

Town of Ross

RE: Denial of 12 Canyon Road Pickleball Court Application

Mayor and Council Members:

My husband and I have lived for 37 years at 14 Bellagio Road, Ross, in fairly close proximity to 12 Canyon Road. We are in full agreement with the attached list of reasons for denial entitled: Why the 12 Canyon Road Pickleball Court Should Be Denied.

We feel strongly that the steep, narrow, heavily wooded downslope drainage swale / creek is an illogical, unsound and deeply flawed site on which to build a large, cantilevered sport court with a significant steel and concrete support structure in close proximity to numerous neighbors.

Setting aside the extreme noise issue for the immediate neighbors (as proven by the well documented noise problems in San Francisco) and the issue of setting a negative Ross precedent, the location and geography of the extremely inappropriate site proposed by the applicants, as well as all the salient points enumerated on the attached list, provide a compelling argument for the project's rejection.

We believe the Ross Town Council has a responsibility to uphold the existing zoning and Variance standards.

On a personal note, I have several videos of very young fledging spotted owls taken on Canyon Road within 200 yards of #12. The spotted owls have nested and bred generationally for years in the immediate vicinity. Please contact me if you are interested in viewing them.

Thank you for your consideration,

Marie and Brian Collins

*Marie Collins Brian Collins*

8.11.2025

## Why the 12 Canyon Road Pickleball Court Should Be Denied

### 1. Noise Studies Confirm the Court Will Violate the Town's Noise Ordinance

- The Ross Municipal Code (§ 9.20.010) prohibits “**unnecessary noises...annoying to persons of ordinary sensitiveness**” or “**so harsh...or unusual in their intensity...as to occasion discomfort**” to residents.
- Professionally conducted monitoring (Wilson Ihrig, 2025) shows the canyon's current background noise levels—25–30 dBA LA90—meet the standard definition of a “**quiet rural area,**” which is quieter than a library.
- In such an environment, **even small noise increases are obvious and disruptive**; the sharp, repetitive “pop” of pickleball paddle impacts is exactly the kind of **unnatural, unusual, and annoying noise** the ordinance prohibits.
- Expert acoustical modeling (Spendiarian & Willis, 2025) predicts these impulsive impacts—adjusted +12 dB for annoyance—will **exceed the Town Code's de facto 45 dBA limit for quiet rural areas** at multiple homes in the canyon.
- Steep slopes, multi-story homes nearby, and the site's topography make effective noise barriers or other mitigation measures **impractical**.
- **The applicant's noise study (Salter) is fundamentally flawed:** it relies on a 24-hour Ldn average that masks the true impact of loud, impulsive pickleball noise in an exceptionally quiet canyon. The study **admits “The Ldn metric... may not reflect the intermittent nature of pickleball.”** It also fails to evaluate compliance with the Town's ordinance banning noises “annoying to persons of ordinary sensitiveness.”

### 2. Significant Wildlife Impacts

- Our Biological survey by Shawn Smallwood, PhD identified and/or predicted **157 vertebrate species** at the site, including **26 special-status (i.e., legally protected) species**.
- **Northern Spotted Owl** (Threatened) is documented within 365 m; U.S. Fish & Wildlife Service recommends a **400 m noise buffer**.
- **Pallid bat** (Species of special concern) and other species forage on the ground; the raised court would **block access to prey**.
- Impulsive noise up to **60 dBA** would disrupt foraging, nesting, and reproduction well beyond the property line.
- **The applicant's biological study by WRA is also fatally flawed.** They conducted only two brief site visits, outside the Northern Spotted Owl breeding season, with “no protocol-level surveys.”

They acknowledge that “suitable foraging habitat for northern spotted owl occurs within 0.23 miles,” but ignore a recommended 400 m noise buffer. They acknowledge the presence of a seasonal drainage beneath the proposed court but provide no analysis of shading, noise, or lighting impacts.

### 3. The “Unusual Circumstances” Exception to CEQA’s Categorical Exemptions Applies

- CEQA normally allows categorical exemptions for minor structures—but not here.
- This project is **in an unusually quiet, biologically rich canyon**, directly over a streambed, in documented habitat for sensitive species.
- Substantial evidence shows a **reasonable possibility of significant environmental harm**—triggering full CEQA review.

### 4. Zoning and Variance Standards Are Not Met

- Design Review: Town Code § 18.41.070 requires projects be consistent with the General Plan and Zoning Ordinance, including the noise ordinance. This project is not.
- Variance: Town Code § 18.39.090(i)(1) prohibits structures over drainage swales. A variance requires “special circumstances” depriving the property of rights enjoyed by others — not present here.
- A pickleball court is not necessary for the preservation and enjoyment of substantial property rights. The Town has no evidence of other approved pickleball courts on private residential properties, let alone ones over streams.
- Variances cannot be granted if they would adversely affect health or safety or be detrimental to the public welfare — which this project would.

### 5. Dangerous Precedent

- Approving this court despite clear evidence of ordinance violations and wildlife harm would **set a precedent** for building other noisy recreational facilities in Ross’s quiet, wildlife-rich residential neighborhoods.
- Such precedent would make it harder for the Town to deny similar projects in the future, even in equally sensitive areas.

### Bottom Line:

This is the wrong project in the wrong place. Experts confirm it **will violate local law, harm protected wildlife, and cannot be exempt from CEQA**. The safest, most responsible course is to **deny the application**. Otherwise, full CEQA review is required.

