiburon Peninsula Club (TPC) is located at 1600 Mar West Street on four assessor parcels on both sides of Mar West Street between Tiburon Boulevard and Esperanza Street. The project site (also known as Judge Field) would consist of land located on the south side of Mar West Street. The project site is currently developed with six tennis courts and an unpaved parking lot.

ASSESSOR PARCEL NUMBERS: 058-171-17, 058-171-76, and 058-171-84

PROJECT DESCRIPTION: As shown in Figure 2, the proposed project would construct a Junior Tennis Center that would be used to expand its current junior clinic program and provide lessons for members and non-members. The project would include the following improvements:

1. Two new tennis courts will be constructed in the overflow parking area adjacent to the west side of the existing lower (southern) tennis courts.

2. Pole lights will be installed to light the six existing courts and the two new courts. The proposed lighting will include eight (8) lamps per court (one court will have nine lamps). The lamps will be mounted on 22-foot high poles. Some of the poles will hold two lamps that will illuminate adjacent courts; there would be 49 poles. Lighting of these courts will be provided until 7:30 PM at the latest during the months when natural illumination is not adequate prior to 7:30 PM.

3. A 650-square foot, one-story structure will be constructed adjacent to the north side of the existing lower tennis courts that will include bathrooms and tennis-related storage. North of this structure will be a landscaped entry to a covered entrance (translucent roof) to the facility.

4. Adjacent to and east of the proposed entry area will be a patio with shaded seating, (including seating for tournaments) and instruction areas. During tournaments, existing portable bleachers (capacity of 100 spectators) currently used for the upper (northern) courts may be erected here.

5. Immediately north of the proposed patio, a 1,230-square foot maintenance and storage facility will be constructed to replace the temporary storage structures on site.

6. Three new formal parking areas containing 30 parking spaces will be developed with permeable gravel surfaces to replace the existing 24 overflow parking spaces that would be displaced by the other improvements.

PROJECT PROPONENT: Tiburon Peninsula Club
1600 Mar West Street
Tiburon, CA 94920

Potential environmental impact areas to be addressed in the Draft EIR include, but are not necessarily limited to: aesthetics, air quality, biological resources, cultural resources, geology and soils, hydrology and water quality, land use and planning, recreation, transportation and traffic, and cumulative impacts. An initial study has been prepared for this project and is attached, and is also available for review at the Community Development Department at Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon, CA 94920, or on the Town's website at www.townoftiburon.org.

Signature: _____

Daniel M. Watrous, Planning Manager
Town of Tiburon

Date: **January 2, 2017**