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February 16, 2021

To: Members of City Council, Members of Planning Commission, Mr. Craig Middleton, and Ms. Irene Borba

I am writing to you on behalf of Belvedere Residents for Intelligent Growth (BRIG). BRIG is a grassroots group of well over 300 members, and growing each day. As is apparent from our ever-increasing ranks, we represent a significant percentage of both the households and the voters in Belvedere. We anticipate that this percentage will continue to climb as more and more Belvedere residents learn about the proposed Mallard Pointe project—the largest demolition and construction project in our City's history.

We are aware that the City is currently in the process of reviewing—for “completeness”—the developer's January 26, 2022 “application for a housing development at Mallard Pointe.” Members of BRIG have also reviewed the application for this same purpose, by comparing it to requirements specified in Belvedere's Municipal Code, Belvedere's “Housing Development Application Checklist,” and Belvedere's General Plan. As you will see from our comments below, we believe that the application is incomplete in numerous respects.

We will be commenting upon the substantive aspects of the application once the City determines it to be “complete.” Our substantive review will cover, among other things, the project's consistency with Belvedere's adopted goals, policies, and standards, and the City's compliance with the requirements of the California Environmental Quality Act (CEQA). As you are aware from prior correspondence (i.e., our January 18, 2022 letter to Mayor Wilkinson, Planning Commission Chairperson Peter Mark, Mr. Craig Middleton, and Ms. Irene Borba), we feel strongly that—given the historic magnitude of the project and its demonstrable potential adverse environmental impacts on the Belvedere Lagoon and broader community—the City must require the preparation of an environmental impact report (EIR) and not attempt to circumvent full environmental review by finding the project exempt from CEQA, or by relying on a negative declaration or mitigated negative declaration. Such CEQA “shortcuts” would be legally indefensible in the circumstances and be subject to judicial challenge.

Before delving into our reasons for finding the application to be incomplete, we ask that you bear two very important human factors in mind as you consider the proposed project:

--About 35 residents of Belvedere would be displaced from their homes and the friends, neighbors, and community they love; close to 50% are seniors and many are on fixed incomes. It is of little comfort to them that, following what could be many years of demolition and construction, they'd be allowed to return to Mallard Road. So much would have changed in their lives in the intervening years.

--Our Community Center, playground, and park would be severely and adversely affected during demolition and construction and post-project as well. Our entire community, and many others from the Tiburon Peninsula and beyond, come to play, take classes, and celebrate milestones. We believe that alternatives exist that would support Belvedere's goals of increasing housing for all levels of income while adding to the charm of our village.

The following areas appear to require further study and supplemental submittals prior to the City determining the application to be complete:

- Traffic
- Geotechnical
- Design Review
- Construction Management Plan
- Engineering, Structural and Sewer reports are all missing and, therefore, could not be reviewed. These need to be submitted as components of the entire application.

I. TRAFFIC PARKING STUDY

The traffic report submitted by the developer is cursory, at best, and misleading, at worst. Below, for illustration, are but a few examples of deficiencies. There are additional examples not listed here in the interest of brevity:

- The Belvedere Community Center, located under City Hall, is the City's designated shelter during an emergency [Page 175 Belvedere General Plan].

MISSING: This needs to be addressed in the report.

- There were only two site visits by the traffic consultant. One on Thursday, August 26, 2021, at 1:00 pm. The second on Thursday, September 16, 2021, at 7:00 pm. A weekday-only observation during midday does not provide adequate data for analysis. [Page 3, page 13 of report] Non-use of the Community Center during this period of the pandemic must be considered.

MISSING: A detailed, professional traffic and parking study to show data in and around the project site for a distance of one mile from the site. Include hourly traffic patterns on Tiburon Boulevard, San Rafael Avenue, and Beach Road.

- The Ranch has an active year-round calendar of classes and events at the Community Center that need to be included for an accurate parking count.

MISSING: Study of parking during periods of peak use of Community Park, Community Center, and Community Playground--including weekend use; City Hall meetings; public events.

- No trip unit data were collected at the site [Table 1- Existing Site Vehicle Trip Generation. Page 10], and existing site vehicle data are based on estimates from published data, not on actual on-site data.

MISSING: Trip unit counters need to be placed and actual data from the site needs to be collected before an application based on the developer-provided traffic study can be deemed complete.

MISSING: Inclusion of non-household trips.

MISSING: Sundays were not included in the overall weekly increase. (pg. 10, Table 2 of the submitted Traffic Parking Study)

- Application requests 65 off-street parking spaces with the density bonus reduction. R-2 requires two parking spaces per unit for a total of 78. The Civil Engineer Report lists Total Parking Count as 55 spaces. Applicant also lists 27 unassigned common area and apron parking spaces.

MISSING: Accurate information on, and location of, the 27 unassigned parking spaces.

II. GEOTECHNICAL REPORT

Overall, given that we live in perhaps the most vulnerable earthquake section of California (the Bay Area), and that the Lagoon is predominantly landfill, the City's planning department should require a much more rigorous and robust geotechnical report prior to accepting the application as "complete." This is essential to enable the City to reach meaningful conclusions on issues of public safety, health, and the environment. Below is a partial list of examples that illustrate the report's deficiencies:

- Figure 6 in the report submitted by Miller Pacific Engineering Group shows the Liquefaction Susceptibility Map for the Belvedere Lagoon area with the susceptibility level – Very High.

MISSING: Analysis of impacts to adjacent properties due to high impact drivers, specifically in regards to liquefaction and vibration.

- The environmental impacts of off-haul and fill import need to be addressed.

MISSING: The applicant should include probable quantities of grading in its application before it can be deemed "complete."

MISSING: A calculation of the cubic yards and dump truck loads required to implement this grading.

- There was a minimum of new geotechnical investigations of the Mallard Road area. Previously published geologic mapping and historical geotechnical investigations were used in the current analysis; very little new geologic and hydrologic data were collected in support of the plan. Relying largely on older data does not support a construction project of this magnitude

MISSING: New data were not provided and should be.

- Only five cone penetrations were administered--four of them along Community Road and one in an area fronting the Lagoon on Mallard Road.

MISSING: More cone penetrations (or borings) need to be done along the Lagoon-fronting parcels.

- Figure 2 in the report shows a settling of eight inches in a static condition. The combined weight of the new very large homes, the duplexes, and the apartment building will result in a much greater settling in a shorter time frame. Total floor area is 2.7 times greater than existing. Mass change due to a multistory apartment building where there now exists six one-story units needs to be calculated.

MISSING: Per California Building Code Chapter 18 Soils and Foundations Presumptive Load-bearing Values: Mud, organic silt, organic clays, peat or unprepared fill shall not be assumed to have a presumptive load-bearing capacity unless data to substantiate the use of such a value are submitted.<https://up.codes/viewer/california/ibc-2018/chapter/18/soils-and-foundations#1806>

- Belvedere is located in a geologically complicated area with substantive flood, seismic, and subsidence hazards, yet all the conclusions for each category were simplistic and identical.

MISSING: Thorough conclusions with actual implications to public safety, health, and the environment.

III. DESIGN REVIEW

- The Application for Design Review is incomplete in at least the following respects:

MISSING: Specific identification of which buildings will require waivers, variances, or other concessions from the City, and, in the case of each such building, which waiver(s), variance(s), or other concession(s) will be requested.

MISSING: Relocation plan for the number of below-market units required based on current and past five-year occupancy.

- Building Height Maximum Proposed 34'5" (excluding emergency roof access, chimneys & mechanical equipment)

MISSING: Cupola and workspace room that extends 6'6"-7'6" above mansard roof line

- The developer's response to the following questions in the Application for Design Review are inconsistent with the application materials and should be resubmitted checked "Yes. "

MISSING: discussion on effects of the following:

#20. Change in existing features . . . ground contours.

The project alternatives include bulk grading over the entire 2.8-acre site area, raising grade and excavating a partially subterranean parking structure. These are substantive changes in ground contours.

#21. Change in scenic views or vistas from existing . . . or roads.

The bulk, height, lack of setback and mass of the apartment building will impact views and vistas from existing residential areas and public areas.

#22. Change in pattern, scale or character of general area of project.

The apartment building cannot be built without a change in zoning (i.e., an apartment building cannot be built in Belvedere's R-2 zone classification). As proposed, this multistory building would change the scale and character of the general project area and Lagoon neighborhood.

#25. Change in ocean, bay, . . . or alteration of existing drainage patterns.

The regrading of the site, the increase in lot coverage by buildings, and the subterranean parking structure all would alter existing surface water runoff and drainage patterns and present water quality issues for the Lagoon. Example: During heavy rains, water pumped from the subterranean garage into the Lagoon would likely be contaminated by hydrocarbons from parked cars.

#26. Substantial change in existing noise or vibration levels in vicinity.

The noise and vibration will be studied in the CEQA process. However, the nature of construction methods required over the 18-24 month projected period of construction (which is highly likely to be much longer than 24 months), including the potential for pile drivers or massive bulk grading, will result in a change in noise and vibration levels in the vicinity. The rooftop deck could significantly increase noise for the surrounding areas especially on the Island.

#29. Substantial change in demand for municipal services.

These services would likely be impacted as a consequence of the increase in number of residents who would be living on Mallard Road once the project is complete.

- Municipal Code, Section 20.04.080 – Application – Data to be submitted

MISSING: K. Perspective drawings, renderings, and a scale model of the proposal, including scale models of all or parts of adjacent residences, prepared at one-eighth

inch scale, are required for all proposed new residences. Given the size and scope of this project, all information, such as additional site photographs, perspective drawings, renderings, shadow studies, and building and site models should be submitted as part of the application.

IV. CONSTRUCTION MANAGEMENT PLAN

The Construction Management Plan, as submitted, is incomplete.

- Among other things, it fails to include sufficient information to allow the City to evaluate whether, consistent with Municipal Code, Section 20.04.035, a 24-month construction schedule is reasonably achievable so as to avoid substantial and continuing adverse impacts on the City and its residents from construction activities.

MISSING: a detailed PERT or GANTT chart to include information required in Section 16.15.055 of the Municipal Code. The chart should also include:

- daily numbers of construction labor personnel on site at any given time,
- daily numbers and types of trucks traveling to the project site,
- a proposed truck traffic route map that extends to US Highway 101,
- a road closure plan,
- a proposed plan for remote parking by construction labor for car and van pooling.

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After identifying the scope of data that is missing from the developer's submission, it might not come as a surprise that in a recent survey of BRIG members more than 94% responded that they do not support the Mallard Pointe development. Another 81% reported that they are very concerned about the construction of a multistory apartment building in a FEMA flood zone. We would be happy to share more of those results at a later date including verbatim comments from our community.

The bottom line is this: A proposed development of this size and scope—that will have long-ranging impacts on our community—must be comprehensively and thoroughly presented for assessment. When so much is at stake, we can expect nothing less.

We at BRIG know that we share the Planning Commission's and City Council's profound sense of responsibility for being stewards of our community--not just now, but for future generations. We stand ready to work with you constructively as you undertake the evaluation of this proposed project.

Yours very truly,
John Hansen
Chair BRIG's Steering Committee

