

Tom & Gwen Price
53 Peninsula Rd, Belvedere, CA 94920

September 9, 2022

Robert Zadnik, City Manager
Irene Borba, Director of Planning & Building
CITY OF BELVEDERE
450 San Rafael Ave.
Belvedere, CA 94920

Dear Mr. Zadnik
Dear Ms. Borba,

There's a saying, "The devil is in the details," and that is certainly the case with the proposed Mallard Pointe development. Per the developer's initial plans (which have since been revised, including the elimination of two ADUs), the "net livable" area of the project (a mixture of six Lagoon-fronting single-family residences (one with an ADU), five Lagoon-fronting duplexes (10 units), and a multi-story apartment building (23 units of varying size)) would be approximately 61,300 square feet. Of this entire 40-unit project, the developer would provide **only four** "low-income" units--**one** "very low-income" two-bedroom apartment and **three** "low-income" apartments (one one-bedroom and two two-bedrooms). Collectively, the four apartments would have a "net livable" area of approximately 4,000 square feet. This would represent but a minute fraction (approximately 6.6%) of the "net livable" area of the overall project.

Because the developer is providing four "affordable" apartments, it claims that it is automatically entitled to all the waivers it needs from the City to build the project as presented—e.g., waivers from Belvedere's development standards for: parking, building height, building setbacks, lot area/unit, lot coverage on a per lot basis, etc., and a waiver from Belvedere's prohibition on apartment houses in zones designated R-2 (e.g., Mallard Road). The waivers would, among other things, allow the developer to sell the six luxury single-family homes for millions of dollars (netting a substantial profit) even though the homes would not meet Belvedere's development standards.

In other words, by providing the absolute **bare minimum** of four low-income units—all in the apartment house and none larger than two bedrooms--the developer claims it has the right to reduce Belvedere’s approval process to that of a “rubber stamper.”

These are waivers that no Belvedere resident who wanted to build a home would be entitled to as a matter of right. In fact, when we built our home at 53 Peninsula, we followed all procedures and were approved unanimously and with the 100% support of our neighbors. We will be coming to you within the year with a new home proposal, and we will again comply fully with Belvedere’s standards and rules.

In addition, it is hard to understand how the Mallard Pointe developer can proceed knowing that the proposed apartment house is expressly prohibited in R-2 zoned areas. That prohibition is consistent with the provisions of Belvedere’s General Plan and because the prohibition is not a “development standard” as defined in the R-2 zoning provisions, it is not subject to waiver by the City under state law (including the State Density Bonus Law). If the proposed project is to proceed, the apartment building **cannot** be a part of it.

Bottom line: If it looks like a duck, swims like a duck, and quacks like a duck, then it’s probably a duck. That’s called abductive reasoning. The proposed project **is not** a project designed to help with affordable housing in any meaningful way. Rather, it is a project designed to enable an opportunistic developer to do an “end run” around City requirements just to build more multi-million-dollar housing and to line its pockets in the process, all at the expense of our Lagoon and our broader community.

Sincerely,

The image shows two handwritten signatures in blue ink. The first signature is 'Tom' and the second is 'Gwen'. They are written in a cursive, flowing style.

Tom & Gwen Price
45-Year Belvedere Residents and BRIG Members

cc: Members of Belvedere City Council
Members of Belvedere Planning Commission