

December 17, 2012

Supervisor Katie Rice
Marin County Board of Supervisors
3501 Civic Center Drive Room #329
San Rafael, CA 94903

Planner Neal Osborne
County of Marin
Community Development Agency
3501 Civic Center Drive, Suite 308
San Rafael, CA 94903

Re: Marin Catholic Project Application

Dear Supervisor Rice and Planner Osborne:

We write to you as constituents and concerned residents of Greenbrae regarding Marin Catholic's amended application to renovate its stadium bleachers and replace its sound system. We have reviewed the public record available at the CDA as well as attended the KPAB meeting on 12 December 2012, where the amended application was reviewed. While we are supportive of the Marin Catholic upgrading its facilities and providing ADA compliance for portions of its facilities and potentially decreasing the impact of some sources of sound emanating from its stadium, we believe that the County should determine that the existing application is incomplete and should request further information from Marin Catholic before proceeding with the Design Review process.

We understand that Marin Catholic was given a "Notice of Project Status" by Planner Scott Greeley on 19 October 2012. In it, the County requested additional information, including item 5, which asked whether the proposed new system would "will increase the volume of games in comparison to the existing system." In response, Marin Catholic provided a letter dated 4 December 2012 from Mr. Barry Grzebik of Grzebik Design Group. In it, Mr. Grzebik stated that the new system would "less powerful (loud)" than the existing system and that sound "excerpting" from the stadium would be reduced due to certain aspects of the new design. That letter is attached.

While Mr. Grzebik's statements purport that the impact of the sound system on areas outside the stadium would decrease, it does not provide adequate information to ensure that this is correct for neighbors of Marin Catholic nor does it provide appropriate information to enable the County to ensure that the proposed new system would conform with the Countywide Noise Regulations. An information sheet describing those guidelines is attached. We request that the County require Marin Catholic to provide additional information before determining that the application is complete.

First, Marin Catholic should provide a list of the use of the existing sound system by time

of day and day of week (“Current Usage List”). While residents are aware of usage on Saturdays in the morning and the afternoon related to Marin Catholic football, it is unclear if the new sound system will be used at other times and for what purposes. (Many residents find usage of the sound system on Sundays to be particularly objectionable. In many cases, more Greenbrae residents are forced to listen to the games via the sound system than the number of spectators that actually attend the games.) The County needs to ensure that baseline levels of sound are understood and can be used to ensure compliance with Countywide Noise Regulations and requirements that the new system does not increase noise levels. The baseline noise levels experienced by Marin Catholic neighbors likely varies by time of day and day of the week as the ambient noise from Sir Frances Drake varies with the time of the day and day of the week. We understand that establishing existing usage or baseline levels are standard for projects like this.

Second, Marin Catholic should conduct tests of the existing sound system at the times of day and days week described by the Current Usage List. These tests should provide information regarding the existing sound pressure levels that can be used for assessing if the new system does actually produce lower levels than the existing system and conforms to the Countywide Noise Regulations. At the KPAB meeting on 12 December 2008, Anne Peterson requested that Jack Valinoti provide a list of locations in Greenbrae where sound tests should be conducted. I have agreed to assist Jack in that selection process and we have discussed locations along Vista Grande, Almenar, Corte Balboa and Corte Elena that we think make sense. We understand that establishing baseline levels of impact are standard for projects of this nature.

Third, Marin Catholic should be required to describe a testing procedure for determining that the proposed new sound system does conform to the Countywide Noise Regulations and is in fact lower than the existing system. This plan should describe a calibration procedure to ensure compliance. We understand that mitigation monitoring protocols (“MMPs”) are standard for projects of this nature.

Fourth, Marin Catholic should describe a compliance plan to ensure that the actual users of the sound system use it in a manner that is consistent with those procedures identified through the MMP process.

Fifth, Marin Catholic should provide a procedure to receive and process any reports of increased noise with the new sound system. This procedure should include methods and procedures to measure the noise levels that cause complaints and ensure continued compliance and mitigation. We understand that these procedures are standard features of MMPs and projects of this type.

Sixth, Marin Catholic should post a bond to provide adequate funding to cure any unanticipated defects in the proposed new sound system to ensure that compliance can be maintained, including if there is a subsequent change of usage of the system.

While the amended application removes the proposed stadium lights from the scope of

the project, we understand that Marin Catholic intends to apply for stadium lights in the coming year. We also understand that the County has made a preliminary determination that the amended proposed project is categorically exempt from CEQA under Category 2. We have concerns regarding the County's preliminary determination and its overall application of CEQA in reviewing the existing proposed project as well as the anticipated application for stadium lights.

We are concerned that the County has not received adequate information regarding the changed sound system to make its preliminary CEQA determination with what we believe is an incomplete application. We understand that California law requires that Section 15302 be used narrowly rather than broadly in determining if a proposed project is simply replacement or reconstruction and does not constitute an expansion of use.

We also understand that under California Law, an applicant cannot avoid review under CEQA of an entire project by making "piecemeal" applications for what is, in fact, a single project. We are concerned that the County needs to request information as part of this application such that it can meet its CEQA obligations when the anticipated application for stadium lights is made, as this subsequent project application is reasonably foreseeable given Marin Catholic's prior application as well its statements at the KPAB meeting. This information would include all current and expected future usage and any baseline measurements to assess the total impact of the potential complete project. Any assessment of this project must assess the "whole of the project" and not simply aspects of the proposed project for the County to meet its CEQA obligations.

We appreciate your consideration of these concerns. Our first letter of 26 October 2012 regarding Marin Catholic's proposed project was signed by more than 50 people and that count is mounting. Given the 18 December 2012 deadline for comment, we are unable to gather co-signors at this time. However, we are quite sure that our concerns and points are shared by a substantial number of local residents.

Respectfully,

John and Sarah Holzwarth
100 Corte Elena, Greenbrae

CC: Jack Valinoti
KPAB

Attachments