



January 18, 2022

Ms. Sally Wilkinson, Mayor
Mr. Peter Mark, Planning Commission Chairperson
Mr. Craig Middleton, City Manager
Ms. Irene Borba, Director of Planning and Building

Subject: Mallard Pointe

To Belvedere City Council, Planning Commission, and Staff

Belvedere Residents for Intelligent Growth (BRIG) is an all-volunteer group of some 260 concerned residents. We are continuing to grow in number, and we feel strongly about intelligent and responsible planning and community involvement in the planning process. The environment, public safety, and the needs and concerns of all must be considered.

We have reviewed the information on the City's website concerning the proposed Mallard Pointe project, and representatives of our group met with the developer to discuss the proposed project on December 14, 2021. We understand that the developer has not yet submitted its final application for the project, but that it is expected to do so shortly. That said, we have some **preliminary** requests that we wish to address to the City at this time. We will have additional observations, comments, and requests that we will share with the City following submission of the final application and throughout the City's review process.

Preliminarily, we request that, in considering and acting upon the final application:

1. The City comply with the requirements of the California Environmental Quality Act (CEQA) by requiring preparation of an environmental impact report. The project, as preliminarily described and proposed, poses potential adverse environmental impacts on the Belvedere Lagoon and broader community that are significant and that must be fully addressed and analyzed in an EIR. This is not a project for which a CEQA exemption, negative declaration, or mitigated declaration is legally appropriate or supportable.

2. The City comply with the requirements of the Municipal Code by requiring that the developer provide a proper wet stamped survey of the existing property boundaries and of the structures on the property, including elevations. *See Section 20.04.080.H.*
3. The City comply with the requirements of the Municipal Code by requiring the developer to install both preliminary and final story poles and to provide a survey to certify the accuracy of story pole heights and locations. *See Section 20.04.080.J.*
4. The City comply with the requirements of the Municipal Code by requiring the developer to provide a physical scale model of the entire project and the surrounding buildings (including City Hall). The physical model should be accompanied by appropriate perspective drawings and renderings. *See Section 20.04.080.K.*
5. The City comply with the requirements of the Municipal Code by requiring the developer to provide a current title report or preliminary title report for the property. *See Section 20.04.080.M.*
6. As requested in Item #1) of BLPOA's November 10, 2021 letter to the Belvedere City Council and Planning Commission—a request in which BRIG joins--the City require the developer to design and install bulkheads to protect the BLPOA property from ground sloughing and settlement negatively impacting the storm water volume retention of the Lagoon, the depth of the water at the property line, and the stability of the existing buildings on the Lagoon. This will also protect against potentially negative impacts to BLPOA and its members' property due to flooding. The bulkheads should be installed prior to the start of any project construction or sale of parcels, and the bulkhead should be continuous from one end of the property to the other and be installed as one completed installation. As an incidental matter, BRIG also shares the concerns expressed in Items #2) and #4) of the BLPOA letter.

By listing specific sections of the Municipal Code above, BRIG does **not** mean to imply that the City should require the developer's final application to provide only the information required by those Sections (which call for information in which BRIG, as a **preliminary** matter, has a particular interest). To the contrary--given the size and nature of the proposed project, the potential it has to forever change the character of Belvedere, and the significant opposition it has generated in the community--it is essential that the City adhere strictly to its Municipal Code and that it require the final application to provide **all of the information** required by Municipal Code Section 20.04.080 (as well as by any other applicable provision of the Municipal Code).

Thank you for your consideration.

Sincerely,

John T. Hansen, BRIG Chairman