

HOUSING CRISIS ACT of 2019 – SB 330

PRELIMINARY APPLICATION FORM

PURPOSE

This form serves as the preliminary application for housing development projects seeking vesting rights pursuant to SB 330, the Housing Crisis Act of 2019.

GENERAL INFORMATION

An applicant for a housing development project that includes (1) residential units (2) a mix of commercial and residential uses with two-thirds of the project's square footage used for residential purposes; or (3) transitional or supportive housing, shall be deemed to have submitted a preliminary application upon provision of all of the information listed in this Preliminary Application form and payment of the permit processing fee to the agency from which approval for the project is being sought.

After submitting this Preliminary Application to the local agency, an applicant has 180 days to submit a full application or the Preliminary Application will expire.

Submittal Date Stamp*^{1,2}:

*¹Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date, unless exceptions per Government Code § 65889.5(o) are triggered.

*²Note: Record keeping pertaining to which standards and fees apply at date of submittal is imperative, as **penalties may apply for imposing incorrect standards**

Notes:

1. California Environmental Quality Act (CEQA) and Coastal Act standards apply.
2. After submittal of all of the information required, if the development proponent revises the project to change the number of residential units or square footage of construction changes by 20 percent or more, excluding any increase resulting from Density Bonus Law, the development proponent must resubmit the required information so that it reflects the revisions.

SITE INFORMATION

1. **PROJECT LOCATION** - The specific location, including parcel numbers, a legal description, and site address, if applicable.

Street Address 1-22 Mallard Road, Belvedere, CA 94920 Unit/Space Number _____

Legal Description (Lot, Block, Tract) _____ Attached? YES NO

Assessor Parcel Number(s) 060-072-18; 060-072-27; 060-072-28

2. **EXISTING USES** - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

There are currently 22 residential units and other associated site improvements on the property. These duplex units will be demolished in order to construct the proposed project.

3. **SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.

Attached? YES NO

4. **ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Attached? YES NO

5. **PROPOSED USES** - The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

The proposed land use is the development of 42 new residential units, including a mix of single family dwellings, accessory dwelling units, duplexes, and apartments, with 92,105 square feet of residential development, which includes all interior circulation and parking garages. (It is understood that the definition of Floor Area Ratio in Belvedere will likely yield a different number, but this is the gross square footage of development.) The proposed square footage of the apartment building is 48,490 sf and the proposed square footage of the Lagoon Cottages is 3,965 sf on average.

a. RESIDENTIAL DWELLING UNIT COUNT:

Please indicate the number of dwelling units proposed, including a breakdown of levels by affordability, set by each income category.

	Number of Units
Market Rate	35
Managers Unit(s) – Market Rate	
Extremely Low Income	
Very Low Income	2
Low Income	
Moderate Income	2
Total No. of Units	42*
Total No. of Affordable Units	4
Total No. of Density Bonus Units	N/A

Other notes on units:

* The project includes 3 Accessory Dwelling Units in addition to the Market Rate and Affordable units for a total of 42 units.

6. **FLOOR AREA** - Provide the proposed floor area and square footage of residential and nonresidential development, by building (attach relevant information by building and totals here):

	Residential	Nonresidential	Total
Floor Area (Zoning)	92,105	N/A	92,105
Square Footage of Construction	92,105	N/A	92,105

7. **PARKING** - The proposed number of parking spaces:

102

8. **AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?

YES NO

If "YES," please describe:

As a density bonus housing development which is providing units at the Very Low and Moderate Income level households, the project will request a waiver from the height limit and side yard setback requirements of the R-2 zoning district.

9. **SUBDIVISION** – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

YES NO

If "YES," please describe:

The Applicant will seek a Vesting Tentative Map and a condominium map.

10. **POLLUTANTS** – Are there any proposed point sources of air or water pollutants?

YES NO

If "YES," please describe:

11. **EXISTING SITE CONDITIONS** – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

	Occupied Residential Units	Unoccupied Residential Units	Total Residential Units
Existing	22		22
To Be Demolished	22		22

12. **ADDITIONAL SITE CONDITIONS** –

a. Whether a portion of the property is located within any of the following:

i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178?

YES NO

ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?

YES NO

iii. A hazardous waste site that is listed pursuant to Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

YES NO

- iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency?

YES NO

- v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2?

YES NO

- vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code?

YES NO

If "YES" to any, please describe:

The project is located in FEMA flood zone AE.

- b. Does the project site contain historic and/or cultural resources?

YES NO

If "YES," please describe:

The landform, landform age, proximity to known ethnographic territories, historic topographic maps, and historic aerial imagery indicate that there is a moderate potential for encountering cultural resources. However, disturbances within the project site due to previous construction, the surrounding built suburban environment, and imported fill lowers the potential for encountering cultural resources significantly. Based on this assessment, the probability for encountering historic and/or prehistoric cultural resources on the site are low. The Applicant has hired Kleinfelder to complete a detailed assessment and establish protocols if historic/cultural resources are discovered during construction.

- c. Does the project site contain any species of special concern?

YES NO

If "YES," please describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

YES NO

If "YES," please describe:

e. Does the project site contain a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? Provide an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

YES NO

If "YES," please describe and depict in attached site map:

13. **COASTAL ZONE** - For housing development projects proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

a. Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

YES NO

b. Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

YES NO

c. A tsunami run-up zone.

YES NO

d. Use of the site for public access to or along the coast.

YES NO

14. **PROJECT TEAM INFORMATION** - The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

Applicant's Name Bruce Dorfman

Company/Firm Mallard Pointe 1951, LLC

Address 39 Forrest Street Unit/Space Number Ste 202

City Mill Valley State CA Zip Code 94941

Telephone 415-381-3001 Email BD@ThompsonDorfman.com

Are you in escrow to purchase the property?

YES NO

Property Owner of Record Same as applicant Different from applicant

Name (if different from applicant) Mallard Pointe 1951, LLC

Address 39 Forrest Street Unit/Space Number Ste 202

City Mill Valley State CA Zip Code 94941

Telephone 415-381-3001 Email BD@ThompsonDorfman.com

Optional: Agent/Representative Name Riley Hurd III

Company/Firm Ragghianti Freitas LLP

Address 1101 Fifth Avenue Unit/Space Number Ste 100

City San Rafael State CA Zip Code 94901

Telephone 415-453-9433 Email rhurd@rflawllp.com

Optional: Other (Specify Architect, Engineer, CEQA Consultant, etc.) _____

Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

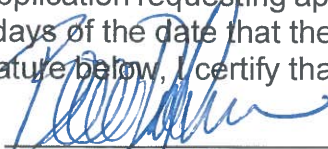
Primary Contact for Project: Owner Applicant Agent/Representative Other

PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25 percent interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the Preliminary Application form may be provided if the property is owned by a partnership, corporation, LLC or trust, or in rare circumstances when an individual property owner is unable to sign the Preliminary Application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-3 below. In the case of partnerships, corporations, LLCs or trusts, the LOA must be signed by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide Copy of the Grant Deed if the ownership of the property does not match local records. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe, or Mary Smith and Mark Jones) signatures are required of all owners.

1. I hereby certify that I am the owner of record of the herein previously described property located in 1 - 22 Mallard Road, Belvedere, CA 94920 which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
2. I hereby consent to the filing of this Preliminary Application on my property for processing by the Department of Planning for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.
3. Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with the Department of Planning within 180 days of the date that the Preliminary Application is deemed complete.
4. By my signature below, I certify that the foregoing statements are true and correct.

Signature 
Printed Name BRUCE DORFMAN
Date 06/17/2021

Signature _____
Printed Name _____
Date _____

EXHIBIT A

The land referred to is situated in the County of Marin, City of Belvedere Tiburon, State of California, and is described as follows:

PARCEL ONE:

Commencing at the point of intersection of the Northeasterly line of Community Road and the Southeasterly line of Lot 20, as shown upon "Map of Lagoon Subdivision No. 5, Belvedere, Marin County, California", filed for record November 21, 1950 In Volume 7 of Maps, at Page 22, Marin County Records; running thence Southeasterly along the Northeasterly line of Community Road along the following courses and distances: Southeasterly along the arc of a curve to the left, the center of which bears North 35° 00' East 200 feet from said point of commencement, with a radius of 200 feet, a central angle or 17° 00' a distance of 59.341 feet and South 72° 00' East tangent to the preceding curve 211.325 feet to the true point of beginning of the parcel of land to be described; running thence Southeasterly along said Northeasterly line of Community Road the following courses and distances: South 72° East 20 feet, Southeasterly along the arc of a curve to the right, tangent to the preceding course, with a radius of 300 feet, a central angle of 40° 09' 30" a distance of 210.268 feet and South 31° 50' 30" East tangent to the preceding curve 250 feet; thence leaving said Northeasterly line of Community road and running North 50° 09' 30" East 188.548 feet; thence North 19°, West 36.007 feet; thence North 40° 00' West 153 feet; thence North 10° 00' West 118 feet; thence North 4° 00' East 210 feet; thence North 40° 00' West 57 feet; thence South 84° 00' West 61 feet; thence South 40° 00' West 151 feet; thence South 61° 00' West 102 feet; thence North 74° 00' West 38.338 feet to a line drawn North 18° East from the true point of beginning; thence South 18° West along the last mentioned line so drawn 119,392 foot to the true point of beginning.

Excepting therefrom that portion conveyed to Richardson Bay Land Company, a corporation, recorded April 7, 1953 in Book 798 of Official Records, at Page 539, Marin County Records,

Also excepting therefrom that portion conveyed to Belvedere Land Company, a corporation, by Deed recorded November 27, 1953 in Book 838 of Official Records, at Page 56, Marin County Records.

Also excepting therefrom that portion conveyed to Belvedere Land Company, a corporation, by Deed recorded December 21, 1956 in Book 1081 of Official Records, at Page 320, Marin County Records.

Also excepting therefrom that portion conveyed to Andrew E. Allen and Howard B. Allen, Trustees for the benefit of Richardson Bay Land Company, a corporation, by Quitclaim Deed recorded December 11, 1979 in Book 3653 of Official Records, at Page 440, Marin County Records.

APN: 060-072-27

PARCEL TWO:

Beginning at a point on the exterior boundary line of the parcel described In the Deed to Howard B. Allen, et ux, recorded January 23, 1951 in Book 676 of Official Records, at Page 364, Marin County Records; thence North 04° 00' East 53.006 feet from the Southerly extremity of the course North 04° 00' East 210 feet, which forms a portion of the exterior boundary line of the parcel described in said Deed referred to above; thence South 04° 00' West along the exterior boundary line of the parcel described 53.006 feet to an angle point therein; thence South 10° 00' East continuing along the exterior boundary line of said parcel 27.029 feet; thence South 82° 00' West 65.244 feet; thence North 70° 00' West 33 feet to a point; thence Northerly along the arc of a curve to the right, the center of which bears North 84° 15' East 420 feet from the last mentioned point, with a radius of 420 feet, a central angle of 13° 36' 50" a distance of 99.795 feet to a point which is distant North 85° 00' West 67.884 feet and North 57° 00' West 30 feet from the point of beginning; thence South 57° 00' East 30 feet; thence South 85° 00' East 67.884 feet to the point of beginning.

APN: 060-072-28

PARCEL THREE:

Commencing at the point of intersection of the Northeasterly line of Community Road and the Southeasterly line of lot 20, as shown upon "Map of Lagoon Subdivision No. 5, Belvedere, Marin County, California", recorded November 21, 1950 in Volume 7 of Maps, at Page 22, Marin County Records; running thence Southeasterly along the proposed Northeasterly line of Community Road the following courses and distances:

Southeasterly along the arc of a curve to the left, the center of which bears North 35° 00' East 200.000 feet from the said point of commencement, with a radius of 200.000 feet, a central angle of 17° 00' 00", an arc distance of 59.341 feet, South 72° 00' 00" East, tangent to the preceding curve 231.325 feet and Southeasterly along the arc of a curve to the right, tangent to the preceding curve with a radius of 300.000 feet, a central angle of 16° 57' 42", an arc distance of 88.811 feet to the true point of beginning of the parcel of land to be described; thence continuing Southeasterly along the said proposed Northeasterly line of Community Road the following courses and distances: along the arc of a curve to the right, the center of which bears South 34° 57' 42" West 300.00 feet from the said true point of beginning, with a radius of 300.000 feet, a central angle of 23° 11' 48", an arc distance of 121.457 feet and South 31° 50' 30" East 131.123 feet; thence leaving the said proposed Northeasterly line of Community Road and running Easterly and Northeasterly along the arc of a curve to the left, tangent to the preceding course, with a radius of 18.000 feet, a central angle of 115° 43' 10", an arc distance of 36.354 feet; thence Northerly along the arc of a curve to the left, tangent to the preceding curve, with a radius of 46.000 feet, a central angle of 63° 39' 00", an arc distance of 51.101 feet; thence Northwesterly along the arc of a curve to the right, tangent to the preceding curve, with a radius of 454.000 feet, a central angle of 27° 02' 51", an arc distance of 214.319 feet; thence Northwesterly and Westerly along the arc of a curve to the left, tangent to the preceding curve, with a radius of 20.000 feet, a central angle of 117° 31' 28", an arc distance of 41.024 feet; thence Southwesterly along the arc of a curve to the right, tangent to the preceding curve, with a radius of 834.000 feet, a central angle of 60° 44' 30", an arc distance of 98.132 feet; thence Southwesterly and Southerly along the arc of a curve to the left, tangent to the preceding curve, with a radius of 12.000 feet, a central angle of 120° 05' 31", an arc distance of 25.152 feet to the point of beginning.

APN: 060-072-18