



Staff Report

Date: April 4, 2024
To: Mayor Brekhus and Council Members
From: Alex Lopez-Vega, Assistant Planner
Subject: Bellagio Ross, LP Residence, 2 Bellagio Road

Recommendation

Town Council consideration for Design Review, and a Hillside Lot Permit for the project described below located at 2 Bellagio Road. The Town Council may adopt Resolution No. 2411 (Attachment 1) approving the project, subject to conditions.

Property Address: 2 Bellagio Road
A.P.N.: 072-031-04
Applicant: Imprints Landscape Architecture
Property Owner: Bellagio Ross, LP
Zoning: R-1:B-5A
General Plan: VL (Very Low Density)
Flood Zone: X (Moderate Risk)

Table with 4 columns: Code Standard, Existing, Proposed. Rows include Lot Area, Floor Area (FAR), Building Coverage, Front Setback, and Impervious Surface Coverage.

Project Description:

The applicant requests approval for Design Review. The project proposes to construct a new 30' x 60' basketball court with an 8-ft high stainless-steel rope net and a 5-foot concrete wall with rectangular step lights on the north side of the court. New stone steps with handrails will be provided to have access to the new basketball court. The new basketball court will be made of asphalt or concrete and will be adjacent to the ADU, and stone patio located on the eastern part of the lot.

Impervious Surfaces

The project proposes impervious surface increase by 1,800 square-feet, new coverage would be mitigated by adding a new 144 square foot bioretention area for stormwater control.

Project plans are included as **Attachment 2**; Project Application and Materials are included as **Attachment 3**.

The proposed project is subject to the following permit approval:

- **Design Review Permit is required pursuant to RMC Section 18.41.010** to allow for; a project resulting in more than 50 cubic yards of grading or filling; a project resulting in over 1,000 square feet of new impervious landscape surface; fences and gates greater than 48" in height adjacent to the street right-of-way,... and other site modifications that could affect the visual and/or physical character of the site and neighborhood, whether or not a building permit is required.
- **Hillside Permit is required for lots with a slope of 30 percent or more, pursuant to RMC Section 18.39.020.**

Background

The project site is a 146,750 square-foot lot on Bellagio Road. The lot is currently under construction with a previously approved new two-story home consisting of 7,897 square feet including a 667 square foot attached garage. The project also received prior approval to construct a new swimming pool, bocce court and Accessory Dwelling Unit (ADU).

Advisory Design Review

Pursuant to Resolution No. 1990, Advisory Design Review is required for all applicants seeking discretionary land use permits, such as Design Review, a Demolition Permit, a Nonconformity Permit, Exceptions for Attics, a Hillside Lot Permit, and/or a Variance.

On March 19, 2024, the proposed project was reviewed by the Advisory Design Review (ADR) group. The ADR members supported overall the design of the project and the location of the basketball court since the location of the court is far away from adjacent properties. The ADR members, however, recommended the applicant paint the concrete walls and add some type

barrier or similar to help reduce noise. The applicant has made changes to the plans to include all walls be painted earth-tone, added a wood facing veneer to the concrete wall which will help dampen any noise created on the court and will be adding additional screening below the basketball court.

Draft minutes of the March 19, 2024, ADR meeting are included as **Attachment 4**.

Discussion

The proposed project is subject to the following permit approvals pursuant to the Ross Municipal Code:

Design Review

Design Review is intended to guide new development to preserve and enhance the special qualities of Ross and to sustain the beauty of the town's environment. Other specific purposes include: provide excellence of design for all new development which harmonizes style, intensity and type of construction with the natural environment and respects the unique needs and features of each site and area; preserve and enhance the historical "small town," low-density character and identity that is unique to the Town of Ross, and maintain the serene, quiet character of the town's neighborhoods; and preserve lands which are unique environmental resources including scenic resources (ridgelines, hillsides and trees), vegetation and wildlife habitat, creeks, threatened and endangered species habitat, open space and areas necessary to protect community health and safety.

The Town Council may approve, conditionally approve or deny an application for design review. The Town Council shall include conditions necessary to meet the purpose of Design Review pursuant to Chapter 18.41 and for substantial compliance with the criteria set forth in this chapter. If Council intends to approve Design Review, staff recommends that the required findings for approval be satisfied for the proposed project, as follows:

- **The project is consistent with the purpose of Design Review as outlined in Section 18.41.010. (Section 18.41.070 (b) (1))**
- **The project is in substantial compliance with the design criteria of Section 18.41.100. (Section 18.41.070 (b) (2))**
- **The project is consistent with the Ross General Plan and zoning ordinance. (Section 18.41.070 (b) (3))**

Staff recommends approval of Design Review, as summarized and supported by the findings in Exhibit "A" of the attached Resolution.

Hillside Lot Permit

Hillside areas are defined as parcels which have a slope of thirty percent or greater or are wholly or partially within Hazard Zones 3 or 4 as identified on the Town slope stability map. The purpose of Hillside designation includes: preserve significant features of the natural environment including watersheds, watercourses, canyons, knolls, ridgelines and rock outcroppings and minimize disturbance to the natural terrain; protect steep slopes, creeks, significant native vegetation, wildlife and other environmental resources; ensure that development will not create or increase fire, flood, slide or other hazards to public health and safety; protect the public health, safety and general welfare and the property of people in the vicinity of steep hillside building sites; and reduce the visual impacts of construction on hillsides and encourage building designs compatible with hillside areas.

Pursuant to Section 18.39.20 (b), the proposed project requires a Hillside Lot Permit since the project on the lot previously received a hillside lot application approval.

Staff recommends approval of the Hillside Lot Permit as summarized by the findings in Exhibit "A".

Fiscal, Resource and Timeline Impacts

If approved, the project would be subject to one-time fees for a building permit and associated impact fees, which are based on the reasonable expected cost of providing the associated services and facilities related to the development. The improved project site may be reassessed at a higher value by the Marin County Assessor, leading to an increase in the Town's property tax revenues. Lastly, there would be no net funding impacts associated with the project.

Alternative actions

1. Continue the item to gather further information, conduct further analysis, or revise the project; or
2. Make findings to deny the application.

Environmental Review

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Public Comment

Public Notices were mailed to property owners within 500 feet of the project site 10 days prior to the meeting date and at the time of writing this report, three public comments were received by staff and included as Attachment 5. One comment is in support of the proposed basketball

court. Two of the comments oppose the proposal as it may one day be converted into a pickleball court.

As noted in the Conditions of Approval in Resolution No. 2411:

The building permit, construction and use shall substantially conform to the plans entitled, "Bellagio Residence" and dated 3/21/2024, and reviewed and approved by the Town Council on April 4, 2024, and described and shown as a court for basketball use only. Any changes in use, including, but not limited to pickleball, shall require an amendment to these conditions.

This condition of approval ensures that the basketball court shall not be used for pickleball.

Attachments

1. Resolution No. 2411
2. Project Plans
3. Project Application and Materials
4. Draft ADR Meeting Minutes, March 19, 2024
5. Public Comments

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2411

RESOLUTION OF THE TOWN OF ROSS APPROVING DESIGN REVIEW, AND A HILLSIDE LOT PERMIT FOR CONSTRUCTION OF A NEW 30' X 60' BASKETBALL COURT WITH AN 8-FT HIGH STAINLESS-STEEL ROPE NET AND A 5-FOOT CONCRETE WALL WITH RECTANGULAR STEP LIGHTS LOCATED AT 2 BELLAGIO ROAD, A.P.N. 072-031-04

WHEREAS, applicant Geoff Gibson, Imprints Landscape Architecture, on behalf of the property owner, Bellagio Ross LP, has submitted an application requesting approval of Design Review and a Hillside Lot permit for construction of a new 30' x 60' basketball court with an 8-ft high stainless-steel rope net and a 5-foot concrete wall with rectangular step lights at 2 Bellagio Road, APN 072-031-04 (herein referred to as "the Project").

WHEREAS, the Project is determined to be categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Existing Facilities), because it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination; and

WHEREAS, on April 4, 2024, the Town Council held a duly noticed public hearing to consider the Project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; makes the findings set forth in Exhibit "A", and approves Design Review, and a Hillside Lot Permit, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 4th day of April 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Cyndie Martel, Town Clerk

Elizabeth Brekhus, Mayor

EXHIBIT "A"
FINDINGS
2 BELLAGIO ROAD
A.P.N. 072-031-04

A. Findings

I. In accordance with Ross Municipal Code (RMC) Section 18.41.070, Design Review is approved based on the following mandatory findings:

a) The project is consistent with the purpose of the Design Review chapter as outlined in RMC Section 18.41.010.

As recommended by the Advisory Design Review (ADR) Group, the Project is consistent with the purpose of the Design Review chapter as outlined in RMC Section 18.41.010. It provides excellence of design consistent with the scale and quality of existing development; preserves and enhances the historical "small town," low-density character and identity that is unique to the Town of Ross; preserve lands which are unique environmental resources; enhances the area in which the Project is located; and promotes and implements the design goals, policies and criteria of the Ross general plan.

b) The project is in substantial compliance with the design criteria of RMC Section 18.41.100.

As recommended by the Advisory Design Review (ADR) Group, the Project is in substantial compliance with the design criteria of RMC Section 18.41.100. The site would be kept in harmony with the general appearance of the previously approved project and surrounding neighborhood. The proposed basketball court is sited to minimize observed presence on the site, taking into consideration runoff impacts from driveways and impervious surfaces. Permeability is maximized and reduces the overall impervious surface coverage on the property, by providing bioretention facilities to offset the new basketball court, so that the post-development stormwater runoff rates from the site would be no greater than pre-project rates.

c) The project is consistent with the Ross General Plan and zoning ordinance.

The Project is consistent with the allowed uses and general development standards associated with the Very Low Density land use designation of the General Plan, the Single Family Residence and Special Building Site zoning regulations, therefore the Project is found to be consistent with the Ross General Plan and Zoning Ordinance.

II. In accordance with Ross Municipal Code Section 18.39.060, Hillside Lot Permit is approved based on the following mandatory findings:

(1). The project complies with the stated purposes of Chapter 18.39.

The proposed project protects and preserves public and private open space; significant features of the natural environment; includes steep slopes, creeks, significant native vegetation, and wildlife; and, other environmental resources. Development is limited to a level consistent with available public services and road access that can be reasonably provided to and within the parcel. Development will not create or increase fire, flood, slide or other hazards to public health and safety.

(2). The project complies with the development regulations of Section 18.39.090, or that the Town Council

has considered and approved a variance.

Graded slopes do not exceed 2:1. Development adheres to the wildland urban interface building standards within the California Building Standards Code. The project would produce no net increase in peak runoff from the site compared to pre-project conditions.

(3). The project substantially conforms to the hillside development guidelines in Section 18.39.090.

Architectural design complements the form of the natural landscape. Design is well-articulated to minimize the appearance of bulk. Materials and colors are of subdued tones to blend with the natural landscape. The proposed basketball court placement conforms to the natural contours of the site. Development minimizes the obstruction of views from surrounding properties and public vantage points, with particular care taken to protect primary views.

EXHIBIT "B"
CONDITIONS OF APPROVAL
2 BELLAGIO ROAD
A.P.N. 072-031-04

1. The building permit, construction and use shall substantially conform to the plans entitled, "Bellagio Residence" and dated 3/21/2024, and reviewed and approved by the Town Council on April 4, 2024, and described and shown as a court for basketball use only. Any changes in use, including, but not limited to pickleball, shall require an amendment to these conditions.
2. Except as otherwise provided in these conditions, the Project shall comply with the plans submitted for Town Council approval. Plans submitted for the building permit shall reflect any modifications required by the Town Council and these conditions.
3. No changes from the approved plans, before or after project final, including changes to the use, description, materials and colors, shall be permitted without prior Town Council approval. Red-lined plans showing any proposed changes shall be submitted to the Town for review and approval prior to any change. The applicant is advised that changes made to the design during construction may delay the completion of the Project and will not extend the permitted construction period.

Standard Conditions of Approval

4. The Project shall comply with the Fire Code and all requirement of the Ross Valley Fire Department (RVFD).
5. The Town staff reserves the right to require additional landscape screening for up to three (3) years from project final to ensure adequate screening for the properties that are directly contiguous to the project site. The Town staff will only require additional landscape screening if the contiguous neighbor can demonstrate through pre-project existing condition pictures that their privacy is being negatively impacted as a result of the Project.
6. BEFORE FINAL INSPECTION, the applicant shall call for a Planning staff inspection of approved landscaping, building materials and colors, lighting and compliance with conditions of project approval at least five business days before the anticipated completion of the Project. Failure to pass inspection will result in withholding of the Final Inspection approval and imposition of hourly fees for subsequent re-inspections.
7. A Tree Permit shall not be issued until the project grading or building permit is issued.
8. The Project shall comply with the following conditions of the Town of Ross Building Department and Public Works Department:
 - a. Any person engaging in business within the Town of Ross must first obtain a business license from the Town and pay the business license fee. Applicant shall provide the names of the owner, architects, engineers and any other people providing project services within the Town, including names, addresses, e-mail, and phone numbers. All such people shall file for a business license. A final list shall be submitted to the Town prior to project final.

- b. A registered Architect or Engineer's stamp and signature must be placed on all plan pages.
- c. The building department may require the applicant to submit a deposit prior to building permit issuance to cover the anticipated cost for any Town consultants, such as the town hydrologist, review of the Project. Any additional costs incurred by the Town, including costs to inspect or review the Project, shall be paid as incurred and prior to project final.
- d. The applicant shall submit an erosion control plan with the building permit application for review by the building official/director of public works. The Plan shall include signed statement by the soils engineer that erosion control is in accordance with Marin County Stormwater Pollution Prevention Program (MCSTOPP) standards. The erosion control plan shall demonstrate protection of disturbed soil from rain and surface runoff and demonstrate sediment controls as a "back-up" system (i.e., temporary seeding and mulching or straw matting).
- e. No grading shall be permitted during the rainy season between October 15 and April 15 unless permitted in writing by the Building Official/Director of Public Works. Grading is considered to be any movement of earthen materials necessary for the completion of the Project. This includes, but is not limited to cutting, filling, excavation for foundations, and the drilling of pier holes. It does not include the boring or test excavations necessary for a soils engineering investigation. All temporary and permanent erosion control measures shall be in place prior to October 1.
- f. The drainage design shall comply with the Town's stormwater ordinance (Ross Municipal Code Chapter 15.54). A drainage plan and hydrologic/hydraulic analysis shall be submitted with the building permit application for review and approval by the building official/public works director.
- g. An encroachment permit is required from the Department of Public Works prior to any work within a public right-of-way.
- h. The plans submitted for a building permit shall include a detailed construction and traffic management plan for review and approval of the building official, in consultation with the town planner and police chief. The plan shall include as a minimum: tree protection, management of worker vehicle parking, location of portable toilets, areas for material storage, traffic control, method of hauling and haul routes, size of vehicles, and washout areas. The plan shall demonstrate that on-street parking associated with construction workers and deliveries are prohibited and that all project deliveries shall occur during the allowable working hours as identified in the below condition 10n.
- i. The applicant shall submit a schedule that outlines the scheduling of the site development to the building official. The schedule should clearly show completion of all site grading activities prior to the winter storm season and include implementation of an erosion control plan. The construction schedule shall detail how the Project will be completed within the construction completion date provided for in the construction completion chapter of the Ross Municipal Code (Chapter 15.50).
- j. A preconstruction meeting with the property owner, project contractor, project architect, project arborist, representatives of the Town Planning, Building/Public Works and Ross Valley Fire Department and the Town building inspector is required prior to issuance of the building permit to review conditions of approval for the Project and the construction management plan.

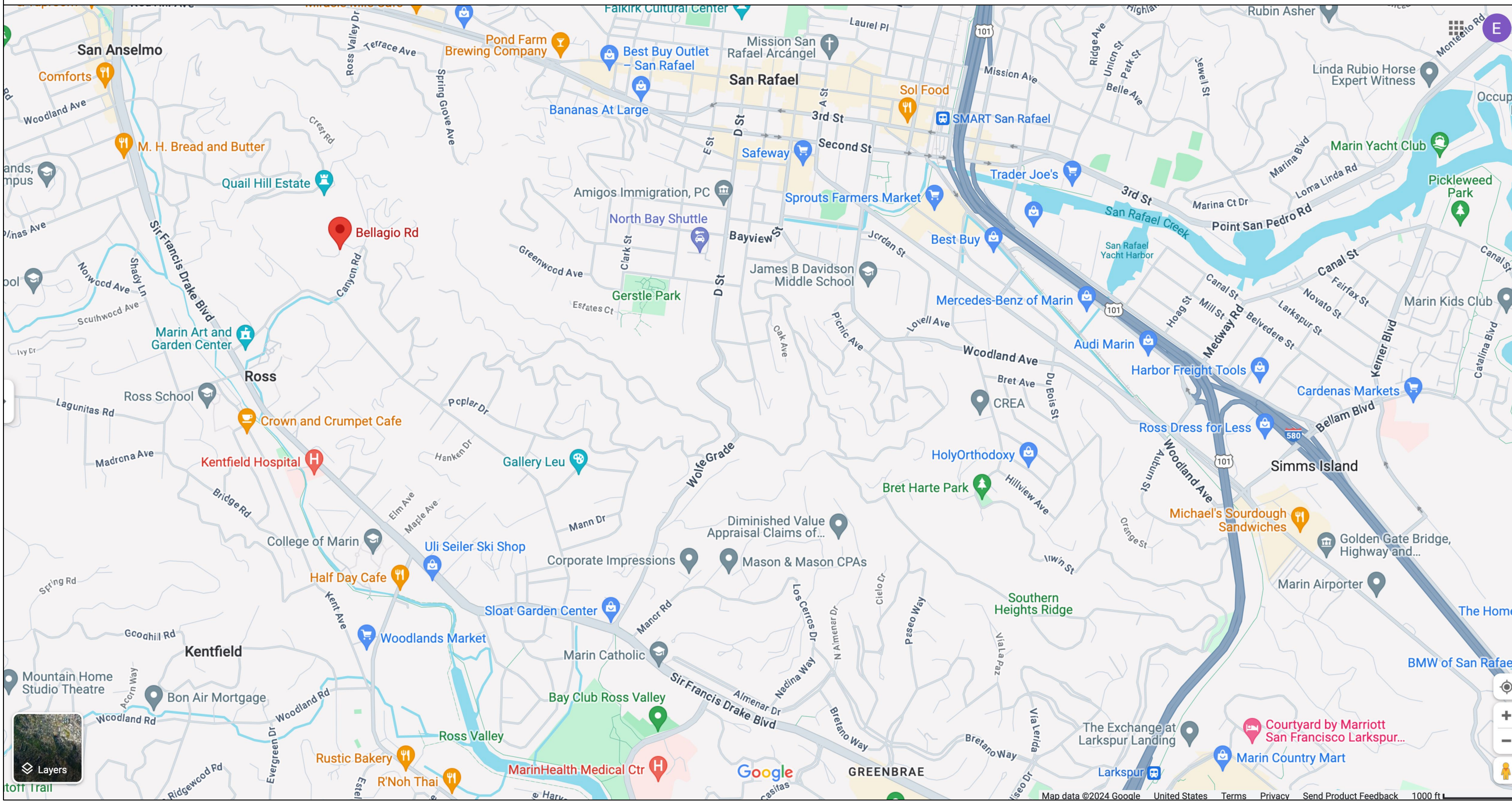
- k. A copy of the building permit shall be posted at the site and emergency contact information shall be up to date at all times.
- l. The Building Official and other Town staff shall have the right to enter the property at all times during construction to review or inspect construction, progress, compliance with the approved plans and applicable codes.
- m. Inspections shall not be provided unless the Town-approved building permit plans are available on site.
- n. Working Hours are limited to Monday to Friday 8:00 a.m. to 5:00 p.m. Construction is not permitted at any time on Saturday and Sunday or the following holidays: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, and Christmas Day. If the holiday falls on a Sunday, the following Monday shall be considered the holiday. If the holiday falls on a Saturday, the Friday immediately preceding shall be considered the holiday. Exceptions: 1.) Work done solely in the interior of a building or structure which does not create any noise which is audible from the exterior; or 2.) Work actually physically performed solely by the owner of the property, on Saturday between the hours of 10:00 a.m. and 4:00 p.m. and not at any time on Sundays or the holidays listed above. (RMC Sec. 9.20.035 and 9.20.060).
- o. Failure to comply in any respect with the conditions or approved plans constitutes grounds for Town staff to immediately stop work related to the noncompliance until the matter is resolved (Ross Municipal Code Section 18.39.100). The violations may be subject to additional penalties as provided in the Ross Municipal Code and State law. If a stop work order is issued, the Town may retain an independent site monitor at the expense of the property owner prior to allowing any further grading and/or construction activities at the site.
- p. Materials shall not be stored in the public right-of-way. The project owners and contractors shall be responsible for maintaining all roadways and rights-of-way free of their construction-related debris. All construction debris, including dirt and mud, shall be cleaned and cleared immediately. All loads carried to and from the site shall be securely covered, and the public right-of-way must be kept free of dirt and debris at all times. Dust control using reclaimed water shall be required as necessary on the site or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at site. Cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- q. Applicants shall comply with all requirements of all utilities including, the Marin Municipal Water District, Ross Valley Sanitary District, and PG&E prior to project final. Letters confirming compliance shall be submitted to the building department prior to project final.
- r. All electric, communication and television service laterals shall be placed underground unless otherwise approved by the director of public works pursuant to Ross Municipal Code Section 15.25.120.
- s. The Project shall comply with building permit submittal requirements as determined by the Building Department and identify such in the plans submitted for building permit.
- t. The applicant shall work with the Public Works Department to repair any road damage caused by construction. Applicant is advised that, absent a clear video evidence to the contrary, road damage must

be repaired to the satisfaction of the Town prior to project final. Damage assessment shall be at the sole discretion of the Town, and neighborhood input will be considered in making that assessment.

- u. Final inspection and written approval of the applicable work by Town Building, Planning and Fire Department staff shall mark the date of construction completion.
 - v. The Public Works Department may require submittal of a grading security in the form of a Certificate of Deposit (CD) or cash to cover grading, drainage, and erosion control. Contact the Department of Public Works for details.
 - w. BEFORE FINAL INSPECTION, the Soils Engineer shall provide a letter to the Department of Public Works certifying that all grading and drainage has been constructed according to plans filed with the grading permit and his/her recommendations. Any changes in the approved grading and drainage plans shall be certified by the Soils Engineer and approved by the Department of Public Works. No modifications to the approved plans shall be made without approval of the Soils Engineer and the Department of Public Works.
 - i. The existing vegetation shall not be disturbed until landscaping is installed or erosion control measures, such as straw matting, hydroseeding, etc., are implemented.
 - ii. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Department of Public Works prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way.
 - iii. The applicant shall provide a hard copy and a CD of an as-built set of drawings, and a certification from all the design professionals to the building department certifying that all construction was in accordance with the as-built plans and his/her recommendations.
9. The project shall comply with all requirements, standards, and policies of the Ross Municipal Code, General Plan, County of Marin, State, and Federal laws.
10. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with the Town Council and Town boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding (“action”) against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the Project or alleging any other liability or damages based upon, caused by, or related to the approval of the Project. The Town shall promptly notify the applicants and/or owners of any action. The Town, in its sole discretion, may tender the defense of the action to the applicants and/or owners or the Town may defend the action with its attorneys with all attorney fees and litigation costs incurred by the Town in either case paid for by the applicant and/or owners.

ATTACHMENT 2

VICINITY MAP



PROJECT DESCRIPTION

WE ARE PROPOSING A NEW 30' X 60' SPORT COURT ADJACENT TO THE APPROVED ADU AND STONE PATIO. IT HAS BEEN DESIGNED TO MINIMISE OFFHAUL BY BALANCING THE CUT AND FILL. THE RETAINING WALLS WILL BE Poured CONCRETE. WE ARE ALSO PROPOSING A FLIGHT OF STONE STEPS THAT WILL PROVIDE ACCESS AROUND THE A.D.U.

THE PROPOSED LIMIT OF WORK IS SHOWN CLOUDED. ALL OTHER WORK OUTSIDE OF THE AREA SHOWN CLOUDED, CONSTITUTES A DIFFERENT PERMIT. (DN: 2022-0016461)

SHEET INDEX

SHEET DESCRIPTION

Table with 2 columns: Sheet Number (L1.1, L2.1, L3.1) and Description (COVER SHEET & SITE PLAN, LANDSCAPE CONCEPT PLAN, LANDSCAPE DETAILS)

SITE INFO.

PARCEL NUMBER: 072-031-04
ZONING: R-1 B-5A (Single Family Res.)
WILDLIFE INTERFACE: Yes
LOT AREA: 146,750 S.F.

- Front Setback: Requirement=25'-0", Proposed=25'-0"
Side Setback (Left): Requirement=45'-0", Proposed=45'-0"
Side Setback (Right): Requirement=45'-0", Proposed=45'-0"
Rear Setback: Requirement=70'-0", Proposed=70'-0"

Impervious Surfaces: Existing=18,875 sf, Proposed=20,675 sf
Estimated Earthwork Quantities: Excavation: 92 CY, Fill: 78 CY, Excess: 14 CY, Max. Excavation Depth: 7 FT, Max. Fill Depth: 8 FT, Disturbed Area: 2,500 S.F.

PROJECT TEAM

IMPRINTS LANDSCAPE ARCHITECTURE - CONTACT: BRAD EIGSTI - 27 STARBUCK, MUIR BEACH, CA - (415) 380-0755 - imprints@earthlink.net

GENERAL NOTES

BUILDING & PLANNING CODE ALL CONSTRUCTION, REGARDLESS OF DETAILS SHOWN ON THE PLANS, SHALL COMPLY WITH THE FOLLOWING:

- APPLICABLE BUILDING CODES: 2022 California Building Code (CBC), 2022 California Electrical Code (CEC), 2022 California Mechanical Code (CMC), 2022 California Plumbing code(CPC), 2022 California Fire Code (CFC), 2022 Green Building Standards, 2022 California Energy Code, 2022 California Residential Code (CRC), City of Ross Local Codes

ALTHOUGH OUR PLAN REVIEW IS COMPREHENSIVE AND INTENDED TO BE COMPLETE, NON-COMPLIANT ELEMENTS AND CONDITIONS MAY OCCASIONALLY BE OVERLOOKED, OR SOME ELEMENTS MAY LACK CLARITY, OR AN ELEMENTS MAY BE MISREPRESENTED ON THE SUBMITTED PLANS. PLEASE BE AWARE NON-COMPLIANT ELEMENTS AND CONDITIONS NOT ADDRESSED IN PLAN REVIEW ARE SUBJECT TO FIELD REVIEW, AND COMPLIANCE WITH ALL APPLICABLE CODES AND LAWS WILL BE REQUIRED.

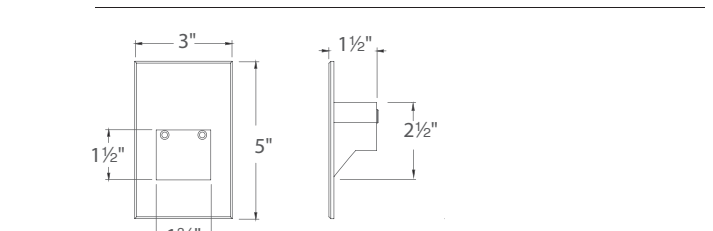
LIGHTING CUT SHEET

RECTANGLE STEP LIGHTS 12V



WAC LANDSCAPE LIGHTING

Fixture Type: [], Catalog Number: [], Project: [], Location: []

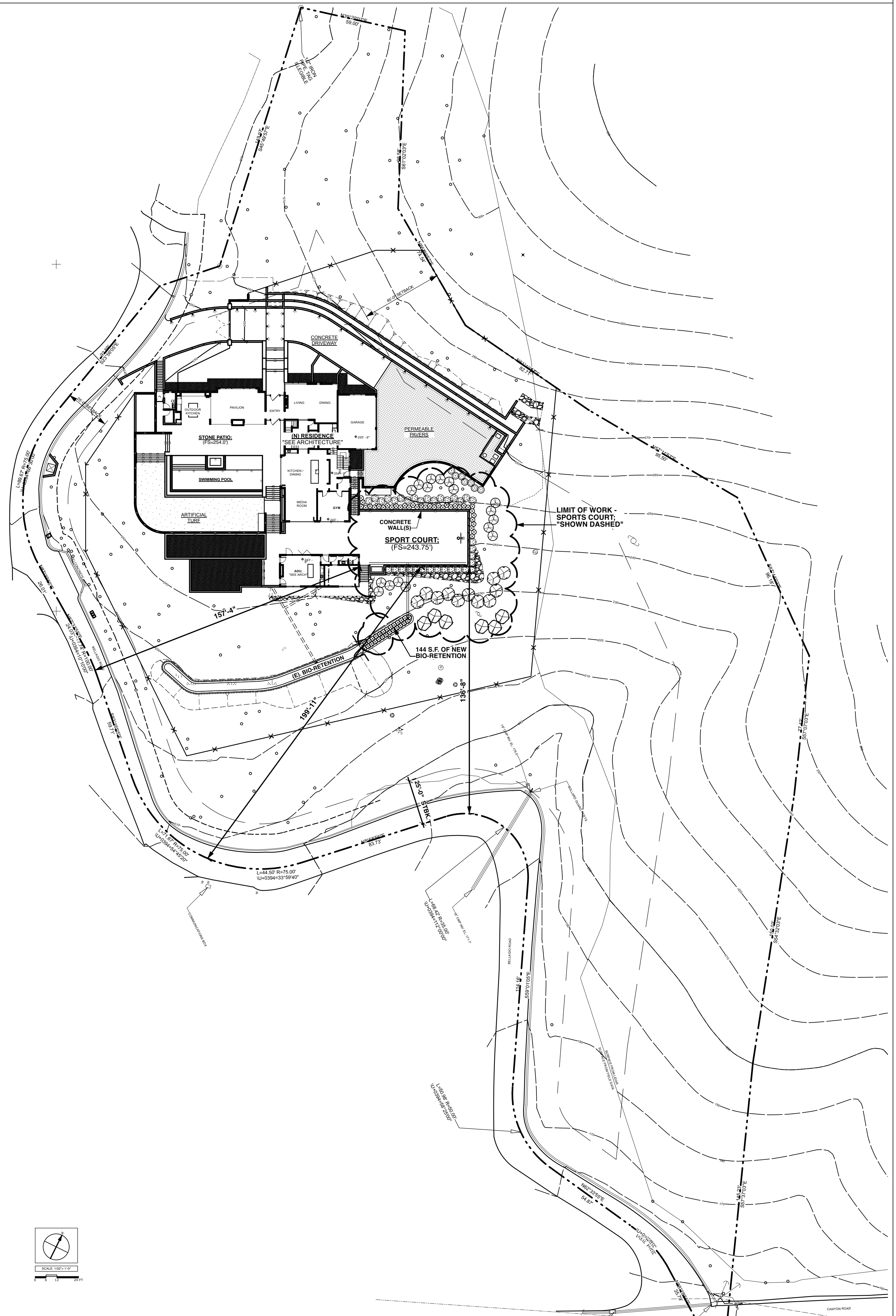


PRODUCT DESCRIPTION Vertical rectangle step light designed for safety and style on stairways, patios, decks, balcony areas, walkways and building perimeters. Features an architectural design. Energy efficient for long-lasting outdoor lighting solutions. Creates an attractive, romantic impression at night.

- SPECIFICATIONS: Input: 9-15VAC (Transformer is required), Power: 2W / 3.1VA, CR: 90, Mounting: Fits into 2" x 4" J-Box with minimum inside dimensions of 3"L x 2"W x 2"H. Includes bracket for J-Box mount. Rated Life: 60,000 hours

- FEATURES: Solid diecast brass, corrosion resistant aluminum alloy, or cast stainless steel construction; IP66 rated. Protected against high-pressure water jets; Conveniently adapts into existing 12V system; Invisible hardware; Maintains constant lumen output against voltage drop; UL 1838 Listed

SITE PLAN _ SCALE: 1/32" = 1'-0"



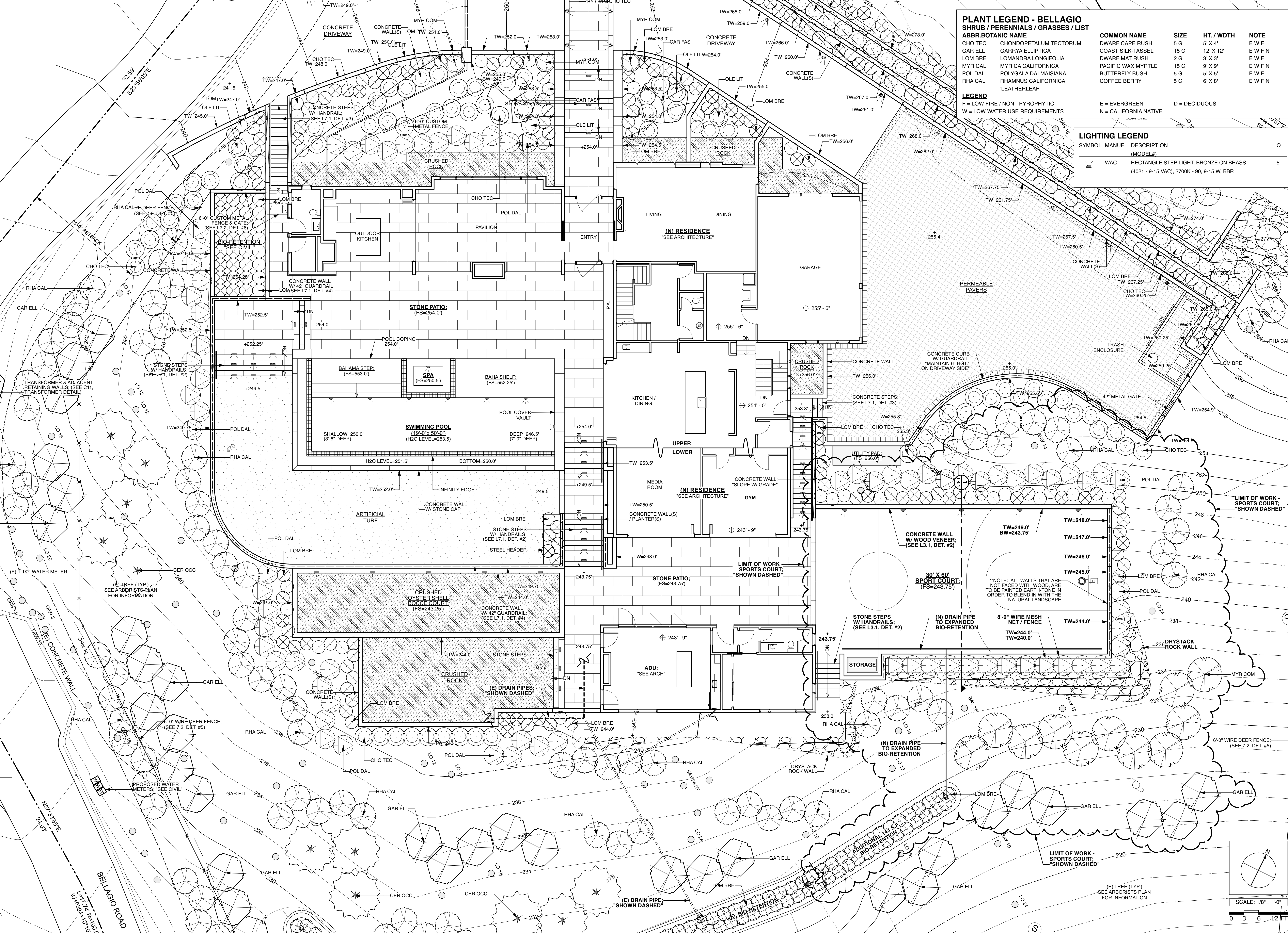
IMPRINTS LANDSCAPE ARCHITECTURE logo and contact information for Brad Eigsti in Muir Beach, CA.

BELLAGIO RESIDENCE, 2 BELLAGIO ROAD, ROSS, CA 94957, AP #: 073-031-04



Revision table with columns for DATE, DESCRIPTION, and BY. Shows revisions for 02/12/2024 and 03/21/2024.

COVER SHEET, SHEET L1.1



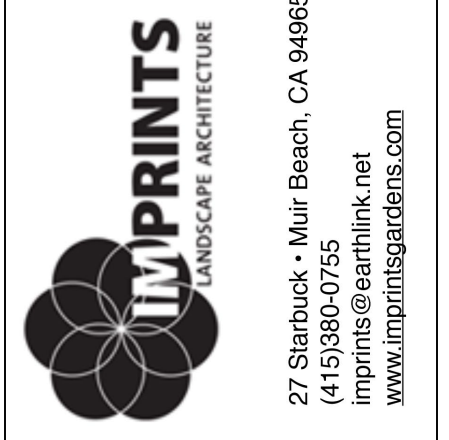
PLANT LEGEND - BELLAGIO
 SHRUB / PERENNIALS / GRASSES / LIST

ABBR. BOTANIC NAME	COMMON NAME	SIZE	HT. / WIDTH	NOTE
CHO TEC	CHONDOPETALUM TECTORUM	5 G	5' X 4'	E W F
GAR ELL	GARRYA ELLIPTICA	15 G	12' X 12'	E W F N
LOM BRE	LOMANDRA LONGIFOLIA	2 G	3' X 3'	E W F
MYR CAL	MYRICA CALIFORNICA	15 G	9' X 9'	E W F N
POL DAL	POLYGALA DALMAISIANA	5 G	5' X 5'	E W F
RHA CAL	RHAMNUS CALIFORNICA 'LEATHERLEAF'	5 G	6' X 8'	E W F N

LEGEND
 F = LOW FIRE / NON - PYROPHYTIC
 W = LOW WATER USE REQUIREMENTS
 E = EVERGREEN
 N = CALIFORNIA NATIVE
 D = DECIDUOUS

LIGHTING LEGEND

SYMBOL	MANUF.	DESCRIPTION (MODEL#)	Q
⬤	WAC	RECTANGLE STEP LIGHT, BRONZE ON BRASS (4021 - 9-15 VAC), 2700K - 90, 9-15 W, BBR	5



BELLAGIO RESIDENCE
 2 BELLAGIO ROAD
 ROSS, CA 94957
 AP #: 073-031-04



DATE	DESCRIPTION	BY
02/12/2024	A.D.R. SUBMIT	EO
03/21/2024	A.D.R. RE-SUBMIT	EO

PROJECT DATE: 03.21.2024
 DRAWN: EO
 JOB #: BELLAGIO
 SCALE: 1/8"=1'-0"

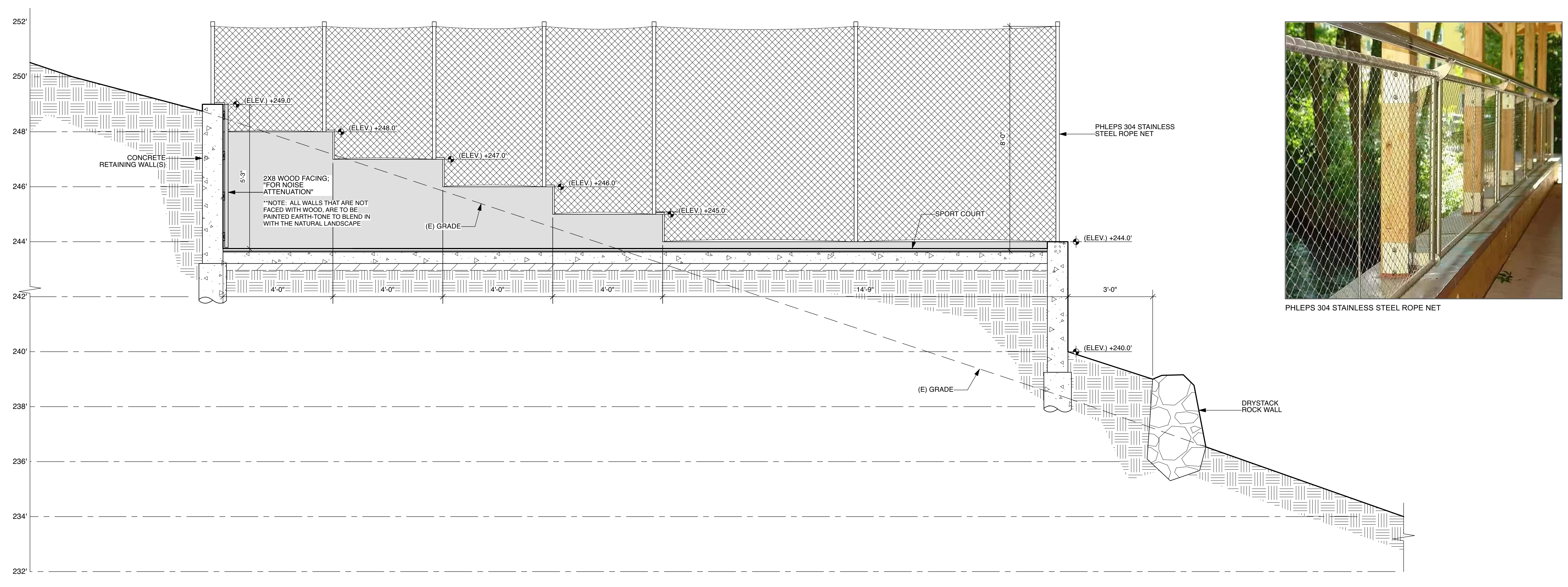
CONCEPT PLAN
 SHEET
L2.1
 SCALE: 1/8"=1'-0"
 0 3 6 12 FT



DATE	DESCRIPTION	BY
02/20/2024	A.D.R. SUBMIT	EO
03/21/2024	A.D.R. RE-SUBMIT	EO

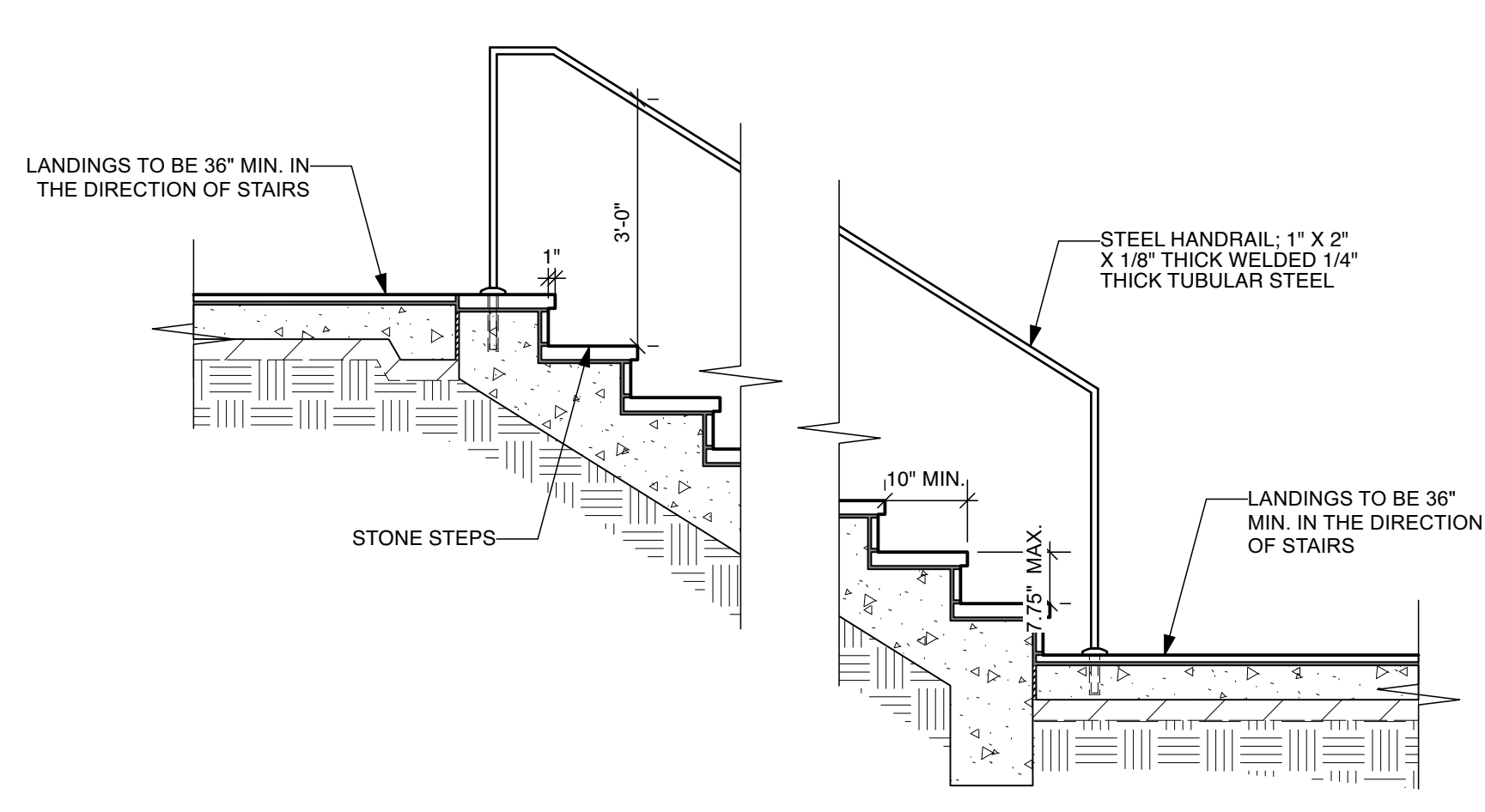
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PROJECT DATE	03.21.2024
DRAWN	EO
JOB #	BELLAGIO
SCALE	SEE SCALE



1 SPORT COURT : SECTION / ELEVATION

SCALE: 1/2" = 1'-0"



2 TYPICAL STONE STAIRS W/ HANDRAIL : SECTION

SCALE: 1/2" = 1'-0"

ATTACHMENT 3



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Telephone (415) 453-1453, Ext. 121 Fax (415) 453-1950

www.townofross.org

PLANNING APPLICATION FORM

Type of Application (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Advisory Design Review | <input type="checkbox"/> Minor Exception |
| <input type="checkbox"/> Appeals | <input type="checkbox"/> Non-conformity Permit |
| <input type="checkbox"/> Basement and Attics Exception | <input type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Tentative Map |
| <input type="checkbox"/> Demolition Permit | <input type="checkbox"/> Tentative Map Amendment |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review- Amendment | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Final or Parcel Map | <input type="checkbox"/> Variance |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Zoning Ordinance |
| <input type="checkbox"/> Hillside Lot Permit | <input type="checkbox"/> Amendment Other: |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Other: |

To Be Completed by Applicant:

Assessor's Parcel No(s): _____

Project Address: _____

Property Owner: Bellagio Ross, LP

Owner Mailing Address (PO Box in Ross): City/State/ PO Box 1705, Ross CA

Zip: 94957 Owner's Phone: 415-823-1110

Owner's Email: shadi@sakdesignbuild.com

Applicant: _____

Applicant Mailing Address: _____

City/State/Zip: _____ Applicant's Phone: _____

Applicant's Email: erik@imprintsgardens.com

Primary point of Contact Email: Owner Buyer Agent Architect

To Be Completed by Town Staff:

Date Received: _____	Planning 5300 _____
Application No.: _____	Tree Permit 5305 _____
Zoning: _____	Fee Program Administration 5315-05 _____
	Record Management 5316-05 _____
	Record Retention 5112-05 _____
	Technology Surcharge 5313-05 _____
Date paid: _____	TOTAL FEES: _____

Make checks payable to Town of Ross. Fees may not be refunded if the application is withdrawn.

SUBDIVISION INFORMATION ONLY

Number of Lots: _____

LOT LINE ADJUSTMENT ONLY

Describe the Proposed Lot Line Adjustment:

Existing Parcel Size(s) *Parcel 1:* _____ *Parcel 2:* _____

Adjusted Parcel Size(s) *Parcel 1:* _____ *Parcel 2:* _____

PARCEL ONE	PARCEL 2
Owners Signature: _____	Owner's Signature: _____
Date: _____	Date: _____
Owner's Name (Please Print): _____	Owner's Name (Please Print): _____
Assessor's Parcel Number: _____	Assessor's Parcel Number: _____

* If there are more than two affected property owners, please attach separate letters of authorization.

REZONING OR TEXT AMENDMENT ONLY

The applicant wishes to amend Section _____ of the Ross Municipal Code Title 18.


The applicant wishes to Rezone parcel _____ from the _____ Zoning District to _____.

GENERAL OR SPECIFIC PLAN AMENDMENT ONLY

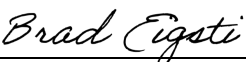
Please describe the proposed amendment:

CERTIFICATION AND SIGNATURES

I, the property owner, do hereby authorize the applicant designated herein to act as my representative during the review process by City staff and agencies.

Owner's Signature:  _____ Date: 02/21/24

I, the applicant, do hereby declare under penalty of perjury that the facts and information contained in this application, including any supplemental forms and materials, are true and accurate to the best of my knowledge

Owner's Signature:  _____ Date: 2/20/2024

SIGNATURE:

I hereby authorize employees, agents, and/or consultants of the Town of Ross to enter upon the subject property upon reasonable notice, as necessary, to inspect the premises and process this application.

I hereby authorize Town staff to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.

I further certify that I understand the processing procedures, fees, and application submittal requirements.

I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Town of Ross. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this application was signed at

_____, California on _____



Signature of Property Owner(s) and Applicant(s) Signature of Plan Preparer

Notice of Ordinance/Plan Modifications

- Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit.

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact us at (415) 453-1453, extension 105.

Consultant Information

The following information is required for all project consultants.

Landscape Architect

Firm _____
Project Landscape Architect _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Civil/ Geotechnical Engineer

Firm _____
Project Engineer _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Arborist

Firm _____
Project Arborist _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Other

Consultant _____
Mailing Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____
Email _____
Town of Ross Business License No. _____ Expiration Date _____

Mandatory Findings for Variance Applications

In order for a variance to be granted, the following mandatory findings must be made:

Special Circumstances

That because of special circumstances applicable to the property, including size, shape, topography, location, and surroundings, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. **Describe the special circumstances that prevent conformance to pertinent zoning regulations.**

N/A

Substantial Property Rights

That the variance is necessary for the preservation and enjoyment of substantial property rights. **Describe why the project is needed to enjoy substantial property rights.**

N/A

Public Welfare

That the granting of a variance will not be detrimental to the public welfare or injurious to other property in the neighborhood in which said property is situated. **Describe why the variance will not be harmful to or incompatible with other nearby properties.**

N/A

Neighborhood Outreach for 2 Bellagio Road				
Name	Address	Date Contacted	Concerns (If Any)	Resolution
Brain Collins	14 Bellagio Road	March 5, 2024	No Concerns	N/A
Paul Roesler	11 Bellagio Road	March 5, 2024	No Concerns	N/A
Rupert Montague	7 Bellagio Road	March 5, 2024	No Response	N/A
Michael Ackerman	21 Canyon Road	March 5, 2024	No Concerns	N/A

Response Letter

From: Brad Eigsti
Address: Imprints Landscape Architecture
202 Rosemont Ave, Mill Valley, CA
Phone: (415) 302-3054
Email: brad@imprintsgardens.com

To: Alex Lopez-Vega
Town of Ross
Planning

Date: March 21, 2024

Project Address: 2 Bellagio

SUMMARY OF CHANGES:

- We have added a wood facing / veneer to the concrete retaining wall that faces downhill. The 2x8 wood boards will be mounted slightly proud of the wall. The wood facing will help dampen any noise created on the court.
- All concrete walls that don't receive wood facing, will be painted earth-tone, in order to blend in with the natural landscape.
- We have added additional pacific wax myrtle screening below the sport court. We will source these at 15 gallon. The intention is to have a fast growing screen that will fill in quickly.

END

Please contact Brad Eigsti, Landscape Architect, with any questions or comments.

Thank You,

Brad Eigsti, Landscape Architect, License #4538
Imprints Landscape Architecture

ATTACHMENT 4

MINUTES

Meeting of the Ross
Advisory Design Review Group
March 19, 2024, 6:00pm

Video and audio recording of the meeting is available online at the Town's website at:
townofross.org/meetings.

1. 6:00 p.m. Commencement

Chair Kruttschnitt called the meeting to order.

Present: Mark Kruttschnitt, Joey Buckingham, Laura Dewar, and Mark Fritts; Roberta Feliciano (Planning and Building Director), Alex Lopez-Vega (Assistant Planner)

Absent: Stephen Sutro

2. Approval of Minutes.

The ADR Group approved the minutes from the January 16, 2024, meeting.

3. Open Time for Public Comments

No comments were provided.

4. Planning Applications/Projects

- a. **Property Address:** 12 Garden Road
 Property Owner: Michael and Margot Edde
 Applicant: Polsky Perlstein Architects
 Parcel Number: 072-153-05
 Zoning: R-1: B-10
 General Plan: ML (Medium Low Density)
 Flood Zone: X (Moderate Risk)

Project Summary: The applicant requests a recommendation to Town Council for Design Review, an Accessory Dwelling Unit (ADU) Exception and Nonconformity permit. The project includes remodeling and renovating of the existing single-family home, including a 703 square-foot (SF) second story addition, attached 1,200 SF rent restricted ADU integrated within the existing structure, and new landscaping.

Mark Fritts

- Agrees with ADR members.
- Massing is a nice improvement.
- Lacks some details, needs a little more character on the front façade.
- Felt a little plain
- Suggested the darker shade of linen for exterior stucco.

Joey Buckingham

- Agrees with Mark K. that the proposal is a huge improvement.

- Shares Laura's concern about the exterior color of the house being too white, it can be toned down.
- Expressed concern about side windows in terms of privacy, but maybe it's okay since the neighbors supported the project.
- Overall looks like a great project

Mark Kruttschnitt

- Project looks great, huge improvement.

Laura Dewar

- Great project
- Recommends painting the stucco a more natural color and not white.

b.

Property Address: 200 Lagunitas Road
Property Owner: Sarah and Scott Niehaus
Applicant: Brooks McDonald
Parcel Number: 073-131-23
Zoning: R-1:B-A
General Plan: VL (Very Low Density)
Flood Zone: X (Moderate Risk)

Project Summary: The applicant requests a recommendation to the Town Council for Design Review and a Demolition Permit. The project proposes to replace the existing siding with cedar shingles and a stone base. The project includes a remodel of the single-family residence, including two horizontal additions adding up to 186 square feet (SF) to the front of the single-family residence, and 131 SF addition to the garage for access to a Junior Accessory Dwelling Unit (JADU). A new covered porch is also proposed.

Mark Kruttschnitt

- Project looks fine
- Likes that the extra two columns are being removed front door

Laura Dewar

- Supports the project

Mark Fritts

- Recommends that the facia be thicker
- Great project huge improvement

c. **Property Address:** 2 Bellagio Road
Property Owner: Bellagio Ross, LP
Applicant: Imprints Landscape Architecture
Parcel Number: 072-031-04

Zoning: R-1:B5A
General Plan: VL (Very Low Density)
Flood Zone: X (Moderate Risk)

Project Summary: The applicant requests a recommendation to the Town Council for Design Review and a hillside Lot Permit. The project proposes to construct a new 30' x 60' sports court with an 8-ft high stainless-steel rope net. New stone steps with handrails will be provided to have access to the new sport court. The new sport court will be adjacent to the ADU, and stone patio located on the eastern part of the lot.

Joey Buckingham

- Supports the project as drawn
- The proposed court is out of the setback and far away from other houses
- They are mitigating many concerns such as plantings, pervious surface
- Many neighbors in that area have tennis courts and this is a huge lot

Mark Kruttschnitt

- Supports the project
- Since the project is not going over FAR or building in the setback
- Recommends approval

Laura Dewar

- The design is okay, with the lighting remaining low.
- Feels for the neighbors concerns

Mark Fritts

- The house has a lot of disturbance, the house already has a bocce court, pool, and lawn.
- Design guidelines states that projects should minimize disturbance in natural topography.
- Does not see a problem
- Supports the project, however would ask that the applicant look into sound mitigation as feasible.

5. Conceptual Advisory Design Review

No items

6. Information and Discussion.

- a. Update on ADR Group Appointments
 - Staff conveyed the positive statements and re-appointment of all 5 ADR group member.
- b. Design Review for exterior wall coverings
 - The ADR group provided staff with comments on forming a committee of 2 members who would review replacements of wall covering over 25%.

c. Selection of the ADR Chair for 2024

- Chair Mark Kruttschnitt was re-selected to serve as the ADR Chair for 2024.

7. New Agenda Items.

Adjournment, 7:25 PM.

Next scheduled regular meeting date and time: April 16, 2024, at 6:00 PM.

DRAFT

ATTACHMENT 5

March 18, 2024

Dear Town of Ross ADR,

We own and live at 7 Bellagio and own the lot at 1 Bellagio. We feel that our home has been adversely impacted by some of the elements of the development at 2 Bellagio, including both our privacy and the quiet enjoyment of our home. Of particular concern to us is how noise from the property travels directly to our home. We recently learned about the proposed addition of a sports court. While we appreciate the desire to add such a feature, we feel the addition of a sports court will project far too much noise directly our way, exceeding reasonable decibel levels. The acoustics of the canyon are such that noise from 2 Bellagio will travel and not only affect us, but will be amplified and projected throughout the canyon.

Our area of Ross is special because it is super quiet and home to incredible wildlife, including the endangered Western spotted owl, coyotes, deer, and an abundance of other spectacular wildlife. The noise from a sports court, whether it is basketball or other sports, is not appropriate for the site and would have a detrimental impact on us as well as the other residents in the Canyon. The fact that such a sports court could someday be converted into a pickle ball court is particularly worrying, as we understand the noise from pickle ball is especially disruptive to neighbors.

There is a large area covered in pavers (already approved) at the end of the driveway where children can play. The proposed addition of nearly 2000 sq ft of impervious surface (from 18,875 sq ft to 20,675 sq ft) and the earthwork excavation disturbing 2500 sq ft on a hillside lot feels unnecessary and out of character with the area. The lighting on the proposed sports court and additional stairs would add unnecessary light to an area of dense wildlife, and would be unsightly to us and many other neighbors.

We have sent numerous emails with concerns to the developer, Shadi Aboudaker, and he has not replied to a single one. He has not taken into account any of our privacy or noise concerns and we have come to understand that once he gets something approved, he has zero regard for the neighbors. This project is front and center for our family, as the completed house will be as well. When new neighbors eventually move in, our family will hear their every word when they are outside enjoying their outside kitchen, pool, and

garden. We kindly ask that you deny the application for a sports court given the additional noise that it will add to our lives and those of our neighbors in the Canyon.

In the event you should approve it, we ask that appropriate noise and light shield be included.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy and Rupert Montagu". The signature is written in a cursive, flowing style.

Nancy and Rupert Montagu

Dear ADR Board members,

We write in opposition to the proposal to develop of a Sport Court at 2 Bellagio, as the eastern neighbor across the road at 10 Canyon Road.

The elevated location of the sport court, its hard surface and open south and east sides would broadcast the noise of basketball play - dribbling, shooting hoops, energetic calling out - towards our property and through the canyon landscape. We have spoken about the proposed court with Nancy and Rupert Montagu, who live directly below the court at 7 Bellagio, and they told us of their deep concern that the noise of play could impact enjoyment of their home.

We are additionally concerned that the 30 ft. X 60 ft. court is a good fit to pickleball, and could easily be converted for that extremely noisy sport if the present owners choose, or if there's a change in ownership. This would have yet more severe impacts on the natural tranquility of our home and neighborhood, in ways already described in our 12/23 letter to the ADR Group about the Laplanche Pickleball court proposal for 12 Canyon Road (see attached).

It is astonishing to us that this is the second pickleball (or pickleball possible) court proposal brought forward by a neighbor in the last three months. We understand that there has been at least one other proposed in Ross, but none has yet been approved for a home. It is therefore timely for the Town to research the well documented noise impacts of pickleball, and this action has now been taken: Council members Elizabeth Robbins and Julie McMillan have asked that such research be done by Town staff, and have added discussion of the Noise ordinance and possible restrictions for pickleball courts to the agenda of an upcoming town council meeting. Please allow time for this important research to be completed and acted upon before going further to review the 2 Bellagio sport court proposal.

Attached below for your reference is our December 2023 letter to the ADR Group followed by documents and articles we've collected about the impacts of pickleball noise and how other towns have regulated the sport.

Thank you for your consideration of this,

Zara and Dennis Muren
10 Canyon Road

Letter sent to the ADR Group about the Laplanche Pickleball court proposal for 12 Canyon Road - Dec. 2023

Dear ADR Board members,

I write to express our family's concerns about noise impacts of the Pickleball court proposal for 12 Canyon Road, as neighbors living at the adjoining property to the south.

We knew nothing about the sport until two weeks ago, when Renaud Laplanche told us that he would be bringing forward a proposal to build a Pickleball court quite close to our shared property line (about 15 ft. as scaled from the Landscape Concept Plan). When I googled the sport, I found a number of links to reports of annoyance caused by the intrusive noise of Pickleball. The sound of the paddle hitting the ball is loud--twice as loud as tennis--and has a high pitch. As the New York Times article, *Shattered Nerves, Sleepless Nights: Pickleball is Driving Everyone Nuts* [said](#), "the most grating and disruptive sound in the entire athletic ecosystem right now may be the staccato pop-pop-pop emanating from America's rapidly multiplying pickleball courts."

Cities that have seriously considered the impact of residential pickleball have recognized that significant setbacks are needed between pickleball courts and residences. The [City of Centennial](#) in Colorado, conducted a sound study and decided to bar pickleball entirely within 250 feet of a residential lot, with mitigation required from 250 to 600 feet. [Park City](#) in Utah, likewise doesn't allow pickleball courts within 150 feet from a property line under any circumstances, and requires mitigation up to 600 feet. Earlier this year, [Denver](#), Colorado's Parks and Recreation Deputy Director told a reporter that "the current guidance he's gotten from researching sound abatement found pickleball courts need to be 500 feet or further away from homes."

The evidence of these reports is that - even with mitigation - the sound of pickleball would severely impact our property, and we are therefore opposed to the Laplanche Pickleball court Proposal. We spend a lot of time outside in the peace of our hillside, gardening, swimming, sitting in nature, dining etc. and our pleasure in these activities would be significantly disturbed but, based on the reports cited, the sound would be intrusive inside our home as well. We also obviously worry about the implications for our property value, as we ourselves would balk at buying a home so close to a pickleball court.

Thank you for your consideration of our concerns,

Zara Muren
10 Canyon Road
Cell (415) 254-0160

Excerpt from <https://www.nytimes.com/2023/06/30/sports/pickleball-noise-complaints-lawsuits.html>

Shattered Nerves, Sleepless Nights: Pickleball Noise Is Driving Everyone Nuts

By [Andrew Keh](#) Reporting from Arlington, Va.
June 30, 2023

The incessant pop-pop-pop of the fast-growing sport has brought on a nationwide scourge of unneighborly clashes, petitions, calls to the police and lawsuits, with no solution in sight.

It sounded like popcorn warming in a microwave: sporadic bursts that quickened, gradually, to an arrhythmic clatter.

“There it is,” Mary McKee said, staring out the front door of her home in Arlington, Va., on a recent afternoon.

McKee, 43, a conference planner, moved to the neighborhood in 2005 and for the next decade and a half enjoyed a mostly tranquil existence. Then came the pickleball players.

She gestured across the street to the [Walter Reed Community Center](#), less than 100 feet from her yard, where a group of players, the first of the day, had started rallying on a repurposed tennis court. More arrived in short order, spreading out until there were six games going at once. Together they produced an hourslong ticktock cacophony that has become the unwanted soundtrack of the lives of McKee and her neighbors.

“I thought maybe I could live with it, maybe it would fade into the background,” she said of the clamor, which began around the height of the coronavirus pandemic and now reverberates through her home, even when her windows are closed. “But it never did.”

Sports can produce all kinds of unpleasant noises: referees’ whistles, rancorous boos, vuvuzelas. But the most grating and disruptive sound in the entire athletic ecosystem right now may be the staccato *pop-pop-pop* emanating from America’s rapidly multiplying pickleball courts.

The sound has brought on a nationwide scourge of frayed nerves and unneighborly clashes — and those, in turn, have elicited petitions and calls to the police and last-ditch lawsuits aimed at the local parks, private clubs and homeowners associations that rushed to open courts during the sport’s recent boom.

The hubbub has given new meaning to the phrase racket sport, testing the sanity of anyone within earshot of a game.

“It’s like having a pistol range in your backyard,” said John Mancini, 82, whose Wellesley, Mass., home abuts a cluster of public courts.

“It’s a torture technique,” said Clint Ellis, 37, who lives across the street from a private club in York, Maine.

“Living here is hell,” said Debbie Nagle, 67, whose gated community in Scottsdale, Ariz., installed courts a few years ago.

Excerpts from <https://www.paddletek.com/blogs/news/noise-issue-pickleball>

Paddles at Play: How Pickleball Noise Impacts Our Communities

While pickleball brings together people of all ages and builds a wonderful sense of camaraderie, the sport has not been without its fair share of challenges from the communities in which it's played. As more and more paddles are at play across the country these days, there's been a growing number of noise disputes, strained relations, and land-use conflicts.

One man in Massachusetts sold his house after pickleball courts were built 350 feet from his front door. He and his neighbors took their plight to court, **claiming pickleball courts have harmful and intolerable noise levels, and the noise was creating mental and physical health problems for residents.** **While in New Jersey** there's a group of pickleball-playing senior citizens causing such a stir that the police have been called out to break up arguments, and now the mayor's involved.

As mentioned, pickleball has largely taken over the same courts as tennis. This frequent repurposing and the addition of new pickleball-specific courts have led to friction between pickleball players and tennis players. People have even reported seeing fights between tennis players and pickleball players, others have witnessed pickleball players **occupying tennis courts** until removed by police.

And then there's the vandalism and threats in Finley, where vandals took to **pouring oil over the pickleball courts** and leaving threatening notes that pickleball players' cars will be keyed. **The vandals also called tennis players who didn't stand up to pickleball players "chickens."** **Yes - this is real.** These are only some examples of communities rising to become activists and pop the pickleball once and for all. So what are our leaders doing about it?

Communities Taking Action Against Pickleball Noise

Some municipalities have introduced enforceable regulations to quiet the court noise, where going above the regulated volume has consequences. Even more, some areas are taking extreme actions, such as removing courts and stopping new courts from being built until the situation has been assessed.

Denver Parks and Recreation removed pickleball from Congress Park after neighbors complained about the noise. An inspector was sent to investigate and found that pickleball noises were over 70 decibels in some nearby residences, and the City ordinance is set for 55 decibels at most. And the **City of Centennial** approved a **temporary pickleball moratorium** to give staff time to assess what regulations are needed for outdoor courts and the noise they generate.

It's not only municipalities that are having to do something about the noise issue. Many **homeowners' associations** are **stopping pickleball or taking steps to reduce the noise in their community** too. Sometimes these actions are sparked by legal disputes, other times these are proactive associations that want to do something about pickleball exceeding the noise provisions in their codes.

. . .

What Can Be Done to Reduce Noise in Pickleball?

Pickleball noise can be reduced by playing with high-quality paddles, cushioning court surfaces to absorb more sound, regulating play times, and putting up soundproofing materials or sound barriers. Courts should be built at least 500 feet away from residences, in green buffer zones.

Excerpts from

<https://crazypickleballady.com/2021/07/13/the-sound-of-pickleball-a-detailed-explanation-and-what-you-need-to-consider-before-building-courts/>

The sound of pickleball – a detailed explanation, and what you need to consider before building courts

July 13, 2021Betsy

After my last post "*Respecting our neighbors – creating a quieter pickleball environment*," I received some feedback from readers seeking more information on how to deal with sound issues at their outdoor pickleball courts.

I have asked my friend, **Bob Unetich** to write a contributing article on the sound of pickleball; how to measure it, and how to reduce it in order to keep happy neighbors or select a location for new courts.

. . . .

The term we will use is the decibel. The selected reference for sound measurements is 1 micro-pascal which we set to equal zero decibels, or 0 dB as commonly written. Humans perceive an increase of 10 decibels in sound level to be roughly 2x as loud. This is quite helpful since we can then simply use a meter calibrated in decibels to take measurements, and then easily estimate how the sound levels will be perceived.

. . . .

Now we are ready to use the numbers for comparison purposes. Here are some points of reference from the website, <https://noiseawarness.org>:

0 dBA – The softest sound a person can hear with normal hearing

10 dBA – normal breathing

20 dBA – whispering at 5 feet

30 dBA – soft whisper

40 dBA – quiet residential area on a calm day

50 dBA – steady rainfall

60 dBA – normal conversation

70 dBA – freeway traffic

85 dBA – noisy restaurant

90 dBA – shouted conversation

100 dBA – nearby snowmobile

110 dBA – shouting into an ear

120 dBA – nearby thunder

As you know, at some level our hearing can be damaged. It is recommended that we avoid extended periods of exposure to levels above 80 dBA. Above 90 dBA is considered dangerous according to the Occupational Safety and Health Association (OSHA) standards. Loud music fans beware!

Frequent pickleball sounds are typically about 70 dBA at about 100 feet away from the strike of the ball. Residents in homes located in a quiet residential area, that are within 100 feet from pickleball courts are used to noise levels of 40 dBA, therefore the level of pickleball noise is 30 decibels louder. And, remember, each time you increase a sound level by 10 decibels, it will sound twice as loud. So, an increase of 30 decibels is (10dB+10dB+10dB) or 2x as loud x 2x as loud x 2x as loud, or 8 times as loud. That's a significant increase in loudness. Would that be annoying? Probably.

From

https://townoftiburon.granicus.com/MetaViewer.php?view_id=5&event_id=892&meta_id=36240



Point Tiburon Marsh Condominium Association

DATE: August 10, 2022

TO: Tiburon Town Council

FROM: Point Tiburon Marsh Condominium Association

RE: **OPPOSITION TO PROPOSED PICKLEBALL AT TEATHER PARK / BEACH RD / MARSH RD PUBLIC TENNIS COURTS**

Dear Town Council Members,

On August 17, 2022, you are being asked to authorize use of the tennis courts on Marsh Road (Teather Park) for Pickleball use as part of a management agreement with The Ranch. The Point Tiburon Marsh Condominium Association remains very concerned with this proposed change in use and respectfully request that the Town Council direct staff to consider other facilities for expanded Pickleball activities.

As expressed below, the noise generated by Pickleball and the resulting negative effects on property values, in addition to the lack of effective mitigation options, demonstrate that Pickleball is an incompatible use for the Teather Park / Beach Rd. / Pt. Tiburon tennis courts.

Pickleball has been characterized as a rapidly growing sport that is very social and can be played by all age groups. The HOA recognizes that Pickleball may be a very fun and social sport. Doubtless, the Town Council will hear from Pickleball enthusiasts who will cite the popularity of Pickleball as a reason for the need for more courts.

Unfortunately, Pickleball is also a notoriously noisy activity, which tends to present a nuisance within communities unless it is enclosed or very distant from residential uses. The ball/paddle contact of Pickleball is characterized by a much higher pitch, volume and frequency than tennis. As described in the study prepared by Gigahertz for the POST, *"the sound of a pickleball hit has a higher pitch or tone than tennis and this 'pop' sound is considered more annoying to people than the 'thud' of a tennis ball hit"*. Since Pickleball courts are half the size of a tennis court, the ball travels a much shorter distance between the players and is therefore struck much more frequently. Pickleball is also, seemingly, a more socially interactive sport with more continuous conversation and loud enthusiasm. As such, Pickleball is an inherently noisy sport that has engendered numerous community conflicts and litigation. **A simple Google search of "Pickleball Noise" and "Pickleball Lawsuits" reveals dozens if not hundreds of documented controversies in communities throughout the country**, most often involving the local municipal governments. As a result, Pickleball has been banned outright in many cities throughout the U.S. The challenges surrounding Pickleball development are well detailed in this post from Spendarian & Willis Acoustical Consultants: <https://www.acousticalnoise.com/noise-control/why-are-your-pickleball-courts-receiving-complaints-from-neighbors/>

c/o Bayside Management ♦ 1800 Harbor Drive, Suite 100, Sausalito CA 94965 ♦ Phone 415/383-8400
Mary S. Wiegmann, CACM, ACRE, Manager ♦ mwiegmann@baysidemgmt.com

From: [Brian Collins](#)
To: [designreview](#)
Subject: 2 Bellagio Road Sport Court
Date: Thursday, March 14, 2024 11:29:30 AM

Design Review:

My wife and I live at 14 Bellagio Road in Ross. We are the closest to, and most affected by, the project under construction at 2 Bellagio Road.

We have no objection to the proposed sports court for the project.

Brian & Marie Collins