

**AGENDA
SPECIAL MEETING
BELVEDERE CITY COUNCIL
NOVEMBER 9, 2022, 5:30 P.M.
TELECONFERENCE MEETING**

On March 3, 2020, Governor Newsom proclaimed a State of Emergency due to the COVID-19 pandemic that remains in effect. This meeting will be held remotely consistent with Executive Order N-29-20 and Assembly Bill 361, modifying provisions of the Brown Act to allow teleconference meetings at the current time. Members of the public are encouraged to participate remotely via Zoom or telephone pursuant to the information and link below. The Council will take public comment by email or by speaking at the meeting. Members of the public are entitled to provide public comment once on each agenda item when it is called. Those who wish to comment on an agenda item during the meeting should use the “raise hand” function or should write “I wish to make a public comment” in the chat section. If you have called into the meeting and wish to speak, please press *9. Council will not entertain comments made in the chat function. Upon being recognized by the Mayor, please limit your oral statement to no more than three minutes.

The public may also submit comments in advance of the meeting by emailing the City Clerk at: clerk@cityofbelvedere.org. Please write “Public Comment” in the subject line. Comments submitted one hour prior to the commencement of the meeting will be presented to the City Council and included in the public record for the meeting.

City of Belvedere is inviting you to a scheduled Zoom meeting.

Topic: Belvedere City Council Special Meeting

Time: November 9, 2022, 5:30 P.M.

This meeting will be provided via Zoom at the following link:

<https://us02web.zoom.us/j/89354038130?pwd=Y2VIL29odlQxL1l1aHhkZ1NMBWtEUT09>

Webinar ID: 893 5403 8130

Passcode: 431087

**AGENDA - SPECIAL MEETING
BELVEDERE CITY COUNCIL
NOVEMBER 9, 2022, 5:30 P.M.
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COMMENTS ON AGENDA ITEMS BY MEMBERS OF THE AUDIENCE

*The audience will be given an opportunity to speak on the special meeting item. Members of the public are encouraged to participate remotely via Zoom or telephone. Those who wish to comment on an agenda item during the meeting should use the “raise hand” function or should write “I wish to make a public comment” in the chat section. If you have called into the meeting and wish to speak, please press *9. Council will not entertain comments made in the chat function. Upon being recognized by the Mayor, please limit your oral statement to no more than three minutes. The Council welcomes comments raised by interested citizens but typically does not respond during the comment period.*

5:30 PM CALL TO ORDER IN ZOOM MEETING

PUBLIC HEARING

1. Conduct a hearing and receive comments from the public on the Draft Environmental Impact Report (DEIR) document for the Belvedere Seismic Upgrade Project.
Receive presentation from staff & CEQA consultant. No action is required.

ADJOURN

<p>NOTICE: WHERE TO VIEW AGENDA MATERIALS</p>
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Staff reports and other materials distributed to the City Council are available for public inspection at the following locations:

- Online at www.cityofbelvedere.org/archive.aspx
- Belvedere City Hall, 450 San Rafael Avenue, Belvedere. *(Materials distributed to the City Council after the Thursday before the meeting are available for public inspection at this location only.)*
- Belvedere-Tiburon Library, 1501 Tiburon Boulevard, Tiburon.

To request automatic mailing of agenda materials, please contact the City Clerk at (415) 435-3838.

<p>NOTICE: AMERICANS WITH DISABILITIES ACT</p>

The following accommodations will be provided, upon request, to persons with a disability: agendas and/or agenda packet materials in alternate formats and special assistance needed to attend or participate in this meeting. Please make your request at the Office of the City Clerk or by calling 415/435-3838. Whenever possible, please make your request four working days in advance.



CITY OF BELVEDERE

Memorandum

November 9, 2022

TO: Mayor Wilkinson and City Council

FROM: The Protect Belvedere Project Draft EIR Review Committee.
Robert Zadnik, City Manager

SUBJECT: Summary of the Committee's findings and comments.

Dear Council,

Thank you for the opportunity to review and provide comments on the Draft Environmental Impact Report (DEIR) document.

It is important to note that the purpose of an Environmental Impact Report is to be a thorough public disclosure document of potential impacts associated with the project and associated mitigation measures or alternatives and to identify their level of significance.

The California Environmental Quality Act (CEQA) establishes guidelines for which topics should be studied based on adopted significance criteria. For this DEIR, the potential impacts are organized under several categories ranging from Biological Resources, Geology and Soils, Hydrology, Transportation, Noise, Vibration, Cultural Resources, etc.

The Committee focused its review on categories that were identified as potentially impactful. Fortunately, the report finds these impacts as less than significant with their associated implementation of mitigation measures. Additionally, the Committee examined and commented on broader narratives, the project description, and other general content of the DEIR.

During the month of October, the Committee held three publicly noticed and advertised meetings:

- October 23, 2022, Staff and the consultants introduced the initial meeting with background information on the project. The Committee assigned groups to review segments of the DEIR. Public comment was received.
- October 26, 2022, On October 23rd, Committee members provided summaries of their comments orally and in writing. Staff and the consultants provided clarifying responses to specific topics. The committee called for public comment.
- October 12, 2022, the Committee reviewed a draft version of the Summary of Comments and approved a final version with edits. The Committee called for public comment.

Attached to this memo is a summary of the Committee's comments. Comments from the public are also summarized; however, staff encouraged the public to submit their official comments in writing.

Attachments

1. Summary of Committee and Public Comments
2. Draft EIR Document

ATTACHMENT 1

- **Summary of Comments at BSUP EIR Committee Meeting – October 12, 2022**

From Committee

1. Need for pre-construction surveys for private residences, not just the China Cabin.
2. Sheet piles could impact BLOA outfalls and pumps due to vibration.
3. Important to know who's responsible for getting permits. Is it practical to have contractors responsible for getting approvals/permits?
4. What happens if a regulatory agency does not respond and their approval is tied to an impact being less than significant?
5. Using water for air impact mitigation measures may be a problem if water shortages exist.
6. Construction staging on West Shore and Belvedere may be questionable.
7. Utility disruptions on Beach Road are of concern.

Public Comments (Larry Stoehr, William Rothman, and Susan Cluff)

Note, residents were asked to submit formal comments through City Hall or by emailing EIRcomments@cityofbelvedere.org. The following public comments were received and have been included in this Draft to provide additional context for the Committee.

1. Page 2-13 mentions turbidity curtains but these could interfere with BLPOA letting water out in winter/wet months. (L. Stoehr)
2. Page 4.6-1: Says levees were built with dredge material but this may not be true. (L. Stoehr)
3. Important to survey homes and request release for those who don't want survey; needed within 100 ft. of construction. (L. Stoehr)
4. Are original Scoping meeting comments addressed in this report? (W. Rothman)
5. Magnification of seismic effect possible (W. Rothman)
6. EIR says that pipes may break, but agencies have stated that pipes are state of the art (W. Rothman)
7. City process needs to be thorough (W. Rothman)
8. Need dates of future meetings (S. Cluff)
9. Need to define "nearby" in terms of noise, etc. (S. Cluff)
10. Need to know where utilities connect as it's too risky to lose water and wastewater connections. (S. Cluff)
11. Check evacuation routes; is Yacht Club available for emergency evacuations? (S. Cluff)
12. Other buildings besides China Cabin are historic; need to study other buildings. (S. Cluff)
13. In terms of noise, anything greater than 80 dBA is significant. (S. Cluff)

- **Summary of Comments at BSUP EIR Committee Meeting – October 23, 2022**

From the Committee

Transportation

1. Traffic discussion was a bit light. Consider additional detail and mitigation measures.

2. A detailed construction traffic management plan is needed.
3. There clearly will be a significant impact on the traffic, both motor and pedestrian, but the impact seems unavoidable.
4. What thought has been given to the school bus and routes?

Cultural Resources and Tribal Cultural

Cultural Resources

1. According to the EIR, there will be a City qualified professional on site as well as an archeologist on site. Will they be on site monitoring 8-5 daily?
2. Who will be monitoring the ground vibration level and will that person be on site 8-5 daily?
3. There are a number of older structures, in addition to China Cabin, on both sides of Beach Road. While they are not historic, they are old and many on pilings or pillars above ground level. What mitigation measure is in place for them in terms of vibration and movement?
4. Should there be damage to individual buildings or homes, is there a process in place for repair?
5. Will photos and diagrams be taken of these buildings as well as China Cabin?

Tribal Cultural Resources

1. The mitigation for the demolition and destruction of the roads mentions a tribal representative. Is it realistic to assume that someone will be on site 8 - 5 daily?
2. There is mention of an awareness training program. Who will monitor that program?
3. If different workmen are brought in at different times for different aspects of the work, who will make sure that everyone is properly trained to be aware of what might be encountered?

Geology & Soils

1. Could be settlement based on vibrating aspect of construction - more specifics are needed.
2. What are "unacceptable" levels of settlement?
3. Has the assumption that the levees are built of dredged material from the Lagoon been confirmed?
4. After settlement monitoring is conducted, what happens if damage is detected?
5. Working with outside agencies who may or may not have to install flexible pipes, is there a guarantee that the work will be coordinated so that the project will not be left unfinished while waiting for an agency to schedule pipe installation?
6. p.9 - What scouring and erosion protection is being proposed for Beach Road?

Noise

1. 90 dBA at 40-50 feet is a very challenging level of noise.

2. Could vibration driver add to settlement and add risk to personal property?
3. Define old structure v. new structure.
4. Is 45' of distance from source of noise an arbitrary measurement?
5. There is reference to noise barriers and sound blankets in sensitive areas. Aren't all of the areas on San Rafael Avenue and Beach Road sensitive?
6. What exactly are these barriers and how will they affect the people living behind them? View? Air quality?
7. Do physical noise barriers work?
8. Since most of the dwellings on Beach Road are multistory, how will these barriers work on upper floors?
9. There is reference to a disturbance coordinator. Will that person be on site daily 8 -5?
10. Will the disturbance coordinator be available to residents, and will they have authority to remedy a situation?
11. There is a statement that trucks, etc. will only be able to idle for 5 minutes. Who will be monitoring this and will they be present daily from 8 - 5?
12. Does the silent driver machine have other attachments for starting sheet pile run? If so, can it be used in lieu of the vibratory hammer?

Hydrology

1. Provide information on overtopping and sheet flow risk to lagoon
2. Request for more detail about function of a turbidity curtain
3. Discussion of regulatory permits and approvals is fairly general. Should more detail be provided?
4. Some general, non-specific language should be cleaned up. For example, use of "near" and "around" terminology is vague when referencing the machinery being used.
5. Should more detail be given towards required Regulatory permits?
6. What is the definition of "waters of the United States". Does Richardson Bay on the San Rafael side of the project fall under this definition?
7. Does Rip Rap removal add to potential flood risk?
8. Under Regulatory, should the project be considered wetland?

Air Quality, GHG Emissions, Hazards & Hazardous Materials

1. Under hazardous materials around schools: Why is Belvedere Nursery School not included?
2. Belvedere Way should remain open for pedestrians.
3. Given the statewide drought, should an alternative water source be identified?
4. Additional Comment from Committee member Hanson:

"I think that this has been very simplified. Hosing down dust twice a day will not make much of a difference. The effect of the dirt, dust and air quality for the people living on San Rafael Avenue and Beach Road has not been addressed adequately."

Biological resources - Wildlife, vegetation, etc.

1. More definition on silt screen or turbidity curtain is needed.
2. The regulatory process is significant. Does the report mention the regulatory permits and should there be more detail in the Draft EIR?
3. All impacts are listed as less than significant if mitigation measures are used.
4. Permits are mentioned in Hydrology and Biology sections with different parties (City/Contractor) involved; this should be clarified.
5. If the contractor encounters ground water, is this considered “in-water” work?

General Comments

1. Will there be utility service coordination so homeowners are not left without service?
2. How does summer “in water” work and an 8-month construction schedule fit into the overall project calendar?
3. Is the construction schedule of 3 - 4 months (for Beach Road) realistic?
4. Who monitors that the work does not start before 8 and ends at 5?
5. Why is lowering the Belvedere Lagoon necessary?
6. Lagoon water level, Work along SRA will need water lowered. Coordinate with BLPOA
7. p 10, public review period should be described as a minimum 45 day period.
8. Will the earlier NOP comments be addressed in this report? Specifically:
 - Emergency access and blockage of roadways.
 - Impacts on utility lines.
 - Potential damage to homes from sheet pile installation.
 - Impacts on roads and utilities from sheet pile construction.
 - Conflict of interest issues.
 - Need to define permitting timing.
9. Chapter 3 - Project Description
 - a. Correct figure 3-1 (correct area of work)
 - b. Correct figure 3-4 (new graphic, without seawall?),
 - c. Correct figure 3-5 & 6 (West Shore area is currently shown in project)
 - d. p. 45, 3.5 Project objectives – Describe how would this protect property. During construction to protect property? Belvedere residents and property? Is this discussed anywhere?

10. Additional Chapter 3 Comments from Committee member Hansen:

“There are several very detailed graphs as to where staging areas will be located. I do not believe that the staging areas on West Shore Road are viable. Traffic? Children playing?

The graph for staging for Beach Road shows that the staging area will be along two blocks of Beach Road. Those two blocks have two large buildings of townhouses, all of which have very narrow setbacks from the street and front

right on the sidewalk. It seems that another staging area not on Beach Road has to be identified. It is unrealistic to expect the people living on Beach Road to have all of the equipment stored in front of their homes. It adds to additional noise, dirt and obstructing the use of gardens or decks on the fronts of these buildings, not to mention ingress and egress.”

From the Public

(none)