

MEMORANDUM

June 16, 2023

To: Belvedere City Council

From: M. R. Wolfe & Associates, P.C.
on behalf of Belvedere Residents for Intelligent Growth (BRIG)

cc: Members of the Planning Commission
Robert Zadnik, City Manager
Bradley Evanson, Community Development Advisor
Andrew Shen, City Attorney

Re: Mallard Pointe Project – Updated Preliminary Geotechnical Investigation

We have reviewed the October 19, 2022 “Updated Preliminary Geotechnical Investigation” prepared by Miller Pacific Engineering Group for the proposed Mallard Pointe Project (“Project”), and offer the following points in response.

As you may recall, the Project developer first submitted a “Preliminary Geotechnical Investigation” (“Initial Report”) to the City on January 19, 2022, in support of its claim that the Project qualified for the Class 32 categorical exemption from CEQA for in-fill development. BRIG refuted this claim in an April 27, 2022 letter to the City Council, explaining that the Project did not meet the criteria for the in-fill development exemption, and that even if it nominally did, it would still require environmental review pursuant to CEQA’s blanket exception to any categorical exemption “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (Guidelines, § 15300.2(c).) BRIG’s letter showed that the Project is not consistent with the applicable General Plan and zoning designations; is not substantially surrounded by urban uses; and would likely result in significant effects relating to traffic, noise, air quality, or water quality. Notably, BRIG forwarded a memo from Lawrence Karp, PhD, an expert in geotechnical engineering, structural engineering, and architecture, who reviewed Miller Pacific’s Initial Report. Dr. Karp explained that this initial Investigation did not address the unusual circumstances potentially giving rise to

significant impacts as a result of building the Project's structures on marshland that was dredged, filled, and flooded in the 1950s, and that is highly prone to settlement. A copy of BRIG's April, 2022 letter and Dr. Karp's memo are attached here for ease of reference.

Miller Pacific's Updated Preliminary Geotechnical Investigation ("Updated Report") does not address the points that BRIG and Dr. Karp raised with respect to the Initial Report. It does not include a subsurface exploration program to assess foundation features for the apartment building, nor does it reflect physical field tests or Index borings to support its conclusions. It does not provide actual foundation design and construction recommendations for the Project's structures. Instead, the Updated Report makes some relatively superficial changes to the original, likely in response to comments received from Ascent, the City's CEQA consulting firm. These changes include a new, brief discussion of the semi-subterranean parking garage (pp. 16-17), additional details relating to the existing lagoon bulkheads (p. 20), and replacement of the phrase "less than significant with mitigation" with "less than significant with engineered design" in several instances, following ASCENT's suggestion. The technical appendices are unchanged, and there is no indication of any new sub-surface investigations.

These omissions are significant, as Dr. Karp has explained. The Project's apartment building would be approximately five times as long as it is wide, with no structural or design features that would accommodate large differential settlement. Dr. Karp's recent experience with projects including long, narrow structures built on fill in Foster City and Redwood Shores confirms that the Project's long, narrow apartment building will likely experience differential settlement and subsidence unless major subgrade foundation systems are implemented. Installing such systems, which may include pile-driving, is environmentally intrusive, and will very likely cause significant adverse impacts on neighboring structures and the Lagoon.

In short, the Updated Report does not address the concerns that BRIG and Dr. Karp raised with respect to its predecessor, and nothing in it alters the conclusion that the Project should undergo reasonable environmental review under CEQA rather than evading scrutiny based on an unsupportable finding of exemption.

Thank you for considering these additional concerns.

MRW:sa

Attachment