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Easton Ehlers  
Assistant Planner  
Marin County Community Development Agency  
3501 Civic Center Drive Suite 308  
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RE: **Project ID. 4506** APN: **022-010-35**  
Project Site Address: **675 Sir Francis Drake Kentfield**

**Design Review Approval: Installation and Use of a new lighting system to illuminate an athletic field for night time use for events and practices.**

**Applicant: Sean Kennings, on-behalf of the Archdiocese of San Francisco**

Dear Mr. Ehlers,

Please accept and consider the following comments regarding the *Design Approval Application*, the project plan set<sup>1</sup> and multiple reports prepared and submitted to the Marin County Community Development Agency (CDA) for the proposed project described and referenced above. The Archdiocese of San Francisco, ( The APPLICANT ) is requesting design approval from the CDA and the Marin County Planning Commission, to construct four poles extending to a height of 80 feet. Each pole will host an array of 7 field light fixtures to illuminate an existing athletic field for night time sporting events and practices for students of Marin Catholic High School (MCHS). The proposed field lights will illuminate the sports playing field and a sphere above the field for visibility for lofted balls during the dusk and night time hours. The plan set also specifies the locations and presents construction details for audience bleacher lighting and sixteen (16) auxiliary poles to support light fixtures to illuminate pathways near the illuminated athletic field during dusk and night time hours.

**Introductory Comments:** The MCHS educational facilities and the existing athletic field subject to this design approval application, are located within the middle zone of the Ross Valley Watershed and lies within close proximity of the environmentally sensitive Corte Madera Creek corridor. With the exception

of MarinHealth Medical Center and Bay Club Ross Vally, well established residential neighborhoods dominate the environs of Ross Valley and the lands adjacent to Marin Catholic High School.

Corte Madera Creek and the sensitive corridor area have undergone extensive ecological restoration and recovery activities, resulting in improved water quality and increase in habitat for wildlife, and expansion

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<sup>1</sup> Field Lights for Marin Catholic High School, BRW Architects, July 7, 2024

of passive recreational use for the public. This portion of Ross Valley expresses exceptional beauty and vistas for all that visit, pass-through or live in Ross Valley and the adjacent ridges. At dusk, Mount Tamalpais and the surrounding ridges display beautiful silhouettes on the landscape. From dusk to dawn, the darkness and quiet in the Valley contribute to the peace and tranquility valued by residents of the community.

The introduction of an illuminated athletic field at MCHS for spectator-sporting events and practices during dusk and night time hours is not compatible with the nighttime darkness and quiet in the adjacent Corte Madera sensitive corridor and the residential community.

**The illumination and use of MCHS athletic fields to accommodate spectator-sporting events, public assembly and other activities is an unreasonable use of the athletic field during dusk and night-time hours. The extension of use of this parcel during dusk and night time hours will change the unique character of this portion of the Ross Valley residential community and the Corte Madera Creek environmental sensitive area of Marin County forever.**

**Based on the comments presented below, I respectfully request the Marin County Planning Commission deny the Applicants's design review application for the field lighting project at MCHS.**

**Compliance with County Zoning Code of Ordinance.** The Marin County Zoning Code is codified in Title 22, Article II of the Marin County Code of Ordinances and establishes allowable land uses and development standards for each zoning district on the official zoning map covering the unincorporated areas of Marin County. The zoning code presents a list of uses exempt from the County Land Use Permit Requirements.<sup>2</sup>

The official zoning map indicates the current zoning district of the Applicant's parcel is R-1 -B-2. The R-1 zoning district is the primary zoning district and lands situated in this zoning district are intended for single-family residential neighborhood development in a suburban setting, along with similar and compatible uses.

**Comment #1.** The proposed construction and use of an illuminated athletic field during dusk and night time for spectator sports, or public assembly is not a land use or improvement exempt from Marin County land use permit requirements.

The Applicant and the CDA are relying on a 1975 *Grant of Use Permit* granted to MCHS for the construction of a 1,250 square-foot storage structure to exempt the Applicant from obtaining a Marin County-approved land use permit.

The 1975 *Grant of Use Permit* issued by the Marin County Deputy Zoning Administrator to Archdiocese of San Francisco for construction of a storage structure at MCHS included the following condition:

*This Use Permit is granted to amend all previous Use Permits, and to allow all future additions to school facilities to be approved under Design Review processing.*

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<sup>2</sup> Chapter 22.06.050, Marin County Code of Ordinances

The Executive Summary prepared and submitted by the Applicant for MCHS field lighting system project disclosed the following background statement:

*Note: By way of background, the lack of athletic fields at MCHS is directly attributable to its 1974 donation and sale (to Marin County) of the land adjacent to campus that is now Hal Brown Park at Creekside and County floodplain. As part of this donation, Marin County allowed future development at MCHS consistent with operating as a school to be subject only to Design Review and not the Use Permit process.<sup>3</sup>*

**The transaction between Marin County and the Archdiocese of San Francisco resulting in the County's purchase and acquisition of land for Hal Brown Park and lands within the Corte Madera Creek corridor is dubious. For a unit of government to relinquish zoning code standards, regulations and procedures to a private entity in return for property, goods and services is not good government and is ethically wrong.**

**I recommend the Marin County Planning Commission deem the land use exemption expressed as condition of the 1975 Grant of Use Permit invalid. The Applicant should obtain a Marin County-approved land use permit in addition to project design approval for the construction and use of field lighting at MCHS for spectator-sporting events, public assembly and other activities during the dusk and nighttime hours.**

**Comment #2.** This parcel is historically and principally used as a private educational facility. The use of parcel for daytime spectator sports, public assembly and other events are non-conforming uses of the parcel, not principle uses under the current R-1 B-2 zoning district assigned to the parcel. Basic planning law stipulates non-conforming uses should not be expanded without a finding of special and extraordinary circumstances, hardship, or lack of reasonable use of the parcel. The Applicant has not presented any extraordinary circumstances, finding of hardship or demonstrated that the Applicant does not have reasonable use of the athletic field for spectator-oriented sports, public assembly, or athletic practices without field illumination during the daytime hours.

The Applicant's claim that the lack of athletic fields at MCHS is directly attributed to the sale of land to Marin County is not correct. This claim is not considered a hardship, since the Applicant chose this transaction and continues to retained many uses of its land holdings to accommodate and continue non-conforming uses, including spectator-sports events, public assembly and practices during daylight hours.

**I recommend the CDC and the Marin County Planning Commission deny the Applicant's request for design review approval for the MCHS field lighting plan based on the fact he lighting plan results in an expansion of a non-conforming use of the parcel and declare the illumination and use of the athletic field for spectator-sports and practices during dusk and night time use is an unreasonable use of this parcel.**

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<sup>3</sup> Executive Summary prepared by the Applicant, Page 4

**Compliance with the Kentfield Greenbrae Community Plan.<sup>4</sup>** The introductory recommendation of the Kentfield Greenbrae Community plan states:

*The character of the community is a predominantly single family residential area and should be preserved. New development should be sensitive to local community topography, community character and appearance.*

**Comment #3.** The Kentfield Planning Advisory Board (KPAB) approved the field lighting plan for MCHS at their meeting on June 12, 2024. The meeting minutes do not acknowledge the KPAB members considered the Kentfield Greenbrae Community Plan in their decision. The KPAB failed to declare the MCHS field lighting plan is consistent with the Kentfield Greenbrae Community Plan. In fact the KPAB meeting minutes are silent on the Board's discussion and decision making, and lacked a record of meeting attendees and public comment. I am not convinced the KPAB members reviewed the project plan set or the lighting, noise, traffic and biological assessment reports prepared for the MCHS field lighting. I recommend the KPAB decision be dismissed and not considered by the CDA and the Marin County Planning Commission in their decision of this Applicant's request for design approval of the MCHS field lighting plan.

**Compliance or Consistency with the Marin Countywide Plan<sup>5</sup>**

The Applicant provided limited evidence or documentation related to acceptable noise levels to support the MCHS lighting plan's compliance and consistency with the Marin Countywide Plan.

The Marin Countywide Plan recommends that the mass and scale of new structure respect the environmental constraints and the character of the surrounding neighborhood and be compatible with ridge protection polices. The Marin Countywide Plan describes the importance of protecting the view sheds around its communities. The Applicant's field lighting plan is inconsistent with these planning directives specified in the Marin Countywide Plan.

**Comment #4.** The Applicant's field lighting plan and field light use for spectator sporting events and other uses during dusk and nighttime hours interferes with the character of the surrounding area and the illuminated field impacts the view residential neighborhoods in the surrounding hillsides value.

**Comment #5 Noise Study.** The noise study report (the Coffman Report) filed with CDA for the MCHS lighting project was commissioned by the Applicant to analyze the changes in sound levels at nearby residential areas with addition of athletic field lighting to allow for evening spectator-sporting use.<sup>6</sup>

The findings of Coffman Report concluded that the change in noise level produced from football games during evening hours would not exceed the "Normally Acceptable" level for nearby residential communities.

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<sup>4</sup> Kentfield Greenbrae Community Plan, Greenbrae Kentfield Community Planning Group and Marin County Planning Department, 1987

<sup>5</sup> Marin Countywide Plan, Marin County Community Development Agency, adopted by the Marin County Board of Supervisors, 11/6/2007, 11/9/2007, 1/24/2023

<sup>6</sup> Environmental Noise Study, for Marin Catholic High School Field Lighting Project, Coffman Engineers, Inc. 8/9/2016, updated 4/26/2024

The report states that the noise level during a spectator-sporting event will generate noise levels 10 dBA higher than the ambient noise level (base level conditions) during the dusk and nighttime hours. An increase in the noise level by this magnitude during the nighttime hours creates an unwanted public nuisance and has the potential to interfere with the quality of life of the residential community within the MCHS sphere of influence. The applicant is requesting approval to extend the noise level generated by spectator-sporting events into the dusk and nighttime hours. Illuminating the athletic field to allow noise from spectator-sporting events during the dusk and nighttime hours, similar to noise during daytime events is unreasonable.

**Comments #6. Noise Study.** The Coffman Report presents no expert opinion or conclusion about the impact of the noise levels from existing or planned activities at MCHS to the biological community within the Corte Madera Creek sensitive area. The CDA and the Marin County Planning Commission should ignore this portion of the Collins Report.

**Comment #7. Lighting Study.** The Executive Summary prepared by the Applicant references a study conducted by Pierce Renewables. Apparently, this study concludes the lighting “spill” from the proposed array of field lights should be zero towards the hillside residents, north of the illuminated field. **However, the report acknowledges the illuminated football field will be visible to the hillside neighborhood.** Therefore the glare from the illuminated field will impact the hillside neighborhood. It is unreasonable for the hillside residents to be subjected to a view of a new and large illuminated surface during the dusk and night time hours. Again, this large illuminated surface alters and adversely affects the character of the surrounding neighborhoods and the biological community inhabiting the Corte Madera Creek sensitive area.

**Comment #8. Biological Site Assessment.** The Biological Site Assessment Report prepared by WR Environmental Consultants, (WRA) was commissioned by the Applicant to provide a biological assessment related to the installation and use of the MCHS field lighting project.<sup>7</sup>

This findings falsely claim the lighting array proposed for illuminating the MCHS athletic field is DarkSky compliant. DarkSky International Organization has a robust and complex review process for the certification of lighting plans for sporting facilities. The Applicant does not have DarkSky International certification for the MCHS sporting facility lighting plan. I am disappointed that DarkSky International credentials are “passed and punted” by the Applicant and WRS for the MCHS field lighting plan. DarkSky certification process for lighting plans for sporting facilities assesses more than just the type and use of the lighting arrays and fixtures.

**The CDA and the Marin County Planning Commission should not consider the Applicant’s claim the proposed field lighting plan for MCHS as DarkSky International compliant, approved or certified during their review.**

**Comment #9. Biological Site Assessment.** The WRS Biological Site Assessment incorrectly notes the proposed field lighting plan for MCHS “involves the use of permanent field lighting system for the athletic stadium, **to replace a temporary system** (in use for decades)”. A site assessment during the use of the temporary system was based on one field survey conducted on February 21, 2021. The previous use of

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<sup>7</sup> [Biological Site Assessment for the Marin Catholic High School Field Lighting Project, Kentfield, California, WRA Environmental Consultants, July 12, 2024.](#)

temporary lights is not relevant or germane to the Applicant's proposed new permanent field lighting plan for MCHS. Any comparison of the temporary lighting to the proposed field lighting plan at MCHS should not be considered by the CDA or the Marin County Planning Commission in their Design Approval decision.

**Comment #10. Biological Site Assessment.** The field visits conducted by WRS Environmental to assess bird diversity in the Corte Madera Creek sensitive area were limited to the month of February in 2021 and the months of January, February, and March in 2024. Surveys were not conducted during the migratory season to assess the presence and use of the Corte Madera Creek sensitive area by migratory birds species. The on-site visits appear to be limited to assessing the presence of resident bird species. In addition, there is no data to document WRS conducted any night time site visits, night time spot calling, or other acceptable procedures to assess the use of the Corte Madera Creek sensitive area by nocturnal bird species.

The WRS report correctly noted the presence of California Ridgway's Rail (*Rallus obsoletus*) within the Corte Madera Creek sensitive area. This special-status species, as well as over 111 bird species have been observed in the Corte Madera Creek sensitive area this year and are cataloged on the data base hosted by the Cornell Lab of Ornithology. It is my opinion the assessment of the bird species present within the Corte Madera Creek sensitive area is incomplete and inconclusive to assess the impact the proposed MCHS field lighting plan will have bird species.

**Comment #11. Biological Site Assessment.** WRS Environmental review of the "available literature" found that there are "likely effects from increased artificial night lighting to local wildlife". However, WRS Environmental concludes that "there are few studies that have quantified it's effects". WRS relies on lighting specifications and proposed usage of the field lighting provided by Pearce Renewables to formulate this conclusion.

**Comment #12. Biological Site Assessment.** WRS Environmental reviewed the impact of noise on the biological community within the Corte Madera Creek sensitive area and concluded the noise levels during the evening sporting events will be "minimal and discountable" compared to baseline conditions. The consultant measured the ambient level noise level or baseline conditions at a data point in the "wetlands of Corte Madera Creek" **during the daytime hours and on a Saturday.** There were no ambient noise level measurements taken within wetlands of Corte Madera Creek during dusk and the night time hours to validate WRS conclusion.

**Comment #13. Commutative impacts and precedence.** WR Environmental justified the field lighting at MCHS by noting there is already a "variety of urban influences within the Creekside Marsh." In addition, WR Environmental discounted cumulative impacts and precedence to support the construction and use artificial lighting to illuminate MCHS fields for spectator sports and other athletic uses.

Commutative impacts and precedence are not limited to this lighting decision, in this location. The CDA and the Marin Planning Commission may be presented with new lighting projects, similar in nature, location and impact. A positive decision on this lighting plan will influence decisions on future lighting plans and consideration of other unreasonable uses non-conforming parcels, even beyond their jurisdiction. Furthermore, there is no endpoint to lighting and illuminating the athletic fields at MCHS.

Will the Applicant return in the future and present a plan for lighting and illuminating the baseball fields for more night time use?

**Comment #14. Alternatives were not fully considered.** There is no record to verify the Applicant considered alternative solutions, locations or remedies to accommodate MCHS sporting activities and sporting events. The Applicant failed to present a findings that it has considered and exhausted all alternatives to accommodate sports or sporting events, including reducing the number of sporting activities offered to its student body. The Applicant and MCHS may have to conclude they have reached the carrying capacity of this parcel for outdoor sporting facilities .

**Final Comment:** The illumination and use of the MCHS field lights for spectator-sports, public assembly and other activities during the dusk and nighttime hours will change the character, beauty and visual attributes of the Ross Valley Community and its environs forever. The expansion of the non-conforming use of this parcel is unreasonable. A denial of this design approval does not prevent MCHS from continuing to use its parcel for sporting events during the daytime hours. I respectfully request the CDA and Marin County Planning Commission deny this Design Approval and the plans to construct and use of athletic field lights at MCHS.

Thank you so much for attention and consideration of these comments.

Respectfully prepared and submitted,

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