

Stephen Roulac

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City Council City of Belvedere
Belvedere, CA

City of Belvedere

Re: Belvedere Avenue View Site Known as "Artist's View"

Dear Mayor McCaskill and Belvedere City Council Members:

The proposal to develop the "Artist's View" as a public park is contrary and adverse to our city's character, our citizen concerns, and priorities. Such a park would likely create a number of problems, including:

- Parking
- Traffic Delays
- Resident's access to their homes
- Public Safety
- Liability
- Unequal access
- Our city's finances
- Capital expenditure
- Responsible place management
- Conservation priorities

These are discussed below.

To provide context for my comments, I have lived at 423 Belvedere Avenue since 2003, having earlier lived in Belvedere from early 1980s through 1990s at 303 Belvedere Avenue. In my perspectives are informed by my role as a property expert, advising globally on significant property decisions, in which capacity I have worked with numerous government agencies and have been called as a testifying consulting expert in more than 100 significant, high-stakes disputes.

In the 1980s, I lived six houses to the North of the Ganz properties. For the last decade-and-a-half, I have lived directly adjacent to the south-most Ganz property, so my property is one of the two most directly and adversely affected by a situation that could only most charitably be described as a *public nuisance*.

Over the years the Ganz property has become a favored, widely publicized and promoted via social media on the Internet as a target destination for visitors from out-of-town. The Ganz property is a place to "hang out," "party," and consume substances in ways - by virtue of age and the law - that would be impermissible in any public place or any private establishment that was subject to law enforcement jurisdiction and administration.

423 Belvedere Avenue
Belvedere, CA 94920

On numerous occasions, I have had to call the Belvedere City Police to request that an officer intervene in highly disruptive, raucous carrying ons. While those that trespass on the Ganz properties do so ignoring No Trespassing signs, climbing over a fence, a public stairway, inviting people to a public park would attract even more fun-seekers whose conduct inevitably will be disruptive, detrimental to Belvedere citizens' private enjoyment of their homes, and prospectively highly disadvantageous to the overall experience of this special place.

While so far limited information has been available to people of Belvedere about what is proposed, there are numerous questions and concerns:

- **Parking** - Where will people park? Belvedere, especially on the west side of the island, has limited parking. If the proposed park is to serve many people, then parking would be a major problem. If proponents of the park assert that there would not be so many cars after all, which position equates to fewer visitors, then what public purpose is served by such a substantial investment?
- **Traffic delays** - Already it can be difficult for people living on the far side of the island to get to town and Tiburon Boulevard when a driver unfamiliar with the roads, someone who has difficulty coping with passing another car, and/or visiting workers with large vehicles block access. The proposed park would exacerbate the already difficult traffic situation and access to emergency services.
- **Safety** - The very circumstances of the park raise fundamental questions about the safety of individuals who might be visiting - as well as residents. Concerning the former, if someone traversing down to the beach has a physical problem, how would they get back up? The shoreline along Belvedere Island is for the most part less than hospitable. Unless one possesses considerable agility and knowledge, traversing the shoreline is a high risk proposition.
- **Liability** - If people visiting the park were injured, inevitably the City would be named as a defendant in litigation. Thus, the legal costs of defending the City against claims, plus what costs would be incurred to settle such claims, and/or pay judgments could be extraordinary. In the any event that someone were injured, pressed a claim and prevailed, not only would the City be confronted, the costs of coping with that unfortunate incident, but it is not unlikely that the City could be mandated by the legal system to make substantial investments to "protect the safety" of those who would visit.
- **Unequal access** - Those individuals who could safely, appropriately and prudently and independently utilize the proposed park are a small subset of the

larger populous in a time of ever-expanding rights. It is not unrealistic to think that handicapped advocates would insist a hillavator must be installed so that anyone with limited mobility would not be denied the experience of the public park. Clearly, such a requirement would add significant costs.

- **Prudent use of resources** - At a time when our library is still far short of needed funding for expansion, despite the strong support from many in Belvedere, it is dubious why significant dollars should be spent on a public park of dubious benefit and so many drawbacks. Our community library needs the funding so that the expansion project can go forward - frivolous expenditures should be cancelled.

Belvedere's community housing component has yet to be appropriately addressed. The dollars that would be spent on this public park could go a long way to supporting our city meeting its public housing responsibilities, which given the new Governor's priorities, will likely be increasingly prioritized.

Many of our community would favor housing that would have a component that could be dedicated for public employees - specifically police and fire - so that those individuals and their families could live in the local community, rather than having to commute long distances, sometimes hours each way, to their jobs.

Beyond the argument to *do the right thing* for our public employees, too little appreciated is that in the event of a significant disaster, the majority of our life safety employees live so far away from Belvedere that it would take them a long time to get here - if the disaster scenario even allowed them to get here. Further, since those individuals would understandably be more connected to the places in which they and their families lived - rather than in Belvedere where they work - their motivations to make such travels may not be so strong.

Among other projects that would be very beneficial to every citizen, is creating a fiber-integrated connection to facilitate Internet use to be widely used by all, would appeal to most everyone, and be especially helpful to (A) those individuals on a fixed income who may be pressed to afford the cost of top Internet access, (B) families whose children would like to have more Internet access on a more economic basis, (C) individuals who work from their homes as independent contractors, participate in the gig economy, and manage their businesses. Arguably, a superior citywide fiber-Internet connection could go a long way to reducing traffic, as people could have less need to travel if they had more electronic access.

- **Our City's Finances** - Proponents of the Artist View project may have devoted too little attention of the fiscal consequences of such an undertaking. To the extent that this project would be adverse to the city's property values, the city's fiscal situation and services would suffer, inasmuch as property taxes or property values are primary sources of municipal revenue. Lower property tax resources would diminishes services.
- **Capital Expenditures** - What would this proposal cost? Who would pay for it? Is this a cost that the public - Belvedere citizens and other property owners - may be asked to contribute to the cost of the project? Is this the most responsible use of funds given all the possible competing projects and endeavors that could enrich life in Belvedere?

Beyond the substantial capital costs involved in implementing this park concept, inevitably economic consequences would include significant ongoing costs of maintenance, police oversight, and damage to property - both city and public. Given the high likelihood of problems/incidents/issues that the presence of such a park would engender, it is highly probable that considerable law enforcement and police department resources would be required to deal with these circumstances. These issues would inevitably unavoidable significant incremental costs, which resources would be at the expense of Police Department's other responsibilities - meaning that police work that would otherwise be done would not be done, because of the time required to deal with this, or substantial overtime and additional staffing costs would be incurred.

Inevitably, such a project would lead to complaints, disputes and litigation. The City could be burdened by significant costs to defend such claims. And prospectively pay damages for - the prospect of the traffic and volume of people that could be generated by this park would increase the likelihood of damage to Belvedere properties, most especially those nearby. In this regard, it is not unreasonable to anticipate that Belvedere citizens and property owners would look to the city to be made whole for damages sustained as a consequence of traffic generated by this project.

- **Place Management Responsibility** - Municipal government is charged with the responsibility to manage the place for the benefit of all citizens, not just for certain special interests. People living in Belvedere are fortunate to have extraordinary access to a number of nearby outlook points, public spaces, promenades. The waterfront park along Tiburon Boulevard beyond the Ferry Landing offers extraordinary vistas and views. The beach along the bike path leading to Blackie's pasture offers a great opportunity to have a relatively safe and far more benign interaction with the shorefront. Already, citizens of

Belvedere contribute substantial monies through taxes to support parks at the city, county, state and federal level, which parks are readily accessible and benefitting all people, not just the citizens of Belvedere.

- **Green environment** - Why would we want to cover a beautiful green place with concrete? In a community in which natural beauty is cherished and championed, spending resources to irreversibly alter and negatively impact the environment seems so bizarre.
- **Negative impacts exceed positives** - The negative consequences of the proposed Artist's View Park far exceed the positives that might be realized. Certainly, before projects such as this could proceed, an Environmental Impact Report shall be required. If that report is prepared competently, it is inconceivable that a positive report would be the outcome. Additionally, if the EIR were coupled with a fiscal impact study, with the two of them broadly considering all issues that appropriately should be addressed, the negatives would approach offsetting the few positive that the park advocates claim. Thus, with such negative findings it makes no sense that such a project could proceed.

What is proposed egregiously diminishes the very quality of the lands in question, the adjacent lands, citizens' properties - and, therefore, the entirety of Belvedere Island and beyond. Those charged with leading and managing Belvedere are expected to protect and enhance the place. What is proposed is the antithesis of that mandate.

Respectfully, I request the City Council direct the Open Space and Parks Committee to turn its talents and energy to meritorious projects.

Kind regards,



Stephen Roulac