

THE ARK

inside
BELVEDERE RESIDENT PENS DEBUT HORROR NOVEL 'SHUTTER'

Page 5



STATE COASTAL CLEANUP DAYS RETURN THIS WEEKEND, NEXT

Page 12

holiday edition

EDITOR'S NOTE — *The Ark* went into early production Friday, Sept. 3, due to the Labor Day weekend holiday. News from the weekend will appear in the Sept. 15 edition.

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Police say they have strong leads in robbery, burglaries

By SHAYNE JONES
 sjones@thearknewspaper.com

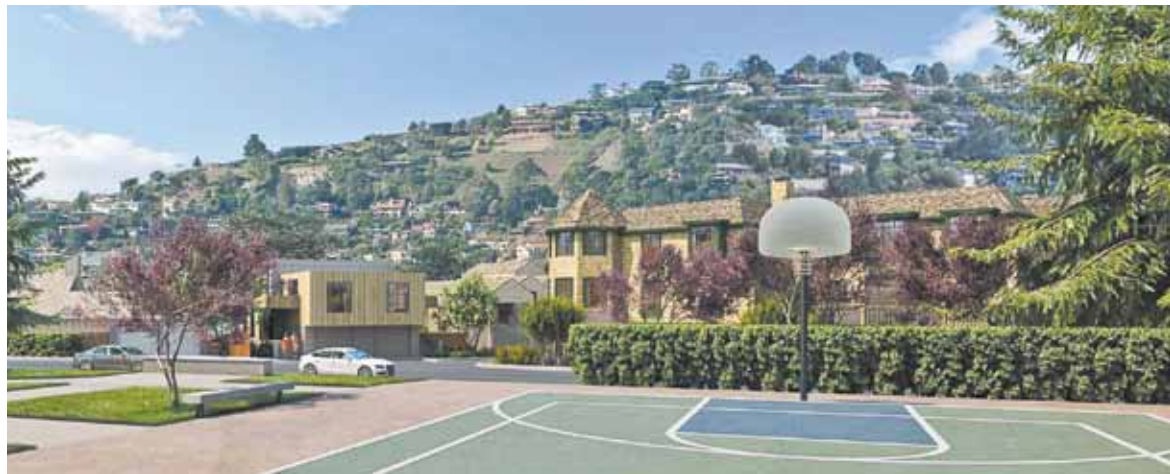
The armed robbery of a Tiburon teen and rash of home burglaries this summer, with the latest last weekend, has put residents on alert, pressure on the Police Department to find the culprits and prompted calls for more license-plate cameras in town.

Tiburon Police Chief Ryan Monaghan took to community website Nextdoor.com on Aug. 24, saying the department has strong leads — which appear to include potential DNA evidence — but they need more concrete evidence before they can make any arrests.

In the robbery case, Monaghan said the department has been working with the Marin County Sheriff's Office, but while he praised the

See **CRIMES, PAGE 20**

Mallard Pointe redevelopment plan sparks early opposition



PROVIDED BY MALLARD POINTE 1951 LLC

Renderings show preliminary redevelopment plans for the private Mallard Pointe community in Belvedere, which currently includes nine duplexes and a fourplex on Mallard Road between Community Park and the lagoon. At top, a new two-story, 32-foot tall apartment complex would include 23 units, replacing the duplex and fourplex in the island between Mallard and Community Roads; at bottom, the eight lagoon-side duplexes would be replaced with five duplexes and six single-family homes.

Belvedere group says complex is out of character, creates traffic, water concerns

By SHAYNE JONES
 sjones@thearknewspaper.com

A group of Belvedere residents has banded together to fight the redevelopment of a private community between the lagoon and City Hall, saying plans to nearly double the number of residential units there is out of character and will displace current tenants, jam up traffic and challenge water supplies.

Built by the Belvedere Land Co. in 1951, Mallard Pointe currently consists of nine duplexes and one fourplex, for 22 housing units along private Mallard Road. Kent Allen, a member of the Allen family that operates Belvedere Land Co., sold the property in 2017, which in turn was sold in October

See **MALLARD, PAGE 21**

Submit questions for candidate forum

The Ark and the League of Women Voters of Marin are co-sponsoring a Tiburon Town Council candidates forum at 7 p.m. Sept. 29, live on YouTube.

Candidates **Kathleen Defever, Noah Griffin, Brian McCullough** and **Nora Noguez** are competing for one open seat on the council, vacated last spring by David Kulik, who moved out of town with his family.

The winner of the Nov. 2 special election will serve the remaining three years on Kulik's term, through November 2024.

Veteran league volunteers will serve as moderator and timekeeper. Candidates

will make opening and closing statements, but most of the evening will be devoted to a question-and-answer session with the audience. The forum is expected to last about 1½ to two hours.

Questions for the candidates should be submitted in advance to the league and to The Ark at **tiburontowncouncil@marinlww.org**; candidates will not get the questions ahead of the forum.

Visit the league's live YouTube channel via **arkn.ws/marinlww-live**.

For more information, contact reporter Deirdre McCrohan at **dmccrohan@thearknewspaper.com**.

Tiburon will look at adding equity, diversity section to town's 20-year growth blueprint

By DEIRDRE MCCROHAN
 dmccrohan@thearknewspaper.com

Tiburon is considering whether to formally add diversity goals and priorities to its 20-year plan for townwide growth and development.

The Town Council at its Sept. 1 meeting discussed whether to include a diversity element in

the town's general plan, which is currently undergoing a multiyear update with a draft expected for review in March 2022. The council has asked the town's Diversity Inclusion Task Force, which first suggested including diversity as an element of the plan, to study the issue and lay out some options.

The task force, made up of all five councilmembers and

five members of the public, was formed earlier this year to address issues of race and bias in the community. In June, it expressed its support for including diversity goals in the general plan, which already has elements devoted to land use, housing, downtown, open space and conservation,

See **DIVERSITY, PAGE 21**

Tiburon 6 | Belvedere 12 | Sports 14 | Police Logs 15 | In Memoriam 21 | ArkBeat 23 | Classifieds 25

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Diversity, continued from page 1

parks and recreation, public safety and sea-level rise. Task-force members said that while issues of diversity, equity and inclusion should be incorporated into each existing element of the plan, those issues should also have a standalone element.

At last week's council meeting, Community Development Director Dina Tasini said a "large number" of jurisdictions have a strategic plan to look at diversity, equity and inclusion, but the city of San Rafael had included an equity, diversity and inclusion element in its recently updated general plan.

San Rafael's 30-page diversity element states that social inequities are the result of structural factors, from the displacement of the Coast Miwok to exclusionary zoning, racial covenants and discriminatory lending practices that have shaped land use and development in Marin and across the country — and that present-day policies may unintentionally harm those still affected by previous practices.

It sets 47 policy goals for equity and inclusion in six categories, including public participation, healthy communities and environmental justice, housing stability, delivery of government services, access to education and economic opportunity and being an age-friendly community.

Goal examples include training and education to serve in government leadership roles, providing ongoing forums for public discussion about equity and diversity, government collaborations with community-based organizations, improving food access with community gardens, preventing housing displacement with renter protections, equitable maintenance of neighborhoods, public-safety outreach to disadvantaged populations, after-school and employment-readiness programs, small-business support and programs for older adults.

Tasini outlined what she saw as three main options for Tiburon: creating a separate diversity element, creating a strategic plan focused on diversity and inclusion or weaving diversity-inclusion issues through the other existing elements of the general plan update now underway.

Chanis said the town does intend to address those issues within the already existing elements of the plan.

"That was our intent all along, that several elements, particularly housing, land use and transportation, lend themselves to this lens of diversity and equity," he said.

Mayor Holli Thier said she would be in favor of a separate diversity element, echoing comments she previously made at the task-force meeting on the subject.

"I do think elevating this to its own element is very important because it shows our commitment as a town to diversity and inclusion," Thier said.

Councilmember Alice Fredericks noted the importance of the topic, though she said she's more flexible in how it's addressed.

"I don't have a strong feeling about whether it should be a separate element, but I have an inclination that it's much more important to integrate it into the existing seven elements of our general plan," she said.

She noted that San Rafael has many different neighborhoods and services and may lend itself to a separate diversity element, while Tiburon is much smaller.

She suggested diversity issues should be highlighted in the introduction to the general plan and then the town should "create the path to implementation as it's relevant to the specific elements of the general plan."

Because the town has limited municipal services, Fredericks said a diversity-inclusion strategic plan also should be developed.

"The general statements in the general plan introduction will embed the goals and actions appropriate to each element, and then we tie it all together in a strategic plan," she said. "I think that's more important than having an element that would look aspirational and not tied to the element of planning in our general plan."

Councilmember Jack Ryan said he was approaching the question from a slightly different angle.

"I 100-percent agree that we need to address equity fully and mindfully, but I don't know that we even know the best way to do it," he said.

He noted he'd like to ask the task force to take on the work of identifying the issues that need to be addressed and developing a plan to do so.

Vice Mayor Jon Welner said he thought a diversity element could help unify and highlight the town's goals.

"It would be useful to have an element that pulls together the pieces that are buried in all the other elements related to that and explains how it's being comprehensively dealt with by the town," he said.

However, he noted he didn't have a concrete picture of what that might look like.

"I think it's worth having a separate element to make sure it's an area of focus and that element in turn points to the components buried with the other elements that seek to promote those values," he said.

The earliest the task force can begin looking into the topic is at its Oct. 13 meeting; the group's meeting tonight, Sept. 8, was canceled because it falls during the High Holy Days on the Jewish religious calendar.

Mallard, continued from page 1

2020 to Mallard Pointe 1951 LLC. On June 18, the firm submitted a preliminary application to tear down the duplexes and redevelop the site with 42 units and 102 parking spaces in a mix of single-family homes, some with accessory-dwelling units, new duplexes and an apartment complex.

An opposition group, which calls itself Belvedere Residents for Intelligent Growth, or Brig, is urging the Planning Commission and City Council to "keep any new housing development within our current codes."

Co-founder Joyce Griffin — a former 17-year Mallard Road resident who with husband Martin is known for decades of environmental activism and conservationism — issued a call to action to about 20 residents in an Aug. 9 email.

"Let's find another way to add housing to Belvedere," she said.

Developer outlines new plans

Mallard Pointe 1951's 42-unit plan is slightly smaller than the 44-unit concept it presented at a joint study session of the City Council and Planning Commission in February. The preliminary application was submitted under Senate Bill 330 rules — the Housing Crisis Act of 2019 — meaning it won't be subjected to the normal design-review process. The act aims to prevent local governments from rejecting projects, or placing burdensome conditions on them, if the project includes very low-, low- or moderate-income households. To stop or change such a project, Belvedere would have to provide written evidence a project wouldn't comply with zoning or land-use requirements.

Under the plan, the strip of eight duplexes along the lagoon would be replaced with 11 new buildings: five duplexes and six single-family homes of two to four bedrooms, ranging in size from 1,208 to 3,999 square feet, all with attached garages. Three of the single-family homes would have accessory dwelling units, for a total of 19 new residences with space for 29 cars. The new units would be a mix of rentals and ownerships, with the single-family homes available to own and the duplexes and apartments designated as rentals.

The duplex and fourplex currently on the residential island between Mallard Road and Community Road would make way for a two-story, 23-unit apartment complex with a parking garage. Units would range from one to three bedrooms of 670 to 1,500 square feet, and the complex would include a fitness center, business lounge, ride-share waiting area, bike storage and a rooftop deck.

Principal Bruce Dorfman said at the

learn more

To review the preliminary application to redevelop the private Mallard Pointe community in Belvedere, visit cityofbelvedere.org/443/Mallard-Pointe-Project.

To learn more about the project and plans, visit the redevelopment website at mallard-pointe2026.com.

To learn more about Brig, or Belvedere Residents for Intelligent Growth, and to join its mailing list, email brig94920@gmail.com.

February meeting that, if approved, construction would start in 2024 and be completed in a single stage over 18-24 months, for a target date of 2026.

Because the buildings would be in the federal floodplain, ground-floor living areas would have to be a foot above base flood elevation — a full 11 feet above sea level. For the apartment complex, that's about 7.5 feet above street level, with the partially underground garage structure raising the building to such a height it visually suggests three stories rather than the two allowed under Belvedere's zoning for the area.

From the street level, the proposed apartment building would be 32 feet tall where 29 feet is, generally, the maximum allowed under Belvedere's complex set of building-height requirements. However, the preliminary application states the project will request a waiver on the height limit.

That height's significantly shorter than what's depicted in a flier being circulated to residents by Brig, which shows a sketch of the proposed complex overlaid on a photo of the site. Based on the height of a vehicle immediately adjacent to the building — the average compact car's roughly 4.6 to 5.2 feet tall — Brig's rendering depicts a building at least 46 feet tall, if not greater than 50 feet.

At the February study session, it was unclear whether any of the units would be affordable, but the June preliminary application indicates 35 are market rate, two are designated for moderate income and two are for very-low incomes; the remaining three units are the accessory units, which would potentially bring the affordable offering to seven.

According to the California Department of Housing and Human Development, the annual-income limits in Marin for very-low income residents are \$63,950 for a single person, \$73,100 for two or \$91,350 for a family of four. The limit for moderate income, or 120 percent of the median, is \$125,650 for a single person, \$143,600 for two or \$179,500 for a family of four.

Mallard Pointe 1951 has been working with City Hall officials for the past several

See **MALLARD, PAGE 22**

In Memoriam



Cathryn T. Main

June 22, 1924-August 24, 2021

Cathryn was born and raised in Duluth, Minnesota, the third of four children of Louis and Adelaide Thompson.

Cathy was one to travel, and after Duluth; Bloomington, Indiana; and Daytona Beach, Florida, she made her way to the SF Bay Area where she

attended UC Berkeley (BA Arts) and worked for United Airlines. She met her future husband Bill on a blind date sailing on San Francisco Bay. Cathy and Bill were married for 60 years before he passed away in 2015. In 1956, when they were expecting their first child, also named Bill, they moved to Belvedere where they built

a house and remained living there for all their married years. In 1958, they welcomed the arrival of their second son, Rob.

Cathy loved life and made every day special. She applied her energetic nature to all her activities, which included modeling, painting, sculpture, sports (tennis, swimming, sailing, golf, running), gardening,

cooking, volunteering for numerous organizations (entertaining foreign dignitaries and supporting at-risk youth), but above all for her family.

Cathy is survived by her sons, Bill Main and his children David, Erin, Hanna, Sara, Julie and Emily; Rob Main and his son Tyler; and great-grandchildren Evelyn,

Noah, Kira, Levi, Raegan, and Gavin.

Remember Cathy with a beautiful smile for everyone, good humor, an easy laugh, a song, and a tireless optimistic attitude.

The family will conduct a Zoom memorial for benefit of the distant relatives and friends. Contact Bill Main at wmain@cruzio.com for more information.

Mallard, *continued from page 21*

years as Belvedere seeks to implement its design and development standards under another law, 2018's Senate Bill 35, which is designed to increase the supply of affordable housing throughout the state and limit city governments' discretion on approval or denial.

Belvedere has identified the development of Mallard Pointe as such a project at least since 2020. In May, Belvedere Director of Planning and Building Irene Borba said the standards "may be one of the most important ways for local jurisdictions to help influence and direct some of these multifamily and mixed-use buildings."

The preliminary standards, not yet approved by the city, include limiting buildings to two stories and requiring an East Coast cottage architectural style, similar to Albert Farr's designs of City Hall and the cottages along Beach Road. As proposed, the Mallard Pointe redevelopment would meet those requirements.

However, zoning for the area could pose a sticking point. The Mallard Pointe properties are in a residential zone designated R-2, where apartment complexes are among the expressly prohibited uses. But the housing element of the city's general plan seems to contradict this, stating multifamily housing is permitted by right in R-2 zones.

In an interview, Borba conceded the inconsistency.

"We are analyzing all of this but ... we have only seen preliminary information" about the application, she said. "We will have to fully evaluate this when the formal application is submitted."

Attorney Riley Hurd, representing Mallard Pointe 1951, says the rules are clear.

"It is black-letter law that the general plan, which the housing element is a part of, supersedes any inconsistencies in the zoning code," he said by email. "(It) is unequivocal that multifamily housing is permitted as a matter of right in the R-2 zoning district."

Hurd argues that even without the inconsistency, the city must grant a waiver for the proposal as a state density-bonus project: Because duplexes alone wouldn't meet the housing density allowed at the site under Belvedere's general plan, the city must allow the type of building that would.

Some residents push back

After the development concept was first revealed in the February study session, some residents said they were concerned the proposed apartment building would be imposing from Community Road, comparing it to a Walmart and saying it would create a towering wall on the street between the park and lagoon. Others worried about the new units creating more light reflecting off the water in the lagoon, impacting neighbors. Some nearby neighbors scoffed at the notion the developer met with residents and stakeholders at least 50 times, saying they'd never received a single notice about the idea until being alerted of the city meeting.

Griffin and Belvedere resident Susan Cluff started Brig in April, meeting every week or so and inviting city officials and experts. Cluff says the group has grown to more than 100 members with various levels of participation, from those who opted into emails to those who sit on committees that study state and local housing, infrastructure and water rules, for example.



PROVIDED BY MALLARD POINTE 1951 LLC

Developer Mallard Pointe 1951 LLC has submitted preliminary plans to redevelop a private community along Mallard Road, between the Belvedere Lagoon and Community Park, which currently has 22 units across a fourplex and nine duplexes. The proposal would replace the duplex and fourplex in the residential island with a 23-unit apartment building, and the eight lagoon-side duplexes would be replaced by five new duplexes and six single-family homes; three of the homes would have accessory dwelling units, for 42 total units.

At this point, she says, the primary goal is to create awareness and get people involved as they continue gathering information while they await the final Mallard Pointe redevelopment application for review.

However, some of the communications appear to take a stronger position against the proposed project.

In her Aug. 9 email, Griffin said development would increase traffic and parking congestion, would burden aging roads, infrastructure and water supply and would have negative environmental impacts on "fragile infill and the lagoon." She added the construction mass, density and bulk of the proposed buildings were "inappropriate to their surroundings."

Eric Hohmann, a principal of Mallard Pointe 1951, said in response to these concerns that his firm hired a traffic engineer, who found that the new units would have a small, if negligible, impact on traffic congestion. Hohmann also noted the architects designed the buildings to include sustainability features like solar panels, low-flow toilets, advanced irrigation and drought-tolerant landscaping, which he said could address Griffin's qualms about water supply and environmental issues pre- and post-construction.

Griffin also criticized the project for seeking to demolish all the existing buildings, mature trees and foliage at the site to replace "small affordable rental housing with much larger upper-income homes" — including a "massive" apartment complex with luxury townhomes but only four units designated for affordable housing.

She said the project would displace all current rental tenants, "many of them seniors and young families."

Hohmann said he hears Brig's concerns and has talked to the residents in the group about their opposition — but that he and business partner Dorfman have also met with other groups to tweak the project to fit the needs of other stakeholders as well.

In a press release sent to The Ark, Hohmann noted that after its February study session and meeting with residents, it chose to decrease the proposed number of units, set the apartment complex farther back from Community Road and introduce a "break" in the apartment complex so it appeared

similar in scale to other buildings.

In the interview, Hohmann said that while the people who currently live on Mallard Road will indeed be displaced, he wants to work to relocate them to similar housing close by and that he's spoken to the Belvedere Land Co. about possible ways to do that. He suggested the new homes could be used as workforce housing for city employees and other people who work in Belvedere but can't currently afford to live there.

The Ark attempted to contact several Mallard Pointe residents, who did not return calls by press time.

Belvedere resident Carol Benet, who is a freelance arts reviewer for The Ark, was among those included in Griffin's Aug. 9 email call to action. She has lived in Belvedere for 50 years and used to live in a house on Acacia Avenue, near the Mallard Pointe site.

Benet said in an interview she doesn't mind new housing but that the apartment complex is too big and ill fitting for the area. She said she would find the development more palatable if it included more low-income housing, stating that the four affordable units in the plan are "just not enough."

As a possible alternative, Benet suggested new development would be more appropriately suited for areas near The Boardwalk Shopping Center, which is "more walkable" for low-income seniors and residents who need to be closer to public transit.

Other Belvedere residents sounded off about the proposed development in an Aug. 3 post on community website Nextdoor.com, some echoing Griffin and Benet's concerns about traffic congestion and potential water waste.

"Water shortage is only one of the many reasons Mallard Pointe as proposed is a terrible idea for Belvedere," Belvedere resident Randee Binstock commented in the thread. "Doubling the amount of residences would impact traffic congestion, sound and light pollution. ... There's no reason to pack this many residences in such a small area. Only the developers stand to gain in this one!"

"I find it alarming that Marin is approving any new large developments given the dire drought situation that we are currently facing," Belvedere resident Jill Nash wrote. "We clearly need a lot more information."

The original poster objected the project was being submitted under Senate Bill 330 fast-tracking for affordable housing when just four of the 42 units are below market rate.

"A huge barrier for four lousy affordable housing units," echoed Strawberry resident Paul Kayfetz, referring to the mass of the building as proposed.

No one from the Tiburon Peninsula commented in favor of the project.

Hohmann also said the additional 17 residences, plus three accessory dwelling units, will count toward the 160 new units Belvedere will be required to identify under the Association of Bay Area Governments' Regional Housing Needs Allocation requirements in the coming 2023-2031 housing cycle.

The development needs to happen somewhere in Belvedere to satisfy those numbers, Hohmann said, and the Mallard Pointe redevelopment could get the city closer to its goal.

"If not here, where?" he said.

Brig members have said the city has an obligation under the housing element of its general plan to preserve rental housing, though the city's goals as outlined appear to suggest only that it maintain reasonable stock. With five duplexes and 23 apartments, the proposed development should increase rental stock by 11 units — 14 when including the three second units.

Griffin has argued that, as an alternative to a new apartment complex, Belvedere residents can convert garages or add their own accessory-dwelling units to increase the housing supply, which will also allow residents to benefit from the supplemental income.

The city has discussed the potential bump that accessory-dwelling units could provide to its housing quota as it grapples with how to address the countywide housing crisis. In an effort to align with a statewide push for more affordable housing, Belvedere last year passed an urgency ordinance exempting most accessory and junior accessory dwelling units from design review, instead allowing those applications to be fast-tracked by city planning staff.

In May, the city considered making that ordinance permanent, but it shelved the discussion after a group of Belvedere residents pushed back when they learned the Tiburon Fire Protection District had disqualified about 50 addresses from the streamlining because the presented choke points for emergency vehicles. At the time, the city noted residents at those addresses could still apply for an accessory unit through the normal design review process.

In an interview, Borba said that while she couldn't provide a number for how many homes are eligible for an accessory unit, they are allowed in all residential zones and would count toward the city's housing needs. However, she said there have been 19 applications for second units in the past three years.

The next step for the Mallard Pointe project is for the developers to submit their final formal development application, which will contain more detailed plans, reports, studies and information for city officials — and Brig — to review.

Hohmann said that could come within the next two months or so.

Reach Belvedere and public-safety reporter Shayne Jones at 415-944-4627.