June 23, 2022

SENT VIA EMAIL

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

RE: **Mallard Pointe 1951, LLC – Completeness Review**

Dear Mr. Dorfman:

Thank you for your resubmitted plans dated May 24, 2022. Pursuant to Government Code Section 65943, the purpose of this letter is solely to determine whether all of the items included on the City's application forms have been submitted to the City. Within 30 days of the date of this letter, as required by Government Code Section 65589.5((j)(2), the City will provide a detailed list of items describing any inconsistencies between the project and adopted City plans, policies, ordinances, standards, and code requirements. If inconsistencies are found, additional applications or project modifications may be needed to correct the inconsistencies.

The City finds that the application contains all of the items listed in the City's application forms and is therefore found to be complete. As provided by Government Code Section 65944, the City may in the future request the applicant to clarify, amplify, correct, or otherwise supplement the information submitted and may request and obtain information needed to comply with the California Environmental Quality Act.

As noted, the City will provide a comprehensive review of the conformance of the project with the City's standards within 30 days of the date of this letter. However, as a courtesy to you, this letter includes a preliminary list of concerns regarding the project's compliance with adopted standards:

Density Bonus Application/Number of Affordable Units. To be eligible for a density bonus, the

project must provide a minimum of five percent very low-income units based on the total number of units excluding any bonus units, or ten percent low-income units based on the total number of units excluding any bonus units. (See Government Code Sections 65915 (b)(1)(A), (b)(1)(B), (o)(6).) The project must be eligible for a density bonus to apply for and receive concessions and waivers. The project includes 42 units, with no bonus units requested. The proposed very low-income unit equals only two percent of the total number of units and is insufficient to establish eligibility for a density bonus; three very low-income units would be required. Similarly, the four lower income units proposed (total of very low- and low-income units) is less than 10 percent of the "total units," as defined by the statute; five lower income units are required to be eligible for a density bonus. Accordingly, the project as proposed is not eligible for the requested waivers and concessions, and they cannot be approved by the City.

Requested Waivers (Item # 17). The cover letter states that a waiver is requested for construction time limits, but the Density Bonus application does not list this as a requested waiver. We note that a separate application was filed for an Extension of Construction Time. As this application is a separate consideration from waivers under State Density Bonus Law, it should not be listed as a waiver.

Parking (Item #6). The application states that parking standards pursuant to State Density Bonus law are used in lieu of compliance with City parking standards, as outlined in the Project Data Sheet. The project description and application should clearly state that the project is requesting an exception to City parking standards by using the parking standards under State Density Bonus Law.

Signage (Item #12). The cover letter states that "The condition that each lot have a maximum of 4 square feet of signage does not make any sense for a project like this." Belvedere Municipal Code Section 19.72.030 applies to this project. The project must either comply or request a waiver of development standards. As noted above, the project must provide a minimum of three very low-income units or five lower income units to qualify for a waiver.

Replacement Housing and Relocation Plan. While the replacement housing and relocation plan contains the items included in the City's application form, it does not contain sufficient information to determine if the project conforms with state law (Section 66300(d)). The City will provide a comprehensive list of additional items required with the 30-day consistency letter. However, to approve the project the City will require preparation of a relocation plan to ensure that the lower income tenants will receive the benefits provided by state law and evidence that the existing lower income tenants will receive a right of first refusal to comparable units. Income limits for lower income households have substantially increased since the initial survey was completed, and additional households may qualify as low or very low-income households.

Public Works/Engineering Comments. Please see attached comments from the Public Works Department with comments related to the merits and adequacy of submitted plans.

Tiburon Fire Department. Please see attached comments from the Tiburon Fire Department with comments related to the merits and adequacy of submitted plans.
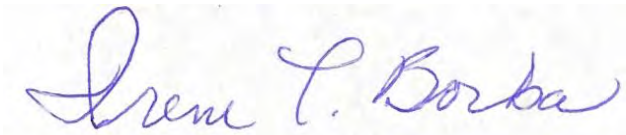
Marin Municipal Water District (MMWD). Please see attached comments from Marin Water with comments related to the merits and adequacy of submitted plans.

Sanitary District No. 5. The Sanitary District has no additional comments from the February 11, 2022, comment letter.

Also attached are comments from the Belvedere Lagoon Property Owners Association for your reference.

Thank you for your attention to these items. Please contact me at iborba@cityofbelvedere.org or (415) 435-8907, or MIG project planner Tricia Stevens at tstevens@migcom.com or (916) 698-4592, if you have any questions.

Sincerely,

Irene T. Borba

Irene Borba
Director of Planning and Building
City of Belvedere

Cc: File
        Robert Zadnik, City Manager

Attachment 1: Public Works comments
Attachment 2: Fire Department comments
Attachment 3: Water District comments
Attachment 4: Sewer District comments
Attachment 5: BPLOA comments