From: Carlos Blanco
To: City Council; City Clerk
Subject: Comments for Linda Courts Renovation - agenda item #6
Date: Monday, August 19, 2024 3:08:13 PM
Attachments: 8.19 CEQA exception City Council CB.pdf

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Hi -- Please include the following comments in the attached pdf file regarding the Linda Courts Renovation (agenda Item #6) for the City Council meeting tonight.

Thanks

To: City Council – 8/19/24

I strongly disagree with the statements by the City regarding the project being exempt from CEQA.

I ask you to consider the following information that may lead you to consider the importance of ordering a CEQA review of the impacts from this project.

A few points that I hope you consider:

- It is now common knowledge that Pickleball noise is very different from tennis noise. Piedmont neighbors have written hundreds of emails and provided public testimony over many hours to complain about the environmental impact. The erroneous and tone-deaf claim in the City Administrator report that "There is no possibility that the Project will have any significant effect on the environment" goes against the direct experience of many Piedmont residents that have suffered the impacts as well as those from many other towns throughout the United States.
- 3 sound studies at Linda courts from firms with expertise in PB noise assessment have concluded there are significant impacts to the environment. The City noise report was conducted by a firm and engineers that acknowledged they had little or no experience assessing the nuances of PB noise. In addition, email records have also shown regular contact between the City and the PB leadership around the time the study was conducted while Linda neighbors were kept in the dark.
- There are two pending lawsuits related to permanent Pickleball use of Linda Courts. Has City Council evaluated the legal and additional costs for Piedmont taxpayers based on the outcome of those lawsuits relative to the costs of an adequate noise and CEQA study to truly evaluate the impact of PB play at Linda?
- The Linda Beach neighbors believe that the City Administrator's claims throughout this process should be scrutinized, including the latest CEQA exception claims behind the request. Just to point out a few of her unusual recommendations, after meeting with the PB player and the neighbors' representatives to find common ground, City Administrator Bayon-Moore recommended to City Council more hours of play than what the Pickleball community offered as a compromise. She also recommended PB play outside the hours recommended by the Recreation Commission. Despite requests by both representatives, the City Administrator did not allow the sound engineer that conducted the study to be present in the discussions regarding mitigation. We also believe that she misrepresented the positions of the Linda Beach neighbors' representative opposing permanent and exclusive PB play at Linda.

- The Piedmont PB leadership appears to have worked closely with members of the Piedmont Recreation Department, Piedmont Recreation Commission and City Council outside the public eye. Numerous emails released as a result of citizens' PRAs show that contacts started at least in early 2022, months before the trial was even considered. The following emails are just examples:

Exhibit A: Email from Piedmont Pickleball Leadership member to Recreation Director

From: LESTER ELLIS <[redacted]
Sent: Monday, February 7, 2022 3:00 PM
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Subject: Re: Pickleball items

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Boy, have you been hard at work!

Let me answer from my understanding; but first, what is a "family" court time?

My vision is to see L/B be exclusively for PB. Play would start at 9:00 and go into the afternoon or evening. You and the Commission would set the hours. Four permanent nets would be installed so the courts could be left open for walk on play just as we do for tennis.

We would no longer play at Hampton. Weekend play would be at PMS and L/B. All three of our locations are super overcrowded with always more people waiting to play than are on the courts. I recently left Hampton because I was going to be the 18th person putting a paddle up.

Open courts will make it possible to plan better for playing time for beginners and advanced beginners. It will also allow more time for lessons for players at all skill levels.

We will accept the L/B courts in their current condition. We just need permanent posts and nets. We will do all we can to see that the courts are ultimately resurfaced out of the City's maintenance budget. Given the longtime neglect of the courts I would think their renovation is already in the budget somewhere.

As you know I had coffee with Conna who said she supports dedicated (or what ever they may be called) courts. She represented to me that you and Sara hold a similar position. As I write this I am waiting for a call from Teddy King so I can bring her up to date on our growth over the last 3 years and make her aware that we are outgrowing our playing time. My remarks will be coupled with the great job you are doing for us and how much we appreciate it.

As I said at the beginning, these remarks represent my views*, though they may also represent the views of our other leaders.

Exhibit B: Emails between Piedmont PB Leadership and Piedmont Recreation Director Putzer regarding sponsoring an event using City funds outside the budget. Is this common practice in Piedmont?

On Wed, Jun 22, 2022 at 5:18 PM Chelle Putzer <cputzer@piedmont.ca.gov> wrote:

> Hi there!
> Thank you for including me in the email chain. I have been following along. I wanted to chime in on the initial idea for the party just for background.
>
> Really it was an offer to have a gathering of the pickleball group, away from the courts-just to get people together. We couldn't have all of the Pickleballers attend the Volunteer event so, I thought this might be a nice way to bring your group together. Just a party.
>
> When I met with Les we chatted about having food at an event and I offered to split the cost of catering...the $1250 would have been about half. It was a bit of a stretch since I actually don't have a budget for this but, for a party that would be catered, I thought I could make it work.
>
> I will need to noodle on what to do if this event takes on more of a facilities expansion request/promotional feel rather than just a party.
>
> Thanks,
> Chelle

From: RICK SCHILLER <[redacted]>
Sent: Wednesday, June 22, 2022 5:39 PM
To: LESTER ELLIS <[redacted]> Jamie Paterson <[redacted]>
Cc: BETTY JUNG <[redacted]> Chelle Putzer <cputzer@piedmont.ca.gov>; Connie Fong <[redacted]> Corki Recht <[redacted]> Derek Cheung <[redacted]> Ernest Fong <[redacted]> Janet Howard <[redacted]> Mary Purcell <[redacted]> Reicher, Tom <[redacted]>
Subject: Re: PIckleball Social Event

[External]

After reading everyone's comments and speaking to some, while I supported this event if it was held away from play for promotional purposes, I'm wondering if this is just a "have fun" event and will not accomplish promotion. Having people outside out group pay to come and enjoy our wit and charm seems tacky to me; there will be no actual play at the Community Center. There was a window, now closed, with the awards ceremony but covid got in the way.

Inviting staff, council and commission members to one of our potlucks seems like a good idea and would be a shame to let Chelle's $1,250 contribution go to waste. However, most of those folks would be more likely to come to a catered weekday event.

Exhibit C: Emails between Piedmont Recreation Director and Rec Commissioner Feinberg. Linda neighbors have expressed repeated concerns about possible biases from Rec Director favoring PB players over neighbor concerns. Are Commissioners supposed to engage in this kind of activity?

From: Chelle Putzer
To: Jenny Feinberg
Subject: RE: Pickleball
Date: Thursday, January 19, 2023 7:01:12 PM
Attachments: image001.png
Pickelball Neighbors Letter Beach Final.docx

Awesome, thank you.
Letter attached.

Basic ideas:

- Neighbor letters out last Friday
- Sending out to decal holders (announcing Beach, giving a heads up about pool construction starting and it will be noisy + parking changes) and notifying them about Hampton pickleball hours will be suspended during trial to allow for more tennis time
- Beach Principal-letting her know about the change and invite them to request time to use courts for PE pickleball
- Announce in eNews
- In Activity Guide
- City social media channels
- Post signs at courts
- I'd like to make the general announcement include information about what the community will get during the trial of dedicated court time: community drop-in play time, beginner lessons, family play, etc.

One other thing I've been thinking about is my responses to the emails I receive from those in opposition-crafting basic response that has a positive tone that I can use.

From: Jenny Feinberg <[redacted]
Sent: Thursday, January 19, 2023 4:08 PM
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Subject: Re: Pickleball

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Of course I'm happy to help. Do you want to send me a copy of the letter that you sent to the neighbors? Also, do you already have a communication plan or are you starting from scratch? I can send you some initial thoughts and then we can set up some time to discuss if that would be helpful.

Best,
Jenny

There are many more emails, including some that are already part of the public record, that show a pattern of cooperation between the PB Leadership and the City outside the regular forums. We believe this information is material for the consideration of the approval of the CEQA exception.

Despite all the information shared so far, we believe that City Council has not yet acknowledged the legitimate concerns of residents that live near the Linda courts.

Today, you are asked by the City Administrator to approve a very questionable CEQA exception request that claims that “there is no possibility that the Project will have any significant effect on the environment”. We urge you consider the legal and financial implications of approving the exception vs. other alternatives such as requesting a CEQA study to fully assess the impact of permanent and exclusive Pickleball play at Linda courts on our community. The ball is on your court.

Carlos Blanco

Concerned Piedmont resident

From: judycbroughton
To: City Council
Cc: City Clerk
Subject: Pickleball courts at Linda Beach
Date: Sunday, August 18, 2024 8:12:34 AM

[Some people who received this message don't often get email from . Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

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Dear City Council Members,
Please approve the recommendation for the rehabilitation of the Linda Beach pickleball courts. The playing surface is in need of repair to assure safe play on the courts. We appreciate all the work you've done to bring pickleball to Piedmont and hope that the courts will now be resurfaced. Thank you very much, Judy Broughton

From: Kara Christenson
To: City Council; City Clerk
Subject: Linda Courts Renovation, Agenda Item #6 for Tonight"s City Council Meeting
Date: Monday, August 19, 2024 10:16:06 AM
Attachments: Linda Courts Renovation Agenda Item 2024 0819.pdf
2023.10.19 Notice to AG of Verified Petition and Complaint.pdf
2022.06.22 LE email 011650.pdf
2023.07.30 Spendiarian Noise Study.pdf
2023.07.28 Rogers Acoustics Study.pdf
2023.07.04 PSM LLC Noise Study.pdf
2023.05.06 Salter email 024043.pdf
2019.01.24 Salter 2019 Proposal 006702.pdf
2023.08.07 KC Report on Working Group 001421.pdf
City Council Letter 2023 0831.pdf

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Hi -- I'm submitting the following items regarding the Linda Courts Renovation, Agenda Item f#6 for the City Council meeting tonight:

1. My letter to City Council dated August 19, 2024
2. CEQA Petition Filed in Alameda Superior Court on October 19, 2023
3. Email dated June 6, 2022 from Lester Ellis to Chelle Putzer
4. Pickleball Sound Studies from (i) Spendiarian & Willis Acoustics & Noise Control LLC; ((ii) PSM LLC; and (iii) Steve Rogers Acoustics
5. Salter Associates documents dated Jan 24 2019 and May 5, 2023
6. My report as neighborhood representative to Pickleball Working Group, dated August 2023
7. My letter to City Council dated August 31, 2023

To: Piedmont City Council
From: Kara Christenson
Date: 8/19/2024

1. Contrary to statements in the Staff Report, this action is not exempt from CEQA and I am asking the City to do a CEQA review of the impacts from this project.
2. The City claims that the project is exempt in part because "there is no possibility that the Project will have any significant effect on the environment." However, dedicated pickleball courts cannot be legitimately characterized as pre-existing at LB and to the extent that this Project will establish the LB courts as permanently and exclusively for the use of pickleball players, it will have a significant effect on the environment.
3. As I stated last September regarding the City's CEQA exemption claim for the conversion of the LB courts, that claim is based on a false comparison of the facility's historic use for tennis. It is widely acknowledged, even by pickleball advocates, that pickleball noise is different than tennis noise.
4. The City's failure to adequately assess and address noise impacts from pickleball on residents adjacent to the LB courts has resulted in the filing of a lawsuit, on October 19, 2023. This litigation is still pending. For the record for tonight's meeting, I submitted a copy of this lawsuit to the City Clerk earlier today.
5. The City's failure to objectively consider noise impacts could be related to a well-organized and sustained pressure campaign by pickleball advocates to convert the LB courts to dedicated pickleball courts.
6. This pressure campaign occurred outside of the public eye but is documented in numerous emails between pickleball advocates and City representatives.
7. This campaign was underway in January 2022, a full year before the City reached out to LB neighbors about the 5 month trial of dedicated pickleball at LB from 2/27/23 to 7/31/23.
8. By June 2022, pickleball advocates reported to PRD: "we already have the political support for Pickleball and the Linda/Beach dedicated courts as well . . . We have a good relationship with our decisionmakers (you+) and I hope that continues."
9. This statement was made nearly a year before the Salter noise survey occurred in May 2023.
10. The contract for the May 2023 Salter noise survey indicates that the City paid just under $8000. However, four years earlier, in January 2019, Salter had provided the City with a proposal for a pickleball noise study would have cost more than $25,000.
11. Salter's January 2019 estimate proposed to compare pickleball noise with tennis noise and to study "impacts" – Salter's report for the May 2023 study never mentions "impacts" – and focused instead on noise averaged over 24-hours which cannot reflect the reality of noises that last only 2 to 10 milliseconds but can occur as much as 60 times in a minute when 4 people are playing pickleball on 4 courts.
12. LB neighbors have presented the City with numerous studies regarding the unique qualities of pickleball noise. Earlier today, I submitted three site-specific studies for the record to the City Clerk.
13. I ask that the City acknowledge the valid concerns of residents near the LB courts and do the right thing -- comply with CEQA and objectively assess the environmental impacts of the conversion of the LB courts to permanent and exclusive use by pickleball players.

RICHARD T. DRURY (SBN 163559)
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Attorneys for Petitioner and Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ANANT AHUJA; CARLOS BLANCO; KARA CHRISTENSON; CHRISTINE FREE; WILLIAM FREE; TIMOTHY HERRLINGER; and AMY VALLERIE, Petitioners and Plaintiffs, v. CITY OF PIEDMONT, a municipality; CITY COUNCIL OF THE CITY OF PIEDMONT, a municipal body; RECREATION COMMISSION OF THE CITY OF PIEDMONT, a municipal department; and DOES 1 through 10, inclusive, Respondents, Defendants, and Real Parties in Interest.	CASE NO.: 23CV047492 Assigned to the Hon. Michael Markman Dept. 14 **NOTICE TO ATTORNEY GENERAL OF VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** (Public Resources Code, §§ 21167, 21168, 21168.5; Code Civ. Proc. §§ 1085, 1094.5)

To the Attorney General of the State of California:

PLEASE TAKE NOTICE, pursuant to Public Resources Code § 21167.7 and Code of Civil Procedure § 388, that on October 13, 2023, ANANT AHUJA; CARLOS BLANCO; KARA CHRISTENSON; CHRISTINE FREE; WILLIAM FREE; TIMOTHY HERRLINGER; and AMY VALLERIE ("Petitioners") filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition") against the CITY OF PIEDMONT, CITY COUNCIL OF THE CITY OF PIEDMONT, and the RECREATION COMMISSION OF THE CITY OF PIEDMONT ("City" and "Respondents") in the Alameda Superior Court.

The Petition alleges, *inter alia*, violations of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., in connection with the City's unlawful decisions on September 5, 2023 to: (1) adopt a resolution to include the following actions: (a) recommending the dedication and restriping of the Linda Beach Tennis Courts for pickleball play, (b) establishing maximum court uses and revisiting such court uses on an annual basis, (c) requiring the use of City-approved low noise equipment, and (d) evaluating adult pickleball play fee scenarios, and providing progress updates in six months, and (2) exempting the Project from review under the CEQA Guidelines Section 15301, Class 1 (Existing Facilities) Exemption.

A copy of this Petition is attached to this Notice.

Dated: October 18, 2023

LOZEAU | DRURY LLP

Marjan R. Abubo
Attorney for Petitioner

ATTACHMENT

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Attorneys for Petitioners and Plaintiffs

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
10/13/2023 at 01:18:25 PM
By: Milagros Cortez,
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

ANANT AHUJA; CARLOS BLANCO; KARA CHRISTENSON; CHRISTINE FREE; WILLIAM FREE; TIMOTHY HERRLINGER; and AMY VALLERIE,

Petitioners and Plaintiffs,

v.

CITY OF PIEDMONT, a municipality; CITY COUNCIL OF THE CITY OF PIEDMONT, a municipal body; RECREATION COMMISSION OF THE CITY OF PIEDMONT, a municipal department; and DOES 1 through 10, inclusive,

Respondents, Defendants, and Real Parties in Interest

CASE NO.: 23CV047492

VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

(Code Civ. Proc., §§ 1085, 1094.5; Pub. Resources Code, §§ 21000 et seq. (CEQA))

TO BE ASSIGNED TO CEQA JUDGE PUBLIC RESOURCES CODE §21167.1(b)

INTRODUCTION

Petitioners and Plaintiffs, ANANT AHUJA; CARLOS BLANCO; KARA CHRISTENSON; CHRISTINE FREE; WILLIAM FREE; TIMOTHY HERRLINGER; and AMY VALLERIE ("Petitioners") petition this Court for a writ of mandate directed to Respondents, Defendants and Real Parties in Interest CITY OF PIEDMONT, a municipality; CITY COUNCIL OF THE CITY OF PIEDMONT, a municipal body; RECREATION COMMISSION OF THE CITY OF PIEDMONT (collectively "Respondents") and DOES 1 through 10, inclusive, and by this verified petition and complaint allege as follows:

1. Petitioners bring this action to challenge the unlawful actions of Respondents: (1) adopting Resolution 57-2023 approving the dedication and restriping of the Linda Beach tennis courts to pickleball-only ("Project") without first completing review under the California Environmental Quality Act ("CEQA"), Pub. Res. Code §21000, et seq.; and (2) determining that the Project is exempt from CEQA review pursuant to CEQA guidelines sections 15301, 15323 and 15601(b)(3).

2. Petitioners are not opposed to pickleball, but contend that the Project is not exempt from CEQA, and that CEQA review should have been conducted to analyze the Project's noise impacts, to propose feasible mitigation measures to reduce those impacts (such as noise barriers), and to consider environmentally superior alternatives, including alternative locations.

3. The Project includes the dedication and restriping of two tennis courts at the Linda Beach Playfield in the City of Piedmont ("City") into four pickleball courts, which shall be open for pickleball play from 9:00 a.m. to 6:00 p.m. Monday, Tuesday, Thursday, Friday, and Saturday, and from 2:00 to 6:00 p.m. on Wednesday, and from 9:00 a.m. to 3:00 p.m. on Sunday (total of 55 hours per week).

4. Pickleball is a game played with paddles, a ball, and a net on a court that is approximately one half the size of a tennis court. The paddles are made of wood, plastic, or composite materials, and the ball is made of hard plastic. The sound generated by pickleball is significantly louder than the sound generated by tennis, and it has a higher, more annoying pitch and is impulsive in quality. Anyone in proximity to pickleball courts experiences a louder sound than from tennis play. As a result of this elevated sound level, pickleball sounds are considered as noise and are bothersome and intrusive.

5. The Linda Beach courts, located at 333 Linda Ave, in the City of Piedmont, are only 30

to 50 feet from single-family residential properties.

6. At least three highly qualified acoustical engineering experts submitted written reports concluding that the Project would have significant noise impacts on nearby residential properties, exceeding applicable noise significance thresholds including the Piedmont Municipal Code noise ordinance, the Alameda County noise ordinance, and the American National Standards Institute acoustics standard.

7. The experts, including an expert retained by the City, concluded that the Project's location in a valley, sitting approximately 50 feet below nearby homes, would effectively make mitigation of noise impacts infeasible. This is because noise follows line-of-sight, and the Project's location far below surrounding homes makes it effectively impossible for any sound barrier to block the line-of-sight between the pickleball courts and nearby residences. This unusual circumstance (and others) results in the Project having significant noise impacts.

8. The experts explained that the impact of the hard plastic ball on pickleball paddles creates a piercing 1000 to 2000 hertz noise that lasts two to ten milliseconds, but continues throughout active play. . While the noise last far less than a second, it repeats constantly during play sessions, causing extreme annoyance and nuisance.

9. The City violated CEQA by exempting the Project from environmental review pursuant to CEQA Guidelines section 15301 (existing facilities exemption) because the exemption does not apply on its own terms. (14 Cal. Code Regs. ("CCR") § 15301). Dedicated pickleball courts are not pre-existing at the Linda Beach courts. Repurposing the courts to dedicated pickleball is not a "minor alteration." The Project involves a significant "expansion of use" because trial periods may not be used to establish a CEQA baseline.

10. The City violated CEQA by exempting the Project from environmental review pursuant to CEQA Guidelines section 15323 (Class 23 existing facilities for public gatherings exemption) because the exemption does not apply on its own terms. (14 CCR § 15323). Dedicated pickleball courts are not pre-existing at the Linda Beach courts, and the City may not rely on a trial period to establish the CEQA baseline. Repurposing the courts from tennis to dedicated pickleball is not a "similar activity."

11. The City violated CEQA by exempting the Project from environmental review pursuant

to CEQA Guidelines section 15061(b)(3) (commonsense exemption) because it cannot "be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Extensive expert evidence has been submitted to the City showing that legitimate questions can be raised about whether the project might have a significant impact and there is a dispute about the possibility of such an impact. Therefore, the City cannot find with certainty that a project is exempt. (*Myers v. Board of Supervisors* (1976) 58 Cal. App. 3d 413, 425; *Davidon Homes v. City of San Jose* (1997) 54 Cal. App. 4th 106, 117).

12. None of the exemptions relied upon by the City are appropriate because there is a fair argument that the Project may have adverse environmental (noise) impacts due to unusual circumstances, including the close proximity of residential properties (50-feet), the fact that the Linda Beach courts sit in a valley approximately 50-feet below surrounding homes, making mitigation essentially impossible, the fact that pickleball noise exceeds applicable noise standards, the fact that the pickleball noise frequency (1000-2000 hertz) and intermittent character is particularly annoying and intrusive, among other factors.

13. Since the City made no formal finding that there are no unusual circumstances, the Court must assume unusual circumstances to exist. (*IBC Business Owners for Sensible Development v. City of Irvine* (2023) 88 Cal.App.5th 100; *Respect Life South San Francisco v. City of South San Francisco* (2017) 15 Cal.App.5th 449).

14. Numerous experts concluded that the Project will have significant adverse noise impacts. Even if the City's single expert reached a contrary conclusion, there is a "fair argument" that the Project may have adverse environmental impacts due to unusual circumstances. (*Moss v. Cty. of Humboldt* (2008) 162 Cal. App. 4th 1041, 1049).

15. In consideration of the proceeding paragraphs, Petitioners respectfully request that the Court direct Respondents to set aside any and all approvals related to the Project, including the Project's exemption from CEQA review.

PARTIES

16. Petitioner and Plaintiff ANANT AHUJA is an individual resident of the City of Piedmont. Dr. Ahuja lives near the Project site and will be directly affected by the environmental impacts of the proposed Project. Dr. Ahuja participated in the administrative process by submitting written and verbal comments to the City concerning the environmental impacts of the Project.

17. Petitioner and Plaintiff CARLOS BLANCO is an individual resident of the City of Piedmont. Dr. Blanco lives near the Project site and will be directly affected by the environmental impacts of the proposed Project. Dr. Blanco participated in the administrative process by submitting written and verbal comments to the City concerning the environmental impacts of the Project. Dr. Blanco asked the City to conduct CEQA review for the Project.

18. Petitioner and Plaintiff KARA CHRISTENSON is an individual resident of the City of Piedmont. Ms. Christenson lives near the Project site and will be directly affected by the environmental impacts of the proposed Project. Ms. Christenson participated in the administrative process by submitting written and verbal comments to the City requesting analysis and mitigation of the environmental impacts of the Project. In a letter to the City Council dated August 31, 2023 Ms. Christenson argued that the City has used the wrong CEQA baseline to avoid CEQA review.

19. Petitioner and Plaintiff CHRISTINE FREE is an individual resident of the City of Piedmont. Ms. Free lives near the Project site and will be directly affected by the environmental impacts of the proposed Project. Ms. Free participated in the administrative process by submitting written and verbal comments to the City concerning the environmental impacts of the Project.

20. Petitioner and Plaintiff WILLIAM FREE is an individual resident of the City of Piedmont. Mr. Free lives near the Project site and will be directly affected by the environmental impacts of the proposed Project. Mr. Free participated in the administrative process by submitting written comments to the City concerning the environmental impacts of the Project.

21. Petitioner and Plaintiff TIMOTHY HERRLINGER is an individual resident of the City of Piedmont. Dr. Herrlinger lives near the Project site and will be directly affected by the environmental impacts of the proposed Project. Dr. Herrlinger participated in the administrative process by submitting written and verbal comments to the City concerning the environmental impacts of the Project.

22. Petitioner and Plaintiff AMY VALLERIE is an individual resident of the City of Piedmont. Dr. Vallerie lives near the Project site and will be directly affected by the environmental impacts of the proposed Project. Dr. Vallerie participated in the administrative process by submitting written and verbal comments to the City concerning the environmental impacts of the Project.

23. Respondent, Defendant and Real Party in Interest CITY OF PIEDMONT ("City") is a municipal corporation in whose jurisdiction the Project is located and is the "lead agency" for the Project within the meaning of Public Resources Code section 21067. The CITY OF PIEDMONT is listed as both the "Person or Agency Carrying Out Project," and the "Public Agency Approving the Project," on the official Notice of Exemption filed with the County of Alameda on September 8, 2023.

24. Respondent, Defendant and Real Party in Interest CITY COUNCIL OF THE CITY OF PIEDMONT ("City Council") serves as the legislative body of the City of Piedmont for the planning and provision of services related to public needs and the requirements of state laws. As the elected representatives of the people of the City of Piedmont, the members of the City Council establish overall City priorities and set policy. Respondent City Council is the governing body of the City and is ultimately responsible for reviewing and approving or denying the Project. On September 5, 2023, the City Council adopted Resolution 57-2023, approving the Project, and voted to exempt the Project from environmental review under CEQA.

25. Respondent and Defendant RECREATION COMMISSION OF THE CITY OF PIEDMONT, is a municipal department of the City of Piedmont, which had principal responsibility for conducting environmental review for the Project and taking other actions necessary to comply with CEQA.

26. Petitioners do not know the true names and capacities of Respondents, Defendants, and Real Parties in Interest fictitiously named herein as DOES 1 through 20, inclusive. Petitioners are informed and believe, and thereon allege, that such fictitiously named Respondents, Defendants and Real Parties in Interest are responsible in some manner for the acts or omissions complained of or pending herein. Petitioners will amend this Petition to allege the fictitiously named Respondents' and Defendants' true names and capacities when ascertained.

JURISDICTION AND VENUE

27. This Court has jurisdiction over the matters alleged in this Petition pursuant to Code of Civil Procedure sections 1085 and 1094.5, and Public Resources Code sections 21167, 21168 and 21168.5.

28. Venue is proper in the Superior Court of the State of California in the County of Alameda in accordance with Code of Civil Procedure section 395 because the Project at issue is located in the County of Alameda.

29. Venue is proper in this Court under California Code of Civil Procedure section 394 (actions against a city, county, or local agency) and section 395 (actions generally) because Respondents include a city and local agencies based in the County of Alameda and because the cause of action alleged in this Petition arose in the County of Alameda and the Project will occur within the County of Alameda.

30. Petitioners have complied with the requirements of Public Resources Code section 21167.5 by serving a written notice on October 4, 2023 of Petitioners' intention to commence this action against Respondents pursuant to CEQA. A copy of the written notice is attached hereto as **Exhibit A**.

31. Petitioners have complied with the requirements of Public Resources Code section 21167.6 by filing a notice of their election to prepare the record of administrative proceedings relating to this action. A copy of the notice is attached hereto as **Exhibit B**.

32. Petitioners will comply with the requirements of Public Resources Code section 21167.7 and Code of Civil Procedure section 388 by sending a copy of this Petition and Complaint to the California Attorney General within the required time period.

33. Petitioners have performed any and all conditions precedent to filing this instant action and has exhausted any and all available administrative remedies to the extent required by law.

34. Petitioners are interested persons because they own property that will be directly affected by the Project and are interested in and concerned about the Project's impacts on the local community and environment.

35. Petitioners have no plain, speedy or adequate remedy in the course of ordinary law unless this Court grants the requested writ of mandate to require Respondents to set aside the City's actions

taken in violation of CEQA, to require Respondents to prepare an environmental impact report ("EIR") or other legally adequate CEQA document for the Project, and to enjoin the City from approving the Project pending completion of legally adequate CEQA review. In the absence of such remedies, Respondents' decision will remain in violation of state law.

FACTUAL ALLEGATIONS

36. On or about April 17, 2017, the City Council approved a Request for Proposals (RFP) to solicit design services for the Linda Beach Master Plan.

37. On or about November 16, 2017, the first neighborhood meeting about the development of the Linda Beach Master Plan took place at Beach Elementary School.

38. On or about December 20, 2017, Piedmont Recreation Department (PRD) updated the Recreation Commission about the development of the Linda Beach Master Plan. A commissioner asked that pickleball be included in the discussions.

39. On January 18, 2018, the second neighborhood meeting about the development of the Linda Beach Master Plan took place at Beach Elementary School.

40. On May 5, 2018, the Recreation Commission meeting received an update from PRD regarding the development of the Linda Beach Master Plan. PRD noted that pickleball would be removed from consideration of the Linda Beach Master Plan and that the Recreation Commission Tennis Subcommittee would study how and where to best serve the emerging desire for pickleball in the community.

41. The May 5, 2018 Recreation Commission meeting also approved the formation of a subcommittee on tennis court use and pickleball, adopting the following resolutions:

a. Resolved, that the Recreation Commission re-establishes a Subcommittee on Tennis Court Use and Pickleball to bring back recommendations to the Commission regarding best practices for tennis court use, including how Pickleball could be accommodated on City and/or Piedmont Unified School District facilities;

b. Be it Further Resolved, that the subcommittee shall expire on May 31, 2019 and shall present its recommendations to the Commission prior to this date;

c. Be it Further Resolved, that the Commission appoints Chair Roland, Commissioner

Dorman, and Commissioner McCarthy as the members of this subcommittee.

42. On January 16, 2019, the Piedmont Recreation Commission discussed the subcommittee's recommendations. The Minutes for this meeting indicate two recommendations for the City Council: (1) review existing public facilities at Piedmont Middle School (PMS) and Piedmont High School (PHS) to develop a long-term plan of upgrading courts behind PMS with lines and surfaces for multi-use facilities; and (2) consider an eight-month trial program.

43. On January 22, 2019, the City Council approved the Linda Beach Conceptual Master Plan. In addition to retaining the existing two tennis courts as tennis courts, the Master Plan contained the following statements regarding pickleball: "Neighbors also voiced concerns about noise associated with pickleball. How and where to best serve the emerging desire of Pickleball in Piedmont is being examined by another subcommittee of the Piedmont Recreation Commission as broader community recreation issue."

44. At the March 4, 2019 City Council meeting, the City Council considered the recommendations of the Recreation Commission subcommittee on tennis court use and pickleball. According to the March 4, 2019 Staff Report, the subcommittee's primary recommendation was to explore a "partnership" with the Piedmont Unified School District (PUSD) to renovate the PMS courts "to create a pickleball facility that could be open to the community during non-school hours."

45. The March 4, 2019 Staff Report also noted that the subcommittee's secondary recommendation was to conduct an eight-month trial of pickleball play at Linda Beach and Hampton tennis courts. The Staff Report notes that Linda Beach neighbors had raised noise concerns at the Recreation Commission's January 16, 2019 meeting and that "to lessen the potential impact of pickleball noise on neighbors in close proximity to the tennis courts, the subcommittee included in their report a recommendation mandating the use of approved paddles. Potential noise impact was also a factor in proposing a trial period with limited hours rather than a permanent installation of open pickleball on City tennis courts." The Staff Report also noted that City staff "have spoken at length with two acoustical consultants and have received one formal and one informal proposal for acoustical consulting services." Staff recommended striping in the direction of play at Linda Beach, and a survey of residences at the end of the fourth week of the trial period (i.e., one month into the 8-month trial

period) and a commitment to suspend the trial if neighbors experienced "significant annoyance" and to consider engagement of an acoustical consultant "for a formal on-site pickleball noise study."

46. Testimony at the March 4, 2019 City Council meeting from the Recreation Commission Chair was that the Recreation Commission's top recommendation was for a "permanent pickleball facility" at PMS, and that it could be turned into a "first class facility" that would be lined for other sports as well, just as sports fields are lined for football, soccer and lacrosse, and gyms are lined for basketball and volleyball. The Recreation Commission Chair also noted that there is "little doubt" that pickleball has a "shrill" sound. The Chair also noted more noise complaints from Linda Beach neighbors, but was not aware of any noise complaints from Hampton. He also stated that the recommended times for play are to minimize the "burdens" of pickleball sound and that sharing of locations was also intended to share the burdens of the activity.

47. Beginning in April 2019, Piedmont conducted an eight-month trial period of allowing pickleball play at tennis courts at designated hours at both Linda Beach (seven hours total per week, 10 a.m. - 12:30 p.m. Tuesday and Thursday and 2 p.m. -4 p.m. on Sunday) and at another location in Piedmont, Hampton Park, (five hours total per week, 12:30 p.m. - 3 p.m. Wednesday and Friday).

48. The minutes for the June 3, 2019 City Council meeting note that the City would reimburse PUSD for $50,000 of costs associated with upgrades to the PMS courts.

49. The Recreation Commission's November 20, 2019 meeting discussed a report by the tennis and pickleball subcommittee on the eight-month trial period that began on April 6, 2019. The subcommittee recommended: (1) increasing play at PMS courts, including availability during weekdays after school and school holidays; (2) extending play at Linda Beach to 10 a.m. -1 p.m. on Tuesday and Thursday [no extension of hours at Hampton]; PMS schedule of 10a.m. – 1 p.m. on Saturday and 1 p.m. – 4 p.m. on Sunday. A member of the public suggested that the Linda Beach Master Plan be revised to include pickleball. The Recreation Commission passed a resolution to forward these recommendations to the City Council, with the exception of the request to revise the Linda Beach Master Plan, stating that it considered such an effort to be outside the scope of its jurisdiction.

50. At its meeting on January 6, 2020, the City Council considered the Recreation Commission's recommendation for pickleball. The City Council approved changes to hours

recommended by Recreation Commission. The Council voiced support for the PMS location for pickleball. The Recreation Commission Chair's presentation to the City Council discussed the need to balance between tennis and pickleball communities because they use the same courts; stated that PMS is a fabulous facility for pickleball and other recreation; and urged the City to work with PMS to expand beyond weekends, e.g., after school and holidays. At 24:00 minutes into the meeting, the Recreation Commission Chair mentioned input from pickleball players that there should be reconsideration of the Linda Beach Master Plan. The Recreation Commission Chair explained that pickleball was considered but not included in the Master Plan, and stated that the Recreation Commission declined to be involved in a proposal to reconsider the Linda Beach Master Plan because it would be outside of their jurisdiction to do so.

51. At the City Council's January 6, 2020 meeting, the City Council approved pickleball hours of play at Linda Beach from 10:00 a.m. to 1:00 p.m. on Tuesday and Thursday, at Hampton from 12:30 p.m. to 3:00 p.m. on Wednesday and Friday, and at PMS from 10:00 a.m. to 1:00 pm on both Saturday and Sunday.

52. On February 16, 2021, the City Council adopted a resolution to approve the City staff's proposal to submit a grant application for State money to implement Phase 1 of the Beach Master Plan.

53. On March 17, 2021, the Recreation Commission noted that the grant application had been submitted, requesting $4 million for Phase 1 of the Linda Beach Master Plan. The application was ultimately denied.

54. The Recreation Commission's September 21, 2022 meeting included an agenda item identified as "Consideration of the Establishment of a Subcommittee to Explore the Expansion of Pickleball Play at Beach Tennis Courts." At this meeting, PRD requested that the Recreation Commission form a subcommittee to explore the expansion of pickleball at Linda Beach. The Recreation Commission voted against PRD's request for a Recreation Commission pickleball sub-committee and instead directed PRD staff to proceed with a trial of pickleball play only at the Linda Beach Courts.

55. Four months later, via a letter dated January 13, 2023, PRD notified neighborhood residents that a five-month trial of pickleball only at Linda Beach would start 45-days later, on

February 27, 2023.

56. The Recreation Commission's January 18, 2023 meeting included an agenda item identified as, "Dedicated Pickleball Trial Period at Beach Tennis Courts Update." The meeting minutes reflect that the trial would run from February 27 through July 21, 2023 and that "pickleball play at Hampton will be suspended while the Beach tennis courts will be devoted exclusively to pickleball."

57. In response to community concerns expressed at the January 2023 meeting, the Recreation Commission's February 15, 2023 meeting included an agenda item identified as, "Consideration of an Exclusive Pickleball Trial at the Beach Tennis Courts for a Five-Month Period from February 27, 2023 to July 31, 2023 and Parameters for the Trial." At the conclusion of the meeting, despite concerns expressed by Linda Beach neighbors, the Recreation Commission approved a five-month trial of pickleball only at Linda Beach, from 9:00 a.m. to "dusk," seven days a week, and the suspension of pickleball play at Hampton Park. Notably, the Recreation Commission did not develop a recommendation regarding the five-month trial of pickleball only at Linda Beach to forward to the City Council for its consideration, despite an increase of pickleball play at Linda Beach from 9 hours weekly to 63 hours (in March) and up to 84 hours (in June / July) - an increase of 700 to 800 percent.

58. At the "Public Forum" section of the Recreation Commission's June 21, 2023 meeting, resident Gerard Lam specifically requested CEQA review for the Project, stating, "has the City of Piedmont obtained an environmental impact report, uh because this is a new project...you're trying to install a new sports activity into the city, and I think it's a new project that's under the CEQA… I'd like to ask you to look into ...is it in compliance with that requirement? Under CEQA you deal with the same situation...you have to consider the benefits and the negative effects on the citizens of Piedmont."

59. During the trial period, PRD conducted both a traffic study and a noise survey and the Recreation Commission formed a subcommittee to develop a recommendation for the Linda Beach courts to the City Council. The subcommittee considered three options (tennis only, pickleball only, and mixed-use) using three criteria (safety, noise and usage).

60. THE SALTER REPORT: The City contracted with noise consultant Salter, Inc. to conduct a noise analysis of pickleball during the trial period. Salter submitted its report to the City on

or about June 29, 2023 ("Salter Report"). The Salter Report concluded that pickleball does not increase noise levels above those considered acceptable by the City's General Plan; however, the Salter Report continued that pickleball noise is audible in adjacent neighborhoods, and that "good neighbor" noise reductions strategies should be considered. The City failed to adopt Salter's recommended "good neighbor" measures.

61. The Salter Report's data, however, is inconsistent with its conclusions. The Salter Report states, "changes of less than 3 dB are generally considered not perceptible and a 'less than significant' impact under CEQA." (Salter Report, p. 12). Salter's own data shows average noise levels of 55 dB when no pickleball is being played, compared to average levels of 59 dB when pickleball is being played, exceeding the 3 dB threshold Salter cites. (Salter Report, p. 8). Salter cites the City General Plan noise threshold of 60 dB as "normally acceptable." (Salter Report, p. 5). However, Salter's own data recorded noise levels of 65 dB. (Salter Report, p. 7). While Salter posits that this noise may have been generated by sources other than pickleball, there is no data to support this claim. Furthermore, Salter recorded noise levels at a distance of 50 feet from the center of the pickleball courts of 65 to 68 dBA, far above the 60 dBA threshold. (Salter Report p. 9). Finally, Salter pointed out that the City's noise ordinance lists numerous unusual circumstances that can make noise "objectionable." (Piedmont Municipal Code (PMC) §12.8). These are unusual circumstances that must be considered. Salter acknowledged the presence of several of the PMC unusual circumstances, including that fact that pickleball noise is "recurrent (i.e., it occurs often and repeatedly)," and that "pickleball noise is unnatural." (Salter Report, p. 13).

62. On July 19, 2023, the Recreation Commission voted 5 to 1 in favor of a recommendation to the City Council to permanently convert the Linda Beach courts to pickleball only and to preserve other City courts for tennis only. The Recreation Commission acknowledged noise impacts and made a list of possible mitigation measures but did not evaluate any mitigation measures.

63. On August 7, 2023, the Piedmont City Council considered the Recreation Commission's recommendations, but did not vote on them. The City Council was also presented with the Salter Report at this meeting. The City Council staff report noted that "the Recreation Commission's recommendation *to request specific noise reduction strategies from the sound consultant, such as sound*

barriers, that would further reduce Pickleball noise transfer at the Courts." (emphasis in original). The Council voted in favor of a recommendation from City Staff in a Staff Report dated August 7, 2023 to form a working group to discuss mitigation. The working group would meet twice before the next City Council meeting on September 5 and would be comprised of four members: one member from the Linda Beach neighbors, one member from the pickleball players, the PRD Director, and the City Administrator. The agenda for the August 7, 2023 meeting did not mention CEQA or any CEQA exemption.

64. The Staff Report for the City Council's August 7, 2023 meeting included a memorandum by Salter, Inc. dated August 1, 2023 titled "Linda Beach Park Pickleball Courts Potential Noise Reduction Strategies." ("Salter Memo"). The Salter Memo proposed several noise reductions strategies that were not implemented by the City, including, placing sound barriers around pickleball courts to reduce noise by up to 15 decibels. The Salter Memo proposed various sound barrier materials for consideration. However, the Salter Memo noted that "where the barrier does not break line-of-sight to at least portions of the court (i.e., due to elevated positions of nearby receivers), then this would not reduce pickleball noise. Surveying work could be conducted to provide additional clarification of sightlines between nearby residences and the courts." The Salter Memo suggested additional mitigation measures such as "reduce hours of play," use of "quiet balls," requiring quite paddles. The City Council failed to implement these measures recommended by its own noise consultant. The City Council failed to conduct the "surveying work" recommended by its own consultant.

65. Dr. WILLIS REPORT: On or about July 30, 2023, Petitioners presented the City Council with a report by Principle Acoustical Engineer, Dr. R. Lance Willis, Ph.D. of Spendiarian & Willis Acoustics & Noise Control LLC. (Dr. Willis Report). Dr. Willis explained that the Linda Beach pickleball courts present unusual circumstances because they are located within 50 feet of several residential properties. Dr. Willis explained that "noise from the pickleball courts is the sound produced by the impact of the hard plastic ball on the paddles. This sound is characterized by a rapid onset and brief duration, typically on the order of two to ten thousandths of a second (2 to 10 milliseconds) for the direct path sound (see Figure 1) thus classifying it as impulsive sound. The spectral content of the paddle impact is narrowband with a center frequency typically between 1,000 and 2,000 Hertz. This is

near the most sensitive frequency range of human hearing." (Dr. Willis Rpt. p. 2). Dr. Willis explained "the impulsive sound produced by the impact of the hard plastic ball on the paddle can cause significant noise impact for those living near the courts." (Dr. Willis Rpt. p. 6). Dr. Willis explained that due to the very impulsive nature of the pickeball sound, the Ldn decibel measurement used by Salter, Inc. was improper. Ldn averages sound pressure levels over the entire period of measurement. Thus, Ldn fails to capture the impact of very short-term noises such as pickleball. (Dr. Willis Rpt. p. 7). Dr. Willis concluded that due to the unusual circumstance of the close proximity of residential homes only 50-feet from the courts, the Project would create highly significant noise impacts. (Dr. Willis Rpt. p. 11). Dr. Willis also concluded that the unusual circumstance of the courts being located in a valley, 50-feet below adjacent residential properties would make noise mitigation difficult of impossible. He stated, "The topography of the area makes noise abatement treatments such as sound walls or fence covers much less effective. In order for a noise barrier to be effective it must be able to block the line of sight from the players on the courts to all noise sensitive locations including upper level windows and raised decks. The pickleball courts at Linda Beach Park are located at the bottom of a valley with the surrounding homes having significantly higher finish floor elevations." (Dr. Willis Rpt. p. 12).

66. STEVE ROGERS ACOUSTICS REPORT: Petitioners also provided the City with a report by expert acoustical engineering firm, Steve Rogers Acoustics. (SRA Report). The SRA Report points out that the pickleball courts are only 30-feet from residential property. SRA also concluded that the use of time-averaged noise measurements by Salter vastly underestimated noise levels due to the short-term "popping" noise of pickleball. SRA concluded that the Lmax, maximum noise measurement was far more accurate given the intermittent nature of pickleball noise. (SRA Rpt. p. 4). SRA shows that measured noise levels from pickleball reached as high as 78.4 dBA using the Lmax standard. (SRA Rpt. p.5). This far exceeds all applicable significance thresholds. However, even using the more conservative Leq time-averaged noise measurements, SRA shows that pickleball increased noise levels by 9 dBA – far above the 3dBA significance threshold. (SRA Rpt. p. 6). SRA demonstrated that measured noise levels of pickleball were far above ambient levels. (SRA Rpt. p. 7). SRA also concluded that pickleball noise meets many of the unusual circumstances set forth in the Piedmont Municipal Code noise ordinance, including much higher sound level compared to ambient noise,

"proximity to residential sleeping facilities," "recurrent" and "intermittent" nature of the noise, noise intensity, "unnatural" noise. (SRA Rpt. p. 8). As a result of these unusual circumstances, SRA concluded that the pickleball noise would be particularly annoying. SRA concluded that "pickleball noise exceeded some or all of the County noise standards for most [] hours of each day." (SRA Rpt. p. 9).

67. PSM LLC REPORT: Petitioners provided the City with the expert report of Professional Engineer Robert Unetich, P.E., of PSM, LLC. (PSM Report). The PSM Report stated that pickleball sound levels typically reach 70 dBA at 100 feet from players, and at 200 feet will be approximately 64 dBA. (PSM Rpt. p. 3). This exceeds residential noise thresholds of 60 dBA. As with the other acoustical experts, PSM concluded that the day-night average sound levels used by Salter masked the true level of the intermittent, short-duration pickleball noise. PSM stated, "PSM LLC believes that the metric used by Salter, Ldn, represents a day-night average sound lower level that does not well represent the actual sound of the individual impulse sound of pickleball hits. Pickleball sounds last about 10 milliseconds and averaging this impulse sounds over an 8 hour, 12 hour or 24 hour period understate the degree of impact the sound will have. PSM LLC uses the metric LAFmax, which average sound over a period of 125 milliseconds, a parameter easily measured by sound level meters that are being used to measure the actual sound power level, not a long term equivalent calculated average." (PSM Rpt. p. 4). PSM noted that the unusual circumstance of the courts being in a valley 55-feet below adjacent residential properties renders trees and vegetation "not effective in blocking sound waves." (PSM Rpt. p. 5). PSM concluded that pickleball sound would violate the PMC Noise Ordinance Section 12.8 and "the pickleball sound levels at home in every direction of these courts will be more than twice as loud as expected ordinary background noise levels in the neighborhoods to the east and west." (PSM Rpt. p. 8).

68. On September 5, 2023, the Piedmont City Council considered Resolution 57-2023 to convert the Linda Beach courts to dedicated pickleball-only play. The Council voted 5-0 in favor of converting Linda Beach courts to permanent pickleball with schedule of: five days per week 9:00 a.m. to 6:00 p.m., one day per week (Sunday) 9:00 a.m. to 3:00 p.m. and one day per week (Wednesday) from 2:00 to 6:00 for kids-play only. The September 5, 2023 Staff Report described the Project

inaccurately, stating that the resolution would allow pickleball play for 51 hours each week. However, the resolution authorized pickleball play for up to 55 hours each week. Despite this inaccurate Project description, and despite the overwhelming expert evidence presented, the City Council adopted Resolution 57-2023 and exempted the Project from all CEQA review. The Agenda for the September 5, 2023 meeting was the first time that the City contended that the Project was exempt from CEQA review. However, in approving the Project and adopting the CEQA exemptions, the City Council made no findings on whether any unusual circumstances existed that may result in adverse environmental impacts. Furthermore, despite the recommendation of its own Recreation Committee and own retained expert, the City Council failed to adopt noise mitigation measures, except for a single measure to require the use of unspecified "low noise equipment."

69. On September 9, 2023, the city posted a Notice of Exemption with the Alameda County clerk, starting a 35-day limitations period for any lawsuit.

70. On October 4, 2023, Petitioners send the required Notice of Intent to File Suit under the California Environmental Quality Act to the City by US Mail and Electronic Mail.

71. This action was timely filed in Alameda Superior Court.

LEGAL BACKGROUND

The California Environmental Quality Act ("CEQA")

72. CEQA mandates that "the long-term protection of the environment . . . shall be the guiding criterion in public decisions" throughout California. (Pub. Res. Code §21001(d).) CEQA requires environmental factors to be considered at the "earliest stage . . . before [the project] gains irreversible momentum," *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 284 n.28, "at a point in the planning process where genuine flexibility remains." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307 [internal quotation marks and citation omitted].) Moreover, "the 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Env't v. Cal. Resources Agency* (2002) 103 Cal.App.4th 98, 109.)

73. To achieve its objectives of environmental protection, CEQA has a three-tiered structure. (14 CCR § 15002(k); *Committee to Save the Hollywoodland Specific Plan v. City of Los*

Angeles (2008) 161 Cal.App.4th 1168, 1185-86.) First, if a project falls into an exempt category, or it can be seen with certainty that the activity in question will not have a significant effect on the environment, no further agency evaluation is required. (*Id*.) Second, if there is a possibility the project will have a significant effect on the environment, the agency must perform an initial threshold study. (*Id*.; 14 CCR § 15063(a).) If the study indicates that there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment the agency may issue a negative declaration. (*Id*.; 14 CCR §§ 15063(b)(2), 15070.) Finally, if the project will have a significant effect on the environment, an environmental impact report ("EIR") is required. (*Id*.)

74. CEQA identifies certain classes of projects which are exempt from the provisions of CEQA. These are called categorical exemptions. (14 CCR §§ 15300, 15354.)

75. Here the City relied in a scattershot fashion on three CEQA exemptions, none of which apply, the Class 1 Existing Facilities Exemption (14 CCR § 15301), the Class 23 Existing Facilities for Public Gatherings Exemption (14 CCR § 15323), and the so-called Commonsense Exemption. (14 CCR §15061(b)(3)).

76. A CEQA document must rely on a proper "baseline" to describe the environment as it existed prior to the Project. The baseline may not include temporary or pilot projects. (*Apartment Ass'n of Greater Los Angeles v. City of Los Angeles* (2001) 90 Cal.App.4th 1162, 1169; *Chamberlin v. City of Palo Alto* (1986) 186 Cal.App.3d 181, 187).

77. A CEQA document must accurately describe the Project. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 at 192-93.)

78. An agency may not rely on mitigation measures as a basis for concluding that a project is categorically exempt from CEQA review. (*Salmon Protection & Watershed Network v County of Marin* (2004) 125 Cal.App.4th 1098, 1102; *Azusa Land Reclamation Co. v Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1200.).

79. A project may not be exempted from CEQA if there is a "fair argument" that the project may have significant environmental impacts due to "unusual circumstances." (14 CCR §15300.2(c).)

FIRST CAUSE OF ACTION

Violation of CEQA
(Public Resources Code, § 21000 et seq.)
(Code of Civil Procedure § 1085 or in the alternative §1094.5)

80. Petitioners hereby reallege and incorporate by reference the preceding paragraphs, in their entirety, as if fully set forth herein.

81. The City violated CEQA by exempting the Project from environmental review pursuant to CEQA Guidelines section 15301 (existing facilities exemption) because the exemption does not apply on its own terms. (14 CCR § 15301). Dedicated pickleball courts are not pre-existing, and the City may not rely on a five-month trial period to establish the CEQA baseline. Repurposing the courts from tennis to pickleball is not a "minor alteration."

82. The City violated CEQA by exempting the Project from environmental review pursuant to CEQA Guidelines section 15323 (Class 23 existing facilities for public gatherings exemption) because the exemption does not apply on its own terms. (14 CCR § 15323). Dedicated pickleball courts are not pre-existing, and the City may not rely on a five-month trial period to establish the CEQA baseline. Repurposing the courts from tennis to pickleball is not a "similar activity."

83. The City violated CEQA by exempting the Project from environmental review pursuant to CEQA Guidelines section 15061(b)(3) (commonsense exemption) because it cannot "be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Extensive expert evidence has been submitted to the City showing that legitimate questions can be raised about whether the project might have a significant impact and there is a dispute about the possibility of such an impact. Therefore, the City cannot find with certainty that a project is exempt. (*Myers v. Board of Supervisors* (1976) 58 Cal. App. 3d 413, 425; *Davidon Homes v. City of San Jose* (1997) 54 Cal. App. 4th 106, 117).

84. None of the exemptions relied upon by the City are appropriate because there is a fair argument that the Project may have adverse environmental (noise) impacts due to unusual circumstances, including the close proximity of residential properties (30 to 50 feet), the fact that the pickleball courts sit in a valley approximately 50-feet below surrounding homes, making mitigation infeasible, the fact that pickleball noise exceeds applicable noise standards, the fact that the pickleball

noise frequency (1000-2000 hertz) and intermittent character is particularly annoying, among other factors, many of which are set forth in the City's Noise Ordinance, PMC §12.8.

85. Since the City made no formal finding that there are no unusual circumstances, the Court must assume unusual circumstances to exist. (*IBC Business Owners for Sensible Development v. City of Irvine* (2023) 88 Cal.App.5th 100; *Respect Life South San Francisco v. City of South San Francisco* (2017) 15 Cal.App.5th 449).

86. Numerous experts concluded that the Project will have significant adverse noise impacts. Even if the City's single expert reached a contrary conclusion, there is a "fair argument" that the Project may have adverse environmental impacts due to unusual circumstances. (*Moss v. Cty. of Humboldt* (2008) 162 Cal. App. 4th 1041, 1049).

87. The City improperly relied on a CEQA "baseline" established during the five-month pickleball trial period. However, the courts have held that a temporary pilot program cannot form the CEQA baseline for a permanent program. (*Apartment Ass'n of Greater Los Angeles v. City of Los Angeles* (2001) 90 Cal.App.4th 1162, 1169; *Chamberlin v. City of Palo Alto* (1986) 186 Cal.App.3d 181, 187). Thus, the CEQA baseline is the time period prior to the pickleball pilot program, when only tennis was played on the courts.

88. The City relied on an inaccurate Project description. The City Council staff report for the September 5, 2023 meeting stated that Resolution 57-2023 would allow pickleball play for 51 hours each week. However, the resolution authorized pickleball play for up to 55 hours each week. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185 at 192-93.). Thus, the City Council and the public were misinformed of the true nature and extent of the Project and its impacts.

89. The City imposed a mitigation measure on the Project to require the use of low-noise equipment. As a result, the City may not rely on a CEQA exemption. At the very least a mitigated negative declaration is required to analyze the adequacy of the mitigation measure and to determine if additional mitigation is necessary. (*Salmon Protection & Watershed Network v County of Marin* (2004) 125 Cal.App.4th 1098, 1102; *Azusa Land Reclamation Co. v Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1200.).

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request the following relief and entry of judgment as follows:

1. For a peremptory writ of mandate directing Respondents to:

(a) vacate and set aside its exemptions of the Project from CEQA review pursuant to CEQA Guidelines sections 15301, 15323, and §15061(b)(3);

(b) vacate and set aside its approval of the Project on the grounds that the City failed to conduct proper CEQA review prior to approving the Project;

(c) comply with CEQA and the State CEQA Guidelines in any subsequent action taken to consider approval of the Project;

2. For a temporary and permanent stay to prevent Respondents from taking further actions to implement or proceed with the Project during the pendency of this litigation and subsequent to the Court's issuance of a peremptory writ;

3. For a declaration that Respondent's actions exempting the Project from CEQA review violated CEQA and the CEQA Guidelines, and declaring that the exemption of the Project from CEQA review and the approval of the Project are invalid.

4. For a preliminary and permanent injunction directing Respondents to cease and refrain from engaging in any and all activities in furtherance of the Project unless and until Respondents take all necessary steps to bring their actions related to the Project into compliance with CEQA.

5. For an order awarding Petitioners' attorneys' fees under Code of Civil Procedure section 1021.5, Government Code section 800, and other applicable authority;

6. For costs of suit; and

7. For such other and further relief as the court deems just and proper.

Dated: October 13, 2023

LOZEAU DRURY LLP

By: _____

Richard Toshiyuki Drury
Attorneys for Petitioners

VERIFICATION

I, Anant Ahuja, am a Petitioner in the above action. I have read the foregoing petition and complaint and am familiar with its contents. The facts recited in the petition and complaint are true of my personal knowledge.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and that this declaration is executed on October 13, 2023, at Piedmont, California.

Dr. Anant Ahuja

EXHIBIT A

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BY U.S. MAIL and EMAIL

October 4 2023

City Council of the City of Piedmont
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Vice Mayor Betsy Smegal Andersen
Councilmember Conna McCarthy
Councilmember Jennifer Long
Councilmember Tom Ramsey
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Piedmont Recreation Commission
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City Administrator Rosanna Bayon Moore
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RE: Notice of Intent to File Suit Under the California Environmental Quality Act (CEQA) Regarding Piedmont City Council Resolution 57-2023 Adopted on September 5, 2023 Approving Pickleball Play at Linda Beach Tennis Courts Without Review under CEQA.

Honorable Mayor, City Councilmembers, Recreation Commission, City Clerk and City Administrator:

I am writing on behalf of Piedmont residents, Anant Ahuja, Carlos Blanco, Kara Christenson, Christine Free, William Free, Timothy J. Herrlinger, and Amy Vallerie, (collectively, "Petitioners"), pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., to notify the City of Piedmont, the City Council of the City of Piedmont, the Piedmont Recreation Commission, the City Administrator of the City of Piedmont, the City Clerk of the City of Piedmont, and the City Administrator of the City of Piedmont (collectively, "City") of Petitioners' intention to file suit regarding the City's September 5, 2023 adoption of City Council Resolution 57-2023 approving

pickleball play at Linda Beach tennis courts ("Project") without review under CEQA. The City erroneously determined that the Project was exempt entirely from all environmental review under CEQA. Petitioners' lawsuit will argue that the Project is not exempt from CEQA, and CEQA review is required to analyze the Project's adverse environmental impacts, to consider and impose all feasible mitigation measures, and to consider and implement environmentally superior alternatives, including alternative locations with reduced environmental impacts.

Please take notice, pursuant to Public Resources Code ("PRC") § 21167.5, that the Petitioners intend to file a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief ("Petition"), under the provisions of CEQA, in the California Superior Court for the County of Alameda, challenging the unlawful actions taken by the City on September 5, 2023, including: (1) adoption of Resolution 57-2023 approving pickleball play at Linda Beach tennis courts without first completing review under CEQA; (2) determination that the Project is exempt from CEQA review pursuant to CEQA guidelines sections 15301, 15323 and 15601(b)(3). The Petitioners will seek an order vacating Resolution 57-2023 and its accompanying findings, setting aside any and all Project approvals, setting aside the determination that the Project is exempt from CEQA review, and mandating that the City conduct CEQA review of the Project prior to considering any Project approval. The Petition will seek the following relief:

A. A declaration that the City's adoption of Resolution 57-2023 is in violation of CEQA.

B. A declaration that the Project is not exempt from CEQA review.

C. A preliminary and permanent injunction setting aside the City's adoption of Resolution 57-2023.

D. A peremptory writ of mandate directing the City to vacate and set aside its approval of Resolution 57-2023 and any and all related Project approvals.

E. A peremptory writ of mandate directing the City to vacate and set aside its determination that the Project is exempt from CEQA review.

F. A preliminary and permanent injunction, and peremptory writ of mandate prohibiting the City, and any of its officers, directors, agents, employees, successors or assigns, from enforcing or taking any action in furtherance of any aspect of the Project unless and until the City completes environmental review pursuant to CEQA.

G. Costs of suit.

H. An award or reasonable attorneys' fees pursuant to all applicable legal authority, including but not limited to California Code of Civil Procedure section 1021.5, and any and all other provisions of law or equity.

I. For any and all such other and further relief as the Court may deem appropriate.

The Petitioners urge the City to rescind its Notice of Exemption for the Project, as well as the existing Project approvals, and prepare the appropriate CEQA document for this Project as required by law.

Sincerely,

Richard Toshiyuki Drury
LOZEAU DRURY LLP

EXHIBIT B

RICHARD DRURY (SBN 163559)
MICHAEL LOZEAU (SBN 142893)
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Oakland, CA 94612
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Attorneys for Petitioners and Plaintiffs

SUPERIOR COURT OF THE STATE OF CALIFORNIA

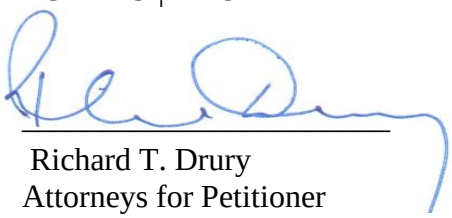
COUNTY OF ALAMEDA

ANANT AHUJA; CARLOS BLANCO; KARA CHRISTENSON; CHRISTINE FREE; WILLIAM FREE; TIMOTHY HERRLINGER; and AMY VALLERIE, Petitioners and Plaintiffs, v. CITY OF PIEDMONT, a municipality; CITY COUNCIL OF THE CITY OF PIEDMONT, a municipal body; RECREATION COMMISSION OF THE CITY OF PIEDMONT, a municipal department; and DOES 1 through 10, inclusive, Respondents, Defendants, and Real Parties in Interest	CASE NO.: **PETITIONERS' NOTICE OF INTENT TO PREPARE ADMINISTRATIVE RECORD** (Code Civ. Proc., §§ 1085, 1094.5; Pub. Resources Code, §§ 21000 et seq. (CEQA)) TO BE ASSIGNED TO CEQA JUDGE PUBLIC RESOURCES CODE §21167.1(b) Dept: CEQA Case

Pursuant to Public Resources Code § 21167.6(b)(2), Petitioners and Plaintiffs Anant Ahuja, Carlos Blanco, Kara Christenson, Christine Free, William Free, Timothy Herrlinger, and Amy Vallerie (collectively "Petitioners") hereby notify all parties that Petitioners elect to prepare the administrative record relating to the above-captioned action challenging the unlawful actions taken by the City of Piedmont, City Council of the City of Piedmont, and Recreation Commission of the City of Piedmont, on September 5, 2023, including: (1) adoption of Resolution 57-2023 approving pickleball play at Linda Beach tennis courts without first completing review under CEQA, and (2) determination that the Project is exempt from CEQA review pursuant to CEQA guidelines sections 15301, 15323 and 15061(b)(3). Respondents/Defendants are directed not to prepare the administrative record for this action and not to expend any resources to prepare the administrative record.

Dated: October 13, 2023

LOZEAU | DRURY LLP



Richard T. Drury
Attorneys for Petitioner
LOZEAU DRURY LLP

PROOF OF SERVICE

I, Toyer Grear, declare as follows:

I am a resident of the State of California, and employed in Oakland, California. I am over the age of 18 years and am not a party to the above-entitled action. My business address is 1939 Harrison Street, Suite 150, Oakland, CA 94612.

On October 19, 2023 I served a copy of the foregoing document(s) entitled:

NOTICE TO ATTORNEY GENERAL OF VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

on the following interested parties in the above referenced case:

☒ By sending the document(s) listed above as an electronic mail attachment in PDF format to the e-mail address below

CEQA Coordinator
Office of the Attorney General
Environment Section
1300 "I" Street
Sacramento, CA 95814-2919
CEQA@doj.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed October 19, 2023 at Oakland, California.

Toyer Grear

From: LESTER ELLIS [redacted]>
Sent: Wednesday, June 22, 2022 7:27 PM PDT
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Subject: Party

From:

[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Hi, Chelle
This email is just to you.

I have encountered more resistance to an off-site party than I expected. The frequent take is that our once-a-month potlucks provide plenty of time to socialize and play can go on at the same time. There may also be a bit of weariness with Pickleball, our frequent playing time chances, searches for player/volunteers to open the courts, etc. For example, only Tom and I responded to Jamie's note; the other 8 have not replied.

I don't happen to agree with Tom that we shouldn't pass up an opportunity to build more awareness and try to attract more players. There is a limit to how big we want to be. Additionally I believe we already have the political support for Pickleball and the Linda/Beach* dedicated courts as well. Correct me if I am wrong about that. We have a good relationship with our decision makers (you+) and I hope that continues.

All said I think we are now looking at one of our 1st Saturday Potlucks (August?, September?) with a hope that you could also underwrite some catered food that would supplement what the players bring and add some up-scalenes to the event. No booze, of course. You wouldn't need to use all of the $1,250 we had talked about.

At that time we would invite you, Sara, the City Council, everyone's partners and others. We could also encourage our members to invite their non-playing friends to come, have some food and see what Pickleball is all about. Very low key.

This would be a far simpler party to execute and hopefully accomplish much of what you envisioned for Pickleballers having a good time.

Let me know your thoughts.

Les

*Assuming the site isn't grab to meet our new housing requirements.

LESTER ELLIS
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Spendiarian & Willis Acoustics & Noise Control LLC
The Form and Function of Sound
(520) 623-6003 AcousticalNoise.com 4335 N Alvernon Way, Tucson, AZ 85718

Sunday, July 30, 2023

Anant Ahuja

Piedmont, CA

Mr. Ahuja,

This letter comments on the noise impact on surrounding homes resulting from the planned expansion of pickleball hours at Linda Beach Park. The pickleball courts are located within 50 feet of several residential properties to the east and less than 200 feet from 124 Sunnyside Avenue. This is rarely an issue in regard to noise from tennis activities; however, pickleball will represent a substantial increase in sound emitted from the park. A description of the sound produced by pickleball courts and comments on the noise impact assessment dated June 29, 2023 prepared by Salter are given.

Qualifications in Regard to Pickleball Sound Abatement

I am the Principal Acoustical Engineer at Spendiarian & Willis Acoustics & Noise Control, LLC. In that capacity, I regularly perform on site acoustical testing, community noise impact assessment, acoustical site planning, and noise abatement design for commercial and industrial sites, often near residential areas. I have been working as a consultant in environmental acoustics and noise control since 2005.

I have Bachelor, Master of Science, and PhD degrees from the Woodruff School of Mechanical Engineering at the Georgia Institute of Technology with a specialization in physical and engineering acoustics. I also received a multidisciplinary certificate in acoustics from the same institute. After finishing my PhD, and while working as an applications engineer in the Advanced Product Technology Center at Motorola, I completed distance learning at the Pennsylvania State University in psychological acoustics and experimental design. This coursework covered the human sensation of hearing and the perception of sound. I have been a member of the Acoustical Society of America since 1994 and the Audio Engineering Society from 1994 to 2021.

Since 2010 I have assisted pickleball clubs, site planners, and home owners associations in site selection and noise abatement planning for pickleball courts. Some of these projects include: ABREGO AT GREEN VALLEY, AZ; CANOA RANCH, GREEN VALLEY, AZ;

DESERTVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; RIDGEVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; MOUNTAINVIEW AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; THE PRESERVE AT SADDLEBROOKE ROBSON RESORT COMMUNITY, AZ; ROBSON AT SUN LAKES / IRON OAKS, PHOENIX, AZ; ROBSON AT PEBBLE CREEK, PHOENIX, AZ; TRILOGY AT ENCANTERRA, PHOENIX, AZ; TRILOGY AT VERDE RIVER, PHOENIX, AZ; TRILOGY AT VISTANCIA, PHOENIX, AZ; SUNFLOWER DEVELOPMENT, TUCSON, AZ; YAVAPAI HILLS HOA, PRESCOTT, AZ; OUTDOOR RECREATION PALM SPRINGS, CATHEDRAL CITY, CA; HIDDEN PALMS, PALM DESERT, CA; ELKHORN HOA, SUN VALLEY, ID; PELICAN PRESERVE, FORT MYERS, FL;and PELICAN LANDING, BONITA SPRINGS, FL.

I have also assisted home owners and home owners associations when pickleball courts have been placed close to residential properties without adequate noise abatement planning. The sites of these pickleball courts were ST MICHAEL'S BY-THE-SEA CHURCH, CARLSBAD, CA; COLUMBINE COUNTRY CLUB, LITTLETON, CO; TRILOGY AT POWER RANCH, GILBERT, AZ; private residence in LOUISVILLE, KY; private residence in CARLSBAD, CA; CHESTNUT WAY PARK, PORT MOODY, BRITISH COLUMBIA; and a park on WATERS END DRIVE, CARLSBAD, CA.

In some instances, failure to plan for noise abatement or select an appropriate pickleball site has resulted in legal action. I have been an expert witness in several cases seeking an injunction against pickleball activities in California, Massachusets, Kentucky, and Colorado. These cases involved courts placed with insufficient buffer distance to neighbors and ad hoc mitigation treatments.

Characteristics of Pickleball Sound

The main concern in regard to noise from the pickleball courts is the sound produced by the impact of the hard plastic ball on the paddles. This sound is characterized by a rapid onset and brief duration, typically on the order of two to ten thousandths of a second (2 to 10 milliseconds) for the direct path sound (see Figure 1) thus classifying it as impulsive sound. The spectral content of the paddle impact is narrowband with a center frequency typically between 1,000 and 2,000 Hertz. This is near the most sensitive frequency range of human hearing. Although it does not meet most guidelines for tonal prominence such Annex C of ANSI S12.9 Part 4 or ANSI S1.13, it does impart a vague sensation of pitch. The acoustic radiation pattern of the paddle is more or less a dipole or figure eight pattern.

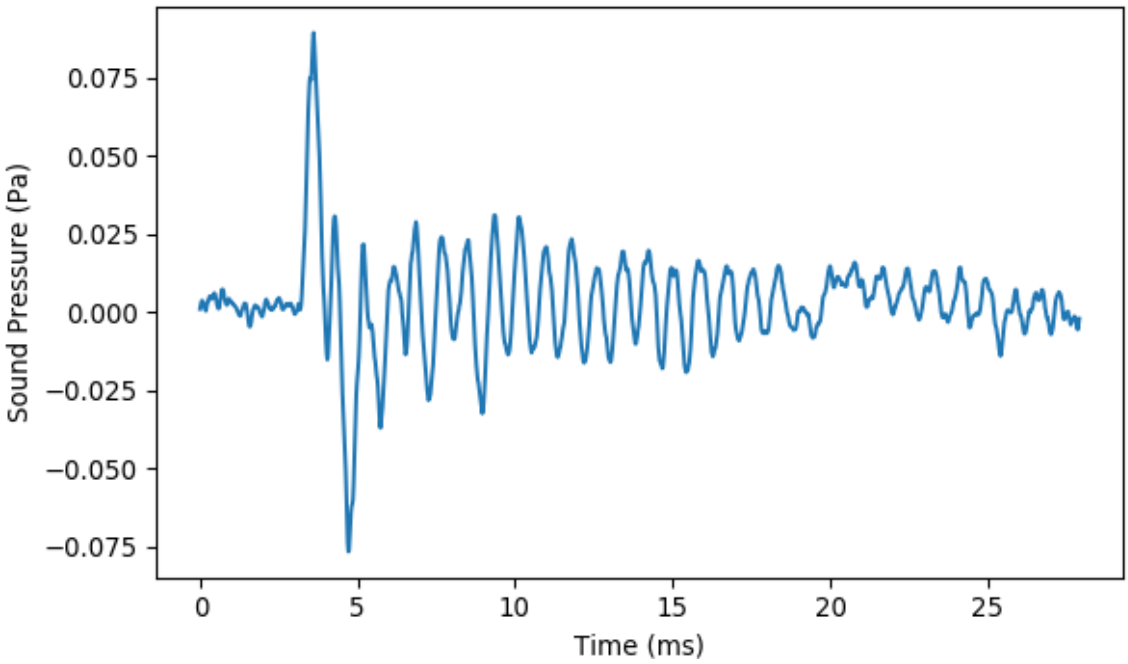


Figure 1. Sound Pressure Impulse Produced by Pickleball and Paddle Impact. Time is in milliseconds (0.001 seconds)

Comparison of Pickleball to Other Activities

There is a common misconception that pickleball is acoustically equivalent to tennis, volleyball, or many of the other activities typically found at outdoor recreation centers and parks. Numerous news articles covering disputes over pickleball noise, many of which originate when existing tennis courts are converted to pickleball, demonstrate that this is not the case:

- Cutler, Amy, “Rise of pickleball pitting neighbor against neighbor, leading to lawsuits,” Arizona's Family, Phoenix, Arizona. February 13, 2023. <https://www.azfamily.com/2023/02/13/rise-pickleball-pitting-neighbor-against-neighbor-leading-lawsuits/>
- Arden, Amanda, “Lake Oswego shuts down city pickleball courts indefinitely due to noise complaints.” KION 6 News, Portland, Oregon. January 23, 2023.

<https://www.koin.com/local/lake-oswego-shuts-down-city-pickleball-courts-indefinitely-due-to-noise-complaints/>

- Columbo, Mike, “Pickleball plan pits Kirkwood residents against neighboring country club.” Fox 2 Now, Saint Louis, Missouri. January 26, 2023. <https://fox2now.com/news/contact-2/pickleball-plan-pits-kirkwood-residents-against-neighboring-country-club/>
- Sheets, Connor, “Pickleball noise is fueling neighborhood drama from coast to coast.” Los Angeles Times, Los Angeles, California. March 3, 2022. <https://www.latimes.com/california/story/2022-03-03/pickleball-noise-fueling-neighborhood-drama>
- Adler, Erin, “Apple Valley neighbors in a pickle over pickleball noise.” Star Tribune, Minneapolis, Minnesota. March 27, 2019. <http://www.startribune.com/apple-valley-neighbors-in-a-pickle-over-pickleball-noise/507726242/>
- Bartel, Mario, “Pickleball banished from Port Moody court after neighbours complain of rising stress, anxiety.” The Tri-City News, Coquitlam, British Columbia, Canada. April 24, 2021. <https://www.tricitynews.com/local-sports/these-games-are-loud-port-moody-pickleball-neighbours-revolt-against-rising-stress-anxiety-3662369>
- City of Lakewood, “Green Mountain Courts Closure.” <https://www.lakewoodtogether.org/pickleball/news_feed/green-mountain-courts-update>
- Higgins, Sean, “No vote on residential pickleball until city adopts new land management code.” KPCW News, Park City, Utah. January 27, 2022. <https://www.kpcw.org/park-city/2022-01-27/no-vote-on-residential-pickleball-until-city-adopts-new-land-management-code>
- Maryniak, Paul, “Pickleball lights plan puts two HOAs at loggerheads.” Ahwatukee Foothills News, Tempe, Arizona. November 29, 2017. <https://www.ahwatukee.com/news/article_9056a946-d48e-11e7-9838-8b69fb2d50b2.html>
- Bottemiller, Kitty, “Too loud! Pickleball noise upsets neighbors.” Green Valley News, Green Valley, Arizona. August 28, 2013. <https://www.gvnews.com/news/local/too-loud-pickleball-noise-upsets-neighbors/article_542c2aac-0f91-11e3-acdc-0019bb2963f4.html>

- Clay, Joanna, “Woman sues Newport Beach over pickleball noise at park near her home.” Orange County Register, California. April 7, 2016. <https://www.ocregister.com/2016/04/07/woman-sues-newport-beach-over-pickleball-noise-at-park-near-her-home/>
- Wheatley, Mike, “Noisy pickleball courts cause upset with homeowners.” Realty Biz News. March 15, 2022. <https://realtybiznews.com/noisy-pickleball-courts-cause-upset-with-homeowners/98768719/#:~:text=In one lawsuit in Newport Beach%2C Calif.%2C a,are causing them less enjoyment of their home.>
- Lazaruk, Susan, “Pickleballers face off with residents over noise in Metro Vancouver.” Vancouver Sun, Toronto, Ontario, Canada. February 2, 2022. <https://vancouversun.com/news/local-news/pickleballers-face-off-with-residents-over-noise-in-metro-vancouver>
- Shanes, Alexis, “Village in a pickle: How Ridgewood plans to tone down the pickleball court noise.” northjersey.com, California. January 16, 2020. <https://www.northjersey.com/story/news/bergen/ridgewood/2020/01/16/ridgewood-nj-pickleball-noise-reduction-measures/4480463002/>
- Monterey Herald Staff, “Pickleball noise controversy goes before city leaders Pacific Grove neighbors object to game at nearby tennis courts.” The Mercury News, California. September 19, 2019. <https://www.mercurynews.com/2019/09/19/pickleball-noise-controversy-goes-before-city-leaders/>
- Fraser, Patrick and Rodriguez, Ambar, “What to do about constant pickleball noise?” WSVN 7 News Miami, Miami, Florida. March 27, 2019. <https://wsvn.com/news/help-me-howard/what-to-do-about-constant-pickleball-noise/>
- Sutphin, Daniel, “Nixing the noise: Sound fence construction underway at Gilchrist pickleball courts.” Port Charlotte Sun, Charlotte Harbor, Florida. May 20, 2019. <https://www.yoursun.com/charlotte/news/nixing-the-noise-sound-fence-construction-underway-at-gilchrist-pickleball/article_79a764de-7b1c-11e9-b4d4-6bcaa919f3f3.html>
- Corrigan, James, “York residents complain noise from pickleball club is hurting quality of life.” WMTW News 8, Portland, Maine. November 16, 2021. <https://www.wmtw.com/article/york-residents-complain-noise-from-pickleball-club-is-hurting-quality-of-life/38271921>

It should be clear from the above list of references that pickleball constitutes a significant change in the acoustic environment of the area surrounding the courts in comparison to tennis and must be planned for accordingly. In particular, the impulsive sound produced by the impact of the hard plastic ball on the paddle can cause significant noise impact for those living near the courts.

Effects of Impulsive Sound

Persistent impulsive sounds create annoyance because they are similar to sounds that contain important information about our environment such as footsteps, a door opening, a tap at the window, or speech. We are sensitive to these types of sounds because they alert us to events occurring nearby that we may need to respond to. Continuous false alarms such as the popping sound created by pickleball paddle impacts make it difficult to relax, concentrate, or sleep soundly without disturbance as each time a pop is heard it draws the attention, creating distraction.

While it is well known that high amplitude acoustical pressures can cause hearing impairment as well as other types injury to the body, lower amplitude sound can also have adverse long term physiological effects. The World Health Organization recognizes that low level noise exposure has measurable health effects.

> Sound/noise is a psychosocial stressor that activates the sympathetic and endocrine system. Acute noise effects do not only occur at high sound levels in occupational settings, but also at relatively low environmental sound levels when, more importantly, intended activities such as concentration, relaxation or sleep are disturbed. [WHO p. 61]

The sympathetic nervous system is part of the autonomic nervous system and is involved in the body's fight or flight arousal response. Chronic activation of the sympathetic system leads to stress, fatigue, and anxiety.

In addition to nervous system activation, sleep disturbance from noise can involve difficulty in falling asleep as well as awakenings that occur during sleep. Frequent awakenings lead to sleep fragmentation. This disrupts the normal stages of sleep and may lead to further neurocognitive manifestations not limited to daytime tiredness, loss of concentration, morning confusion, irritability, anxiety, and depression. [WHO p. 48, 26]

Environmental noise also has implications for the cardiovascular system, metabolism, and homeostasis, the ability of the body to regulate itself.

> The auditory system is continuously analyzing acoustic information, which is filtered and interpreted by different cortical and subcortical brain structures. The limbic

> system, including the hippocampus and the amygdala, plays an important role in the emotional processing pathways. It has a close connection to the hypothalamus that controls the autonomic nervous system and the hormonal balance of the body. Laboratory studies found changes in blood flow, [blood pressure] and heart rate in reaction to noise stimuli as well as increases in the release of stress hormones... Acoustic stimulation may act as an unspecific stressor that arouses the autonomic nervous system and the endocrine system... The arousal of the sympathetic and endocrine system is associated with changes in the physiological functions and the metabolism of the organism, including [blood pressure], cardiac output, blood lipids (cholesterol, triglycerides, free fatty acids, phosphatides), carbohydrates (glucose), electrolytes (magnesium, calcium), blood clotting factors (thrombocyte, aggregation, blood viscosity, leukocyte count) and others. In the long term, functional changes and dysregulation may occur, thus increasing the risk of manifest diseases. [WHO p. 62-63]

The effects of stress can take many forms as seen above. Low level noise exposure that disturbs sleep and concentration are known to produce a range of diagnosable illnesses and disorders.

Comments on Salter Noise Impact Assessment

The noise impact assessment methods used in the June 29, 2023 report are based exclusively on equivalent-continuous sound pressure level, either a day-night level (Ldn) or a shorter period average (Leq). At no point in the document is impulsive sound, the primary noise impact of pickleball courts as discussed above, mentioned or assessed.

Equivalent-continuous Sound Pressure Levels

The equivalent-continuous level (Leq) is a type of average sound pressure level over the entire period of a measurement. It represents a sound pressure level that has the same total energy as a measured sound pressure level that may vary over the time of the measurement. While the equivalent-continuous sound pressure level includes all acoustical events and background noise that occur during the time of a measurement, including short impulsive events such as pickleball paddle impacts, it only gives an indication of the average level. It is not strongly influenced by peak sound pressure levels. For example, four pickleball courts may produce 50 to 60 paddle impacts each minute. That is one impact about every second. Equivalent-continuous averaging will therefore in effect spread the energy of each paddle impact over a period of about one second. The result is that the paddle impacts will usually be indistinguishable from the background noise due to their very short duration. This, however, will not be what is reported by observers near the courts.

The main issue with using equivalent-continuous sound pressure level with pickleball is that it cannot be used to assess impulsive sound. This is the primary concern of neighbors living close to pickleball courts. A different metric that can account for the noise impact of the paddle impacts must be used to assess this component of the sound.

Ldn was originally developed for assessment of traffic noise, a sound source that varies slowly with time and is present 24 hours each day. Including nighttime hours in the averaging biases the results for a sound source that is only active in the daytime and evening hours. Ldn is therefore not relevant to the noise assessment of pickleball courts.

Section 4.2 of the Salter report states,

> At Location ST-2, pickleball noise was audible but not measurable above the ambient conditions.

This is precisely the reason why Leq should not be used for assessment of paddle impacts. At 340 feet, the approximate distance of ST-2 from the pickleball courts, the sound level from the pickleball courts is often high enough to require noise mitigation; however, the Leq measurement was not even able to detect the paddle impacts. It should also be noted that roadway noise is usually not able to mask pickleball courts due to the high peak sound pressures of the paddle impacts.

For pickleball, Leq is, in practice, a measure of the background noise level at the test location. A close distances to the pickleball courts it may be somewhat influenced by speech, but it is not influenced by the paddle impacts. These are averaged out.

Later in Section 4.2 the Salter report states,

> Our measurements and calculations [at ST-4] indicate that pickleball noise will be slightly quieter than at LT-1 by approximately 1 dB.

Again, this is a comparison of the background noise levels at these locations. At 150 to 200 feet Leq has no relation to the sound produced by pickleball courts even though the paddle impacts will be clearly audible as they were at the more distant location, ST-2.

Pickleball Court Directivity

An attempt was made to measure the directivity pattern of the pickleball courts. The type of measurement is not documented, but is assumed to be Leq. A 30 minute average sound pressure level cannot measure the short duration impulses produced by the paddle impacts. This is a measure of speech on the pickleball courts and background noise. The results are spurious with

respect to the primary sound source for the reasons discussed above, specifically, the paddle impacts were averaged out of the measurement.

The impulsive sound of the paddle impacts is radiated mainly by the large, flat paddle surface. Since both faces of the paddle are connected internally by a honeycomb structure and move together in vibration, one side of the paddle will produce a positive sound pressure while the other produces a negative sound pressure similar to a loudspeaker diaphragm that is not mounted in a cabinet. The result is that these two pressure waves having opposite polarity will cancel in the plane of the paddle where the path length from each face is the same to all receiver locations. This is known as a dipole or figure eight radiation pattern.

The positions of the paddles relative to the court change with each hit; however, the object of the game is to hit the ball to the opposite half of the court. Therefore, the dipole axis of each paddle impact will be in the general direction of play and not completely random. Measurements of several pickleball facilities have shown that this results in a null depth of 4 to 5 dB. Figure 2 compares a typical pickleball court directivity pattern to a mathematical dipole where 0º and 180º are in the direction of play and the null is on the 90º and 270º bearings. Several decibels of attenuation can often be obtained simply by optimizing the orientation of the courts with respect to noise sensitive areas.

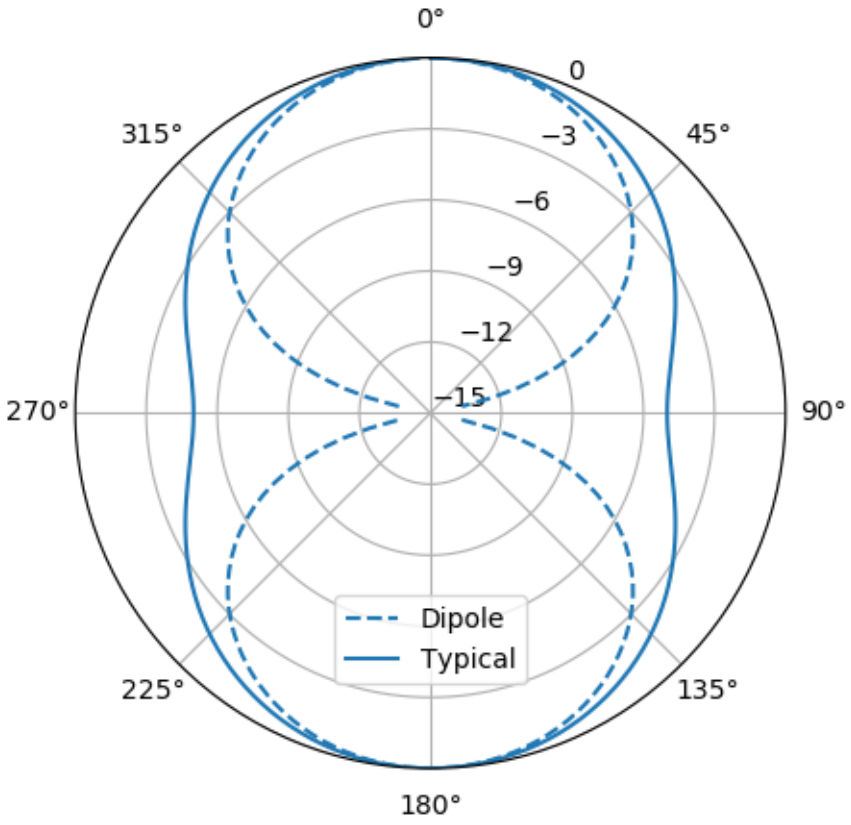


Figure 2. Typical Pickleball Court Directivity in Decibels

The results presented in the Salter report show the opposite of the trend documented by Spendiarian & Willis at numerous pickleball facilities. Most of the sound from the paddle impacts goes in the direction of play while Salter found that more sound went to the sides of the courts. Again, this is because Salter did not measure the paddle impacts.

The measurement locations ST-7 and ST-8 were also too close to the courts to determine directivity simply by adjusting for distance from the center of the courts. Pickleball courts are a distribution of sound sources. In order to get an accurate determination of the amount of sound propagating in the direction of play versus to the sides of the pickleball courts, the measurements must be made at a distance that is large compared to the size of the source distribution, i.e. the size of the group of pickleball courts. This may be as much as 10 times the width of the four

courts, but not less than about 400 to 500 feet in this case. As has already been indicated, measurement of the paddle impacts is not possible at this distance using Leq.

Code Compliance

Salter concludes,

> We do not find pickleball noise to exceed standards set forth by the City General Plan or Municipal Code.

As discussed above, the Ldn criteria in the Piedmont General Plan cannot be used to assess the noise impact of impulsive sound. Using this assessment method, the paddle impacts are averaged out of the measurement.

Section 12.8 of the Piedmont Municipal Code requires an assessment of annoyance.

> Notwithstanding any other provision of this Code, and in addition thereto, it is unlawful for any person to willfully make or continue or cause to be made or continued or to allow any animal to make or continue to make any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. Such noise is declared to be a nuisance.

The use of the term, annoyance, can be traced back to the work of Schultz and other researchers in the 1960s and 1970s [Schultz 1978] and is the basis of federal standards for transportation noise assessment. Current standards for noise assessment in regard to annoyance for impulsive sound include ANSI S12.9 Part 4 and ISO 1996 Part 1. The measurement methodology of the Piedmont General Plan does not correlate well with community response to impulsive sounds of short duration such as impact processes, including pickleball paddle impacts, and should not be relied on to satisfy the requirements of Section 12.8 in the Municipal Code.

An assessment of annoyance has not been performed in regard to the paddle impacts, the primary objectionable component of the sound from the pickleball courts and the main concern of neighbors. Conclusions as to acceptability of expanding pickleball hours at this location cannot be drawn from the data presented.

Noise Abatement Planning for the Impulsive Sound of Pickleball Courts

Based on our experience working with pickleball facilities, courts located within 350 feet of residential properties in most cases require noise abatement. Pickleball court sites within 500 to

600 feet of noise sensitive areas should be reviewed by a qualified acoustical engineer in the site selection phase of the project. The acoustical engineer should be familiar with modern methodologies for assessing highly impulsive sound such as ANSI S12.9 Part 4 or ISO 1996 Part 1. Courts located within 150 feet of homes require careful and often extensive noise abatement design to avoid complaints. Placing open air pickleball courts within 100 feet of residential properties is not recommended.

124 Sunnyside Avenue is less than 200 feet from the pickleball courts. Residential land uses to the east of the courts are less than 50 feet. At these distance the pickleball paddle impacts easily penetrate the interior of a home or condominium and will prevent the quiet enjoyment of the residents' use of their living rooms, dining rooms, bedrooms, balconies, patios, and other spaces used for rest, family activities, and activities requiring concentration such as reading.

The topography of the area makes noise abatement treatments such as sound walls or fence covers much less effective. In order for a noise barrier to be effective it must be able to block the line of sight from the players on the courts to all noise sensitive locations including upper level windows and raised decks. The pickleball courts at Linda Beach Park are located at the bottom of a valley with the surrounding homes having significantly higher finish floor elevations.

A noise barrier can only provide a certain amount of sound attenuation. Setbacks are therefore critical to meeting target sound pressure level goals. The homes to the east are too close to be mitigated by a noise barrier.

Conclusions

The addition of pickleball to a neighborhood represents a significant change in the amount of sound entering the surrounding area in comparison to other common recreational activities typically found at parks and recreation centers. This must be carefully planned for.

The measurements and analysis provided in the June 29, 2023 Salter noise impact assessment do not include an assessment of the impulsive sound produced by the paddle impacts. Section 12.8 of the Piedmont Municipal Code requires an assessment of annoyance. This has not been done for the paddle impacts. The conclusion of the report that the pickleball courts do not violate the cited codes is therefore unsupported by the data presented.

Based on over 10 years of experience with pickleball noise abatement, Spendiarian & Willis does not recommend this location for an open air pickleball court as being compatible with adjacent residential land uses. Given the insufficient buffer distance, close proximity to homes, topography surrounding the courts, and our experience at similar pickleball sites, a noise abatement plan involving a sound wall system will not provide sufficient mitigation at this

location. An effective noise abatement plan is likely to require the construction of a building with a roof to contain the impulsive sound power levels produced by pickleball.

In summary, Spendiarian & Willis does not recommend expansion of the hours of operation of the open air pickleball courts at Linda Beach Park due to the difficulties in creating an effective noise abatement plan for this site.

regards,



R. Lance Willis, PhD
Principle Acoustical Engineer

References

ANSI S12.9-2021, *Quantities and Procedures for Description and Measurement of Environmental Sound – Part 4: Noise Assessment and Prediction of Long Term Community Response,* American National Standards Institute, 2021.

ISO 1996-1, *Acoustics - Description, measurement and assessment of environmental noise - Part 1: Basic quantities and assessment procedures*, International Organization for Standardization (ISO), 2016.

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Schultz, T. J., “Synthesis of Social Surveys on Noise Annoyance,” Journal of the Acoustical Society of America v. 64, pp. 377-405, 1978.

World Health Organization, Night Noise Guidelines for Europe, http://www.euro.who.int, 2009.

Steve Rogers Acoustics

July 28, 2023

Constance Whitting

Piedmont, CA 94611

Subject: **Beach Field Tennis Courts**
Pickleball Noise Study

Dear Connie:

We have completed a study of noise impact on your home at 317 Howard Avenue, Piedmont, CA caused by pickleball play on the adjacent Beach Field tennis courts, and report as follows:

BACKGROUND

The City of Piedmont proposes to adapt the Beach Field tennis courts – which are within 30-feet of your property – for pickleball use. As a first step towards this possible change of use, the courts have been temporarily converted to pickleball play for a trial period that will conclude on July 31, 2023.

There are four pickleball courts in the trial configuration – as shown in Figure 1 – which are open to the public between 9AM and 9PM every day. According to a July 14, 2023 report by the Piedmont Recreation Commission, pickleball players using the courts during the trial period have been provided with lower noise balls and offered lower noise paddles.

Figure 1: Project Vicinity Plan & Location of Noise Monitor



The purpose of our study is to establish pickleball noise levels received on the 317 Howard Avenue property during the trial period and determine whether they comply with local noise regulations.

LOCAL NOISE REGULATIONS

- Piedmont Municipal Code

  The Piedmont Municipal Code does not provide quantitative noise limits (i.e.: maximum allowable decibel levels). Instead, Section 12.8 of the Code describes a framework for evaluating potential noise nuisance, as follows:

  SEC. 12.8 NOISE DECLARED NUISANCE

  Notwithstanding any other provision of this Code, and in addition thereto, it is unlawful for any person to willfully make or continue or cause to be made or continued or to allow any animal to make or continue to make any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. Such noise is declared to be a nuisance.

  12.8.1 Standards to Be Considered.

  The standards which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

  (a) The sound level of the objectionable noise;

  (b) The sound level of the ambient noise;

  (c) The proximity of the noise to residential sleeping facilities;

  (d) The nature and zoning of the area from which the noise emanates;

  (e) The density of the inhabitation of the area from which the noise emanates;

  (f) The time day or night the noise occurs;

  (g) The duration of the noise and its tonal content;

  (h) Whether the noise is continuous, recurrent, or intermittent;

  (i) Whether the noise is produced by a commercial or non-commercial activity;

  (j) The intensity of the noise;

  (k) Whether the noise is natural or unnatural;

  (l) Whether the noise is usual or unusual.

- Alameda County Code

  Chapter 6.60 of the Alameda County Code establishes noise level standards (limits) for noise received on various land uses. These limits are intended to apply to unincorporated areas of the County. However, they also serve as a useful reference for evaluating noise nuisance in any incorporated city – such as Piedmont – where the Municipal Code does not provide quantitative noise regulations.

  Sections 6.60.030 and 6.60.040 read as follows:

  6.60.030 Noise measurement criteria.

  A. Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the 'A' weighted network (scale) at slow meter response. Fast meter response shall be used for an impulsive noise. Calibration of the measurement equipment, utilizing an acoustic calibrator, shall be performed immediately prior to recording any noise date.

B. The exterior noise levels shall be measured at any point on the affected residential property, school, hospital, church, public library or commercial property. Where practical, the microphone shall be positioned three to five feet above the ground and away from reflective surfaces.

6.60.040 Exterior noise level standards.

A. It is unlawful for any person at any location within the unincorporated area of the county to create any noise or to allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level when measured at any single- or multiple-family residential, school, hospital, church, public library or commercial properties situated in either the incorporated or unincorporated area to exceed the noise level standards as set forth in Table 6.60.040A or Table 6.60.040B following:

Table 6.60.040A

RECEIVING LAND USE — SINGLE- OR MULTIPLE-FAMILY RESIDENTIAL, SCHOOL, HOSPITAL, CHURCH PUBLIC LIBRARY PROPERTIES
NOISE LEVEL STANDARDS, dB(A)

Category	*Cumulative Number of Minutes in any one hour time period*	*Daytime 7 a.m. to 10 p.m.*	*Nighttime 10 p.m. to 7 a.m.*
1	*30*	*50*	*45*
2	*15*	*55*	*50*
3	*5*	*60*	*55*
4	*1*	*65*	*60*
5	*0*	*70*	*65*

Table 6.60.040B

RECEIVING LAND USE — COMMERCIAL PROPERTIES
NOISE LEVEL STANDARDS, dB(A)

Category	*Cumulative Number of Minutes in any one hour time period*	*Daytime 7 a.m. to 10 p.m.*	*Nighttime 10 p.m. to 7 a.m.*
1	*30*	*65*	*60*
2	*15*	*70*	*65*
3	*5*	*75*	*70*
4	*1*	*80*	*75*
5	*0*	*85*	*80*

B. In the event the measured ambient noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted so as to equal said ambient noise level.

C. Each of the noise level standards specified in Tables 6.60.040A and B shall be reduced by five dB(A) for simple tone noises, noises consisting primarily of speech or music or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped

for a time period whereby the ambient noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the applicable noise level standards in Table 6.60.040A and Table 6.60.040B.

E. Notwithstanding the noise level standards set forth in this section, the noise level standard applicable to the emission of sound from transformers, regulators, or associated equipment in electrical substations shall be 60 dB(A).

NOISE MONITORING

In order to establish existing noise levels generated by pickleball play on the Beach Field tennis courts, we installed a noise monitor at the southwest corner of the 317 Howard Avenue property – as shown in Figure 1. The measurement microphone was positioned approximately 5-feet above the ground.

The monitor was programmed to continuously measure and log noise levels on Saturday, July 15 and Sunday, July 16, 2023 (hereafter referred to simply as "Saturday" and "Sunday", respectively). The monitoring system also recorded time-stamped audio to help with noise source identification later. Weather conditions were favorable throughout the monitoring period with no precipitation and only very light winds.

The noise monitoring platform was a Bruel & Kjaer Type 2250 sound analyzer, which satisfies the requirements for a Type 1 sound level meter according to ANSI/ASA Standard S1.4. The calibration of the measurement system was checked immediately prior to use with a Bruel & Kjaer Type 4231 Acoustical Calibrator.

PICKLEBALL PLAY DURING THE MONITORING PERIOD

Audio recordings made by the noise monitor during each of the two days show that pickleball play began promptly at 9 AM and continued until 9 PM. While pickleball noises are audible in the recordings throughout each of the 9 AM – 9 PM periods, the intensity of play (number of simultaneous games, number of players) can be heard to diminish later in the day – possibly because of the afternoon heat on the unshaded courts. This means that the main periods of pickleball activity (and therefore noise impact) during the weekend were 9 AM – 3 PM on Saturday and 9 AM – 6 PM on Sunday.

The audio recordings during these periods contain all of the expected noises associated with pickleball play – such as the distinctive percussive sound of pickleballs striking paddles and the court surface – which contrast sharply with the normal background noise that is apparent in the area when there is no pickleball play.

METHODOLOGY, NOISE METRICS

We have used several noise metrics in our analysis, as follows:

- Maximum Noise Level (Lmax)

  The maximum noise level recorded during a given time interval is denoted Lmax. We have selected a 1-minute time interval, because we consider this a long enough period to capture a representative sampling of typical pickleball (or ambient) noises but short enough to show how maximum noise levels vary with time.

  The noise of pickleball impacts – on either paddles or on the surface of the court – is highly impulsive in nature, with a very rapid onset and decay. It is therefore appropriate to use "fast" time-weighting. For this reason, the results of our noise level measurements are reported here as Lmax, FAST values.

However, a study by Spendiarian & Willis (https://www.acousticalnoise.com/noise-control/why-are-your-pickleball-courts-receiving-complaints-from-neighbors/) suggests that use of Lmax (even with a fast time weighting) to describe pickleball hits is conservative and significantly understates the perceived loudness of noise produced by pickleball play.

- Equivalent Noise Level (Leq)

  Equivalent noise level is an energy average of noise level over a stated period of time. Like Lmax, Leq does not fully capture the perceived loudness of pickleball impacts. However, it is a common metric for describing constantly-varying noise levels and is widely used in environmental noise studies in the United States.

- Statistical Noise Levels (LN)

  Another way of quantifying time-varying noise is by statistical analysis, which means measuring the levels of noise that are exceed for a certain percentage of any given time period. Statistical noise levels are denoted as "LN" values where N is the percentage of the time period.

  LN metrics equate to the noise standards prescribed by Alameda County Code. For example, the first daytime noise standard in Table 6.60.040A of the County Code, which is that a noise level of 50 dBA shall not be exceeded for more than 30 minutes in any hour, can be expressed as an L50 limit of 50 dBA.

  Similarly, the second daytime noise standard, which is that a noise level of 55 dBA shall not be exceeded for more than 15 minutes in any hour, can be expressed as an L25 limit of 55 dBA, and so on.

  The fifth daytime noise standard in Table 6.60.040A is that a noise level of 70 dBA shall not be exceeded for zero minutes in any hour. In other words, the maximum allowable noise level during any hour – which may be denoted as L0, but is more commonly expressed as Lmax – shall not exceed 70 dBA.

- Frequency Analysis

  In addition to overall (dBA) noise levels, we have examined the frequency content of the pickleball noise to determine how it contrasts with the character of the ambient noise in the vicinity of your home.

MEASURED NOISE DATA

- Lmax

  The attached Graphs 1 and 2 show Lmax noise levels measured between 8 AM and 10 PM on each of the days of noise monitoring. This time window captures a full 12-hour period of pickleball play as well as the hours before (8 AM – 9AM) and after (9 PM – 10 PM), which represent the ambient noise condition – when no pickleball noise is present.

  As the graphs show, Lmax noise levels measured during the pickleball periods tend to be significantly higher than those occurring when there is no pickleball play. This is particularly true for the earlier part of each day.

  For example, during the 8 – 9 AM (ambient) hour on Saturday, the highest measured Lmax was 67.9 dBA, during the first hour of pickleball play between 9 and 10 AM, the Lmax noise level reached 78.4 dBA – an increase of more than 10 dBA. Similarly, the highest Lmax measured during the first hour of pickleball play on Sunday was 76.2 dBA, more than 6 dBA higher than the highest Lmax of 69.5 dBA measured during the previous hour.

Another important finding illustrated by Graphs 1 and 2 is that loud noise spikes occur much more frequently during periods of pickleball play than they do in the hours before and afterwards. This is illustrated by Table 2, which compares how often Lmax (1-minute) values exceed 65 and 70 dBA during each house of pickleball play compared to the "ambient" hours.

Table 1: How Often Lmax Noise Spikes Occur

Hour		SATURDAY, July 15, 2023		SUNDAY, July 16, 2023	
		Number of minutes Lmax > 65 dBA	Number of minutes Lmax > 70 dBA	Number of minutes Lmax > 65 dBA	Number of minutes Lmax > 70 dBA
8 AM – 9 AM (Ambient)		3	0	13	0
PICKLEBALL	9 AM – 10 AM	59	39	54	21
	10 AM – 11 AM	59	35	54	31
	11 AM – 12 PM	59	34	60	38
	12 PM – 1 PM	58	39	60	39
	1 PM – 2 PM	43	12	58	38
	2 PM – 3 PM	44	16	57	26
	3 PM – 4 PM	16	2	57	32
	4 PM – 5 PM	26	8	58	22
	5 PM – 6 PM	31	11	45	13
	6 PM – 7 PM	33	8	19	2
	7 PM – 8 PM	27	4	41	9
	8 PM – 9 PM	5	0	45	14
9 PM – 10 PM (Ambient)		5	1	12	6

- Leq

  Graphs 3 and 4 shows hourly average (Leq) noise levels for the 8 AM – 10 PM periods on each day of noise monitoring. These results illustrate the significant and sustained elevation of noise levels received on your property during periods of pickleball play, particularly in the mornings.

  For example, the Leq for 9 – 10 AM (the first hour of pickleball play) on Saturday was 56.8 dBA, compared to an Leq of 47.8 dBA measured during the previous hour (ambient noise only) – an increase of 9 dBA.

- LN

  Graphs 5 and 6 shows hourly L50, L25, L8.3, L1.7 and L0 (Lmax) noise levels for the 8 AM – 10 PM periods on Saturday and Sunday. These five curves correlate to the five noise standards in the Alameda County Code.

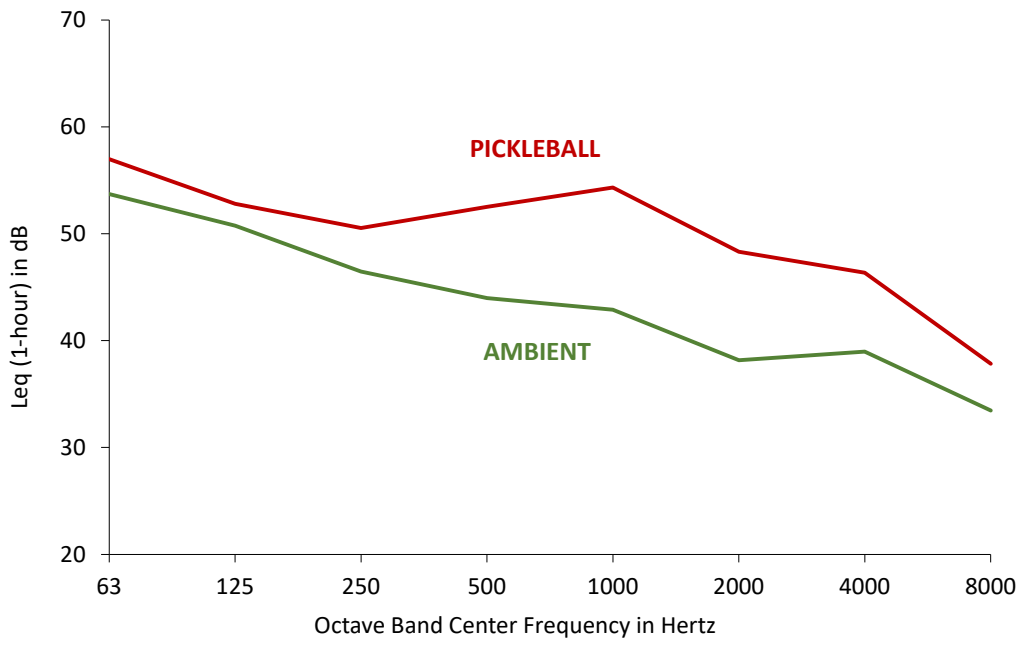
  As with the graphs of the Lmax and Leq metrics, the LN curves step up abruptly at the start of pickleball play at 9 AM on each day. On Saturday, the LN levels were 8 – 10 dBA higher in the 9 – 10AM hour than they were between 8 and 9 AM. On Sunday, the increases were in the 5 – 6 dBA range. The elevated noise levels continued until around 3 PM on Saturday and 6 PM on Sunday.

- Character, Frequency Content

  Our noise measurements and audio recordings show quite clearly that the character of pickleball noise contrasts sharply with the ambient noise. The percussive quality of ball hits and the intermittent shouts and cheers result in noise spikes that stand out from the steady "hum" of ambient noise.

  And the frequency spectrum of noise levels received at the noise monitor during periods of pickleball play is quite different than the ambient noise spectrum – with a pronounced peak around 1,000 Hz, which is characteristic of pickleball noise. This is illustrated by Figure 2, which compares the noise spectrum during a typical hour of pickleball play with that of a typical hour of ambient noise.

Figure 2: Comparison of Ambient and Pickleball Noise Frequency Spectra



ANALYSIS – MUNICIPAL CODE NOISE REGULATIONS

In our opinion, there is little doubt that the level and character of pickleball noise received on your property qualifies as a nuisance according to Section 12.8 of the Piedmont Municipal Code, which defines a nuisance as:

"…any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area."

Further, we evaluate the noise data collected from your property in the context of the relevant items from the checklist in Section 12.8.1 of the Code as follows:

- Checklist items (a) and (b)

  These items are *"the sound level of the objectionable noise"* and *"the sound level of the ambient noise".*

Our analysis shows that pickleball noise levels received on your property are significantly higher than the ambient noise levels (during periods when there is no pickleball play), indicating a violation of the Code. If lower-noise balls and paddles were in use at the time of our noise measurements (and the Piedmont Recreation Commission letter dated July 14, 2023 suggests that they were), it follows that pickleball noise levels would increase in the event that use of lower-noise equipment is not enforced in the future, further exacerbating noise impact on your home.

- Checklist item (c)

  This item is *"proximity of the noise to residential sleeping facilities".*

  The Beach Field tennis courts are less than 120-feet from the windows at the back of your house, which is not enough distance to reduce pickleball noise to the point where it is not impactful.

- Checklist item (g) and (h)

  These items are *"the duration of the noise and its tonal content"* and *"whether the noise is continuous, recurrent or intermittent".*

  During the two days of noise monitoring, pickleball play on the Beach Field tennis courts occurred continuously between 9 AM and 9 PM. At no time during these periods was pickleball noise not apparent at the monitoring location, which means that quiet enjoyment of your property was being impacted for 12-hours straight om each day, without a break.

  Acoustical experts will often assign a certain specific technical definition to the word "tonal". However, this narrow definition is not in common use and is not included in the definitions section of the noise regulations in the Municipal Code.

  We suggest that the intended meaning of the term "tonal content" in this context is the frequency content of the noise. And, as described elsewhere in this report, the frequency content of pickleball noise has a signature peak around 1,000 Hz that contrasts with the ambient noise and makes pickleball noise more subjectively annoying than other noises of similar overall level.

- Checklist item (j)

  This item is *"the intensity of the noise".*

  The word "intensity" has a specific meaning to professionals in the field of acoustics, having to do with directional noise. However, this narrow definition is not in common use and is not included in the definitions portion of the noise regulations in the Municipal Code. We suggest that the intended meaning of the term "intensity" in this context is the volume and character of the noise.

  Our noise measurements show that pickleball noise levels received on your property are significantly higher than ambient noise levels. The highly impulsive nature and distinctive frequency content of ball/paddle noise further adds to the subjective impact and annoyance. For these reasons, we believe that the pickleball noise received at your property can reasonably be characterized as "intense".

- Checklist items (k) and (l)

  These items are *"whether the noise is natural or unnatural"* and *"whether noise is usual or unusual".*

  Pickleball noise is man-made, produced in part by plastic balls and paddles; it does not occur in nature. Pickleball noise is unusual in this context because it contrasts with the normally-occurring ambient noise experienced on your property.

ANALYSIS – ALAMEDA COUNTY CODE NOISE STANDARDS

In the absence of quantitative noise regulations in the Piedmont Municipal Code, the noise standards in Section 6.60.040 of the Alameda County Code serve as an objective framework for evaluating the impact of pickleball noise on your home.

Since the receiving land use is residential in your case and the pickleball play occurs between 9 AM and 9 PM, the daytime noise level standards from Table 6.60.040A apply, adjusted to reflect the impulsive nature of the noise (ACC 6.60.040 C.) and ambient noise levels (ACC 6.60.40 B.), as follows:

Table 2: Adjusted Daytime Noise Standards from the Alameda County Code

Category	Cumulative Number of mins in any 1-hour time period	Base Daytime Standard (dBA)	Reduced by 5 dBA for Impulsive Noise	Ambient Noise Level* (SAT/SUN)	Adjusted Noise Standard (SAT/SUN)
1	30	50	45	49.7 / 49.4	49.7 / 49.4
2	15	55	50	50.6 / 50.3	50 / 50
3	5	60	55	51.9 / 53.2	55 / 55
4	1	65	60	55.7 / 57.6	60 / 60
5	0	70	65	72.4 / 76.3	72.4 / 76.3

* The higher of the ambient noise levels measured in the 8 – 9AM and 9 – 10PM hours

When we compare measured LN and Lmax noise levels with the adjusted County noise standards, it becomes apparent that pickleball noise exceeded some or all of the County noise standards for most many hours of each day, as shown in Table 3.

Table 3: Hours During Which Measured Pickleball Noise Exceeded County Noise Standards

	SATURDAY					SUNDAY				
County Noise Standard	1	2	3	4	5	1	2	3	4	5
Equivalent LN Metric	L50	L25	L8.3	L1.7	Lmax	L50	L25	L8.3	L1.7	Lmax
9 AM – 10 AM	●	●	●	●	●	●	●	●	●	
10 AM – 11 AM	●	●	●	●	●	●	●	●	●	●
11 AM – 12 PM	●	●	●	●	●	●	●	●	●	●
12 PM – 1 PM	●	●	●	●	●	●	●	●	●	●
1 PM – 2 PM		●	●	●	●	●	●	●	●	
2 PM – 3 PM	●	●	●	●	●	●	●	●	●	
3 PM – 4 PM						●	●	●	●	●
4 PM – 5 PM					●	●	●	●	●	●
5 PM – 6 PM		●	●	●	●	●	●	●	●	●
6 PM – 7 PM	●	●	●	●	●	●	●	●		
7 PM – 8 PM	●	●	●			●	●	●	●	●
8 PM – 9 PM						●	●	●	●	

● = Noise level for this hour exceeds County Noise Standard

CONCLUSION

We find that the noise of pickleball play on the Beach Field tennis courts measured and recorded by us on your property over the weekend of Saturday, July 15 – Sunday, July 16, 2023 qualifies as a nuisance as defined by Chapter 12.8 of the Piedmont Municipal Code, and exceeds the Noise Standards in the Alameda County Code.

Yours sincerely,
Steve Rogers Acoustics, LLC

Steve Rogers
Principal

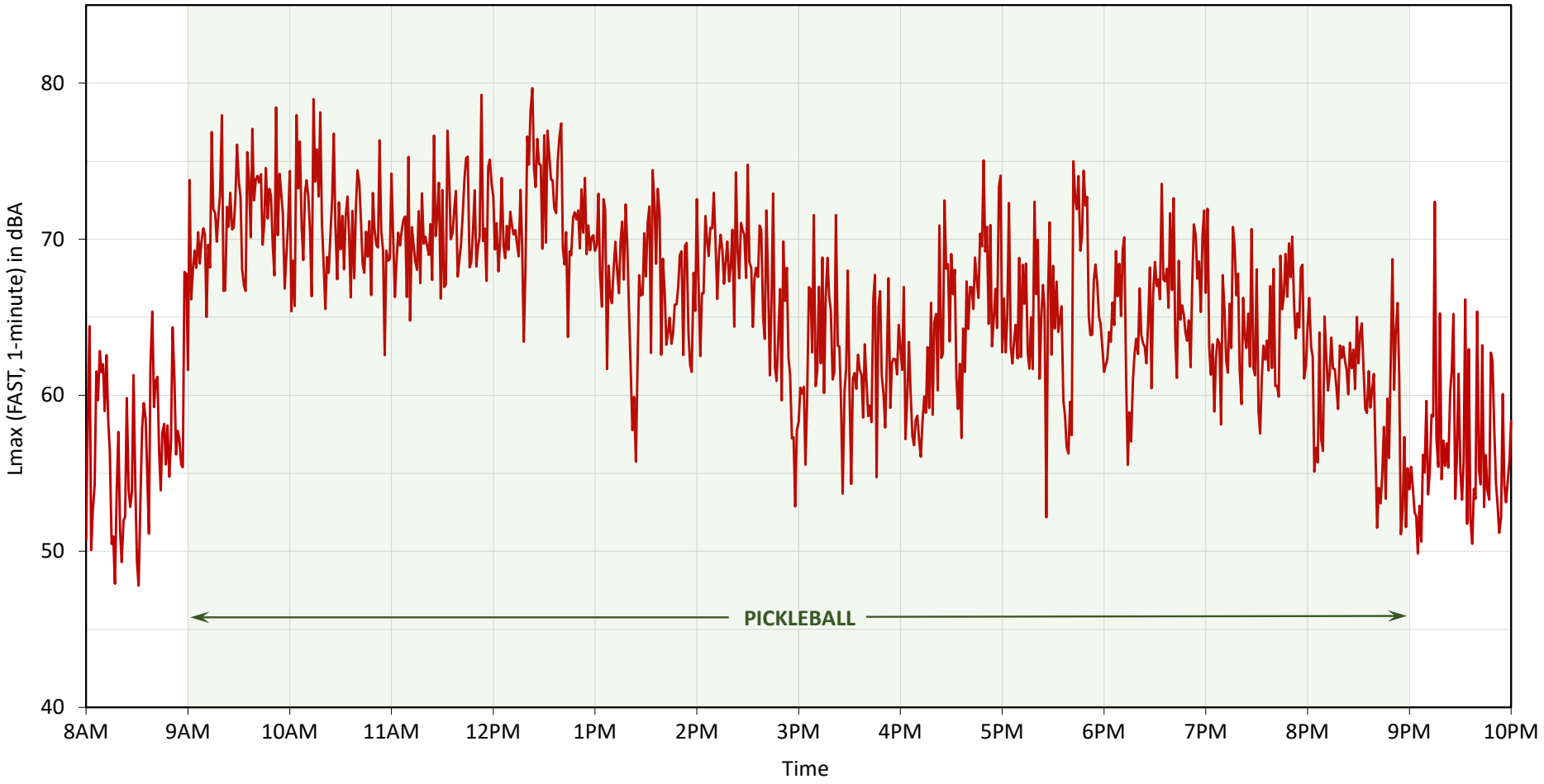
APPENDIX: ACOUSTICAL TERMINOLOGY

dB	Human perception of loudness is logarithmic rather than linear. For this reason, sound level is usually measured on a logarithmic decibel (dB) scale. A change of 10 dB equates to a perceived as a doubling (or halving) of loudness, while a change of 3 dB is generally considered to be just perceptible. A change of 5 dB or more is generally considered to represent a significant increase or decrease in loudness.
dBA	A-weighting is the application of a frequency-weighted filter designed to reflect the response of the human auditory system, in which low frequencies are attenuated, while mid and high frequencies are emphasized. A-weighted sound levels are expressed as dBA.
Lmax	The Maximum Noise Level (Lmax) is highest sound pressure level measured during the measurement sample period.
Time Weighting	The time weighting in a sound level measurement is the time constant for averaging by the root mean square detection circuit in the sound level meter. In environmental noise evaluations, two time-constants are used: FAST (0.125 seconds) and SLOW (1-second). FAST time weighting is standard practice for impulsive sounds such as those generated during pickleball play, which has a very rapid onset and decay. However, research has shown that even noise measurements made with FAST time weighting will understate the perceived loudness of pickleball noise and should therefore be considered conservative.
Leq	The Equivalent Noise Level (Leq) is an energy-average of noise levels over a stated period of time. Leq is the basic unit of environmental noise assessment in the United States and is a useful tool for quantifying noise levels that fluctuate with time.
LN	Another way of quantifying time-varying noise is by statistical analysis, which means measuring the levels of noise that are exceed for a certain percentage of any given time period. Statistical noise levels are denoted as "L_N" or "LN" values where N is the percentage of the time period. For example, the L50 would be the noise level (over a stated measurement period) that is exceeded for 50% of the time. Another way to describe the L50 would be the noise level that is exceeded for a cumulative period of 30 minutes in any hour. Similarly, the L25 is the noise level exceeded 25% of the time - or 15 minutes in any hour - and so on. The noise regulations in the Alameda County Code are based on statistical analysis.
Hz	Hertz (Hz) is the standard unit of sound frequency or pitch, where 1 Hz = 1 cycle-per-second. Environmental noise usually contains a mix of sound frequencies, in a spectrum (range) from low ("rumble", "boom", etc.) to high ("hiss", "screech", etc.). Pickle ball strikes produce a pronounced mid-frequency peak in the noise spectrum, usually around 1,000 Hz.

GRAPH 1

Lmax NOISE MONITORING RESULTS

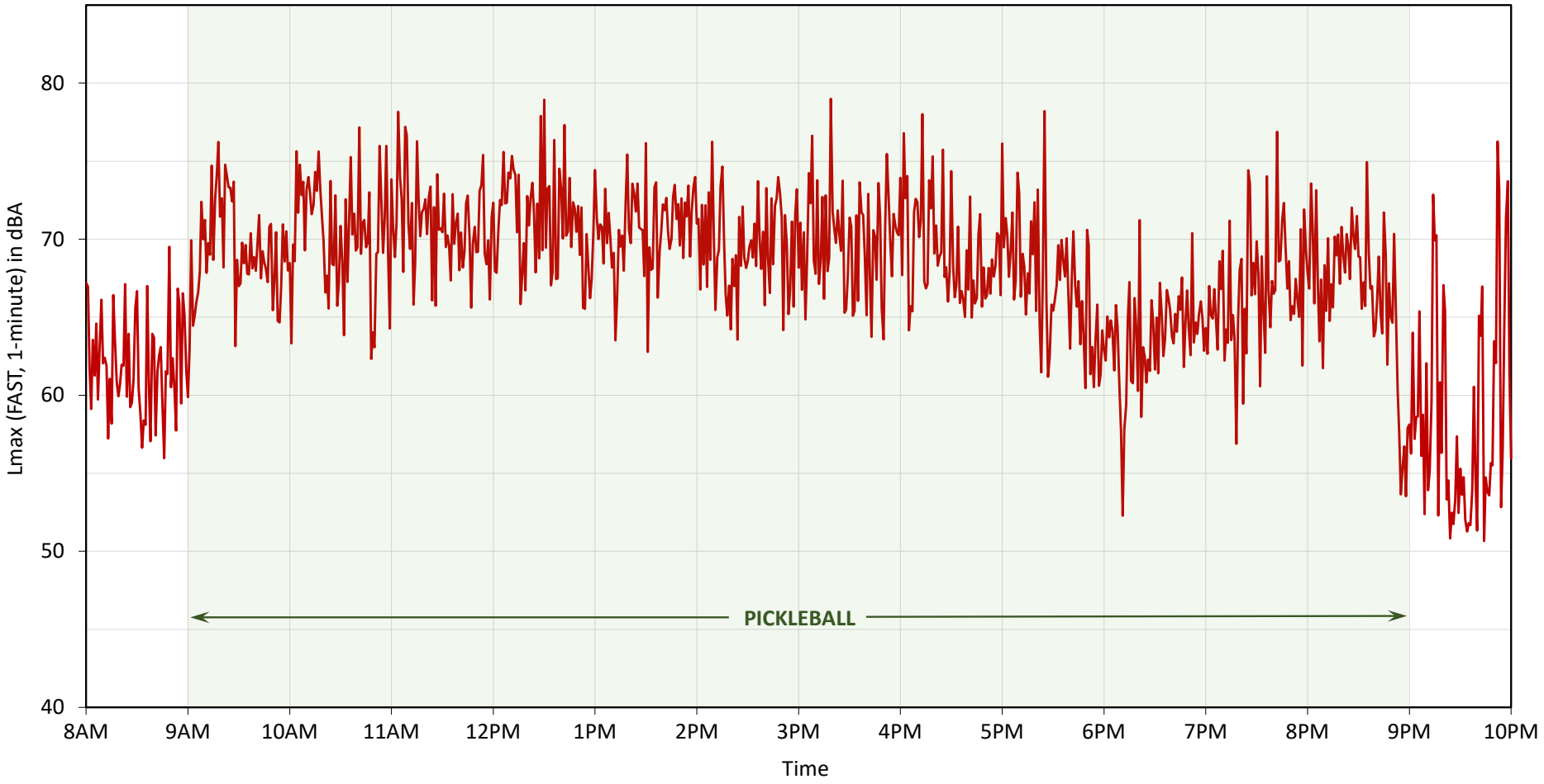
SATURDAY, JULY 15, 2023



GRAPH 2

Lmax NOISE MONITORING RESULTS

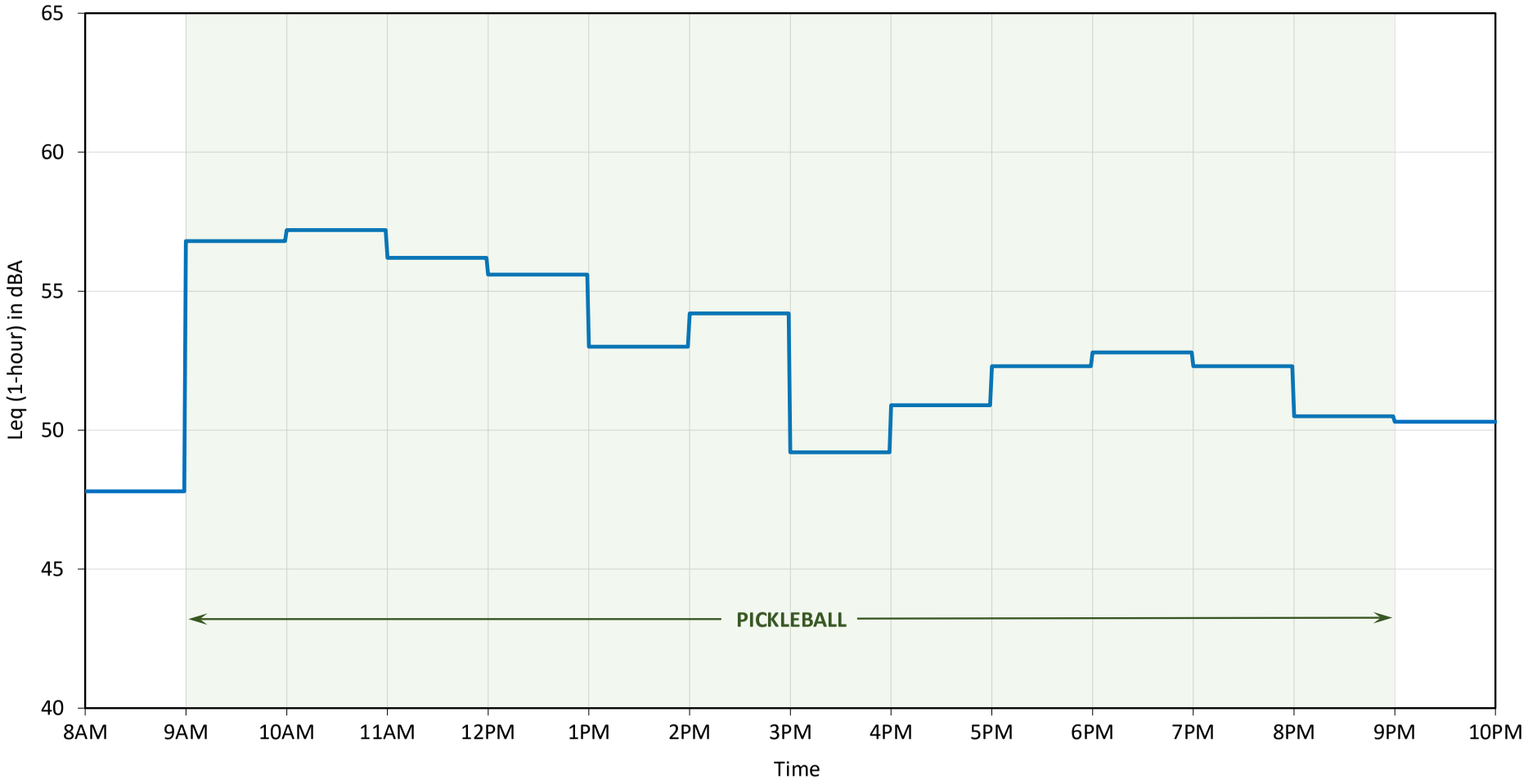
SUNDAY, JULY 16, 2023



GRAPH 3

Leq NOISE MONITORING RESULTS

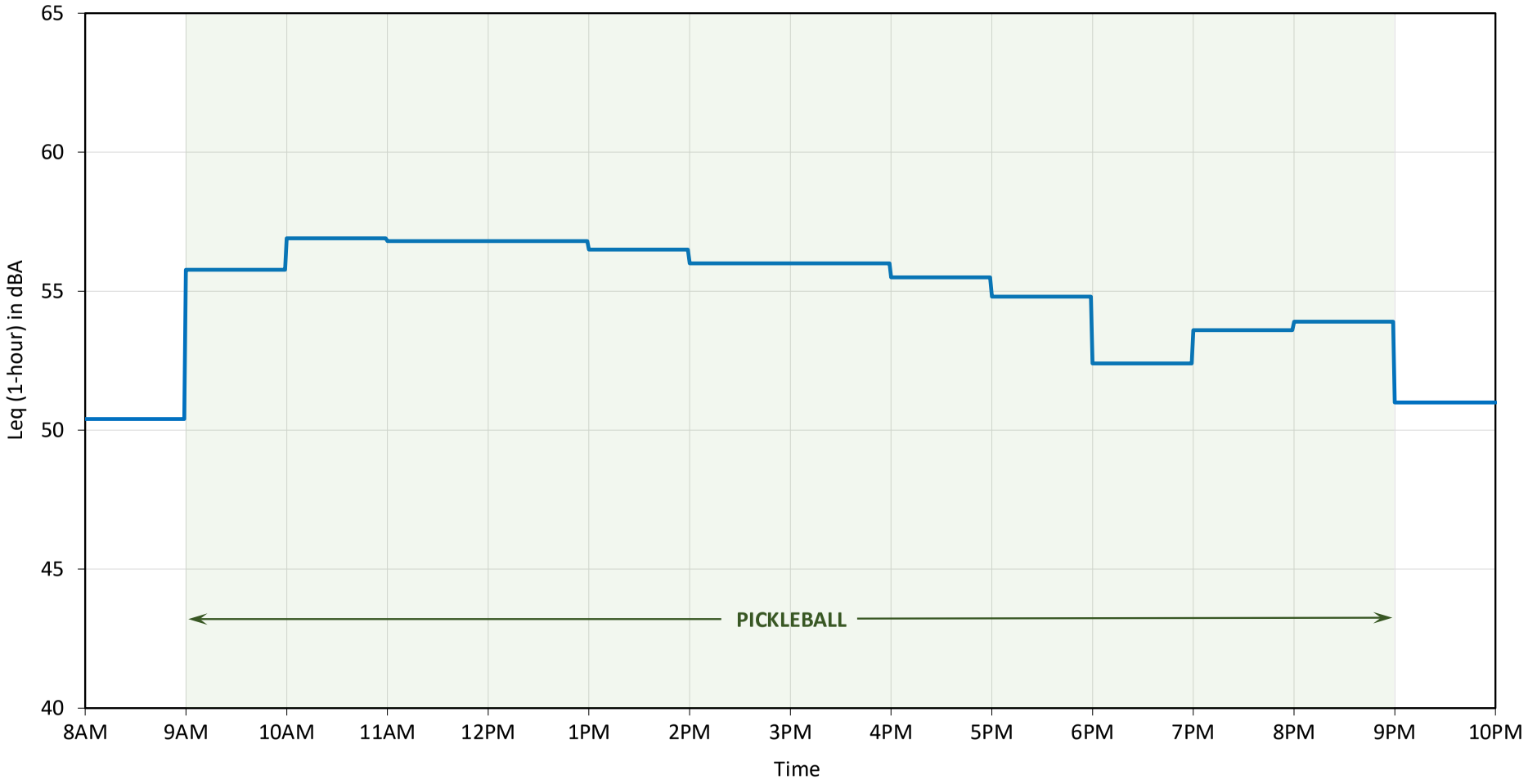
SATURDAY, JULY 15, 2023



GRAPH 4

Leq NOISE MONITORING RESULTS

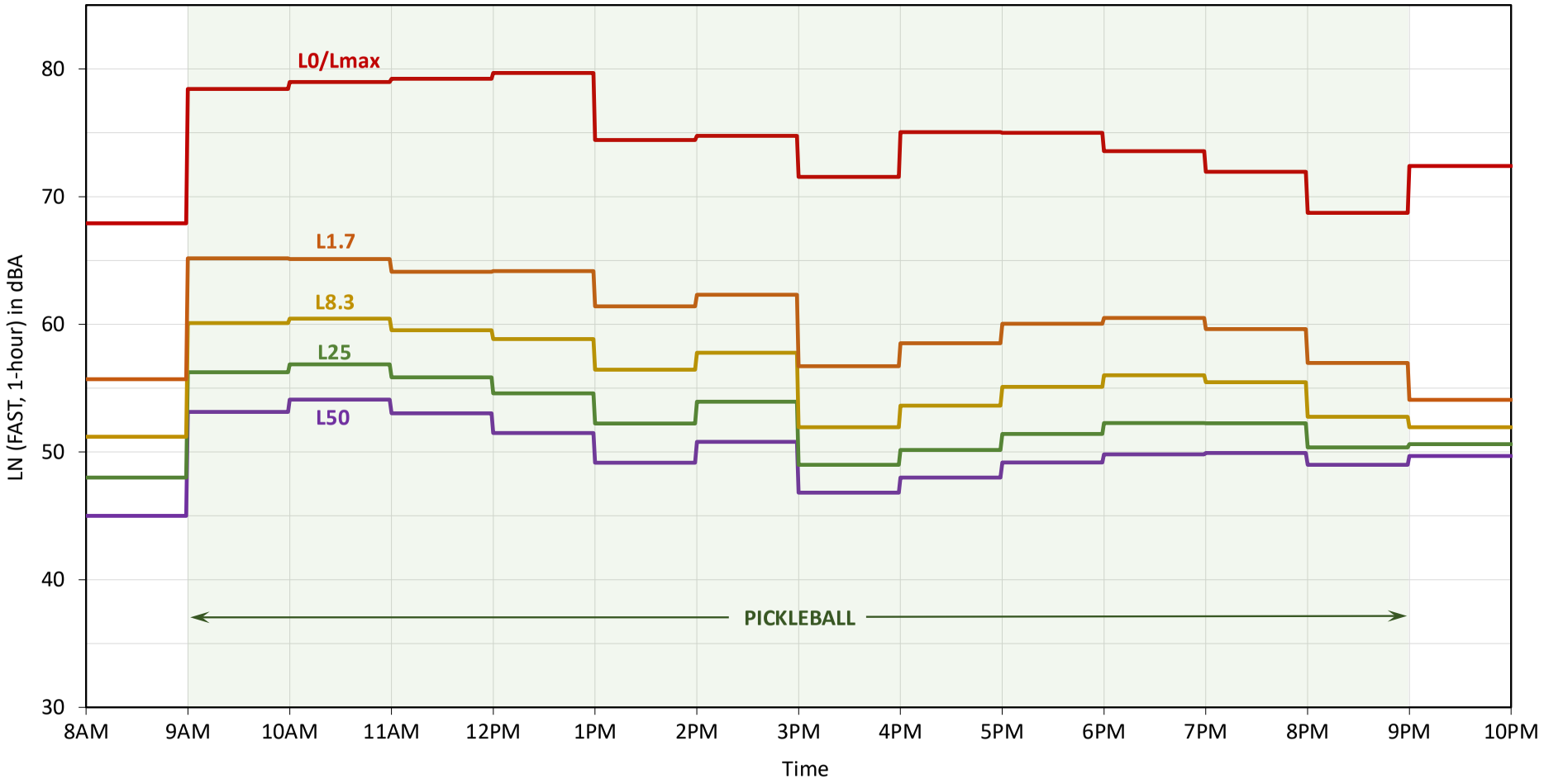
SUNDAY, JULY 16, 2023



GRAPH 5

LN NOISE MONITORING RESULTS

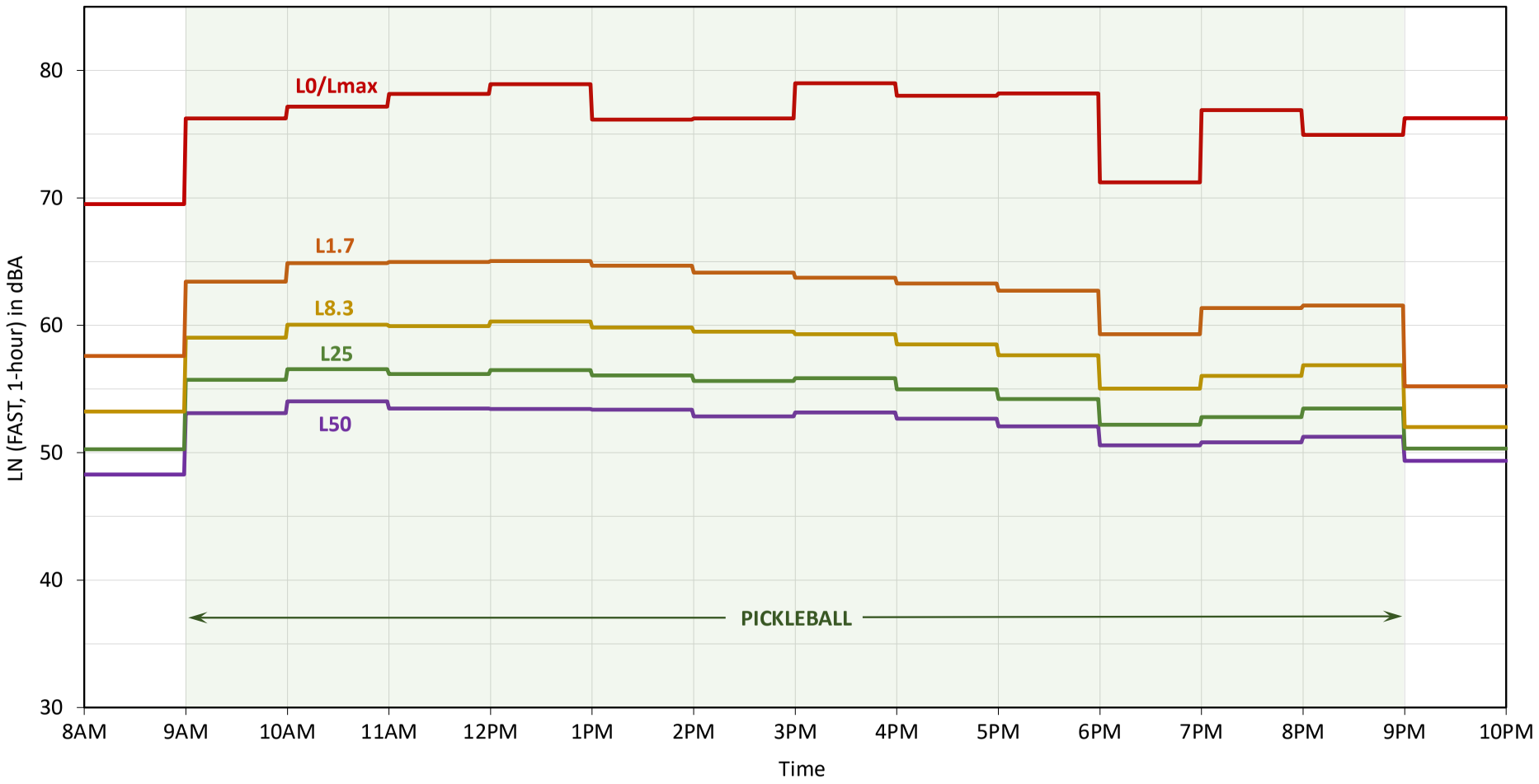
SATURDAY, JULY 15, 2023



GRAPH 6

LN NOISE MONITORING RESULTS

SUNDAY, JULY 16, 2023



PSM LLC
Pickleball Sound Mitigation

Pickleball Sound Assessment Report

For

Sunnyside Avenue and Howard Avenue Neighbors

of
Piedmont, California

With
Recommendations

By

Robert M Unetich P.E.

And

J.R. Unetich, Technical Writer Intern

July 4, 2023

1811 Woodlands Circle, Pittsburgh, PA 15241
412-780-4575 itsrmu@aol.com

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Executive Summary

This is a pickleball sound assessment report for neighbors along Sunnyside Avenue and Howard Avenue near Beach Field Park of Piedmont California. These residents believe that their peace and quiet have been damaged by the sound of pickleball from the new courts at the Beach Field Tennis Court complex.

PSM's site information is based on data acquired via Google Earth Pro, a review of documents and photos supplied to PSM LLC. PSM LLC also reviewed the Piedmont, CA Noise Ordinances and the Pickleball Noise Survey done by Salter. Using that information and our extensive experience in pickleball sound, we have made predictions of sound levels at a home on each street using Noise Tools software. In addition, we have predicted sound levels at other nearby homes including a study of the potential to reduce these sound levels if a sound barrier near the courts was installed.

Google Earth Photo	
	This is a photo of the Beach Field Tennis Courts, adjacent to Linda Avenue and homes along Sunnyside Drive. These homes are more than 60 feet above the elevation of the tennis courts. There are additional homes east of the tennis courts on Howard Avenue.

There are numerous homes within 300 feet of the pickleball courts. Pickleball sound levels will typically reach 70 dBA at 100 feet from players and vary according to the inverse square law of physics. At 200 feet the level will be approximately 64 dBA and at 400 feet, the level will be about 58dBA if no barrier blocks the path sound will travel. These levels are well above the expected background noise level and are comparable to the levels of ordinary conversation.

These levels can be compared to the noise limits recommended in the American National Standards Institute acoustics standard, ASA/ANSI S12.9-2007 / Part 5, which provides these recommended sound level limits:

Residential--Urban/suburban, Single Family, Extensive Outdoor Use *55 dBA*
Residential--Multiple Family, Moderate Outdoor Use *60 dBA*

Analysis
The Salter report provides this summary statement:

However, we did observe that pickleball noise is audible in the residential zoning adjacent to the courts – such as at homes along Sunnyside Avenue and Howard Avenue. As a "good neighbor" effort, noise reduction strategies could be implemented to reduce pickleball noise transfer. We are available to provide additional input as needed.

PSM LLC agrees with Salter that pickleball sound will be audible along Sunnyside and Howards avenues and that steps should be taken to solve this problem

In addition, PSM LLC believes that the metric used by Salter, Ldn, represents a day-night average sound lower level that does not well represent the actual sound of the individual impulse sound of pickleball hits. Pickleball sounds last about 10 milliseconds and averaging this impulse sounds over an 8 hour, 12 hour or 24 hour period understate the degree of impact the sound will have. PSM LLC uses the metric LAFmax, which average sound over a period of 125 milliseconds, a parameter easily measured by sound level meters that are being used to measure the actual sound power level, not a long term equivalent calculated average.

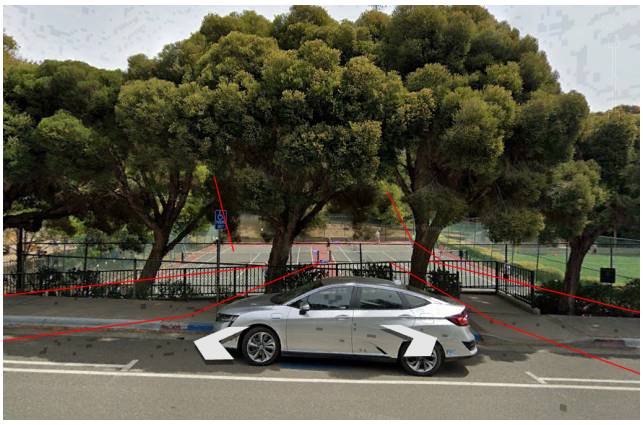
It is the opinion of PSM LLC that there is no solution available other than enclosing the pickleball courts in a building or multilayer vinyl bubble that will limit pickleball sound levels to normal background noise levels, to the Piedmont Noise Ordinance, which prohibits sounds that are loud, unnecessary, or unusual, or to the American National Standards Institute recommended limit of 55 dBA.

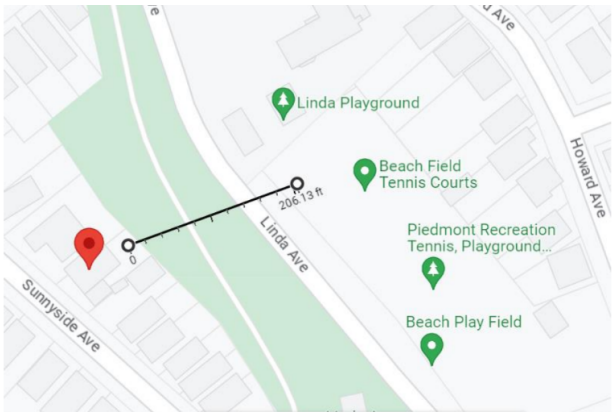
Site Description

This view of the Beach Field Tennis Courts shows that there are numerous homes within 300 feet of these courts to the east and west of the courts.



The following photos show the court as seen from the road and the Google Maps view indicates the location of the court relative to Sunnyside Ave. and Howard Avenue.





The courts are at an elevation of 90 feet above sea level (ASL). Linda Ave. is at 95 ASL, Sunnyside Ave is at about 150 ASL and Howard Ave. is at about 134 ft ASL. The trees and other vegetation are not effective in blocking sound waves.

Pickleball Sound

Pickleball is a game played with paddles, a ball, and a net on a court that is approximately one half the size of a tennis court. The paddles are made of wood, plastic, or composite materials, and the ball is made of plastic. The sound generated by pickleball is louder than the sound generated by tennis, and it has a higher, more annoying pitch. Homeowners in proximity to pickleball courts hear a louder sound than from tennis play. At some elevated sound level, pickleball sounds are considered as noise and become bothersome and intrusive.

Properties of Pickleball Sound

Sound is generated when an object vibrates and excites the air molecules with which it is in contact. These vibrating air molecules create sound waves that radiate outward from the source of the sound at a speed of 1087 feet per second. As sound moves away from the source, it decreases in amplitude at a rate of 6 dB for each doubling of distance. The sound level or loudness is measured in decibels (dB). The louder the sound, the higher the dB level that is measured, and the more likely the sound will be an annoyance. The tonal quality is the combination of low frequency and high frequency components of the sound. Frequency is measured in cycles per second or Hertz (Hz). Most sounds include a combination of low frequency booming tones and high frequency shrill or sharp tones. Sound also varies with time. A steady state noise is continuous with little or no change in level or frequency content. Impulse noises have short durations and may or may not be repetitive and recurring.

Human Hearing and Annoyance

The human ear is sensitive to a sound's level, its frequency content, and its duration. The higher the sound

level, the greater the annoyance becomes. Each 10 dB increase in sound level is perceived as a doubling in the sound level, which is a 100% increase. Each 6 dB increase is perceived as a 50% increase and each 3 dB increase is perceived as a 23% increase. The human ear is more sensitive to high frequency sounds than to low frequency sounds. It is also sensitive to the duration of noise.

Typical Sound Levels

Human hearing normally has a very large range of hearing capability, usually expressed in decibels above a selected sound pressure level of 20 micropascals and designated at zero dB. Human hearing has a lower sensitivity to low pitch sounds. Readings of meters and sound software are usually adjusted to account for this by using the A scale. As seen on the chart below, a quiet library is usually about 40 dBA.

This chart illustrates that sounds in the range of 60 to 70 dBA are comparable to the loudness of normal conversation and to the sound levels usually present in a busy restaurant. Pickleball sound at 100 ft. often reaches 70 dBA with no sound barrier and 60 dBA with a 10 ft. high sound barrier at single story homes at 100 feet . The height of a barrier can be adjusted to achieve sound level reduction with a basic goal of having pickleball sound not frequently exceed normal background sound levels but there are limits to practical sound barrier heights.



Measurement of Pickleball Sound Levels

Sound is simply a variation in air pressure over a period of time. A calibrated microphone connected to a device that measures the electrical output and records the peak sound pressure or averages the sound power over a defined period of time constitutes a sound measurement system. The measurements are generally done over

time periods defined according to measurement standards and in the US those standards are set by the American National Standards Institute or ANSI.

While ANSI defines several acoustics terms, pickleball has a usual time duration of about 10 to 20 milliseconds (ms). PSM LLC selects the Fast mode for measuring these short duration sounds, which has a 125 ms averaging period. This metric is known as **LAFmax**. Since background noise naturally varies over time, we select the term **Leq** for Equivalent Level for determining average sound level.

LAFmax is "the sound" that neighbors will hear, as opposed to an averaging of that sound along with all other sounds over an arbitrary longer time period.

Applying the Piedmont Noise Ordinance

The Piedmont Noise Ordinance states the permitted noise limit:

SEC. 12.8 NOISE DECLARED NUISANCE
Notwithstanding any other provision of this Code, and in addition thereto, it is unlawful for any person to willfully make or continue or cause to be made or continued or to allow any animal to make or continue to make any loud, unnecessary, or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area. Such noise is declared to be a nuisance.

The reality is that pickleball is usually played as "doubles", meaning that each court is likely to have four players. The predicted sound levels of the sound of play, or on-site sound level tests, may overlook the sounds of players shouting and feet stomping. All of these sounds are likely to violate Section 12.8 of the ordinances since it is likely to disturb the peace or quiet of this neighborhood. Levels well above the background noise level are also likely to cause discomfort or annoyance to any reasonable person of normal sensitivity.

American National Standards Institute (ANSI) Recommended Noise Limits

ASA/ANSI S12.9-2007 / Part 5, which provides these recommended sound level limits:

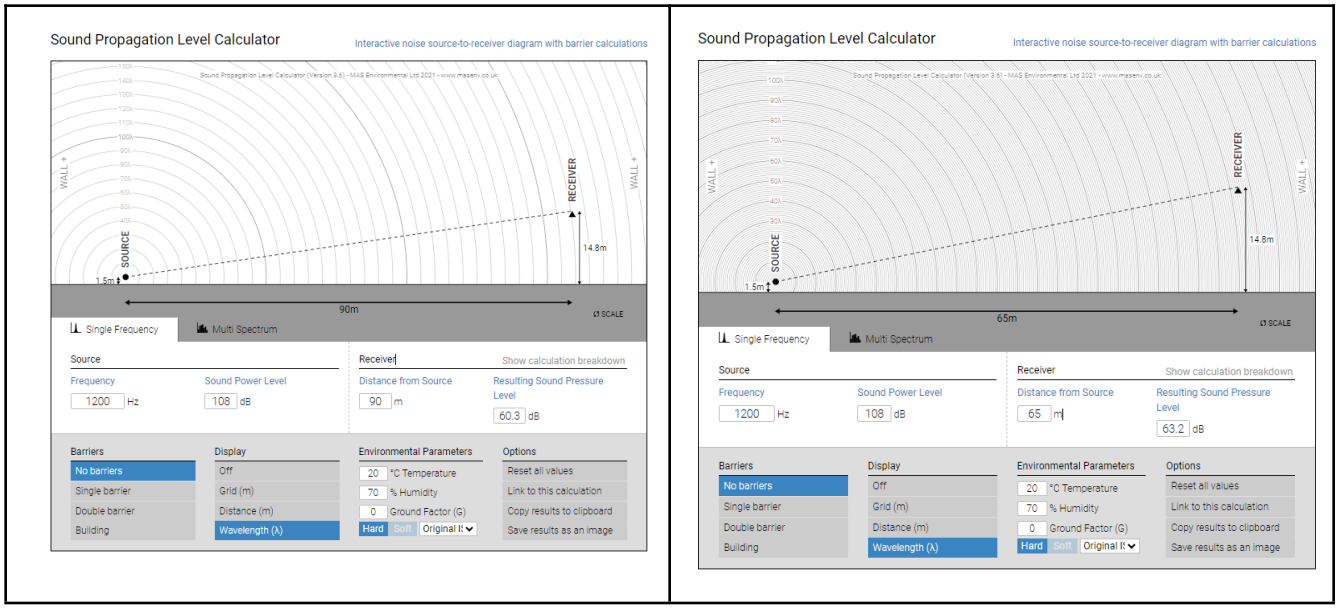
Residential--Urban/suburban, Single Family, Extensive Outdoor Use	***55 dBA***
Residential--Multiple Family, Moderate Outdoor Use	***60 dBA***

Each 10 decibel increase in sound level is perceived as increasing the sound level by twice. The pickleball sound levels at homes in every direction of these courts will be more than twice as loud as expected ordinary background noise levels in the neighborhoods to the east and west.

Predicting Pickleball Sound Levels

We do sound level predictions using Noise Tools software with the elevations and distances identified in meters. This cross sectional plot places the sound source (the hitter) at a mid-play area location. It establishes the sound source power, at 108 dB, which we have determined to represent the max sound power of typical paddles.

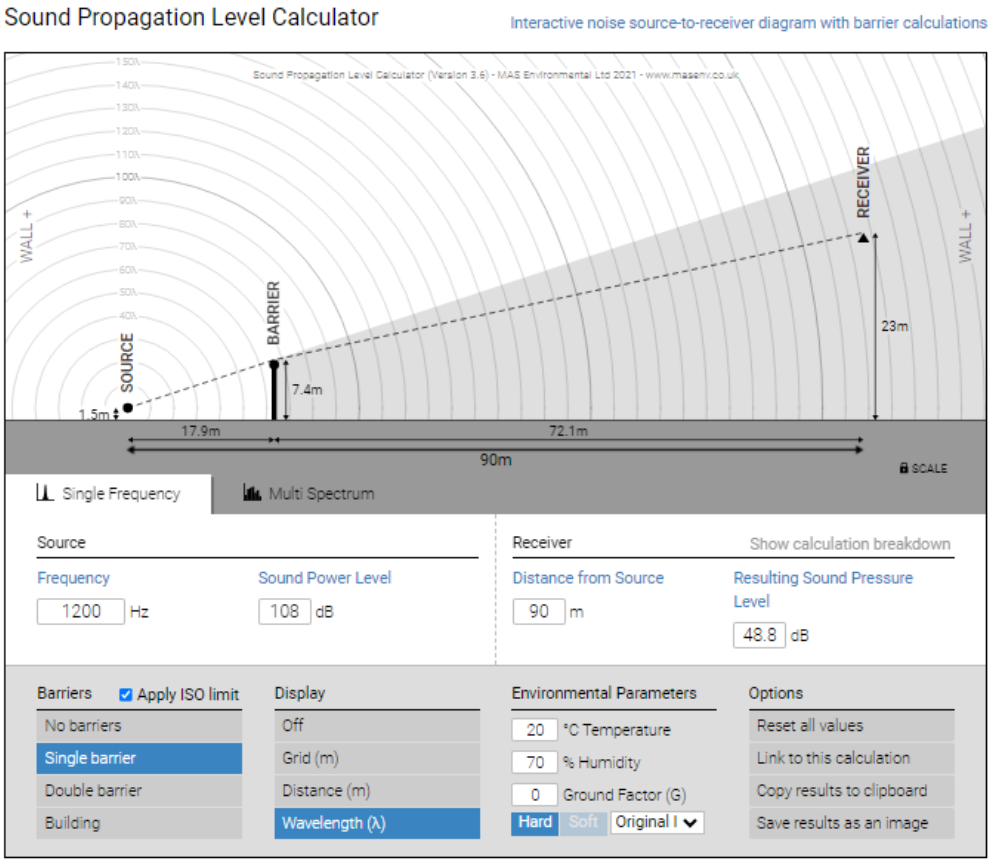
This simulation represents the noise levels at a home located at 124 Sunnyside Avenue and a home located at 317 Howard Ave. We can see that at a distance of 90 meters, the pickleball sound will be approximately **60.3dBA at 124 Sunnyside** and which is in violation of the local noise ordinance and does not follow the ANSI recommended limit of 55dBA. At **317 Howard**, about 65 meters away, the sound level will be about **63 dBA**, considerably about the ANSI recommended standard and about as loud as ordinary conversation.



Note that a barrier at the courts is completely ineffective at reducing sound levels at any home along Sunnyside Avenue because of the differences in elevation.

Installing a Sound Barrier

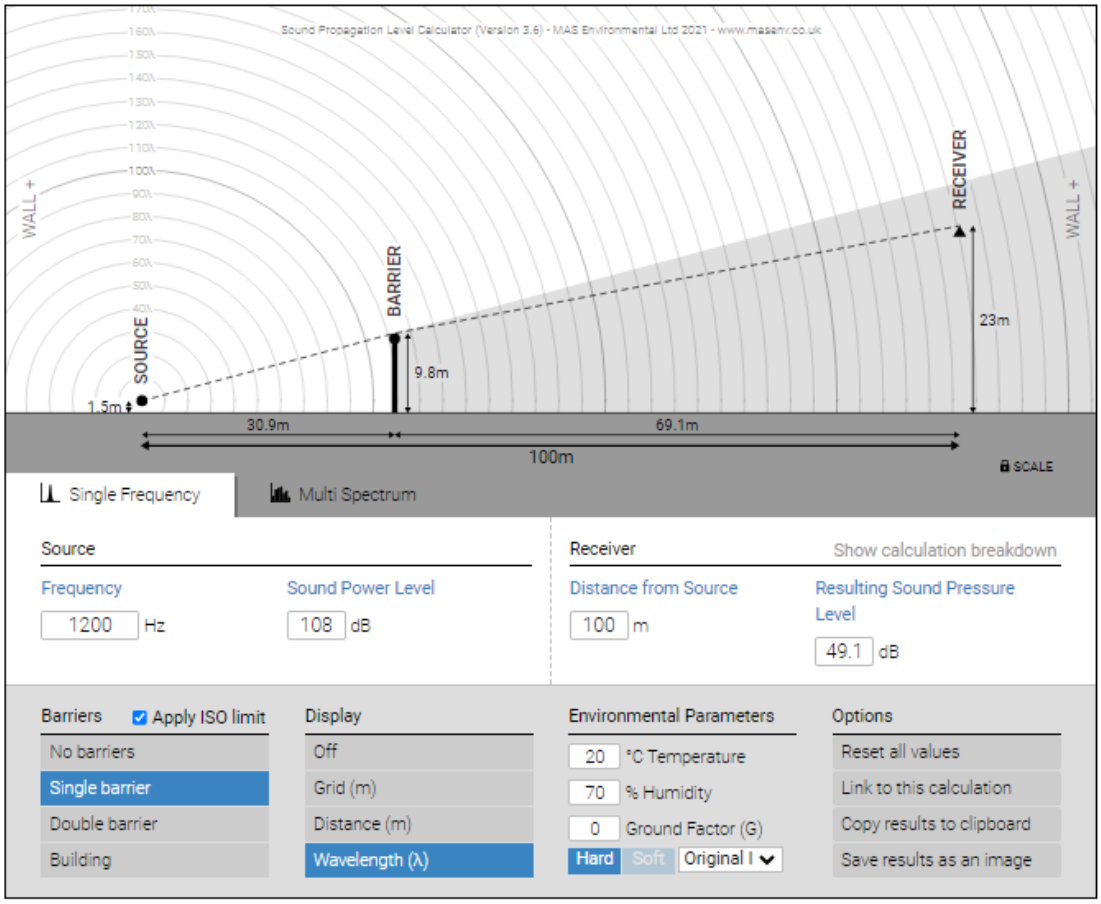
The next plot raises the sound barrier height to the level necessary to reduce the sound level at 124 Sunnyside Avenue to under 50dBA, assuming players are at the center of the existing tennis court. The simulation determined that the necessary height for a barrier would be 7.4 meters or <u>24 feet.</u>



Players at the far end of the tennis court would still be visible from Sunnyside Avenue with a 24 ft. high barrier so it would be necessary to raise the barrier higher to block the sound path from those players, as shown in the next plot.

Sound Propagation Level Calculator

Interactive noise source-to-receiver diagram with barrier calculations



It would be necessary to raise the barrier height between the courts and Linda Avenue to 9.8 meters high or 32 feet to reduce the sound level to below 50dBA. The only effective means of blocking these sound paths is to cover the courts with a pavilion or "tennis bubble".

Similar plots towards the east (Howard Ave.) reach the same conclusion: it is not practical to raise a barrier height sufficiently to drop pickleball sound levels to under 50 dBA.

Conclusions

Pickleball at Beach Field Tennis Courts will result in sound levels at homes to the east and west above any recognized acceptable standard, even if sound barriers are attached to the existing fence. It would require sound barriers in the range of 30 feet high to sufficiently reduce the sound levels in the neighborhood to the west and this is an impractical height because of cost and appearance. The entire court area would need to be enclosed in a well engineered building or “tennis bubble” to substantially reduce the sound level of pickleball at many closeby homes.

Recommendations

The only practical way to use this location for pickleball play, including the open areas now surrounding the existing pickleball court, would be to enclose it in a well engineered building or suitable bubble.

CV of the Author

Robert M. Unetich | Professional Engineer

1811 Woodlands Circle
Pittsburgh, PA 15241
Cell: 412-780-4575
Email: rmu@pickleballsound.com
and itsrmu@aol.com

Professional Profile

An electrical engineer by training, active now as a consulting engineer specializing in pickleball sound mitigation.

Experienced in electronic product development and sound barrier design with over 50 years of engineering experience. Licensed as a professional Engineer in Pennsylvania since 1976.

Engineering and Management Career Summary

2022 – Present	Founder and owner of PSM LLC, also known as Pickleball Sound Mitigation, a firm specializing in reducing the impact of pickleball sound
2007 – Present	Owner of GigaHertz LLC, an electrical engineering and acoustics consulting firm located near Pittsburgh, PA. GigaHertz LLC has been active in pickleball acoustics consulting for about 6 years
2004 – 2007	Owner of Axcera LLC, a manufacturer of analog and digital radio frequency transmitters for television and wireless digital microwave services
1998 – 2004	Adjunct Professor of Engineering at Carnegie Mellon University Work included teaching courses in business for engineers and entry level electrical engineering
1982 – 1997	President of ITS Corporation, a manufacturer of television transmitters. ITS Corporation was acquired by ADC Telecommunications in 1996.
1978 – 1982	Engineering Manager of Broadcast Transmitters, RCA Corporation, Meadowlands, PA
1976 – 1978	Engineering Manager of Television Transmitters, Harris Corporation, Quincy, IL
1970 – 1976	VP of Engineering of EMCEE Broadcast Corporation, White Haven, PA
1968 – 1970	Design Engineer for Honeywell Information Systems, Clearwater, FL. Involved in the design of the early GPS known as the Navy Navigation Satellite System

Education

1964 – 1968 BSEE from Carnegie Mellon University, Pittsburgh, PA

Patents

Several granted patents including a novel power supply design, a waveguide microwave filter and inventions in the field of diathermy, plus one pending patent application.

Publications

Extensively published in the field of television technology and radio wave propagation. Currently the author of Pickleball Magazine's Rules Guru Column, the administrator of the facebook group Pickleball Sound Mitigation and the administrator of two pickleball referee facebook groups.

Disclaimer

The sound levels in this report are as measured or they are estimates of what levels should be expected. Actual levels will vary over time, and they are player and equipment dependent. Sound level is probabilistic, meaning that it has averages and other statistical characteristics including standard deviations and sound level probability distribution curves, but pickleball sound level has no exact single level.

This report makes no guarantee of performance of the sound mitigation methods described. In addition, it is not possible to determine what any person believes is an acceptable sound level. The measurements and estimates of background sound levels are also probabilistic in nature and these levels will vary from one neighborhood to another and from one measurement method to another over time.

Our recommendations for sound barrier types assume that the site will have proper structural support, designed by others. This should include an analysis of the wind-loading limitations of fences.

From: Ben D. Piper <bpiper@salter-inc.com>
Sent: Saturday, May 06, 2023 11:09 AM PDT
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services
Attachment(s): "Salter Firm Profile.docx"

[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Hi Chelle,

Also, to address the pickleball group's question – Since pickleball is relatively new, we have limited experience. We completed a study for CordaValle Resort in San Martin, CA. We are also currently coordinating on studies for residential tower projects with pickleball amenities in Hawaii and Miami. However, Salter is the largest acoustical firm on the west coast and we have worked on tens of thousands of projects in the Bay Area since our inception in 1975. Over that time we have done studies for many recreational facilities including tennis court noise for the following:

- Lagunitas Tennis Club, San Francisco, CA
- Golden Gate Park Tennis Club, San Francisco, CA
- Private residence tennis court, Hillsborough, CA
- Private residence tennis court, Alamo, CA
- Private residence tennis court, Los Altos Hills, CA
- Berkeley Tennis Club, Berkeley, CA
- Belvedere Tennis Club, Belvedere, CA
- Carondelet tennis courts and athletic fields, Walnut Creek, CA

I have attached a copy of our firm profile as well, in case that is useful to share.

Regards,
Ben Piper
Senior Associate
Pronouns: he/him/his

Salter
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bpiper@salter-inc.com|www.salter-inc.com

From: Ben D. Piper
Sent: Saturday, May 6, 2023 10:50 AM
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

Hi Chelle,

We will follow up with an updated proposal on Monday.

Confirming that we will provide high-level recommendations for reducing pickleball noise to nearby residences as needed. This could include input on providing a solid barrier fence (height, materials, locations) around portions of the court in lieu of/addition to the chain link. Detailed information, such as structural design of such a fence would need to be coordinated with others (like a contractor).

Regards,
Ben Piper
Senior Associate
Pronouns: he/him/his

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bpiper@salter-inc.com|www.salter-inc.com

From: Chelle Putzer <cputzer@piedmont.ca.gov>
Sent: Thursday, May 4, 2023 9:17 AM
To: Ben D. Piper <bpiper@salter-inc.com>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

Hi Ben,

I think we should add a 2nd monitor if it will be helpful. Also, we are upping the professional liability insurance amount to $1,000,000. Can you update the proposal fee to include that charge and the additional monitor. The proposal language about professional liability insurance should match the language in the contract that Jessica sent over.

In the proposal, will you be making recommendations for how to mitigate noise impacts? Also, the pickleball group would like to know if Salter has mitigated pickleball sound issues on other projects? If so, can you provide names from some of those projects.

If you could resend an updated proposal, I will send that and Jessica's requested edits to our City Attorney so we can get this moving!

Thanks!
Chelle

From: Ben D. Piper <bpiper@salter-inc.com>
Sent: Wednesday, May 3, 2023 2:52 PM
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

[EXTERNAL] This email originated from an**external source**. Please use judgment andcaution when opening attachments, clicking links, or responding.

Hi Chelle,

Hope you are doing well! Circling back on this one. Wanted to see if you had any thoughts about the attached amended contract language. In the meantime, based on the radius map you provided, I think it could be helpful (but not required) to add another location. Probably near the intersection of Oakland Avenue and Howard Avenue would be good, to capture noise coming out the other end of the court. This 2nd location could be added for an additional $500. Please let me know if I should provide an updated proposal.

Regards,
Ben Piper
Senior Associate
Pronouns: he/him/his

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From: Chelle Putzer <cputzer@piedmont.ca.gov>
Sent: Tuesday, April 25, 2023 8:29 PM
To: Ben D. Piper <bpiper@salter-inc.com>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

Ben,

If there is any way to start the measurements sooner than later that would be great! I can make any schedule work if it will help with your schedule

I am attaching a map with color coded marks on it. The blue dot is the home that is complaining everyday (although no complaints for the 3 years prior to the trial starting) and they are trying to rally neighbors.

They submitted a sheet of signatures from neighbors apparently indicating they can hear pickleball noise. Those addresses are marked in Yellow. I also noted a few addresses that were off the map but signed the petition.

We mailed a noise survey in 2018 when we first started Pickleball at these courts. Those are marked in Green (no noise), Orange (noise but acceptable) and Red (noise is bothersome).

If we were to add a meter(s), what would you think would make the most sense? Or tell us something other than what you will collect with the meter at 124 Sunnyside and attended measurement?

Thank you again, I really appreciate your help!

Chelle

From: Ben D. Piper <bpiper@salter-inc.com>
Sent: Tuesday, April 25, 2023 11:18 AM
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

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Hi Chelle,

I have forwarded on the agreement to our contracts admin for review. We can accommodate the increased Professional Liability Insurance for the additional fee and will let you know if we have any additional comments.

The attended measurements and long-term measurement will be time-synched. This will allow us to measure court noise simultaneously at different distances to get a reasonable calculation for how far the sound will travel. However, if it will better address neighborhood concerns, we can put up additional long-term meters. If this is something you would like to explore, please provide me a markup of which houses have complained and I can look at where more measurements would be best.

Thank you for the schedule of court use. I think your plan of a Wed-to-Wed in May is great. I am sure we can accommodate that prior to June.

Regards,
Ben Piper
Senior Associate
Pronouns: he/him/his

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From: Chelle Putzer <cputzer@piedmont.ca.gov>
Sent: Monday, April 24, 2023 10:42 AM
To: Ben D. Piper <bpiper@salter-inc.com>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

Ben,

I am attaching the City's standard contract to this email for your review. You'll see the City is requiring $1,000,000 in Professional Liability insurance. I believe there is an additional fee for upping that amount.

I have received a few other noise complaints from neighbors. Can you tell me, are the attended measurements the most important? Are those measurements the ones that will provide the data to show how loud and far the sound will travel? Thus not necessary to measure near houses that have complained?

The courts are open every day from 9:00 am to 9:00 pm for open play. Beginning May 1-May 26, a PE class will start using the courts (for Pickleball) on Mon, Tue, Thur, Fri (8:30-9:20, 1:20-2:00, 2:20-3:10) and open play all other times. Wednesdays is the busiest for Adult play. So we could run the monitor from a Wednesday (with play-attended measurements) through the next Wednesday (close the courts-no play). We will need to do the measurements before school gets out at beginning of June. Sooner the better to get full activity out at the courts/school/field.

Chelle

From: Ben D. Piper <bpiper@salter-inc.com>
Sent: Tuesday, April 18, 2023 10:17 AM
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Hi Chelle,

Thank you for the update. The current scope includes one long-term noise monitor. This would be placed between the courts and the house with the noise complaint (see image attached). The short-term attended measurements would be taken at various locations along the perimeter of the court, playground, and field.

Regarding the general plan, yes, we would compare against exterior noise levels shown in Table 6.4, perhaps the language of Policy 22.5 (though pickleball use probably doesn't fall into the category of an "event"), and Actions 22.B and 22.C. So you would end up with that data.

I have also reviewed the Piedmont Municipal Code (https://piedmont.ca.gov/cms/one.aspx?portalId=13659823&pageId=14120397). There are restrictions on noise from HVAC equipment (Chapter 8), and animals, construction, leaf blowers, and parties (Chapter 12). Not seeing much that would specifically apply to pickleball. So we will likely focus more on the General Plan language.

I will start coordinating consultant availability. We can be out there in the next week or two. Do you have a sense for when the court will be most active (for the in-person measurements)? We also discussed potentially closing the courts for a day. Is that still an option?

Thank you,
Ben Piper
Senior Associate
Pronouns: he/him/his

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d: 415.470.5472 | t: 415.397.0442
bpiper@salter-inc.com|www.salter-inc.com

From: Chelle Putzer <cputzer@piedmont.ca.gov>
Sent: Monday, April 17, 2023 1:46 PM
To: Ben D. Piper <bpiper@salter-inc.com>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

Hi Ben,
Thanks for walking me through this the other day. I had a follow up question about the monitors, would there be multiple monitors set up? How many are included in the estimate? I also looked up the General Plan document, is this what you were referring to in terms of comparing results of the study to criteria for determining a nuisance? We should end up with this data, correct?

We would like to move forward, I'll send over our standard consultant agreement. When do you think the measurements could start?

Thanks,
Chelle

From: Ben D. Piper <bpiper@salter-inc.com>
Sent: Tuesday, April 4, 2023 6:23 PM
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

[EXTERNAL] This email originated from an**external source**. Please use judgment andcaution when opening attachments, clicking links, or responding.

Yep! I'll put a reminder on my calendar and keep an eye out for the call. Talk soon!

Regards,
Ben Piper
Senior Associate
Pronouns: he/him/his

Salter
Acoustics| Audiovisual | Telecommunications | Security
130 Sutter Street, Floor 5 | San Francisco, CA 94104
d: 415.470.5472 | t: 415.397.0442
bpiper@salter-inc.com|www.salter-inc.com

From: Chelle Putzer <cputzer@piedmont.ca.gov>
Sent: Tuesday, April 4, 2023 6:19 PM
To: Ben D. Piper <bpiper@salter-inc.com>
Cc: MaryJane Catig <mcatig@salter-inc.com>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

Hi Ben,
Thanks for being available to talk this through! Would 4/6 at 3:30 work? If so, I can give you as ring.

Chelle

From: Ben D. Piper <bpiper@salter-inc.com>
Sent: Tuesday, April 4, 2023 3:58 PM
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Cc: MaryJane Catig <mcatig@salter-inc.com>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

[EXTERNAL] This email originated from an**external source**. Please use judgment andcaution when opening attachments, clicking links, or responding.

Hi Chelle,

Happy to chat! The rest of today is booked, but I can do the following times in the next couple of days:
Wed (4/5): 9 to 2
Thurs (4/6): 2 to 5

I am best reached by cell at 707-322-7659. Otherwise, please let me know if you would prefer to do a conference call with screen sharing.

Regards,
Ben Piper
Senior Associate
Pronouns: he/him/his

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From: Chelle Putzer <cputzer@piedmont.ca.gov>
Sent: Tuesday, April 4, 2023 3:08 PM
To: MaryJane Catig <mcatig@salter-inc.com>
Cc: Ben D. Piper <bpiper@salter-inc.com>
Subject: RE: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

Thank you, MaryJane!
Would it be possible to schedule a few minutes to walk through the proposal?

Thank you,
Chelle

From: MaryJane Catig <mcatig@salter-inc.com>
Sent: Friday, March 31, 2023 9:20 AM
To: Chelle Putzer <cputzer@piedmont.ca.gov>
Cc: Ben D. Piper <bpiper@salter-inc.com>
Subject: Linda Beach Park Pickleball Noise Measurements, Piedmont, CA – Proposal for Acoustical Consulting Services

You don't often get email from mcatig@salter-inc.com. Learn why this is important

[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Dear Chelle:

On behalf of Ben Piper, please see the attached proposal. If you have questions or require any additional information, please feel free reach out.

Thank you,

MaryJane Catig
Marketing Assistant

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Check out our holiday video here. Happy Holidays!

Charles M. Salter
ASSOCIATES INC.

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24 January 2019

Chester Nakahara
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611
Email: cnakahara@piedmont.ca.gov

Charles M. Salter, PE
David R. Schwind, FASA
Eric (Broadhurst) Mori, PE
Philip N. Sanders, LEED AP
Thomas A. Schindler, PE
Durand R. Begault, PhD, FAES
Ken Graven, PE, RCDD, CTS-D
Anthony P. Nash, PE
Jason R. Duty, PE
Eric A. Yee
Joshua M. Roper, PE, LEED AP
Ethan C. Salter, PE, LEED AP
Alexander K. Salter, PE
Jeremy L. Decker, PE
Heather A. Salter
Craig L. Gilian, RCDD
Rob Hammond, PSP, NICET III
Andrew J. McKee
Valerie C. Smith, PE
Benjamin D. Piper
Ryan G. Raskop, AIA, RCDD
Michael L. Bolduc, CPP
Dylan B. Mills, CTS
Davis H. Keith, CTS-D
Felipe Tavera
Diego Hernandez
Brian C. Wourms
Greg R. Enenstein
Dennis R. Mill
Blake M. Wells, LEED GA
Ryan A. Schofield
Adrian L. Lu
Stephen L. Leiby
Katherine M. Moore
Jordan L. Roberts
Sybille M. Roth
Justin P. Reidling
Lauren von Blohn
Wilson Shao
Winter R. Saeedi
Jake M. Schpero
Hester Ng
Matthew D. Hsiung
Nathan N. Sistek

Subject: **Pickleball Noise Analysis, Piedmont, CA –**
Proposal for Acoustical Consulting Services

Dear Chester:

At your request, we have prepared this fee proposal for a pickleball noise study in Piedmont. Included is our scope of services and fee estimate.

SCOPE OF SERVICES

1. Conduct on site acoustical measurements at or near five homes where individuals have expressed concern about adverse effects of pickleball noise. The purpose of the measurements would be to develop the following information:
   - Noise due to pickleball play as well as other sources of environmental noise such as people talking, car passbys, aircraft flyovers, etc.
   - Determine the variation in noise of the pickleballs hitting rackets and the court.
2. At each location we will measure about 100 impacts. This impact noise will give us a statistically valid sample of data.
3. The noise of pickleball play at these five locations will be compared to the noise of tennis rackets hitting tennis balls. The purpose of this comparison is to compare pickleball noise with tennis playing noise since these courts are used for both purposes.
4. We should be able to get the necessary data in one day (two consultants). The data will be analyzed, and we will prepare a report that describes the effect of pickleball noise, in light of the ambient noise and the five measurement locations.
5. If noise impact is identified, we will propose mitigating measures that could be considered.

FEES

Based on our experience with similar projects and the hourly rates listed in the attached Terms and Conditions sheet, and our experience with other projects of this type, we estimate that our fee as follows:

Planning and Preparation	$3,000
Acoustical Measurements	$6,400
Data Analysis	$6,400
Draft Report Preparation	$6,400
Final Report Preparation	$3,200
Reimbursables (instrumentation-use fees charges)	$250

DRAFT

We look forward to working with you on this project. To authorize us to proceed, please sign in the space below and return one copy to our office. Please call if you have questions.

Sincerely,

CHARLES M. SALTER ASSOCIATES, INC.

Charles M. Salter

Charles M. Salter, PE
President

Enclosure

el/cms 2019-01-24 Pickleball Noise Analysis, Piedmont Ac Proposal Salter

cc: Sara Lillevand
City of Piedmont
Email: slillevand@piedmont.ca.gov

AGREED AND ACCEPTED

By: _____
City of Piedmont

Date: _____

Nancy Kent
City of Piedmont
Email: nkent@piedmont.ca.gov

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Charles M. Salter
ASSOCIATES INC.

TERMS AND CONDITIONS

Insurance

General Liability $2,000,000
Workers Compensation..... $1,000,000
Automobile Liability $1,000,000

Professional Liability ("Errors and Omissions"): Professional liability of Charles M. Salter Associates, Inc. (Salter), its officers, employees, and subconsultants is limited to $50,000 or our total fee, whichever is less. The above limitation of professional liability can be increased to $1,000,000 by increasing our total fee by 10% prior to start of our services.

Schedule of Hourly Rates

President and Senior Vice President $400
Vice President..... $325
Senior Associate..... $275
Associate..... $225
Senior Consultant..... $195
Consultant..... $170
Technical Assistant..... $115

Reimbursable expenses such as travel, subsistence, meals, lodging, and project-related materials are billed in addition at cost. Measurement instrumentation-use charges are at our standard rates.

Invoices for technical labor, reimbursable expenses, and instrumentation use are rendered monthly for services performed during the previous month. Payment for each invoice is due within 30 days.

Proposals are valid for 60 days. The total fee will be applied as we deem appropriate among the tasks. All proposals assume that services proceed without unreasonable delays, redesign, or scope changes. Such occurrences may warrant a renegotiation of fees. The schedule of hourly rates is valid for one year from the proposal date. A renegotiation of our hourly rates may be required after this period.

Salter specifications input and details have *all rights reserved* by Charles M. Salter Associates, Inc. These documents are for use only on the project for which Salter is retained. It is the project architect's and/or engineer-of-record's responsibility to coordinate and verify the suitability of all specifications input and details as appropriate for the project. To facilitate drawing reviews, we require drawing files to be electronically transmitted to us or posted online (with notification of posting) in PDF file format, in addition to any AutoCAD or Revit background/model files necessary for design purposes.

Site visits and observations, if any, conducted by our firm relate only to our services. We are not responsible for the safety of others at the job site.

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Pickleball Working Group: Report from the Neighborhood Representative

This report from the neighborhood representative to the Pickleball Working Group approved by the Piedmont City Council at its August 7, 2023 meeting is submitted by Kara Christenson, the representative for the Linda Beach neighbors who have been actively engaged in the City's proposal to permanently convert the Linda Beach tennis courts to a dedicated pickleball facility.

Introductory Statement:

It was a privilege to participate in the Working Group with the pickleball players' representative, the Director of the Piedmont Recreation Department and the City Administrator at the meetings on Tuesday, August 15 and Monday, August 21, 2023. I appreciated the opportunity to exchange perspectives and ideas. Even though the process did not arrive at a mutually agreeable solution, I believe it resulted in better understanding, and I want to express my gratitude to the City and the City Council for providing the time and space to allow this process to happen.

I am providing my report of the Working Group discussions below. This report reflects my perspective and, to the best of my ability, the perspectives of the Linda Beach neighbors who have been most actively involved in issues associated with the five-month trial of exclusive use of the Linda Beach courts for pickleball play from March 1, 2023 to July 31, 2023.

Neighborhood Representative's Report:

Scope of Discussions

From the outset, the Working Group discussions focused on the options for mitigation of noise impacts set forth in Salter's technical memorandum, dated August 1, 2023 and attached to the City's Staff Report to the City Council dated August 7, 2023. Unfortunately, from the perspective of the Linda Beach neighbors, this framing around the premise of the inevitability of the conversion of the Linda Beach courts to a dedicated pickleball facility placed them at a disadvantage. Underlying this premise are the findings of the Recreation Commission's Linda Beach Court's Restriping Subcommittee, dated July 14, 2023, which in turn were based in part on the Salter Noise Survey, dated July 6, 2023, that a dedicated pickleball facility at Linda Beach would not violate the City Code section 12.8, Noise Declared Nuisance, and, further, that noise mitigation is something to be offered only as a "good neighbor effort."

The Linda Beach neighbors have repeatedly commented on the flaws of the Salter Noise Survey (e.g., using a 24-hour average to measure a sound that lasts 2-10 milliseconds, and failure to address the impulse characteristics of pickleball noise). The assumption that a dedicated pickleball facility at the Linda Beach courts is consistent with the City's Noise ordinance de-legitimizes the neighbors' position that pickleball activity located essentially in their backyards is a nuisance that impacts their quality of life and their health. It should have been no surprise that the neighbors would be reluctant to immediately drop these concerns and accept the contrary viewpoints of pickleball advocates in disregard of their own experiences of five

months of pickleball play, up to twelve hours per day, seven days a week, audible in their backyards, and, in some cases, in their homes.

Nevertheless, despite these constraints, the Linda Beach neighbors participated in the Working Group in good faith. The neighbors met with their Working Group representative prior to both meetings and shared their input regarding options to mitigate noise from a dedicated pickleball facility at Linda Beach should that come to pass. The Linda Beach neighbors also gathered additional technical information regarding acoustical studies of pickleball noise and provided that information to the other Working Group participants to show that Salter's assessments of pickleball noise at Linda Beach is not the only approach to analyzing pickleball noise, and that Salter's approach is, in fact, rejected by experts with considerable experience in pickleball acoustics.[1] The neighbors also researched the types of sound barriers suggested by Salter's technical memorandum, such as mass loaded vinyl and sound curtains, as well as examples of cities that have invested in such mitigation measures only to find that they do not address neighbors' concerns. All of this time and energy was in service of a good faith effort by the Linda Beach neighbors to participate in the Working Group constructively and knowledgeably.

Mitigation for Linda Beach Courts as Dedicated Pickleball Facility

The City's intention was for the Working Group discussions to focus on the level of interest from the pickleball community and the Linda Beach neighbors in sound barriers as proposed by the Salter technical memorandum.[2] Again, this mitigation option was proposed solely as a mechanism to facilitate the City's ability to proceed with a dedicated pickleball facility at Linda Beach that would operate for at least nine hours per day, seven days a week. Given this fact, it is not unreasonable to think that the pickleball players' optimistic perspective on sound barriers might have been shaped by the prospect that sound barriers could help them achieve their desired goal of a dedicated facility at Linda Beach, regardless of the barriers' efficacy at mitigating noise.

The Linda Beach neighbors, however, have significant and legitimate concerns about the effectiveness of sound barriers, which the neighborhood representative shared with the other Working Group participants. A primary concern is that sound barriers seem to be effective only if they break the line of sight between the origin of the noise and the receptor of the noise. This limitation is in fact identified in the Salter technical memorandum: "Note that where the barrier does not break line-of-sight to at least portions of the court (i.e., due to elevated positions of nearby receivers), then this would not reduce pickleball noise." Moreover, it is clear that Salter does not know the scope of the line of sight issue at Linda Beach, since the technical memorandum states that additional work would need to be undertaken to answer that question:

[1] At the time that the City contracted with Salter, Salter admitted that its experience with assessing pickleball was "limited" and that it had conducted only one pickleball noise survey, at a private golf resort in a rural area between San Jose and Gilroy.

[2] The Working Group also briefly discussed low noise equipment. The Linda Beach neighbors do not believe this option would be adequate. The City has required use of low noise equipment for years and the pickleball representative asserted that all players use low noise equipment — yet, pickleball play at Linda Beach still causes significant noise impacts.

"Survey work could be conducted to provide additional clarification of sightlines between nearby residences and the courts."

The lack of information regarding line of sight is particularly relevant since the residences most impacted by pickleball at Linda Beach are at elevations substantially above the courts. Based on our research and understanding, barriers are unlikely to break the line of sight at the Linda Beach courts unless they are much higher than the current height of the fencing at the courts. Therefore, it is not clear that the residences adjacent to the Linda Beach courts that are most impacted by pickleball noise would experience any significant benefit from sound barriers. Given that the City has estimated that the cost of barriers will likely approach six figures (barriers will require reinforced fencing around the courts to safely support the barriers' weight, a cost that the City stated that it had not yet assessed), any reasonable person would have concerns about such an expenditure given this gap in understanding. The Working Group discussions, however, repeatedly returned to the barriers option with no answers to the question of whether they would break the line of sight for adjacent residences. The neighborhood representative was repeatedly asked about the Linda Beach neighbors' position with respect to barriers and, at the risk of appearing "unwilling to compromise," could only repeat the legitimate concerns about the lack of information necessary to intelligently assess this option.[3]

Mitigation for Linda Beach Courts as Dual-Use Facility

At the second meeting of the Working Group, the Linda Beach neighbors proposed an option that would allow continued pickleball play at Linda Beach according to the schedule approved by the City Council on January 6, 2020 in Resolution No. 02-20, and as modified by PRD in February 2022. This proposal represents a compromise for many Linda Beach neighbors given that they feel the Linda Beach courts are an inappropriate location for any pickleball activity given the proximity of the courts to their residences. Specifically, the proposed schedule would provide for 9 hours of play per week at Linda Beach, 10 a.m. to 1 p.m. on Monday, Tuesday, and Thursday. Although this schedule falls short of the 63 hours of play recommended by the Recreation Commission, it should be considered in the context of the availability of other courts in Piedmont, specifically:

- Linda Beach, four courts, 10 a.m. to 1 p.m. Monday, Tuesday and Thursday;
- Hampton, four courts, 12:00 p.m. to 3 p.m. on Wednesday and Friday; and
- Piedmont Middle School, six courts, 5 p.m. to 8 p.m. on Monday, Tuesday and Thursday, 6 p.m. to 8 p.m. on Wednesday and Friday, and 9 a.m. to 5 p.m. on Saturday and Sunday.

In other words, under the proposal set forth by the Linda Beach neighbors, the City of Piedmont would provide at least four courts for pickleball play (and often six courts), seven days a week, for eight hours on both weekend days, six hours on three weekdays, and five on two weekdays.

[3] One option that the Working Group did not discuss was a "bubble" that might be more effective at containing the noise; the cost of such an option would likely be several times that of barriers but might be effective.

In total, the City of Piedmont would provide 222 hours of pickleball play between the three facilities - a significant amount of time for an activity that engages perhaps three percent of the City's population.[4] Moreover, it should be noted that each court accommodates four players and that open pickleball play (the apparent preference of most Piedmont pickleball players) allows for players to rotate in and out of play, meaning that each hour of play actually accommodates many more than four players.

Day	Court	Hours	Courts	Days	Weekly Hours
M, T, Th	Linda	3	4	3	36
W, F	Hampton	3	2	2	12
M, T, Th	PMS	3	6	3	54
W, F	PMS	2	6	2	24
Sat, Sun	PMS	8	6	2	96
			Total Weekly Hours		222

Given the City's framing of the Working Group's discussions to mitigation specifically at the Linda Beach courts, it was difficult to explore how the proposal put forth by the Linda Beach neighbors could work in conjunction with availability of other courts in the City or even whether expanding hours at Hampton or PMS courts might better serve the needs of pickleball players. An issue that merits consideration is the fact that the PMS courts are located on property owned by the Piedmont Unified School District. The City, however, has a demonstrated record of successful partnership with PUSD to allow access to this space for the purpose of pickleball play. At the City Council's March 4, 2019 meeting, the Recreation Commission stated that the PMS courts were its "number one" recommendation for a permanent pickleball facility, ahead of the Linda Beach and Hampton courts. This confidence in the viability of the PMS courts for permanent pickleball play was presumably a factor in the City Council's adoption, in June 2019, of Resolution No. 30-19 approving the use of $50,000 from the City's general fund for improvements to the PMS courts specifically for the benefit of pickleball players. At the City Council's January 6, 2020 meeting, the Recreation Commission stated that the PMS courts would be a "fabulous" facility for pickleball in part because the courts are centrally located in the City and because they are not close to homes. In addition, PRD has repeatedly stated at Recreation Commission meetings that the PMS courts are available during the week after school hours (as they are currently) and all day during school breaks, including the summer.

It is true that the PMS courts are not "dedicated" pickleball courts; it is not clear, however, why dedicated courts are so essential to the enjoyment of a recreational activity — as the then-Recreation Commission chair noted at the City Council's March 4, 2019 meeting, it is common for sports facilities in Piedmont to be striped for more than one sport — Piedmont's

[4] According to the pickleball representative, the Piedmont pickleball players' email list includes approximately 450 names, and approximately 60% of whom, or fewer than 300, are Piedmont residents. Of a population of approximately 11,000 persons, 300 is roughly three percent.

sports fields are lined for football, soccer and lacrosse, and the school gyms are lined for basketball and volleyball.[5]

Conclusion:

The Linda Beach neighbors raised valid concerns regarding sound barriers, in particular, the question of whether this costly measure would alleviate noise impacts on residences located at elevations significantly above the courts. This issue was also identified by the City's own consultant, which noted that barriers that do not break the line of sight will not be effective and that the line of sight at the Linda Beach courts had not been surveyed or defined. As an alternative, the Linda Beach neighbors proposed a schedule of play of three hours per day, three days per week. Although this schedule is currently in place, the proposal represents a compromise by the Linda Beach neighbors, many of whom feel strongly that the Linda Beach courts are an inappropriate site for any pickleball play because of the proximity of the courts to their homes and the impacts the noise from pickleball play has on their quality of life, physical health and well-being. The Linda Beach neighbors also believe that this schedule, when viewed in the context of the availability of other courts in the City such as Hampton and PMS, is a reasonable compromise given the fact that the City's space constraints for recreational activities. The City simply cannot satisfy all demands at all times.

The Linda Beach neighbors remain hopeful that a mutually agreeable resolution can be accomplished and look forward to continued discussion of this issue at the City Council's September 5, 2023 meeting.

[5] It is possible that one reason that pickleball players desire dedicated courts to make them suitable for tournaments or some other reason.

PIEDMONTPRR_001425

Piedmont City Council

August 31, 2023

Dear City Council:

I am writing to express my opposition to the Recreation Commission's July 14, 2023 recommendations to the City Council to convert the Linda Beach tennis courts to a permanent dedicated pickleball facility. The five-month trial at Linda Beach from March 1 through July 31, 2023 demonstrated beyond any doubt that pickleball generates loud, incessant noise that adversely impacts the Linda Beach neighborhood. The support of the Piedmont Recreation Department and the Recreation Commission for a recreational activity enjoyed by many Piedmont residents might be understandable given their mission and focus on recreation, but it might have also contributed to problems in public outreach and decision making.

The City Council's decisions should be based on a broad range of interests and perspectives, including the health and well-being of the residents adjacent to the Linda Beach courts and the broader community of the Linda Beach neighborhood. The City Council should consider the existence of the six courts at Piedmont Middle School that are available for pickleball play during non-school hours, including evenings, weekends, and school breaks. The City has contributed $150,000 of public funds to provide "first class" courts for the benefit of pickleball players, work that was just completed this summer. Given the significant adverse impacts that a dedicated pickleball facility would have on the Linda Beach neighborhood, the City should defer any change to the current, Council-approved schedule for the Linda Beach courts and allow time to develop options that would better balance community interests. I am providing more specific concerns and comments below.

1. Inadequate Notice Regarding September 21, 2022 Agenda Item Regarding the Five-Month Pickleball Trial at Linda Beach:

The inception of the five-month trial occurred at the Recreation Commission's September 21, 2022 meeting, as an agenda item titled: "Consideration of the Establishment of a Subcommittee to Explore the Expansion of Pickleball Play at Beach Tennis Courts." This title failed to provide adequate public notice regarding the purpose of the discussion, which was not just to explore "expansion" of pickleball play but to discuss dedicated, exclusive pickleball courts at Linda Beach. As the PRD Director explained to the commissioners during the September 21, 2022 meeting, the concept for the subcommittee was to set guidelines for a trial to try out exclusive pickleball at Linda Beach and decide whether to go in the direction of dedicated pickleball or not.
In addition, the term "expansion" was inadequate to properly notify the public about the actual topic of a trial for dedicated pickleball because previous agendas for Recreation Commission meetings had used the term "expansion" to consider relatively minor changes to the Linda Beach pickleball schedule on November 20, 2019 (adding 30 minutes) and on February 16, 2022 (adding Mondays for three hours). Adequate public notice for the September 21, 2022

meeting would have used a term such as “dedicated” or “exclusive,” as the agendas for the January and February 2023 Recreation Commission meetings did.[1] By that time, however, City staff had been working for at least four months to implement the decision made the previous September to conduct a trial of exclusive use of the Linda Beach courts as dedicated pickleball courts.

It is possible that the use of the term “expansion,” which understates the purpose of the agenda topic, was simply inadvertent. It had consequences though, since it appears that no one from the Linda Beach neighborhood attended the September 21, 2022 meeting. The pickleball community, however, was aware that the Recreation Commission would be discussing a trial for dedicated pickleball courts at Linda Beach because at least three pickleball advocates appeared in-person at the meeting to speak in support of the proposal.

The inadequate public notice for the five-month pickleball trial undermines the validity of the trial; as a result, it should not be used as a basis for public decision making.

2. Inadequate Authority for the Five-Month Pickleball Trial

The PRD Director’s authority to set “hours and regulations” for pickleball on City tennis courts appears to come from Resolution No. 02-20, adopted at the City Council’s January 6, 2020 meeting, which states:

> The Council authorizes the Recreation Director to designate hours and regulations for pickleball play on City tennis courts consistent with the recommendation of the Recreation Commission and its Subcommittee on Tennis Court Use and Pickleball.

Arguably, the change to the Linda Beach pickleball schedule as part of the five-month trial was not “consistent” with the recommendation of the Recreation Commission and the Tennis Court Use and Pickleball Subcommittee. The five-month trial increased the Linda Beach pickleball schedule from three hours per day, three days per week to nine hours per day (as of March 1) and as many as 12 hours per day (by June), seven days per week. In other words, the five-month trial changed the number of hours of pickleball play from nine hours per week to as many as 84 hours per week, or more than a 900 percent increase of the schedule approved by the City Council in January 2020.

Moreover, the five-month trial was arguably not “consistent” with the recommendation of the Recreation Commission and its Subcommittee on Tennis Court Use and Pickleball because the trial enables the location of a permanent dedicated pickleball facility at Linda Beach, contrary to previous decisions by the Recreation Commission and City Council. Specifically, at the City Council’s January 6, 2020 meeting, the then-chair of the Recreation Commission, Steve Roland, explained to the City Council that Piedmont pickleball advocates had requested that the

[1] January 18, 2023: Update on **Dedicated** Pickleball Trial Period at Beach Tennis Courts; February 15, 2023: Consideration of an **Exclusive** Pickleball Trial at the Beach Tennis Courts for a Five-Month Period from February 27, 2023, to July 31, 2023 and Parameters for the Trial (emphasis added).

Recreation Commission reopen the Linda Beach Master Plan to include pickleball. (PRD had removed pickleball from the plan in May 2018 and pickleball was not part of the final plan as approved by City Council on January 22, 2019.) Mr. Roland further explained that the Recreation Commission believed that an action by the Recreation Commission would have been beyond the scope of its jurisdiction.

Because Resolution 02-20 specifies that the PRD Director's authority to designate hours for pickleball play is limited to actions that are consistent with the Recreation Commission and the Subcommittee on Tennis Court Use and Pickleball, and the Commission and Subcommittee expressly did not reopen previous decisions regarding the exclusion of pickleball from the Linda Beach Master Plan, believing that to do so would exceed its jurisdiction, assumptions that the PRD Director had authority to implement a trial that could lead to a permanent dedicated pickleball facility at Linda Beach were mistaken.

The lack of clear authority for the PRD Director to implement a five-month trial of dedicated pickleball at Linda Beach undermines the validity of the trial; as a result it should not be used as a basis for public decision making.

3. The Recreation Commission Has Previously Acknowledged the Value of the PMS Courts Because Their Location Allows for Pickleball Play without Adverse Impacts on Neighbors

Since at least 2019, the PMS courts have been considered as the City's best option for a pickleball facility in part because their location means that noise from pickleball play does not impact adjacent neighbors. The City Council authorized expenditures of $50,000 (June 2019) and $100,000 (November 2022) to improve the PMS courts so that they can be available for pickleball play. Although the PMS courts are not available to pickleball players during school hours, they are available, pursuant to a Use Agreement between PUSD and the City, on weekday evenings, weekends and school breaks, including the summer.

At the Recreation Commission's May 16, 2018 meeting, the commissioners voted to restart a tennis subcommittee that would also consider options for pickleball. At the City Council's March 4, 2019 meeting, Steve Roland made a presentation regarding the work of the Subcommittee on Tennis Court Use and Pickleball, stating that the Recreation Commission's "number one" recommendation was to improve the sports courts at Piedmont Middle School for pickleball play and that its secondary recommendation was to commence an eight-month trial of pickleball play on tennis courts at Linda Beach for seven hours per week and at Hampton for 5 hours per week. Mr. Roland noted the "shrill" sound from pickleball and stated that **the hours of play at Linda Beach and Hampton was intended to minimize the "burdens" of the activity.**

According to various meeting minutes from that time, the eight-month trial started in April 2019 and the City Council approved a $50,000 expenditure for improvements to the PMS courts on June 3, 2019. The Staff Report dated June 3, 2019 for the City Council's meeting on that date notes, "Upon completion of the project, PRD will immediately be able to provide extensive

pickleball opportunities on this dedicated space **without adverse impacts on tennis or neighbors**." (Emphasis added). The fact that the PMS courts allowed for pickleball play without adversely impacting neighbors was also mentioned at the City Council's January 6, 2020 meeting to decide whether to establish permanent schedules for at the Linda Beach and Hampton courts; Mr. Roland noted that the PMS courts were a "fabulous" facility, **in part because they were not close to homes**.

More recently, at the City Council's November 21, 2022 meeting, the Council adopted a resolution to allow an expenditure of approximately $100,000 in state grant funding and the City's general fund to pay for a "plexipave" acrylic surfacing material such as that used for tennis courts, and other related improvements to the PMS courts. This investment represents a confidence in the suitability of the PMS courts as a permanent home for pickleball. The resurfacing was completed this summer, and the PMS courts now have the "first class" quality envisioned by the Recreation Commission's Subcommittee on Tennis Court Use and Pickleball in 2019.[2]

In light of the history of the PMS courts and pickleball, the acknowledgment that the location of the PMS courts avoids impacts on neighbors adjacent to tennis courts, and the significant expenditures of public funds to support the use of the PMS courts for pickleball, any change of course to convert the Linda Beach courts to a permanent dedicated pickleball facility would be contrary to years of decisions that appropriately balanced community interests.

Nevertheless, the perspective of many in the pickleball community appears to be that the six PMS courts are insufficient to meet the demand for court time, even when supplemented by weekday court time at Linda Beach and Hampton. The City of Piedmont, however, is currently providing 234 hours of play per week at three court facilities: Linda Beach, Hampton, and PMS. Assuming an open play scenario with eight players rotating on and off in any one hour period, the current schedule allows for 1,248 players to play for 90 minutes each week and 1,872 players to play for 60 minutes each week. Based on representations from the pickleball

[2] The Staff Report dated November 21, 2022 that accompanied the City Council's meeting on that date includes a summary of the work and recommendations of the Subcommittee on Tennis Court Use and Pickleball :

> Beginning in 2018, the Recreation Commission's Subcommittee on Tennis Court Use and Pickleball reviewed the management of the City's tennis facilities and programming as well as the growing interest in pickleball in Piedmont. The subcommittee recognized the need for careful and specific planning to introduce a new recreational activity into a community with severe recreational space constraints. They performed diligent work over the course of seven months and arrived at a number of recommendations that were presented to and adopted by the Recreation Commission on January 16, 2019 and City Council on March 4, 2019. Their primary recommendation for pickleball was to explore a partnership with PUSD to renovate the Physical Education (PE) hardcourt surfaces at PMS to create a first class pickleball facility with a tennis quality surface lined and painted, for use by school and public. The courts would allow for multiple uses including badminton and basketball, in addition to pickleball that could be open to the community during non-school hours.

community, approximately 300 Piedmont residents play pickleball,[3] so each Piedmont pickleball player has access to Piedmont courts for approximately four 90-minute sessions per week, or six 1-hour sessions per week. (These calculations are conservative in that they do not include the extended schedules at the PMS courts during school breaks, including all summer.)

Pickleball advocates often refer to full courts and players waiting to play as a justification for converting the Linda Beach courts to a dedicated pickleball facility. The fact that pickleball players have to wait for court time on Piedmont courts relates to their preference for non-reservation, open play access. The frustrations of players who show up to play and don't have time to wait could be alleviated by the City's implementation of a reservation system, at least for certain days and times at certain courts. It should also be noted that the pickleball community states that social interaction is a significant benefit of the sport, and it would seem that waiting for court-time allows for socializing with other players even if they are not actively playing.

The Recreation Commission's July 14, 2023 recommendations to the City Council are radically different from previous decisions and statements of the Recreation Commission and City Council between 2019 and 2022. These recommendations would increase the number of hours of pickleball at Linda Beach from 9 hours per week to 63 hours per week, without any explanation for ignoring the adverse noise impacts from pickleball mentioned by previous City decision makers and repeatedly raised by Linda Beach neighbors. The City Council should decline to adopt the Recreation Commission's recommendations.

4. The Recreation Commission's Recommendations for Linda Beach Lack Adequate Technical Support

The Linda Beach neighbors have repeatedly commented to the Recreation Commission and to the City Council their concerns about the Kittelson Traffic Study and the Salter Noise Survey. The Linda Beach neighbors have also submitted to the CIty Council comments regarding Salter's self-acknowledged lack of experience and expertise in evaluating pickleball noise, including the fact that before the Linda Beach noise study, Salter had only conducted one pickleball noise study, and that study was for a private resort between San Jose and Gilroy.

In comparison to the Salter Noise Survey, members of the City Council might want to review a pickleball noise study conducted for the City of Centennial, Colorado by an acoustics consultant with extensive experience in evaluating pickleball noise.[4] This study explains a range of topics relevant to Salter's evaluation of the Linda Beach courts, including:

[3] The Staff Report for the combined Park and Recreation Commissions' October 19, 2022 meeting states that approximately 1200 players use Piedmont courts each month "some playing for the first time and others playing multiple times per week". The July 14, 2023 report from the Recreation Commission's subcommittee on the restriping of the Linda Beach courts states that there were 8,168 individual check-ins using the QR code during the trial — which at that point had lasted for approximately 20 weeks and would indicate approximately 400 users per week (likely many users playing multiple times per week).

[4] Pickleball Impact Noise Assesement and Abatement Planning, prepared for City of Centennial [Colorado], Spendiarian & Willis Acoustics Noise Control, LLC, July 11, 2023.

- The distinctions between noise recommendations in zoning and planning documents versus ordinances that regulate noise as a nuisance (pages 10-11);
- The unique characteristics of pickleball noise (including differences between pickleball and tennis noise) (pages 38-45);
- Appropriate techniques to measure pickleball noise (pages 58-61);[5] and
- Complications related to topography and mitigation, e.g., "homes sitting at an elevation higher than the proposed pickleball courts can also be difficult to shield with a noise barrier" (page 72).

In addition, the members of the City Council might want to review three technical papers by Robert Unetich, a pickleball player and pickleball acoustics expert, as a comparison to the Salter Noise Survey.[6] In his paper, "Pickleball Sound 103 – Mitigating Pickleball Sound – Is Pickleball Compatible with Residential Environments," Mr. Unetich noted:

- Tests show that a pickleball impact is 4 times louder than a tennis impact and has more high frequency content. This makes pickleball play on tennis courts a potential noise problem for nearby homes (page 10);
- In general, pickleball courts less than 100 feet from a home will require extreme sound mitigation measures to be compatible with a residential environment. Pickleball courts more than 100 feet from a home will require one or more sound mitigation measures to not be considered an annoyance. At 1000 feet or more from a home, pickleball courts will not require any sound mitigation. As the number of courts increases to meet the needs of avid pickleball players, acoustical engineers must consider these sound mitigation options for pickleball to be considered a good neighbor (page 11).

The flaws of the Salter Noise Survey are apparent and obvious when it is compared to noise assessments conducted by acoustics experts with experience in pickleball noise and render it inadequate as a basis for public decision making.

5. The Recommendations in the City's Staff Report for the City Council's September 5, 2023 Meeting Are Based on Flawed Analyses

The Staff Report for the City Council's September 5, 2023 meeting presents two schedules for play – one during Pacific Standard Time of 55 hours per week, and one during Pacific Daylight Time of 60 hours per week. This schedule represents a dramatic increase in pickleball play at

[5] This section includes the following statement regarding metrics that reflect averaging over time periods: "Due to the short duration of paddle impacts, averaging sound pressure level metrics such as equivalent-continuous level (LAeq), maximum fast exponential time weighted level (LAmax), and impulse time weighting (LAI) fail to accurately represent the perceived loudness and annoyance of the paddle impacts and impact processes in general. To get a better correlation with the actual response of the surrounding community to this type of sound metrics with a shorter time scale are needed."

[6] Pickleball Sound 101, Pickleball Sound 102, Pickleball Sound 103.

Linda Beach of **more than 600 percent above the current City Council approved schedule of 9 hours per week**.

The Staff Report uses a false comparison to tennis, despite the fact that acoustics experts such as Robert Unetich have concluded that **pickleball noise is four times the level of tennis noise**. Throughout the five-month trial, the Linda Beach neighborhood repeatedly complained about pickleball noise, but does not appear to have complained about tennis noise in recent memory. The Staff Report uses this false equivalence to tennis to represent in its CEQA analysis that the tennis schedule of 91 hours per week of play (8 a.m. to 9 p.m.) should be used as a benchmark for the Staff Report's proposed schedule of up to 60 hours per week and to assert that "Staff's proposed use of the facility for pickleball for 51 [*sic*] hours a week would thus not represent a change in the operation of the facility." This statement is wrong mathematically (the Staff Report is actually recommending a schedule of at least 55 hours a week and up to 60 hours a week) and ignores the distinctions between tennis and pickleball acoustics.

The Staff Report also fails to mention the $100,000 expenditure of public money to resurface the Piedmont Middle School courts this summer, which directly benefits pickleball players. The Staff Report also imposes a seven-day, year-round schedule for the Linda Beach courts without any acknowledgement of the availability of the PMS courts for full days on weekends and school breaks, including all summer.

The Staff Report uses flawed analyses regarding the impact of its recommendations on the Linda Beach Neighborhood and is inappropriate as a basis for public decision making.

<u>Conclusion</u>

Thank you for considering these comments. I appreciate your time and effort to understand the range of considerations necessary to vote on a proposal to convert the Linda Beach courts to a permanent, exclusive pickleball facility.

Sincerely,

Kara Christenson

From: Leslie Estrada
To: City Council
Subject: Pickleball
Date: Monday, August 19, 2024 1:11:13 PM

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[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Dear City Council,
This letter is in support of permanent pickle courts at Linda Beach. As a retired Beach school teacher I know the courts were under used prior to pickleball play. Since then the courts are filled with many players of all ages enjoying a fun sport.

The courts are in great need of resurfacing and other upgrades which will make the courts safe and fun for many players.

I hope the council will approve the recreation department's recommendation for the Linda Beach courts.

Thank you,
Leslie Estrada

From: Riffi OBrien
To: City Council
Cc: City Clerk
Subject: Linda Beach Pickleball Court Repari
Date: Friday, August 16, 2024 9:01:52 AM

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[EXTERNAL] This email originated from an external source. Please use judgment and caution when opening attachments, clicking links, or responding.

Hello to our diligent and thoughtful City Council.

I am writing to thank you for your time in working to provide so many of us with permanent courts at Linda Beach. Time on those courts has become such an important part of my week. Play has fostered a circle of friends, fun and some exercise for my old-ish bones. Of course, all of us players would be even happier if the courts were repaired. I know you will consider that request with the same thorough process you've used to date. I appreciate you!

Best regards,
Riffi OBrien

Sent from my iPad

From: elaine penzer
To: City Council
Cc: City Clerk
Subject: Approval of resurfacing and permanent pickleball courts at Linda Beach
Date: Saturday, August 17, 2024 2:59:51 PM

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[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Dear Members of the Piedmont City Council,

I understand that the Council will be considering a staff recommendation to approve resurfacing and permanent pickleball nets at Linda Beach this Monday. I support this recommendation and hope that you will vote for it.

I am a senior and learned how to play pickleball when the Piedmont recreation department introduced it to the community. I play pickleball at Linda Beach. These courts have been a wonderful addition to our community. I see other players who began with me and have met many new players – young and old. Pickleball continues to be a social game, giving people a chance to meet others, exercise, and have fun.

Please vote to resurface the courts and give us better nets!

Thank you for your support,

Elaine Penzer
Piedmont, CA

From: Mary Purcell
To: City Council
Subject: Please approve the court renovation at Linda
Date: Sunday, August 18, 2024 11:28:14 AM

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[EXTERNAL] This email originated from an external source. Please use judgment and caution when opening attachments, clicking links, or responding.

Dear City Council,
Please approve the contract for renovation of the Linda Beach courts at your meeting tomorrow. The dedication of the courts for pickleball last year has provided hundreds of residents with countless hours of recreation on courts that previously were empty most of the time. It has also provided a wonderful social activity for many seniors in the community. The players have always been careful to use quiet balls and paddles and to limit play to open hours, in respect of the neighbors. We greatly appreciate having dedicated courts in town, and the renovation will lead to even more use in the future. Thank you to the Recreation Department and the City Council for continuing to move this project forward.
Regards,
Mary Purcell
Piedmont, CA 94610

From: RICK SCHILLER
To: City Council
Cc: City Clerk
Subject: Aug 19 Linda Beach Rehab
Date: Thursday, August 15, 2024 4:44:00 PM

[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Dear City Council,
City Council has faced extraordinary challenges in creating and supporting what has now become a primary source of enjoyment, recreation, social outlet and resultant good health in Piedmont: Pickleball! I urge you to approve the Staff recommendation to resurface and place permanent pickleball nets. I also must commend Staff in working so diligently in bringing this forward for your consideration.
Respectfully,
Rick

From: RICK SCHILLER
To: City Council
Cc: City Clerk
Subject: Linda Beach Rehabiliation Item #6 8/19/24
Date: Sunday, August 18, 2024 12:39:40 AM

[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Dear City Council,

The dedication of pickleball at this formerly underused racquet sport venue has transformed the courts into a vibrant new recreational opportunity and meeting place now enjoyed by many rather than the previous few. Going forward with the much needed rehabilitation is critically needed to finalize the lengthy process to dedicated pickleball.

While there is a single bid, Vintage's price is reasonable considering the extent of work involved rehabbing the deteriorated playing surface. I urge you to approve staff's thoughtul recommendation.

Respectfully,
Rick Schiller

From: Rick Seiter
To: City Council; Rick Seiter
Subject: Resurface Linda Beach Courts
Date: Monday, August 19, 2024 3:14:41 PM

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[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Thank you for your support of pickleball for the Piedmont Pickleball group. Please approve the recommendation to resurface these courts. Linda pickleball has brought out a whole new group (and generation) of players, adding to the rich recreational programs you provide. Rick Seiter

From: Anand Subramani
To: City Council
Subject: Linda Beach Pickleball
Date: Thursday, August 15, 2024 5:39:38 PM

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[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Hi,
I am writing to express my strong support for the resurfacing of the Linda Beach Pickleball courts. We use them often and they're in need of some love. The Pickleball community has been extremely opening and welcoming to us and has helped us build some lifelong friends in the area as we play multiple times per week. Thank you for your support and consideration.

Anand

From: Alan Winson
To: City Council
Cc: City Clerk
Subject: Permanent pickleball at Linda Beach
Date: Thursday, August 15, 2024 11:15:56 PM

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[EXTERNAL] This email originated from an **external source**. Please use judgment and caution when opening attachments, clicking links, or responding.

Dear Piedmont city officials,

I understand that you may soon approve resurfacing and permanent pickleball nets at Linda Beach. It is my favorite place to play -- I can walk there in 9 minutes. Badly needed resurfacing and clearly visible lines will make it even better.

I will continue to use the quieter balls and an approved quieter paddle, and will respect the posted hours.

Thank you for all you have done to make it possible!
Alan Winson