

**BELVEDERE LAGOON  
PROPERTY OWNERS ASSOCIATION**

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P.O. BOX 465 • BELVEDERE, CALIFORNIA 94920

November 10, 2021

James Campbell, Mayor  
Peter Mark, Planning Commission Chairperson  
City of Belvedere  
450 San Rafael Avenue  
Belvedere, CA 94920

TO: Belvedere City Council and Planning Commission

The BLPOA Board has had two Zoom meetings with the Mallard Project Developers to discuss their proposed Project. As of the time of our last meeting with them, on August 26, 2021, there remained significant issues and unanswered questions; however, the BLPOA Board decided it was time to share with the City our concerns and observations.

The BLPOA Board's concerns are as follows:

1) Bulkheads

Our primary concern is that new bulkheads be designed and installed with professional engineering expertise to protect the BLPOA property from ground sloughing and settlement negatively impacting the storm water volume retention of the Lagoon, the depth of water at the property line, and the stability of existing buildings on the Lagoon.

We strongly believe this is a flood control issue for Belvedere, as well as protecting against potentially negative impacts to BLPOA and its residents' property due to flooding.

We believe the bulkheads should be installed prior to the start of any Mallard Pointe project construction or sale of parcels on the Mallard Point property. We request that the bulkhead be continuous from one end of the property to the other and installed as one completed installation. (The Developers said they were not certain whether or not the parcels will be sold individually with plans.)

This will ensure that the Lagoon capacity, property stability and water quality is protected both during and after Project construction. The bulkheads need to be installed and capable of withstanding the individual and combined weight of all the new structures proposed. This would include the impact of the large new apartment complex in the

center of the property, whose weight will also potentially impact the lagoon given the high water table and Bay tidal soils composition that underlies all these properties. The bulkheads need to be installed up to the existing summer high water contact with land and no fill may be placed in the Lagoon.

The developers stated they have retained geotechnical expertise to advise them if replacements are required and what those replacement materials and systems should be. We consider the developers response to be inadequate and less than reassuring. Given the important interests of the City and community regarding risks of flooding and soil stability, we want to encourage the City to retain their own independent geotechnical expertise as part of the approval process.

Regarding docks – since the Project plans and new property lines have not been finalized, the Board reserves the right to examine their proposed placement. Absolutely no fill may be added to the Lagoon in connection with the relocation of property lines and proposed docks or landscaping.

## 2) Water Runoff / Drainage into the Lagoon

Two additional issues of concern are the impacts from water runoff and drainage. First, the increased hardscape of the Mallard/Community Road’s apartment building will most likely result in increased surface runoff into the Lagoon. Second, the partially subterranean parking structure may flood during significant rain events.

Both of these impacts create risks of flooding in the Lagoon, and on public and private properties. They also create potential risks for negative impacts to water quality in the Lagoon and its marine ecosystem. For the purposes of State water quality and wildlife regulations, the Lagoon is considered part of the San Francisco Bay, and the BLPOA manages water quality to meet State requirements.

How will the sewer system handle the overflow, and will any polluted water end up in the Lagoon?

In our Zoom meeting, the Developers also mentioned that they had just learned of FEMA requirements that were applicable to the proposed subterranean garage. Have the FEMA requirements been adequately addressed?

## 3) Proposed Independent Home Owners Association

The Developers mentioned that they were considering establishing an HOA (Home Owners Association). Before establishment, we would like to see that the HOA sufficiently addresses bulkheads, lighting, docks, and access to the Lagoon consistent with existing legal obligations for all Lagoon residents, and in essence, not attempt to shift property owners’ responsibilities and duties owed to the BLPOA to an HOA. We would also like to know what is the proposed legal relationship with the HOA and the BLPOA.

4) In addition to the above issues that directly affect the BLPOA property and the operation of the BLPOA to manage the Lagoon, the BOARD would like to share with the City substantial communication from individual BLPOA members that the Board believes should be considered by the Developers and the City.

- Noise and Privacy: The proposed roof deck on the proposed apartment structure is of concern to many members. The height of the roof deck and its direct view toward the living area of a substantial number of homes on Peninsula Road and also some on Leeward Road creates privacy concerns, as well as significant risk of adverse noise impacts impacting all the surrounding area.
- The FEMA height requirements will place the new homes and duplexes along the Lagoon much higher than the existing homes along Peninsula Road, as well as those facing Leeward Road and the Land Company properties. This creates a situation that makes lighting and reflective light a substantial challenge of significant concern to neighbors. This concern applies to all the major windows and interior and exterior lighting for the proposed homes and the multi-story apartment building that face Leeward Road and Peninsula Road, as well as the Belvedere Land Company properties.
- The Board is not familiar with all the City's applicable zoning requirements, but is concerned with the proposed square footage of the properties adjacent to the Lagoon and the parcel size of the new lots being created for the proposed dwellings and accessory dwellings.

Sincerely,



Ken Johnson, President, on behalf of the Board of Directors  
Belvedere Lagoon Property Owners Association

BLPOA Board:

Paw Anderson  
Marika Bergsund  
Jane Dudley  
Rick Fisher  
Janice Hackett  
Bernard Huger  
Jon-Paul Momsen  
Larry Stoehr

cc: Mallard Pointe Developers