September 9,2022

Ms. Irene Borba,

Any illusion that the Mallard Pointe developer is interested in our community or dedicated to creating the affordable housing we need was shattered by the article in the August 3, 2022 issue of *The Ark* ("Mallard Pointe kills two units to set up key waivers"). The City of Belvedere made it clear that to qualify for waivers under the State Density Bonus Law (SDBL), the developer needed to increase the number of affordable units from four to five.

However, instead of agreeing to make one additional unit affordable for a low-income individual or family, Thompson/Dorfman is now pretending that two of the three units it previously labeled "accessory dwelling units" simply don't exist. This "on-paper-only" move reduces the number of "countable" units in the development from 42 to 40 – so that the four paltry low-income rental units they're proposing would just barely meet the 10% threshold to potentially invoke the SDBL.

Why are the waivers so important to the Mallard Pointe developer? Because it needs them to sidestep Belvedere's "development standards," such as height, setback, open space and parking requirements -- to maximize their profits at the expense of our community.

However, meeting the 10% threshold under the SDBL only opens the door wide enough to compel waiver of local development standards, but not wide enough to bulldoze all other Belvedere zoning provisions.

In particular, one section of Belvedere's zoning code expressly prohibits the construction of an apartment house in the R-2 zone, where Mallard Road is located. Prohibited uses, such as this prohibition on apartment houses, are not development standards. And since only development standards are subject to waiver under the SDBL, the zoning code's express prohibition on apartment houses on Mallard Road is not waivable, even if the SDBL is triggered.

Follow the law and reject the Mallard Pointe proposal.

Sincerely

Jock Putney, Long-Time Belvedere Resident and BRIG Member

cc: City Council Members

    Planning Commission Members

    Mr. Robert Zadnik