

Date: Aug 12, 2025

From: Zara and Dennis Muren, 10 Canyon Rd

Re. 12 Canyon Rd. raised platform sports court-pickleball court - Agenda Item 14

Dear Mayor Julie McMillan and Council Members,

We are opposed to the 12 Canyon Rd raised sports court-pickleball court proposal, both as residents of the adjoining property, just 55 feet southwest that would be severely impacted, and as neighbors caring for the peace and abundant wildlife of our canyon neighborhood (see attached - Shared concerns of canyon neighbors, to which 15 gave their names).

We have sought representation by environmental attorney Mark Wolfe, and technical analyses from Biological Resource and Acoustical experts to substantiate our case. Please consider the main points of our opposition, outlined below, in combination with their comments and reports.

Wildlife Impacts

We have known the abundance of wildlife in our neighborhood as a privilege of living here for thirty years - the concert of birdsong at dawn and in the evening, and busy rustling of creatures heard when sitting in our garden at night. Neighbors Marie Collins, Mary McFadden and Rupert Montagu have shared photos of mature and fledgling endangered northern spotted owls seen in their gardens and walking the neighborhood. These photos have been provided to you by our attorney. In addition, our Biologist made a 2-day species reconnaissance of the proposed raised court site from our property adjacent, and this has shown us its importance as habitat supporting a great diversity of 157 vertebrates, including 26 special status species. The impacts of the proposal on the health and number of wildlife species that rely on the site would be severe: extreme noise, as produced by pickleball play, has been documented to interfere with the physiology of wildlife and release of stress hormones, as well as auditory signals for mating, predator alarm etc. – the US Fish and Wildlife service recommends that northern spotted owl nest sites be buffered from noise sources by 400 m, a point overlooked by the applicant's Biologists at WRA who acknowledge that there are documented nest sites closer than that to the proposed site: Also, covering the canyon floor by the proposed platform court would eliminate food sources for the Pallid bat and other species that forage there.

Noise

Our acoustical engineer measured the wonderful peace we know in the canyon at levels of 25- 30 dB, which establishes it as meeting the standard definition of "quiet rural area", for which there is a 10 dB lower acceptable noise level than generally allowed in the Town, translating to 45 Db. The applicant's own noise assessment focuses on pickleball, as it's his intended sport of play, but did not measure background noise, so it failed to calculate the

huge difference between the acceptable noise level of 45 dB and the projected noise level of pickleball across neighboring properties. This was modelled by our Acoustical engineer using 2 ft topo of the proposal site and environs and found to greatly exceed the Town's noise standards deep into our property, as well as that of other near neighbors; he projects noise levels of 60 dB and above through the sensitive canyon habitat and stream on our property.

Good neighborliness

There is a long tradition of good neighborliness amongst us who live here. We understand how sound travels and reverberates in the canyon, and have always been considerate of one another's peace in such ways as calling if planning an outdoor party. The extreme noise of pickleball play in the neighborhood would render such consideration meaningless and introduce friction – which would also be at risk of growing if play at one location becomes a precedent for play elsewhere, at one of the existing 2 tennis courts and 1 sport court in the neighborhood. We would lose the natural tranquility that has drawn many of us here, and bonded us as a community.

Violations of the Ross General Plan and Hillside Lot Ordinance

As set out in our Feb 13 letter to the Council (attached), the proposal violates regulations of the Ross General Plan (Section 6.6 “Keep development away from creeks and drainageways”) and the Hillside Lot Ordinance (18.39.010 (c) “Preserve significant features of the natural environment”; 18.39.090 (d) “Architectural design should complement the form of the natural landscape” and “minimize the appearance of bulk”; 18.39.090 (i) “structures should not traverse . . . a natural watercourse or drainage swale”. These ordinances are critical to the protection of what's special about Ross' neighborhoods and they should be upheld; a variance should only be granted in rare cases of special grievance - not the case here.

The waterway site is also a significant spring that flows year round through the canyon on our property and down to Corte Madera Creek and the Bay (see attached Feb 13 letter -photos of summer and winter flow).

For these reasons, we ask you to deny the proposal. Thank you for your consideration of this, and for all you do to maintain the natural character of Ross' neighborhoods.

Sincerely,

Zara and Dennis Muren

Shared concerns of canyon neighbors opposed to the raised platform sport court - pickleball court proposal for 12 Canyon Rd. Ross/ August 2, 2025

- The proposed site covers a waterway that supports an abundance of wildlife, including the endangered northern spotted owl. We cherish our place amongst the creatures of the neighborhood, and are committed to preserving their habitat free from development. Conditions of the Ross General Plan and Hillside Lot Ordinance provide that such impactful development should not be allowed.
- It is the declared intent of the applicant to play the extremely noisy sport pickleball on the proposed sport court. This would disturb the peace of the canyon neighborhood for ourselves, and it would adversely impact the creatures who rely on it for habitat. The noise nuisance would be in violation of Town ordinances.
- Residing here, we understand how sound travels and reverberates through the canyon and are accustomed to being considerate of each other's peace - for instance, calling neighbors to alert them when planning an outdoor party. This proposal would so severely increase anticipated noise levels as to cause friction and render meaningless canyon residents' long history of good neighborliness.
- We see risk of a precedent being set: Squandering the peace and natural abundance of this waterway site by approving the sport court - pickleball court would also jeopardize protection of other sensitive natural environments in Ross. At present, pickleball is not played on the 2 existing canyon neighborhood tennis courts or 1 sport court but, if this one is approved, what's to stop it being played there, and on courts in other quiet Ross neighborhoods?

We therefore respectfully urge the Town Council not to approve the proposed sports court.

Signature	Address
Rob and Sandy Wilson	18 Canyon Rd.
RUPER & NANCY MONTAGN	7 Bellagio Rd.
CARLA ROTH & DAVID NASAW	120 WINDING WAY
ZARA & DENNIS MUPEN	10 CANYON RD.
Mary McFadden	4 Canyon Road

Shared concerns of canyon neighbors opposed to the raised platform sport court
- pickleball court proposal for 12 Canyon Rd. Ross / August 2, 2025

(continued)

Signature	Address
Brian & Marie Collins	Marie Collins 14 Bellagio Rd
TOM & JANE ALLEN	13 CANYON RD
Matt & Kristi Johnson	10 Canyon Rd cottage
Molly Holm	128 winding Way

Date: Feb 8, 2025

From: Zara and Dennis Muren, 10 Canyon Rd - neighbors 55 ft to the south of the proposed site

Re. 12 Canyon Rd. raised platform sports court - Agenda Item 12

Dear Mayor and Council members,

We believe that findings cannot be made to support the proposed 12 Canyon Rd raised platform sports court; to approve it goes against Town regulations. The Ross General Plan states that waterways must be kept clear of development, as set out in **Section 6.6 Creek and Drainageway Setbacks**: "Keep development away from creeks and drainageways. Setbacks from creeks shall be maximized to protect riparian areas"

The proposal also fails to meet a number of regulations of the Hillside Lot Ordinance (our comment added below each regulation in italics):

18.39.010 Purpose - (c) "Preserve significant features of the natural environment including watersheds, watercourses, canyons" & (d) "Protect . . . creeks, significant native vegetation, wildlife"
Riparian habitat would die in the deep shade of the 40 ft. x 60 ft. platform.

18.39.090 (d) Architecture - (1) "Architectural design should complement the form of the natural landscape" & (2) . . . "should minimize the appearance of bulk"
Raised platform design does not complement, but opposes form of site; and it has great bulk at 60 ft wide with a 12 ft. high dark void beneath.

18.39.090 (i) Hydrology - "accessory structures should not traverse . . . a natural watercourse or drainage swale"
Platform would span across natural spring and watercourse of site.

18.39.030 Submittal Requirements - "application shall include drawings, plans, reports . . . to clearly and accurately describe the proposed work, its effect on the environment"
No detailed study appears to have been made of the natural spring and riparian habitat of the site, and there is no evidence of reporting to the CDFW which has jurisdiction.

We fully agree with Mark Fritts' case made to deny the proposal at the Jan 21 ADR Group meeting. Please consider these comments drawn from his argument beginning 22:06-23:47, as recorded on the ADR video - link is [here](#): (comment start time given after each)

"I think it's inappropriate in as far as the location on the site. It doesn't support this. And our regulations are pretty clear about protecting canyons, waterways etc. This seems to fly in the face of all that" (23:09)

"I think that what this code and the ordinance is trying to do is protect the natural landscape whether it's visible or not. I don't think anywhere in here does it say *Protect the natural landscape unless no one else can see it* . . . That's not the intent of this ordinance - it's to protect the natural landscape, period, end of statement, to the best extent we can" (27:46)

"Let's allow the natural vegetation, that watercourse to exist as it is today - which putting a giant platform on top would absolutely disrupt and disturb that. So I look at this and think, this

is exactly the reason we have these ordinances, to take a look at a site like this and say *Is this appropriate? There are flat areas that have been created by that initial push into the canyon. They have a lawn next to the pool, they have a pool, they actually have a basketball court at the turnaround of their driveway today.* So, I look and say, *Is this a necessity, is it a hardship for them to have a court that spans a natural canyon?* And I don't find that to be the case".
(28:40)

If Council disagrees, and votes to approve the proposal, please make it a condition that sound mitigations, such as increasing the sound barrier height, be added to reduce the actual noise level to 55 Db at our boundary - not the averaged over 24 hrs. 55 dB Ldn noise level that's proposed.

Thank you for your consideration of this and for all you do to maintain the character of Ross' neighborhoods.

Zara and Dennis Muren

The following photos are included to show the waterway at the 12 Canyon Rd sports court site as it enters our property at 10 Canyon Rd.



1. View from our path to 12 Canyon Rd. Height of proposed 12 ft high x 40 ft. x 60 ft. court platform is identified by flags, and small bridge in foreground is down canyon from that. Dry season - 10/2024



2. Same view as above. Wet season -1/2025



3. 70 ft below our boundary with 12 Canyon Rd. - 10-2024
Creek flows yearlong from natural spring at sports court site