



CITY OF BELVEDERE

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July 18, 2021

Mallard Pointe 1951, LLC
Bruce Dorfman
39 Forrest Street
Suite 202
Mill Valley, CA 94941

RE: Mallard Pointe 1951, LLC – Preliminary Housing Application

Dear Mr. Dorfman:

This letter is to inform you that the Planning Division for the City of Belvedere has reviewed of your preliminary SB 330 housing application and accompanying plans and information received electronically on June 18, 2021, for the proposed residential project commonly known as Mallard Point 1951, LLC. The preliminary SB 330 housing application indicates a mix of units including single-family (6 units plus 3 ADU's), duplexes (totaling 10 units) and an apartment building with 23 units for a total of 42 units proposed. As proposed, the preliminary application includes 2 very low and 2 moderate level income dwelling units. Additionally, the preliminary housing application request includes 2 waivers; one for height and one for setbacks.

The Mallard Pointe project consists of three parcels located in the R-2 zoning district and the General Plan designation for each of the three parcels are designated as Medium Density Residential (Multi-Family Residential: 5.0 to 20 units/net acre).

While state law does not require the City to review a preliminary application to determine if all the required information has been submitted, as a courtesy to you, and to ensure that the timelines established by a preliminary application are known to the City and applicant, the City has reviewed the preliminary application to determine if all the elements required by Government Code Section 65941.1(a) have been submitted. The preliminary SB 330 housing application and information does not include all the required information and consequently is ***incomplete***. Additional information is required as described below.

Preliminary Housing Application

The preliminary housing application request (question 8) indicates that you are asking for waivers from the height limits and the side yard setbacks from the R-2 zoning district. Please provide additional details/information on the requested waivers, for example:

- a) What is the additional height requested over the maximum allowed in the R-2 zoning district?
- b) Is the waiver for height being requested for the single-family home, the duplexes, or the apartment building or the ADU's? Please clarify.
- c) The elevations showing the height/dimensions of each of the proposed unit types shall be provided.
- d) How much of an additional setback encroachment is being requested? Please clarify.
- e) Clarify if the waiver for setbacks from the R-2 zoning district is a waiver request for the single-family dwellings, the duplexes, or the apartment building?
- f) Clarify if the waiver request for side yard setback is for both side yard setbacks (each side of a structure)?

Question 12B of the preliminary housing application has not been fully addressed. The preliminary application does not address the potential historic nature of the existing duplexes on the property which are proposed to be demolished. Provide information that would address the question.

Additionally, the property appears to be owned by an LLC; Mallard Pointe 1951, LLC. The preliminary application, however, was signed only by Bruce Dorfman. Ownership disclosure information shall be provided as stated in the Preliminary Housing application. Please refer to the preliminary application for the appropriate information required for submittal of a preliminary application regarding property owned by an LLC; ownership information shall be provided.

Housing Development Checklist

Upon submittal of a formal application for a housing development project, the city has a checklist for submittal requirements for proposed housing developments. Below is a link to the submittal requirements for Housing Developments and the information per the checklist shall be required for formal submittal:

<https://www.cityofbelvedere.org/DocumentCenter/View/7376/Housing-Development-Application-Checklist>

Replacement Housing

The Housing Crisis Act of 2019 (66300) prevents an “affected city” from approving a housing development that demolishes existing housing units without replacing them. The City of Belvedere is included in HCD’s list of “affected cities”. If a housing project proposes to demolish existing housing units, it cannot be approved by the city unless the project contains at least as many units as are being demolished, and all “*protected units*” are replaced. (66300(d)) “Protected units” include: 1) units that have been subject to any form of rent control within the past 5 years (including rent control imposed by the state); (2) units that were occupied by lower income households within the past five years (regardless of rent paid); or (3) residential dwelling units that were withdrawn from rent under the Ellis Act within the past ten years. (66300(d)(2)(E)(ii)).

For tenants in “protected units” the Housing Crisis Act also requires State law relocation payments and a right of first return to a comparable unit in the new development, at an affordable rent (66300(d)(2)(D)). All households occupying a unit that is proposed to be demolished must be allowed to stay in the unit six months before the start of construction (66300(d)(2)(C)).

To date no information has been provided to the City regarding tenant incomes or the plan for complying with these requirements for replacement housing obligations. This information shall be provided in accordance with the Housing Crisis Act.

Application Types Required

In addition to the submittal requirements outlined in the Housing Development Checklist and information as it relates to replacement housing, review of the preliminary housing application, indicates that several application types would be required for formal submittal including the following:

- Demolition Permit – The proposal includes the demolition of existing structures and site improvements. In accordance with BMC Title 16.28 Demolition Permits, a demolition permit will be required for the proposed project. Below, you will find the links to Title 16.28 of the Belvedere Municipal Code & to the demolition permit application. Demolition Permits are required to be heard by the Planning Commission. Title 16.28 outlines the submittal requirements and the findings that are required to be made to approve such a request.

BMC Title 16.28 – Demolition Permits

<https://ca-belvedere2.civicplus.com/DocumentCenter/View/421/1628?bidId=>

Demolition Permit Application

<https://www.cityofbelvedere.org/DocumentCenter/View/91/Demolition-Permit?bidId=>

- Design Review
The project proposal will require Design Review by the Planning Commission. BMC Title 20 outlines the purpose for design review and the submittal requirements & findings for design review.

BMC Title 20 – Architectural & Environmental Design Review

<https://www.cityofbelvedere.org/DocumentCenter/View/282/Title-20---Architectural-andEnvironmental-Design?bidId=>

Submittal requirements for design review are located in section 20.04.080 of the BMC.

Application for Design Review can be found at:

<https://www.cityofbelvedere.org/DocumentCenter/View/92/Design-Review?bidId=>

- Subdivision
The project proposal will require a subdivision map (Vesting Tentative Map – as indicated in the preliminary housing application).

BMC Title 19 – Subdivisions outlines the general provisions and submittal requirements for a formal application for a subdivision. [https://ca-](https://ca-belvedere2.civicplus.com/DocumentCenter/View/280/Title-18---Subdivisions?bidId=)

[belvedere2.civicplus.com/DocumentCenter/View/280/Title-18---Subdivisions?bidId=](https://ca-belvedere2.civicplus.com/DocumentCenter/View/280/Title-18---Subdivisions?bidId=)

As noted above, the preliminary housing application indicates that a Vesting Tentative Map would be requested as part of a formal application. Additional information/submittal requirements for Vesting Tentative Maps can be found in BMC Section 18.20.130.

The application for a subdivision can be found on the city website at:

<https://www.cityofbelvedere.org/DocumentCenter/View/89/Subdivision?bidId=>

- Condominium Permit - BMC Title 19.38 Condominiums & Community Apartments
BMC Title 19.38 Condominiums & Community Apartments. The preliminary housing application indicates that a condominium map would be proposed. Per BMC condominiums create conditions that differ markedly from those associated with rental units. The City treats such projects differently from other types of multi-family dwellings, or commercial uses, and has established rules and standards that regulate the construction of and/or the conversion of structures to condominium, community apartment or stock cooperative within the City. These rules apply to a subdivision initially created as condominium units or community apartments or as a stock cooperative and the conversion of an existing commercial building to a condominium.

In the case of new construction for sale as condominiums, the application for permit shall first be referred to the Planning Commission for its analysis & recommendation pursuant to the pertinent provisions of Chapter 20.04, Design Review.

The application for a condominium shall be submitted in accordance with the Subdivision Map Act. Application for a Condominium Map can be provided by the planning department.

- Accessory Dwelling Unit.

Pursuant to BMC Ordinance 2020-04 an accessory dwelling unit (ADU) permit is required as part of a formal application as three ADU's are proposed on the 2nd floor of three of the single-family dwellings. Here is the link to Ordinance 2020-04 which established the regulations & requirements for ADU's.

<https://www.cityofbelvedere.org/DocumentCenter/View/7310/2020-04>

Accessory Dwelling Unit Permit application. Below is the link to the ADU Permit application.

<https://www.cityofbelvedere.org/DocumentCenter/View/6538/APPLICATION-FOR-ACCESSORY-DWELLING-UNIT-REV-dec-2019>

- Conditional Use Permit (General Use Permit).

In review of the preliminary housing application, plans and information and the requirements for an ADU Permit, in addition to the ADU Permit application a Conditional Use Permit (General Use Permit) will be required for the requested ADU's. The ADU's as proposed on the 2nd floor of the three of the proposed single-family units does not meet the requirements for a ministerial approval for an ADU and therefore a Use Permit is required. As noted above, you have requested a waiver for height however it is unclear

from the information as submitted if the requested height waiver is requested for the ADU's. Clarification of the height waiver may preclude the need for a Conditional Use Permit for the ADU's.

Here is the link to the General Use Permit application.

<https://www.cityofbelvedere.org/DocumentCenter/View/85/General-Use-Permit?bidId=>

Here is link to BMC Title 19.80 Conditional Use Permits.

<https://ca-belvedere2.civicplus.com/DocumentCenter/View/446/1980?bidId=>

- Revocable License

A Revocable License would be required for improvements, such as landscaping, sidewalks, driveways, etc., that encroach upon land adjoining land owned by the City of Belvedere. The Revocable License application can be found at the following link and shall be submitted with a formal application and the required Exhibit.

<https://www.cityofbelvedere.org/DocumentCenter/View/319/Revocable-License?bidId=>

- Density Bonus Application

Review of the preliminary application would require a Density Bonus Application. BMC Section 19.52.160 (link provided below) addresses Density Bonus requests. Applications for a Density Bonus can be provided Planning Department.

<https://www.cityofbelvedere.org/DocumentCenter/View/281/Title-19---Zoning?bidId=>

Please Note: A additional applications *may be* required after a formal application is received.

Miscellaneous Information or Clarification Needed in Formal Application

The preliminary application as submitted does not appear to provide data related to the General Plan density as the General Plan relates to *net* acreage. This information shall be provided in a clear format.

Data on lot coverage and floor area requirements per the definitions of the zoning ordinance is required along with data and notations pertaining to setbacks.

BMC 19.52.13 Density & Open Space Requirements. Data related to the requirements for open space for each apartment is needed, Section 19.52.130 of the BMC speaks to Density & Open Space requirements in the R-2, R3-C, and the R-3 zones. Section 19.52.140 outlines the minimum area for each *apartment*, with the total lot area being at least equal to the total lot area for all such *apartment* units on the lot. The R-2 zone requires a minimum of four thousand square feet for each unit of three or more bedrooms, and a minimum of three thousand square feet for each unit of two of fewer bedrooms. This information/data shall be provided to clearly show that the project meets the City's requirements as they relate to density & open space.

Parking Requirements – It appears that the requirements for on-site parking may not be consistent with the requirements of the code pursuant to 16.68.020. Please clarify and or provide additional

information on the proposed parking and how it meets the code requirements, or if a parking reduction is being requested under density bonus law. Additionally, information is needed on the proposed interior parking for the proposed apartment building: for example, parking spaces should be dimensioned, and a diagram shall be provided to demonstrate the usability of the interior parking garage; it appears that some of the space may not be accessible.

CEQA Review

In addition to the required applications, the proposed project will be subject to the California Environmental Quality Act (CEQA) and an Initial Study of environmental impacts *may be* required. As per previous discussions, staff will be utilizing the assistance of Jayni Allsep, a planning/environmental consultant that has worked with the City on various project to assist with the application/environmental review process for the project proposal. Specific documents will be required to complete the environmental review process. The documents are outlined in the City's checklist.

Fees

Submittal of a formal application will require the appropriate fees to be submitted as outlined in the Planning fees; located here in the following planning fee sheets:

<https://www.cityofbelvedere.org/259/Planning-Fees>

Neighborhood Meetings/Communication

Additionally, Planning Staff strongly encourages you to discuss the proposed project with members of the community/neighbors to help determine early on if they may have any concerns regarding the project and if so, how their concerns might be addressed as part of the proposed project prior to formal submittal.

Staff would be happy to meet with you to discuss the project and any questions you have regarding the items contained in this letter. Please contact me if you would like to schedule a time to meet. I can be reached at (415) 435-8907 or via e-mail at iborba@cityofbelvedere.org.

Sincerely,
DocuSigned by:


Irene Borba
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Director of Planning & Building
City of Belvedere

cc: File – Mallard Pointe, 1951, LLC
Craig Middleton – City Manager
Emily Longfellow – City Attorney