

**Jean Bordon  
49 Belvedere Ave.  
Belvedere, CA 94920**

February 22, 2022

Irene Borba, Planning Department Director  
Craig Middleton, City Manager  
Sally Wilkinson, Mayor

Re: Incomplete Items in the Mallard Pointe Application

Dear Ms. Borba, Mr. Middleton, and Ms. Wilkinson,

I am aware that separate, extensive comments on the deficiencies in the Application have already been submitted on February 16, 2022, by the Belvedere Lagoon Property Association, the Belvedere Residents for Intelligent Growth, and Larry Stoehr.

I would like to comment on two of the many areas in which the Application for Mallard Pointe is incomplete: The Parking and Traffic Study and The Density Bonus Application

### **Parking and Traffic Study**

The Mallard Pointe Application concerns property which is directly across Community Road from the Belvedere Community Park. The Park is truly the community center. It is used by citizens all ages, during the day and in the evening, throughout the year, for a multitude of purposes. It has a playground, a basketball court, an extensive green, a baseball back stop, picnic tables, and a bandstand, all of which are enjoyed on a regular basis, by persons of all ages. It is used for recreation, private and public celebrations, musical and theatre presentations, and City commemorative events. Everyone, but particularly persons with young children, and persons with limited mobility, rely on having on-street parking, clear air, and the absence of jarring sounds, all of which are jeopardized by the deficiencies in the Parking and Traffic Study submitted with the Application.

### **Mallard Pointe Transportation Study**

The headings below are from the Applicant's Transportation Study

#### **2.2 PARKING**

**Missing:** There is no on-street parking on Mallard Road in the Study

The report recognizes the currently "existing availability for 25 unregulated on-street spaces on Mallard Road." "[T]hese parking spaces have been excluded from the parking analysis ..." The Application does not provide for on-street parking on Mallard Road.

Twenty-five cars which could have parked on Mallard Road could be parked on Community Road. Those searching for parking could include residents of Mallard Pointe who have more cars than their assigned spaces, or who are using their closed garage for storage, guests and service workers for residents of Mallard Pointe, members of the public who wish to use Community Park, members of the public who have classes at the Community Center, members of the public who have business at City Hall, and members of the public who have business at the Police Station.

**Missing:** The Study contains no information on the future width of Mallard Road.

On Plan L.1.O, the width of Mallard Road appears to be about one-half the width of San Rafael Avenue, and it is shown as a two-way road. The same is true for the dead-end road serving Lagoon Homes 4, 5, and 6.

Without this information, it is impossible to tell if on-street public parking on Mallard Road or the dead-end road is feasible under the Application.

Without this information, it is also impossible to tell if there is sufficient line of sight at the intersection of Mallard Road and the dead-end road serving Lagoon Homes 4, 5, and 6. This safety concern is augmented because, as discussed below, people will be walking on the street as the Application appears to be missing sidewalks on Mallard Road and on the Dead-end road to Lagoon Homes 4, 5, and 6.

**Missing:** The Study fails to state the size it assigned to the public parking spaces on Community Road on the map identified as Figure 3.

The lines in brown on Figure 3 are unrestricted public parking areas on Community Road. The majority of these do not have painted lines delineating the parking area. The Study fails to state the size it assigned to un-striped parking spaces. Without this information, it is impossible to validate the Study's conclusion as to the number of parking spaces.

**Missing:** The Study fails to state that the only relevant number of public parking spaces on Community Road is a number which excludes the 9 places reserved for the Police and the 10 spaces reserved for residents of a different housing project.

The Study states that "[O]n-street parking is available adjacent to the study area along Community Road ... There is availability for parking approximately 78 vehicles along Community Road between Leeward Road and San Rafael Avenue."

The figure of 78 includes 9 spaces reserved for the police and 10 spaces reserved for residents of a different housing project.

The Study confounds this misrepresentation, when it indicates in the same paragraph that these dedicated parking spaces are "In addition, ..." (p.4)

The Study fails to show the actual impact on public parking on Community Road when it includes reserved parking spaces in general statements of available public parking.

## **2.3 Pedestrian and Bicycle Conditions**

**Missing:** The Study contains no information on future sidewalks on Mallard Road, or the dead-end road to Lagoon Homes 4, 5, and 6.

The Study recognizes that there is currently a sidewalk on Mallard Road. “Mallard Road also features a sidewalk on the north side of the road.” (p.6) The Study has no information on any future sidewalks on Mallard Road.

On Plan L.1.O it appears that there may only be curbing along Mallard Road. There is no such apparent curbing on the dead-end road to Lagoon Homes 4, 5, and 6.

Without this information it is impossible to tell if a sidewalk on Mallard Road is in the Application, or if a sidewalk on Mallard Road is even feasible under the Application.

Without a sidewalk, residents, their guests, and their service workers, who may have to park on Community Road because there is no on-street parking on Mallard Road, will have to walk on the street. Residents of Mallard Pointe who walk rather than use a vehicle, will also have to walk on the street. This poses a risk to health and safety.

## **4.1 Project Vehicle Trip Generation**

**Missing:** There is no data on actual vehicle trips at the project location.

As stated in the Study, “The trip generation rates from the Institute of Transportation Engineer’s *Trip Generation Manual* were used to estimate vehicle trips associated with the Project’s existing and propose residential land use categories.” (p. 9)

Data on actual trips at the project’s actual location during 24 hour periods on weekdays and weekends should be collected.

**Missing:** There is no information on trips generated by construction activity.

This is critical data for the health and wellbeing of all those who use the many public facilities on Community Road, and who work at City Hall and the Police Department. The project site borders on Community Road. It is not unreasonable to expect that construction activity will continue for at least 3 years.

## **4.2 Travel Mode Split**

**Missing:** There is no data on actual commute mode split at the project location.

As stated in the Study: “Table 3 presents the 2019 commute mode split for Census Tract 1230, which incorporates the project site, as provided by the U.S. Census Bureau’s American Community Survey.” (p.10) As stated in the Study, below Table 3: “Source: American Survey Table S0802, 2019 1-year estimate.” (p. 11)

This is critical data for the health and wellbeing of all. Actual data, not projections from a three-year-old census, is required.

### **4.3 Parking**

**Missing:** There is insufficient data to identify all 75 assigned off-street parking on the project site, and there is no data linking the assigned off-street parking to the residence unit to which it is assigned.

**Missing:** There is insufficient data to identify all 27 unassigned common and apron parking on the project site, and there is no data to distinguish between the assigned and unassigned common, apron and off-street parking.

**Missing:** The Study fails to state whether or not the 27 unassigned common and apron parking will be available to members of the general public.

**Missing:** The Study fails to distinguish the difference between common and apron parking spaces. Table 4 lists only “Unassigned Common Parking Spaces” and the number given is 11 rather than 27.

**Missing:** The Study fails to state if any of the parking spaces not assigned to a particular unit will be restricted in use, such as handicapped, service, delivery, and guests of residents.

**Missing:** The Study fails to subtract the existing 25 on street public parking spaces on Mallard Road, which the project will eliminate, from the Study’s totals for parking.

#### **4.4.1 Estimated Parking Required**

**Missing:** There is no data on the actual parking demand of the current occupants of the existing residences on Mallard Road.

The chart presented is based on a Manual.

#### **4.3.2 On-Street Parking Surveys**

**Missing:** There is no data on on-street parking occupancy on Mallard Road.

**Missing:** There is no data on on-street parking on unrestricted parking spaces on Community Road during peak use times at Community Park and Belvedere City Hall.

While the heading is surveys in plural, there was only one survey. It was conducted at 7:00 p.m. on September 16, 2021, which was a Thursday.

There was no survey done during the hours Belvedere City Hall, the Police Department and the Community Center are open.

There was no survey done during prime usage times at Belvedere Community Park. On weekdays, the Playground is usually busiest from approximately 10:30 a.m. to 12:30 p.m. and from 3:00 p.m. to 5:00 p.m. The Playground is usually busier on weekends than on weekdays, due to group gatherings. On weekends, the busiest times are similar to weekdays, but the morning busy time may extend to about 1:30 p.m.

If there is a special event, no parking may be allowed on Community Road.

**Missing:** This section includes the following statement: “As shown in Figure 4, approximately 78 on-street parking spaces are located along Community Road.” (p.13) This misses the fact that of these spaces, 9 are reserved for the Police and 10 are reserved for the residents of a different housing area.

**Missing:** There is no information on the size of the parking spaces which the Study assumed in calculating the number of unrestricted parking spaces on Community Road.

#### **4.3.3 Summary of Findings on Parking**

**Missing:** There is no on-street parking on Mallard Road.

**Missing:** The summary states: “Space for approximately 78 vehicles is located along Community Road between Leeward Road and San Rafael Avenue.” Missing from this statement are the facts that 9 of these spaces are for Police vehicles and 10 are for residents of a different housing area.

#### **4.4 Vehicle Miles Travelled**

**Missing:** There is no Vehicle Miles Travelled (VMT) analysis for construction vehicles.

**Missing:** There is no greenhouse gas emissions analysis for construction equipment.

This project will likely take a minimum of three years to complete. It is located in the middle of a residential neighborhood and directly across the street from the Community Park and the City Hall. Data on VMT and greenhouse gas emission associate with the construction is needed for its impact on public health and safety.

#### **4.5 Transportation Network Recommendations**

##### **Parking**

**Missing:** There is nothing about the impact of the recommendations upon the availability of parking on Community Road.

The Study recommends “unbundling the cost of parking from residential unit rental price”. (p.17) The Study has nothing about the impact on the availability of parking on Community Road, if residents choose to save money by not renting a parking space and parking on Community Road.

The Study also recommends “reducing the total parking supply of the proposed development”. (p.17) The Study has nothing about the impact on the availability of parking on Community Road if there are fewer parking spaces in the proposed development. As there is no on-street parking on Mallard Road, residents will park on Community Road.

As Community Road is the primary parking area for those using Community Park, Community and City Hall, these recommendations will severely limit the ability of the public to access basic City services and facilities.

### **Density Bonus Application**

**It would be against the intent of the Density Bonus Law and Contrary to Public Policy to consider Lagoon Homes 1 and 2 a “Housing Development” within the meaning of the Density Bonus Law**

Lagoon Homes 1 and 2 are water-front home sites on the Belvedere Lagoon. The applicant seeks to create these lots by a subdivision of two APN parcels. The proposed apartment is on a different APN parcel. These water-front lots, even without construction of a home, would likely each sell for a million dollars or more. There is no suggestion in the Density Bonus Application that any low-income home or duplex will be offered in Lagoon Homes 1 and 2.

It would be against public policy to allow Lagoon Homes 1 and 2 to be considered as a “Housing Development”, within the meaning of the Density Bonus Law.

In adopting the most recent amendments to the Bonus Density Law, the Legislature stated: “... It is further the intent of the Legislature in making these modifications to the Density Bonus Law to ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing...” Government Code section 65915(t)(2)

Lagoon Homes 1 and 2 will do nothing to increase the level of affordable housing. The City of Belvedere will receive nothing by way of “receipt of a public benefit in the form of affordable housing ...” In fact, the result will be the exact opposite. The existing rental housing, which is within reach of many, will be replaced by multi-million dollar homes accessible to only a few. It was not the intent of the Legislature that such homes receive the benefits of the Density Bonus Law.

It would be in keeping with the intent of the Legislature, which is to increase affordable housing, to exclude Lagoon Homes 1 and 2 when calculating the percentage of affordable units required to be included to qualify for the benefits of the Density Bonus Law.

**The Density Bonus Application's Statement of Units Allowed without a Bonus is Incomplete and Misleading**

The Density Bonus Application states that the number of units allowed without a density bonus is 56. This statement ignores the fact that the Application includes a road. The total number of units allowed with a road, and without a density bonus, is less. Under the General Plan, the range might be from 12 to 48 units. (Applicant's Housing Law analysis)

**The Density Bonus Application's Statement on Proposed Affordable Rental Units is Incomplete**

The statement does not provide information on where the units are located. Information should be provided which will permit identification of the exact location of the units on the Plans.

**The Density Bonus Application does not Provide Information for Pre-Existing Tenants who will be evicted.**

The existing residences are occupied, many by long term and senior residents. The Density Bonus Application contains no information on the procedures for the eviction of these residents.

**The Density Bonus Application does not include the Requested Attachment for Providing Information on the Requested Concession/Incentive**

The Application requests a Reduction in Minimum Private Outdoor Open Space. This Reduction in Private Outdoor Open Space is not "clearly indicated on the plans," as required by the City's Application form. The Applicant has failed to provide an attachment to the Density Bonus Application, as required by the City's Application form, "describing requested concession(s)/incentive(s) and explain(ing) how they result in identifiable, financially sufficient and actual cost reductions."

A Concession cannot be granted where the Applicant has failed to show that it will "... result in identifiable and actual cost reductions, ... to provide for affordable housing costs, ..., or for rents for the targeted units to be set as specified in subdivision (c)." Government Code section 65915(d)(1)(A))

**The Application fails to show that a Reduction in Minimum Private Outdoor Open Space will not have an adverse impact upon public health and safety.**

A Concession cannot be granted where the Applicant has failed to show that it will not “have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety ... and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households.” (Government Code section 65915(d)(1)(B))

**The Applicant has failed to show that it is entitled to the Requested Concession/Incentive of Reduction in Minimum Private Outdoor Space under Section 65915(d)(2) as the Applicant has failed to include information that the Units are for Sale.**

“The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a development **in which the units are for sale.**” (Emphasis added) Government Code section 65915(d)(2))

**It would be Against Public Policy and the Intent of the Legislature to apply the Requested Incentive/Concession to any of the Units in Lagoon Homes 1 and 2 as the Applicant has failed to include Information that any Home will be priced for Low- or Moderate-Income Persons.**

The Density Bonus Application lists the affordable units under rental units. No units are listed on the Application under ownership units.

**The Application include no information to show that a reduction of minimum outdoor open space at Lagoon Homes 1 and 2 will result in cost reductions which are necessary for inclusion of affordable units in the Apartment. (Government Code section 65915(k))**

**The Application includes no information to show that City Development Standards for Height, Side Setbacks, Lot/Area Unit and Lot Coverage on a per lot basis will Physically Prevent the Project from being Built at the Requested Density**

The Application requests waivers or reduction of the City development standards for height, side setbacks, lot area unit, and lot coverage on a per lot basis.



This request is in a section of the City Density Bonus Application for “waivers or reductions of development standards that physically prevent the project from being built at the permitted capacity.”

The Application includes no information as to how the City standards will physically prevent the project from being built at the requested density.

There is no information that application of these standards would physically preclude including 4 affordable units in the project.

It would appear that the City standards would in no way affect the density requested for Lagoon Homes 1 and 2. The proposed subdivision would accommodate the same number of units regardless of the standards.

**The Application includes no Information on the Need for an Apartment Court or an Apartment Court in order to provide 10% of Affordable Housing**

The Application requests a waiver of the prohibition on apartment courts and/or apartment houses in the R-2 Zone.

The Application includes no information on the need for an apartment house or court to provide 10% affordable housing.

**The Application contains no Bonded Guarantee that the homes in Lagoon Homes 1 and 2 will actually be Built.**

Nothing will be accomplished to increase housing if the homes in Lagoon 1 and 2 are not fully constructed. The only result will be the destruction of existing dwellings and a subdivision of million dollar lots with approved plans. This is not the end result upon which the Density Bonus Law is premised.

The Applicant should be required to post a completion bond for the project.

Sincerely,

A handwritten signature in blue ink that reads "Jean Bordon". The signature is written in a cursive, flowing style.

Jean Bordon