

Project Address: 1-22 Mallard Rd.



APPLICATION FOR DESIGN REVIEW

CITY OF BELVEDERE • PLANNING DEPARTMENT
450 SAN RAFAEL AVE • BELVEDERE, CA 94920-2336
PH. 415-435-3838 • FAX 415-435-0430 • WWW.CITYOFBELVEDERE.ORG

FOR STAFF USE ONLY

Date: _____ Rec'd. by: _____ Planning Comm. Approval
Design Review Exception
Amount: _____ Project Number: _____ Staff Approval
Parcel No.: _____ Zone: _____
Located in Flood Zone AE VE N/A

SECTION 1 • PROJECT SUMMARY

Does this project have an active building permit? No Yes Permit No.: _____
Is this property adjacent to a City Owned Lane? No Yes
Is there an Existing Revocable License for this property? No Yes Lic # _____
Does this project have Planning Commission approval? No Yes

Address of Property: 1-22 Mallard Rd

Record Owner of Property: Mallard Pointe 1951, LLC

Mailing 39 Forrest Street Daytime Phone: 415-381-3001
Address: Suite 202 Fax: _____
Mill Valley, CA 94941 Email: _____

Owner's Representative: Bruce Dorfman

Mailing 39 Forrest Street Daytime Phone: 415-381-3001
Address: Suite 202 Fax: _____
Mill Valley, CA 94941 Email: bd@thompsondorfman.com

Project Description: _____

Please refer to the Project Description provided with the housing development application.

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ZONING PARAMETERS:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area	min. 6,000 sq. ft. per lot	120,079 sq. ft. (total)	8,863 avg sq. ft. (net)
Lot Coverage	50%	28.4%	45.1%
Total Floor Area	N/A	34,100 SF	90,940 sq. ft. (total interior space)
Front Yard Setback	minimum 5'	minimum 5'	minimum 5'
Left Sideyard Setback	minimum 5'	minimum 5'	minimum 5'
Right Sideyard Setback.	minimum 5'	minimum 5'	minimum 5'
Rear Yard Setback	minimum 10'	minimum 10'	minimum 10'
Building Height Maximum...	29'	16'	34.5' (excluding emergency roof access, chimneys & mechanical equipment)
Building Height Average...	N/A	Varies	Varies
Parking Spaces	65 (under State Density Bonus Law)	47	102

Note: Heights listed are from grade. Proposed single family and duplex homes are a maximum of 29' and the apartment building is 34.5' (excluding emergency roof access, chimneys & mechanical equipment)

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA

Date Filed: 01/26/2022 (To Be Completed by Applicant)

General Information

1. Name and address of developer or project sponsor: Mallard Pointe 1951, LLC 39 Forrest St #202, Mill Valley, CA 94941
2. Address of project: 1-22 Mallard Rd
3. Name, address, and telephone number of person to be contacted concerning this project: Bruce Dorfman, 415-381-3001 39 Forrest St #202, Mill Valley, CA 94941
4. Indicate number of the permit application for the project to which this form pertains: N/A
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: Subdivision Map; Construction Time Limit extension; Time limit extension for Design Review approval expiration and demolition debris removal.
6. Existing zoning district: R-2 (zoning); Medium Density MFR (General Plan)
7. Proposed use of site (Project for which this form is filed): 23 multifamily units; 6 single family residential homes; 10 duplex residential units; 3 Accessory Dwelling Units
8. Year built: 1951 Original architect: Per historical research, no original designers or builders have been definitively identified and no original documentation has been located.

Project Description

9. Site size. 120,079 sq. ft. Gross Area; 106,354 sq. ft. Net Area
10. Square footage. 90,940 gross sq. ft. (including garage, corridors, circulation); 61,332 net livable sq. ft.
11. Number of floors of construction. 1-2 stories of residential
12. Amount of off-street parking provided. 102 total spaces (46 apartment garage spaces; 29 lagoon home garage spaces; 27 unassigned or apron spaces)
13. Plans attached? yes

14. Proposed scheduling. 2022: Entitlements; 2023: Permitting; 2024-2025: Construction
15. Associated projects, such as required grading or staging. Site preparation, demolition of existing structures, grading, and construction staging will be required.
16. Anticipated incremental development. N/A
17. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. See attached Mallard Pointe Program Summary.
18. If commercial, indicate the type, whether neighborhood, city or regionally oriented, square footage of sales area, and loading facilities. N/A
19. If the project involves a variance, conditional use or rezoning application, state this and indicate clearly why the application is required. See Project Description.

Are the following items applicable to the project or its effects? Discuss below all items checked yes (attach additional sheets as necessary).

	Yes	No
20. Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Change in scenic views or vistas from existing residential areas or public lands or roads.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Change in pattern, scale or character of general area of project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Significant amounts of solid waste or litter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Change in dust, ash, smoke, fumes or odors in vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Substantial change in existing noise or vibration levels in the vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Site on filled land or on slope of 10 percent or more.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
28. Use of, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Relationship to a larger project or series of projects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Changes to a structure or landscape with architectural or historical value.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Changes to a site with archeological or cultural value such as midden soil.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting

34. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or Polaroid photos will be accepted.

See provided Historic Resource Evaluation for a thorough description of the property setting, characteristics, and project.

35. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.). Attach photographs of the vicinity. Snapshots or Polaroid photos will be accepted.

See provided Historic Resource Evaluation and Cultural Resources Study for a thorough description of the property setting, characteristics, and project.

SECTION 3 • ESTIMATE OF TIME FOR CONSTRUCTION

For Design Review applications not requiring a building permit this section does not apply. Design Review approvals expire twelve (12) months from the date of approval unless granted a longer duration by the Planning Commission.

This Section advises you of the Time Limit Guidelines that are applied to all Design Review applications that require a building permit as prescribed by Section 20.04.035 of the Belvedere Municipal Code.

B. Construction Time Limit Required. This Chapter shall apply to any project for which a design review approval is required, any project requiring a building permit with an estimated construction value of \$50,000 or greater, and/or any landscaping project with an estimated construction value of \$50,000 or greater that is associated with a building permit. As part of any application for design review, the applicant shall file a reasonable estimate of the cost of the proposed project, and based thereon, a construction time limit shall be established for the project in accordance with the guidelines set forth in Subsection C of this Section. The maximum time for completion of project shall not exceed six months for additions and remodeling up to \$100,000 in value; 12 months for construction up to \$500,000 in value; and 18 months for construction valued at more than \$500,000. Failure to complete construction in the agreed upon time will result in fines ranging from \$600 per day to \$1200 per day with a \$300,000 maximum penalty. Application for an extension of the prescribed time limit can be made providing certain conditions are met. The maximum extension is 6 months. The time for completion of the construction shall also be indicated on the building permit.

In the space provided below please indicate the estimated project valuation.

Estimated cost of construction: \$ 45,000,000

Based on the above estimated project valuation, check one of the following Time Limit Guidelines that shall apply to your project:

- 1. For new construction, the demonstrable value of which is estimated to be less than \$500,000.
Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.
- 2. For new construction, the demonstrable value of which is estimated to be more than \$500,000.
Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.
- 3. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than \$100,000.
Construction shall be completed six (6) months from the commencement of work following the issuance of the building permit.
- 4. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at less than \$500,000.
Construction shall be completed twelve (12) months from the commencement of work following the issuance of the building permit.
- 5. For additions, alterations, modifications and repairs, the demonstrable value of which is estimated at more than \$500,000.
Construction shall be completed eighteen (18) months from the commencement of work following the issuance of the building permit.

For those projects that do not fall under any of the above Time Limit Guidelines or that wish to exceed the time limit that was approved by the Planning Commission, the following is the “**Extension of Construction Time Limit**” process (BMC Section 20.04.035(D)):

D. Extension of Construction Time Limit.

1. An applicant may request a construction time limit extension at the time of the design review hearing or after the issuance of a building permit. An applicant is limited to one construction time limit extension per project.

2. The Planning Commission has the authority to grant, conditionally grant, or deny a time limit extension request made at the time of a design review hearing based on the reasonable anticipation of one or more of the factors in this Subsection. The Planning Commission’s decision may be appealed in writing to the City Council.

3. The extension committee has the authority to administratively grant, conditionally grant, or deny a time limit extension request made after the issuance of a building permit based on one or more of the factors in this Subsection. The extension committee shall consist of the City Building Official, the Director of Planning and Building, and the Public Works Manager, who shall meet with the project contractor, architect and, at the applicant’s option, a representative or the applicant. The extension committee shall review the extension request within 10 working days of receiving a complete application. Within 10 working days of receiving the decision, the applicant may appeal the extension committee’s decision to the Planning Commission and the Planning Commission’s decision to the City Council. All appeals shall be scheduled within a reasonable time of the receipt of the appeal.

4. An application for a construction time limit extension shall be accompanied by complete working drawings for the construction, a written explanation of the reasons for the requested extension, any other information requested by Planning staff, and a fee as established by City Council resolution.

5. Projects with an initial 18-month construction time limit may receive a maximum 6-month extension for a total time limit of 24 months. Projects with an initial 6 or 12-month construction time limit may receive an extension, provided that such extensions do not result in a total construction time limit exceeding 18 months.

6. Landscaping Extension. When landscaping work, which was approved as part of a larger construction project, is delayed because of inclement weather, the applicant may file with the City Manager for an extension to complete the landscaping work. The request must be filed prior to, and may not exceed 30 days beyond, the final building inspection approval, issuance of an occupancy permit, or expiration of the 90-day landscaping time limit granted per Subsection C2 above, whichever occurs later. The City Manager shall grant said extension only if, in his or her opinion, such extension is warranted because of delays caused by inclement weather.

7. Construction Time Limit Extension Factors. Requests for construction time limit extensions shall be determined based on one or more of the following factors:

- a. Site topography
- b. Site access
- c. Geological issues
- d. Neighborhood considerations
- e. Other unusual factors
- f. Extreme weather events
- g. Unanticipated discovery of archeological resources
- h. Other conditions that could not have been reasonably anticipated at the time of project application

SECTION 4 • ACKNOWLEDGEMENT OF HOURLY BILLING COSTS

This Section advises you of the costs that may be involved in processing Planning-related applications and/or appeals. You are hereby requested to acknowledge this information and agree to be responsible for all expenses incurred in the processing of your application(s)/appeal(s).

As the property owner/appellant, you agree to be responsible for the payment of all costs, both direct and indirect, associated with the processing of the applications(s)/appeals(s) referenced below. Such costs may be incurred from the following source:

Time & Materia for staff time is Hourly Rate below plus 10% overhead) as of June 14, 2021 (subject to change without notice):

Director of Planning & Building	\$ 110.00
Senior Planner	\$ 80.00
City Attorney	\$ 240.00
Building and Planning Technician	\$ 60.00

For all applications and appeals, an initial deposit is required at the time of submittal, with the amounts determined by City Council resolution. In addition to the initial deposit, the property owner/appellant may be required to make further deposits for anticipated work. Invoices are due and payable within 15 days. Application(s) /or appeal(s) will not be placed on an agenda until these deposits are received.

SECTION 5 • ACKNOWLEDGEMENT OF RESPONSIBILITY

This Section applies to all projects that receive design review. To avoid misunderstandings regarding changes to building plans that have received Design Review, please read and acknowledge the below information. To help your project proceed in an expeditious and harmonious manner, the City of Belvedere wishes to inform you of several basic understandings regarding your project and its approval. By you and your representative signing this document, you are acknowledging that you have read, understand, and will comply with each of the points listed.

1. Once Design Review approval has been granted, construction plans may be submitted to the City. The construction plans shall be **identical** to the plans approved for design review. (BMC §20.04.010). Deviations from the plans approved for Design Review cannot be approved except by an amendment to the Design Review approval. It is the applicants' responsibility to assure conformance, and the failure of staff to bring nonconformities to the applicants' attention shall not excuse the applicant from such compliance.
2. Comments from City staff regarding the project shall neither be deemed official nor relied upon unless they are in writing and signed by the City Manager or his designee.
3. Without the prior written approval of the City, construction on the project shall not deviate in any manner, including but not limited to form, size or color, from approved construction plans. If at any time during construction, and without such written approval, construction on the project is found by a member of City staff to deviate from the approved construction plans in any manner, an official STOP WORK ORDER will be issued by the City, and there shall be a total cessation of all work on the project.
4. If such a STOP WORK ORDER is issued, the City may initiate proceedings to impose administrative penalties or nuisance abatement proceedings and issue an order to show cause, which will compel the undersigned property owner to appear before the City Council and show cause why the work performed does not deviate from the approved plans and why such work

should not be condemned as a public nuisance and abated. (Authority: Belvedere Municipal Code Chapters 1.14 and 8.12)

SECTION 6 • ADDITIONAL INFORMATION FOR APPLICANTS

Story Pole Requirement

Preliminary Story Poles sufficient to indicate the height and shape of the proposed structure or additions shall be placed on the site **at least twenty (20) days** prior to the first meeting date at which this application will be heard. **Final Story Poles** must be placed at the site **at least ten (10) days** prior to the first meeting date and removed no later than ten (10) days following the final city action on the project application. Story poles shall be connected at their tops with colored tape or ribbon to clearly indicate ridges, eaves, and other major elements of the structure.

Limit on the Number of Administrative and Planning Commission Design Review Approvals

Pursuant to Belvedere Municipal Code Section 20.04.020(B)(1)(a), for a site or structure with no existing active Design Review approval, during any twelve-month period, an applicant may obtain up to four administrative approvals, which may be in the form of either Staff Approval, Design Review Exception, or a combination of the two. However, there is no limit to the number of times an applicant may apply for Planning Commission Design Review. **Any such administrative or Planning Commission Design Review approval(s) shall be valid for a period of twelve (12) months from the date of approval, unless a building permit has been issued for the project within said twelve (12) month period, in which case the Design Review approval shall be valid as long as there is an active building permit for the project.**

Once a project has been approved by Planning Staff or the Planning Commission, administrative approvals to amend the existing active Design Review approval for that project shall be limited to three such approvals at any time during the lifetime of the underlying Design Review approval, plus one such approval during the process of obtaining final inspection approval of the project. **Any such administrative approval(s) granted shall NOT extend the twelve (12) month term, of the underlying Design Review approval, or the building permit construction time limit if a building permit has been issued for the project.**

**STATEMENT OF PROPERTY OWNERSHIP,
CERTIFICATION OF APPLICATION, & DESIGNATION OF REPRESENTATIVE**

All property owners must complete and sign the section below which is applicable to your property.

Street address of subject property: 1-22 Mallard Rd.

Assessor's Parcel No(s). of subject property: APN 060-072-27, APN 060-072-28, APN 060-072-18

➤ **Properties Owned by a Trust, LLC, Corporation, Partnership, or Other Entity**

Please provide proof of ownership and of the signer's authority to enter into contracts regarding this property. One or more of the following documents *may* contain the necessary information.

- **For Trusts:** the **Trust Document** or a **Certificate of Trust**, including any attachments thereto; **Property Deed; Certificate of Title Insurance.**
- **For other entities:** **Articles of Incorporation; Partnership Agreement; Property Deed; Certificate of Title Insurance;** written **certification of facts** by an attorney.

Photocopies are acceptable. To ensure privacy, documentation will be shredded in a timely manner, or, upon request, returned to the applicant.

Project Address: 1-22 Mallard Rd.

I, _____, state under penalty of perjury under the laws of the State of California that the above-described subject property is owned by a Trust, LLC, Corporation, Partnership, or other entity and that my signature on this application has been authorized by all necessary action required by the LLC, Corporation, Partnership, or other entity.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

I understand that the contents of this document are a Public Record. If more than one signature is required by the owner entity to make this application, please have all signers sign below.

Signed this 25th day of January, 2022, at Belvedere, California.

Signature  Signature _____

Title(s) Mallard Pointe 1951, LLC Title(s) _____
By: TDP-Belvedere-2020, LLC,
its Managing Member

By: Bruce Dorfman, Manager
 Trustee(s) Partners: Limited or General Corporation Other LLC

Name of trust, LLC, corporation, or other entity: Mallard Pointe 1951, LLC

➤ **Properties Owned by Individuals**

I, _____, state under penalty of perjury under the laws of the State of California that I am the record owner of the above-described subject property.

I hereby make application for approval of the design review requested. I have read this application and hereby certify that the statements furnished above and in the attached exhibits present the data and information required for the design review and initial environmental evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

I agree to be responsible for all costs incurred in connection with the processing of my application and appeals, if any. And I agree to be bound by Section 5, "Acknowledgement of Responsibilities," above and representations one through four contained therein.

In the case of an application for revocable license, I agree that, upon approval by the City Council of the revocable license requested, I will promptly execute a license drafted by the City, have it notarized, and return it to the City so that it may be recorded.

I understand that the contents of this document are a Public Record.

Signed this _____ day of _____, 20____, at Belvedere, California.

Project Address: 1-22 Mallard Rd.

Signature _____

➤ **Designation of Owner's Representative (Optional)**

I hereby authorize _____ to file on my behalf any applications, plans, papers, data, or documents necessary to obtain approvals required to complete my project and further authorize said person to appear on my behalf before the Planning Commission and/or City Council. This designation is valid until the project covered by the application(s) is completed and finalized or until the designation is rescinded in writing.

Signature of Owner: _____ Date: _____

Signature of Representative: _____ Date: _____

MALLARD POINTE - Program Summary

17-Jan-22

<u>Lagoon Cottages</u>								
Type	Bedrooms	Baths	Type	ADU	Garage Parking	Unit Area (SF)*	Garage(SF)	Total (SF)
Unit 1 a	2	2.5	Duplex		1-car	1,504	253	1,757
Unit 1 b	2	2.5	Duplex		1-car	1,504	253	1,757
Unit 2 a	2	2.5	Duplex		1-car	1,361	329	1,690
Unit 2 b	3	2.5	Duplex		2-car	1,790	459	2,249
Unit 3	4	3.5	SFR	1-BR ADU	3-car	3,999	730	4,729
Unit 4	4	3.5	SFR		2-car	2,942	557	3,499
Unit 5	4	3.5	SFR	1-BR ADU	2-car	3,630	531	4,161
Unit 6	4	3.5	SFR		2-car	2,942	557	3,499
Unit 7	4	3.5	SFR	1-BR ADU	3-car	3,999	730	4,729
Unit 8 a	2	2.5	Duplex		1-car	1,361	329	1,690
Unit 8 b	3	2.5	Duplex		2-car	1,790	459	2,249
Unit 9 a	2	2.5	Duplex		1-car	1,208	285	1,493
Unit 9 b	3	2.5	Duplex		2-car	1,790	459	2,249
Unit 10	4	3.5	SFR		2-car	2,866	500	3,366
Unit 11 a	3	2.5	Duplex		2-car	1,790	459	2,249
Unit 11 b	3	2.5	Duplex		2-car	1,790	459	2,249
Subtotal:		16 units + 3 ADUs			29-cars	36,266	7,349	43,615
* Includes ADU.								
		49	16	46	111			
<u>Apartment Building</u>								
Type	Bedrooms	Baths	#					
Unit A	1	1	6			678		4,068
Unit B	2	2	12			1,119		13,432
Unit C	3	2	5			1,513		7,566
Subtotal:		23						25,066
Interior Garage								15,148
Interior Corridors, Stairs and Service								3,053
Interior Amenities and Lobbies								4,058
								22,259
Total Apartment Area (GSF)								47,325
Total Project Building Area (GSF)								90,940

<u>Parking Summary</u>	
Lagoon cottage garage spaces:	29-spaces
Unassigned common parking spaces (includes ADA space):	11-spaces
Apron parking spaces:	16-spaces
Apartment garage spaces (includes 2 ADA + 1 loading spaces):	<u>46-spaces</u>
Total Car Parking	102-spaces
Parking Ratio/Unit (excluding ADUs)	2.6
<u>Bicycle Parking</u>	
Long-term spaces - SFR and Duplexes	68-bikes
Long-term spaces - Apartments	38-bikes
Short-term spaces	<u>8-bikes</u>
Total Bicycle Parking	114-bikes