

RESOLUTION NO. R-11-02

**A RESOLUTION OF THE SAN MARINO CITY COUNCIL
ADOPTING A MITIGATED NEGATIVE DECLARATION
PERTAINING TO THE INSTALLATION OF TENNIS COURT
LIGHTS AT LACY PARK**

THE SAN MARINO CITY COUNCIL DOES HEREBY FIND, ORDER, AND RESOLVE AS FOLLOWS:

SECTION 1. The San Marino Tennis Foundation seeks approval from the City of San Marino to install tennis court lights on the three easterly courts at Lacy Park (the "Project"). The Project includes the installation of a total of 24 light fixtures. Eight posts will be equipped with double light fixtures and eight posts will have single light fixtures in order to illuminate the three (3) regulation size tennis courts. The Project also includes low intensity path lighting that will illuminate the path that leads from a parking lot to the tennis courts. The electrical sources are approximately 25 feet from the boundaries of the tennis courts.

SECTION 2. A Notice of Intent to Adopt a Mitigated Negative Declaration was published in the San Marino Tribune on November 11, 2010, and was subsequently mailed to owners of property within a 500 foot radius of Lacy Park on November 15, 2010. The notice solicited public comments during a twenty (20) day period, and informed the public of the additional opportunity to provide comments on the proposed Mitigated Negative Declaration at a public hearing on December 8, 2010.

SECTION 3. The City Council conducted a duly noticed public hearing to consider the Project on December 8, 2010. Both oral and written testimony was presented to the City Council at the public hearing. The City Council, at the conclusion of the hearing voted to support the Mitigation Negative Declaration and staff prepared this Resolution to memorialize the City Council's decision.

SECTION 4. The following facts were presented to the City Council:

- A. In November 2009, staff prepared an environmental study for the Project, which determined that the Project had the potential to cause environmental impacts for noise and lighting. Staff subsequently sent out requests-for-proposals (RFP's) to two (2) noise consultants and two (2) lighting consultants to analyze the potential impacts of the Project.
- B. Thereafter, the City retained the services of Peak Lighting and Energy to study the potential lighting impacts, and PCR Service Corporation to study the potential noise impacts.

- C. The lighting study concluded that while the Project would result in a new source of light, the amount of light generated by the tennis court lights would compare to twilight hours. It further found that the dense landscaping surrounding the tennis court area and the box design of the lighting fixtures, which directs lighting downward to minimize light overspill, will control any light and glare in a horizontal direction from the tennis courts.
- D. The noise study concluded that the noise generated by the activity from the lighted tennis courts during the extended period enabled by the lighting will not exceed the maximum limits set forth by the City's noise ordinance during operations after construction is completed. Further, activities during the construction phase would be less than significant with mitigation, in light of the site characteristics and the very limited nature of the construction activity.
- E. The studies found that, with the implementation of the mitigation measures, the Project will not cause any significant adverse aesthetic, lighting or noise impacts.

SECTION 5. The City received various comments regarding the Mitigated Negative Declaration and Initial Study, and the City Council considered those comments. In response to some of those comments, the City Council finds and determines:

- A. Initial Study item 16 g. mistakenly included the following statement: *"The nighttime use of the tennis courts and the addition of lights in the parking lot would require the need to address security and safety as mitigation measures. Based on this, there is the potential for a significant impact and that further study and analysis in the context of an EIR is necessary."* Based on staff's recommendation, and the fact that there is no evidence to suggest that the Project would result in security and safety impacts or the need for mitigation, the Council strikes that statement from the Initial Study. Further, the statement is inconsistent with the evidence and other statements in the Initial Study, including that the checklist for item 16 g. correctly notes "No Impact," and that item 14 b. "Police Services" notes that there will be "No Impact."
- B. The project description in the Initial Study states that the light fixtures would be 18 feet in height, however, the detailed lighting analysis by Peak Lighting and Energy, analyzed a scenario with fixtures at a height of 22 feet. The technical report concludes that lighting installed at the 22 foot height will not result in any significant impacts. As such, the City Council finds that the project description is sufficiently accurate for purposes of the environmental analysis. Further, the Parks and Recreation (P&R) Zone in which the project site is located, does not have specific development standards for tennis courts or tennis court lights, unlike the

residential zones which establish an 18 foot maximum height. Therefore, light fixtures that are 22 feet in height are permissible in the P&R Zone.

- C. The City Council finds that the lighting fixtures analyzed by Peak Lighting and Energy are substantially the same as the fixtures that would be installed in the event the Project is approved. The fact that the initial study references specific lighting fixtures that may no longer be commercially available does not change the conclusions of the environmental review because the fixtures analyzed incorporate the same technical features and specifications that are designed to contain lighting in the tennis court areas and minimize light or spill.
- D. Peak Lighting and Energy finds that the lighting levels on any habitable structure on property adjacent to the Project will not exceed 0.05 foot-candles. Analysis of the worst case scenario for bounced light, given the topography, hillsides, and foliage, will not exceed this standard.

SECTION 6. Based upon the foregoing, and based upon substantial evidence in the record before the City Council, the Council exercising its independent judgment and analysis hereby finds:

- A. The Project will not have a significant environmental impact. Light generated by the tennis court lights will compare to twilight hours, which does not constitute a significant impact. The dense landscaping and the box design of the lighting fixtures will help control any light and glare in a horizontal direction from the tennis courts. The lights will be mounted at 22 feet in height and each light source will be no greater than 1000 watts. The light source will be incased in a "box" style fixture and will include a back shield to control back spill. Mitigation measures are identifies to ensure the lighting that may be installed will minimize light and glare.
- B. The noise study concludes that the noise generated by the tennis court activity will not exceed the maximum limits set forth by the noise ordinance in either the construction phase or during operations after construction is completed. In reaching this conclusion, the study identifies mitigation measures to ensure that concrete work does not exceed city noise standards:
- C. Approval of the Project, with mitigation, would not result in a significant effect on the environment.
- D. This Project involves no potential for adverse effects, either individually or cumulatively, on wildlife resources and will not have an adverse impact on fish and wildlife.

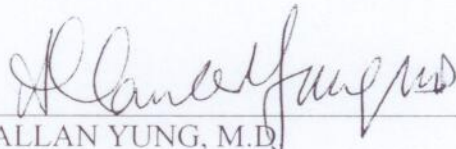
- E. There is not substantial evidence to suggest that the Project will result in inadequate parking capacity.

SECTION 7. Based upon the whole record before it, the City Council finds that: (1) the Mitigated Negative Declaration was prepared in compliance with CEQA; (2) there is no substantial evidence that the project will have a significant effect on the environment that cannot be adequately and feasibly mitigated; and (3) the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council. The City Council hereby adopts the Mitigated Negative Declaration prepared for the project.

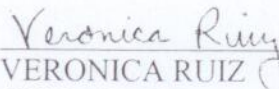
SECTION 8. The foregoing findings are based on substantial evidence in the record, including without limitation, the Initial Study, the draft MND, staff reports, consultant reports, and both oral and written testimony. The documents that comprise the record of the proceedings are on file with the City's Department of Planning and Building, at 2200 Huntington Drive, San Marino, CA 91108. The custodian of said records is the Planning and Building Director.

SECTION 9. A Mitigation Monitoring and Reporting Program, attached hereto as Exhibit A and incorporated herein by this reference, has been prepared, and if the Project is approved, will be adopted and compliance with the mitigation measures imposed as a condition of the Project's approval.

PASSED, APPROVED AND ADOPTED on this 13th day of April, 2011.


ALLAN YUNG, M.D.
MAYOR

ATTEST:


VERONICA RUIZ
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN MARINO)

I HEREBY CERTIFY that the foregoing Resolution No. R-11-02 adopted by the City Council of the City of San Marino at a Regular Meeting of the City Council held on the 13th day of April, 2011 by the following vote:

AYES: COUNCIL MEMBERS: DENNIS KNEIER, RICHARD WARD,
EUGENE SUN, VICE-MAYOR RICHARD SUN AND MAYOR YUNG

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Veronica Ruiz

VERONICA RUIZ,
CITY CLERK