



CITY of BELVEDERE

450 San Rafael Avenue • Belvedere CA 94920-2336

Tel.: 415.435.3838

www.cityofbelvedere.org

August 17, 2023

Mallard Pointe, 1951, LLC Bruce Dorfman
39 Forrest Street
Suite 202
Mill Valley, CA 94941

Re: Mallard Pointe Application Status and Public Hearing

Dear Mr. Dorfman:

Thank you for submitting your payment to the City on July 26, allowing Ascent Environmental to finalize its CEQA evaluation memo. Per your phone conversation on July 26, 2023, with Rebecca Markwick, Director of Planning and Building, you informed the City that a revised set of plans, amending the apartment building, was in development and that the Ascent CEQA evaluation memo should be based on the forthcoming revised set of plans. Knowing revised plans were forthcoming, the City agreed with your request to delay Ascent's CEQA memo, and therefore the subsequent public hearing, until *after* the revised plans were submitted. To date, the City has neither received revised plans nor a schedule for submitting those plans.

Your recent comments to the media portrayed the City as the cause of the delayed public hearing, which is a misrepresentation of these facts. The City is eager to bring this application to a public hearing, and I believe it is in the public's and the project's best interest to schedule this hearing as soon as possible.

Given your expressed concerns about project delays, the City intends to direct Ascent to complete the CEQA evaluation memo on the plans currently submitted to the City. The City will then schedule a public hearing on those plans as soon as you submit the following:

- Story pole plan addressing our June 22, 2023 email (**see attachment A**).
- Deposit for Ascent to present their findings and attend Public Hearings (**see attachment B**, scope of work and invoice).


The City looks forward to scheduling the Mallard Pointe project for public review.

Sincerely,



Robert Zadnik
City Manager
City of Belvedere

Cc: File
Rebecca Markwick, Director of Planning and Building

From: Rebecca Markwick - Director of Planning & Building rmarkwick@cityofbelvedere.org 
Subject: RE: Questions
Date: June 22, 2023 at 5:11 PM
To: Riley Hurd rhurd@rflawllp.com
Cc: Bruce Dorfman BD@ThompsonDorfman.com, Robert Zadnik - City Manager rzadnik@cityofbelvedere.org



Hi,

Here is my attempt to answer some of your questions, Robert and I will reach out to Bruce to set up a meeting for next week.

1. Is the City going to hold a hearing and if so, when?
The City cannot hold a hearing until the Ascent memo is complete. They cannot complete the memo without the additional requested funds.
2. Story poles: There is no objective standard that could be verified by story poles.
The City is within its rights to require the poles so that everyone knows the scope of the project. We think that it would be a positive benefit for both the community and the Mallard Pointe team to have the story poles up. Please provide an explanation in more detail why the reduced time is needed for the story poles. See email sent from Tricia Stevens dated May 26, 2023.
3. Replacement housing: has the City received any new information regarding eligible tenants?
The City agrees that 3 low income and 1 very low-income unit will satisfy replacement housing requirements.
4. BLPOA: Why is the City referring them to a non-public agency for approval?
The City asked BLPOA for comments on the revised plans, not approval, as we do with all dock projects in the lagoon. I understand that some of the proposed docks are on BLPOA property, and some are on Mallard's property, as you know the City cannot approve the docks on property that the BLPOA owns. BLPOA has responsibility for the water quality of the entire lagoon, including portions of the lagoon on private property, so it would be appropriate to ask for comments.
Can you clarify a few things regarding the docks. Are there any new docks, and if yes, are they all floating and all on Mallard's property? Are some of the docks existing, and if so, are you proposing to resurface the docks? How will the pilings be addressed?
5. I understand that there are some questions about additional information needed for the concession that you are asking for regarding the apartment building.
The City did ask for more information, it is in your prevue to decide if you would like to provide it or not.
6. He asked if the City was going to do CEQA review for the next version of the HEU.
We are working on what level of CEQA review we are going to pursue for the Housing Element Update.
7. I understand that you would like to see Ascent's bill.
Attached.

Let me know if you have any follow up questions.

Thanks

THANKS,
Rebecca

Rebecca Markwick
Director of Planning & Building
City of Belvedere
(415) 435-8907 office
(415) 823-7631 mobile
rmarkwick@cityofbelvedere.org



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From: Riley Hurd <rhurd@rflawllp.com>
Sent: Thursday, June 22, 2023 12:34 PM
To: Rebecca Markwick - Director of Planning & Building
<rmarkwick@cityofbelvedere.org>
Subject: RE: Questions

Sounds good. Let me know if you want to jump on a zoom early next week to discuss the project.

Riley F. Hurd III, Esq.
RAGGHIANI | FREITAS LLP
1101 5th Avenue, Suite 100
San Rafael, CA 94901
Tel: 415.453.9433 ext. 126
Fax: 415.453.8269
Email: rhurd@rflawllp.com
Website: <http://www.rflawllp.com/>

From: Rebecca Markwick - Director of Planning & Building
<rmarkwick@cityofbelvedere.org>
Sent: Thursday, June 22, 2023 11:15 AM
To: Riley Hurd <rhurd@rflawllp.com>
Subject: Questions

Hi Riley,
Hope you are well. I am trying to quickly get caught up on all things Mallard and the Housing Element. Ann reached out with your questions, and I am working on the responses, hopefully I will have something to you by tomorrow.

I hanks,
Rebecca

Rebecca Markwick
Director of Planning & Building
City of Belvedere
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455 Capitol Mall, Suite 300
Sacramento, CA 95814
916.444.7301

Mallard Pointe CEQA Investigation Memo

Amendment No. 1

June 13, 2023

As discussed with Tricia Stevens and the City of Belvedere on June 2, 2023, Ascent Environmental is requesting an augment to our scope and budget to perform a final round of revisions to the CEQA Investigation Memo, attend public meetings, and additional project management time.

Ascent's original scope of work included one round of peer review of technical studies, preparation of a Draft CEQA Investigation Memo, one round of review and preparation of a Final CEQA Investigation Memo, project management time and attendance at three conference calls.

To date, Ascent has conducted two rounds of peer reviews of technical reports and submitted peer review memos on August 31, 2022 and September 9, 2022. On February 17, 2023, Ascent submitted the Draft CEQA Investigation Memo and received comments on February 27, 2023. During a meeting on March 14, 2023 with MIG, the City, and the applicant, the applicant expressed their desire to change the project from construction of new permanent docks to floating docks. On May 1, 2023 Ascent received a revised project narrative and revised Transportation Study. With our remaining budget, Ascent revised the CEQA Investigation Memo to address implementation of floating docks and update the transportation analysis and submitted a Final CEQA Investigation Memo on May 25, 2023.

Additionally, Ascent has attended numerous conference calls beyond the three that were included in our original scope of work. These were related to the peer review of the technical memos, the Transportation Study and VMT analysis, permitting, project status meetings, and meetings with the applicant team. During our last meeting with MIG and the City on June 2, 2023, Ascent was requested to prepare an amendment request for additional funding to address one final round of comments, attendance at three more project status meetings, and attendance at three public meetings. On June 13, 2023, Ascent was provided with an updated VMT memo for which review and subsequent revisions to the memorandum are also included in the scope of work below.

Our proposed scope of work and cost estimate for these items are provided below.

Task 1: Final Revisions to CEQA Investigation Memo

As discussed during our last meeting with MIG and the City on June 2, 2023, Ascent understands that one last round of revisions will be required to address final comments from the City. The MIG team and City staff will provide comments on the May 25, 2023 memorandum, after which Ascent will finalize the document. All comments will be consolidated and provided in one MS Word file.

On June 13, 2023, Ascent was provided with an updated VMT memo. Ascent will review this memo and will incorporate and update the final memorandum as necessary.

Deliverables

- ▶ Electronic version of the final memorandum in Word

Assumptions

- ▶ No further changes to the proposed project
- ▶ The MIG team and the City will consolidate all comments and provide in one MS Word file
- ▶ No further rounds of review or revisions will be required after submittal of the final memorandum
- ▶ No further revisions to any technical studies will be received

The estimated cost for this task would be \$11,690.

Task 2: Attend Public Meetings and Project Management

Ascent will manage the preparation of the final memorandum and maintain close communication with the MIG team and City staff. Ascent will participate in up to three conference calls to discuss the status of the project. Ascent will also attend up to three public meetings, two of which would be attended in person.

Deliverables

- ▶ Attendance at three project status meetings with MIG and City staff
- ▶ Attendance at two public meetings in person
- ▶ Attendance at one public meeting virtually

Assumptions

- ▶ Project schedule would not extend beyond 12 weeks from notice to proceed
- ▶ Project status meetings would not be longer than 1 hour in duration
- ▶ Public meetings would not be longer than 4 hours in duration
- ▶ Ascent has included 2 hours of project management time to assist in preparation of any materials for public meetings

The estimated cost for this task would be \$17,360.

Cost and Notice to Proceed

The total cost for this augment request is \$29,050. A detailed cost spreadsheet is attached.

Ascent also requests that MIG and City provide notice to proceed as soon as possible to initiate addressing final comments and revisions to the final memorandum.



455 Capitol Mall, Suite 300
 Sacramento, CA 95814
 916.444.7301

Amendment No. 1			
CEQA INVESTIGATION MEMO FOR MALLARD POINTE PROJECT			
June 13, 2023			hourly rate:
Task 1	FINAL REVISIONS TO CEQA INVESTIGATION MEMO	Price	Hours
	Revise Final Memo per City Comments	\$ 11,690	64
	Subtotal, Task 1	\$ 11,690	64
Task 2	ATTEND PUBLIC MEETINGS & PROJECT MANAGEMENT	Price	Hours
	Project management and meetings	\$ 16,040	80
	Subtotal, Task 2	\$ 16,040	80
LABOR SUBTOTAL		\$ 27,730	144
REIMBURSABLE EXPENSES		\$ 1,320	
	Mileage/Parking/Travel	\$ 1,320	
TOTAL PRICE		\$ 29,050	