



APPLICATION FOR SUBDIVISION

CITY OF BELVEDERE • PLANNING COMMISSION
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: _____ Amount: _____ Receipt No.: _____
Assessors Parcel No: _____ Zone: _____

SECTION 1 • PROJECT SUMMARY

Type of Application (check one): Lot Line Adjustment – Parcel Map
 Minor Subdivision (creates four or fewer lots)
 Subdivision (creates five or more lots)

Address of Property: 1-22 Mallard Rd., Belvedere, CA

Record Owner of Property: Mallard Pointe 1951, LLC

Mailing 39 Forrest St. Suite 202 Daytime Phone: [REDACTED]

Address: Mill Valley, CA 94941 Fax: _____

Email: [REDACTED]

Owner's Representative: Bruce Dorfman

Mailing 39 Forrest St. Suite 202 Daytime Phone: _____

Address: Mill Valley, CA 94941 Fax: _____

Email: [REDACTED]

Project Description

Please refer to the Project Description provided in the Mallard Pointe Project Narrative.

Two condominiums per lot are proposed on Lots 1, 2, 8, 9, and 11 as reflected on Tentative Map sheet TM-3A dated November 17, 2022.

Properties Affected

Assessor's Parcel Number	Address	Parcel Size
APN 060-072-27	1 Mallard Rd., Belvedere, CA	2.2 acres
APN 060-072-28	9 Mallard Rd., Belvedere, CA	0.2 acres
APN 060-072-18	17 Mallard Rd., Belvedere, CA	0.4 acres

Submittal Requirements

1. Attach a survey map including the proposed and current boundaries, easements, rights-of-way, and existing structures.
2. Attach a legal description of each proposed lot.
3. If any of the proposed lots fail to comply to existing zoning or subdivision laws, a variance will be required. Obtain a variance application from City Hall.

SECTION 2 • ENVIRONMENTAL INFORMATION REQUIRED BY CEQA*(To Be Completed by Applicant)*

Date Filed: _____

General Information

1. Name and address of developer or project sponsor: Mallard Pointe 1951, LLC, 39 Forrest Street Ste 202
2. Address of project: 1-22 Mallard Rd., Belvedere, CA Mill Valley, CA 94941
Assessor's Block and Lot Number: _____
3. Name, address, and telephone number of person to be contacted concerning this project: Bruce Dorfman, 39 Forrest Street Suite 202, Mill Valley, CA 94941 415-381-3001
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.
7. Proposed use of site (Project for which this form is filed): 23 multifamily units; 6 single family residential homes; 10 duplex residential units; 1 Accessory Dwelling Unit
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 (75 assigned spaces; 27 unassigned or apron spaces)
13. Attach plans. 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 industrial, indicate type, estimated employment per shift, and loading facilities. N/A
20. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project. N/A
21. 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
22. Change in existing features of any bays, tidelands, beaches, or hills, or substantial alteration of ground contours.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Change in scenic views or vistas from existing residential areas or public lands or roads.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Change in pattern, scale or character of general area of project.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Significant amounts of solid waste or litter.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Change in dust, ash, smoke, fumes or odors in vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. 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"/>
28. Substantial change in existing noise or vibration levels in the vicinity.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
29. Site on filled land or on slope of 10 percent or more.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
30. Use of disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
33. Relationship to a larger project or series of projects.	<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, set-back, 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 • 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:

Hourly billing costs as of July 1, 2008, (subject to change without notice):

Planning Manager	\$ 67.07
Assistant Planner	\$ 39.29
City Attorney	\$185.00
Specialized Planning Consultant	Actual costs + 25% overhead

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.

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

All property owners must complete this Section.

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

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

➤ **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 lot line adjustment/minor subdivision/subdivision 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 use permit 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.

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

Signature _____

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

For properties owned by a trust, please attach the trust document or a certificate of trust, including any attachments thereto. For an LLC, corporation, partnership, or other entity, please attach proof of ownership and certification of the signer's authorization to enter into contracts on behalf of the entity.

I, Bruce Dorfman, 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 lot line adjustment/minor subdivision/subdivision 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 lot line adjustment/minor subdivision/subdivision 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.

Signed this 13th day of JANUARY, 2023, 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

➤ **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

10-Jan-23

<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		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		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		<u>2-car</u>	<u>1,790</u>	<u>459</u>	<u>2,249</u>
Subtotal:		16 units + 1 ADU			29-cars	36,266	7,349	43,615
* Includes ADU.								
<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			<u>1,513</u>		<u>7,566</u>
Subtotal:			<u><u>23</u></u>					25,066
Interior Garage								15,148
Interior Corridors, Stairs and Service								3,053
Interior Amenities and Lobbies								<u>4,058</u>
								22,259
Total Apartment Area (GSF)								<u><u>47,325</u></u>
Total Project Building Area (GSF)								<u><u>90,940</u></u>

<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



MALLARD POINTE – PROJECT NARRATIVE

Project Description

The proposed project (“Project”) is a residential infill development on a previously developed 2.8-acre site located on a private road in Belvedere (1-22 Mallard Rd). The Project would replace 22 dated market-rate residential units with 39 new residential units (plus one (1) ADU). The Project site is a half mile from shopping, neighborhood services and transit, including the Tiburon ferry terminal.

Originally built in 1951, the existing 22 units are spread through nine (9) duplex buildings and one (1) fourplex building; eight (8) of the duplex buildings are adjacent to the Belvedere Lagoon, and one (1) duplex building and the fourplex building are adjacent to Community Road. The existing unit mix includes eighteen (18) two bedroom, one bath units and four (4) two bedroom, two bath units. The thirty-nine (39) new residential units would consist of: five (5) lagoon-fronting duplexes (10 units; which could be condominiumized); six (6) lagoon-fronting single-family homes (one (1) of which has an accessory dwelling unit (ADU)); and 23 apartment units in a single apartment building. The ADU is proposed as a one-bedroom unit to be located above the attached garage of one of the single-family homes. The apartment building would be adjacent to Community Road and include two residential stories above a semi-subterranean parking structure. The apartment unit mix would include one-, two-, and three-bedroom units. The lagoon-fronting single-family homes and duplexes would be a mix of one- and two-story homes containing two, three, or four bedrooms. Four (4) of the apartment units would be deeded below-market rate lower-income units. In addition, the one (1) ADU and remaining five (5) one-bedroom apartment units would be affordable by design to moderate-income households.

On-site parking for 102 cars is incorporated with 29 garage spaces in single-family homes and duplexes, 46 garage spaces in the apartment parking structure, and 27 unassigned or apron parking spaces. The proposed project also includes 114 bicycle parking stalls.

The Project site plan follows the existing development pattern of the surrounding area. Single-family and duplex homes are situated along the Lagoon and the apartment building is situated on the inland portion of the site. The site plan improves on the existing conditions at the property and provides separation between units, providing more porosity from the Lagoon edge, more privacy for

the residents, and view corridors for residents surrounding the property and from the apartment building. The apartment building's location near Community Park and City Hall helps frame the public realm. Pedestrian enhancements include wider sidewalks, new sidewalks, traffic calming features on Community Road, and crosswalks to further improve the connection from Mallard Pointe and the neighboring properties to Community Park.

The proposed architecture is designed to be contextual with Belvedere and the property's neighboring uses. The traditional architectural style of the apartment building is complementary to City Hall and is heavily influenced by well-regarded buildings in Belvedere designed by Albert Farr. The lagoon homes include a mix of traditional and contemporary design as seen among other lagoon homes. The apartment building materials include shingle and textured siding with a shingled roof. The proposed materials for the single-family and duplex homes include a mix of vertical board, smooth panel, and shingle siding, with weathered teak decks, concrete walls, and shingled roofs. An earth-tone color palette would be used throughout the Project with variations in colors between buildings.

The apartment building is proposed to be Type VA 1-hour rated construction over a Type I concrete parking structure; the single-family and duplexes are proposed to be Type V. The proposed construction methods include deepened conventional foundations. Some single-family residences and duplexes may incorporate augured piles. As the current width of Mallard Road does not comply with Fire Department requirements, it would be reconfigured and moved to accommodate the proposed site plan as well as widened to conform with City standards and provide emergency vehicle access. Mallard Road would remain private.

The Project will be designed to LEED standards and sustainability features would include drought-tolerant landscaping, permeable pavers, energy-efficient appliances, increased insulation, low-flow fixtures, solar panels, and electric vehicle (EV) charging stations. The Project is also designed to be FEMA compliant, with the first residential floor in each building raised to Base Flood Elevation plus one foot (11' above sea level). All parking on the site including the semi-subterranean garage is designed to meet FEMA standards.

Affordable Housing Data/Density Bonus

Pursuant to the MFR General Plan Designation, the Project site has a maximum density of 56 units. However, only 39 units are proposed (which excludes the proposed ADU). Of the 39 units, 4 are proposed to be restricted to low-income households.

Because the Project includes 10% Low-income units, the Project is entitled to a density bonus of 20% beyond the maximum allowable density. The Project does not seek the additional density bonus units. However, waivers, concessions, reduced parking standards, and all other provisions of the State Density Bonus Law are benefits that apply to the project.

The Project seeks waivers for height, certain side setbacks, the lot area/unit requirements, lot coverage, the construction time limit, and the prohibition on apartment courts and/or apartment houses in the R-2 zone. Each of these requirements physically precludes the construction of the Project at the density permitted for the property. The Project seeks a concession for usable open space.

Project Timing and Deadlines

Belvedere’s zoning code, and the initial time limits and deadlines therein, are primarily designed to address the review and development of individual single-family homes. Given the increased scope of this Project, the following timelines are requested to be increased as a part of this application:

1. **Design Review** – BMC Section 20.04.060(A) states that design review applications shall be valid for one year, but that, “the Planning Commission may designate a later expiration date if it determines that the criteria of this Chapter would still be served.” It is hereby requested that any design review approval for this Project be valid for **2 years**. The complexity of developing the construction drawings for a project of this scope necessitates such a timeframe and there is no detriment if the existing housing remains slightly longer.
2. **Demolition** – BMC Section 20.04.060(C) states, “when demolition or removal of any existing structure is a part of design review approval, said demolition or removal shall be completed, and all debris removed from the site, within ninety days of design review approval **or such other date as the Planning Commission or the Director of Planning and Building determines to be in furtherance of the criteria of this Chapter.**” Here, there are multiple reasons why the demolition of the existing buildings on the property should not occur within 90 days of design review approval, including tenant occupancy, erosion control, and aesthetics. Demolition is best accomplished as part of the building project, therefore this application seeks a demolition requirement **within 6 months of the issuance of the building permit for the project.**
3. **Construction time limit** – BMC Section 20.04.035(C)(1) sets an initial construction time limit for a project of this value of 18 months. BMC Section 20.04.035(D)(2) states that “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.” Per BMC Section 20.04.035(D)(5), the maximum extension length is 6 months, for a total time limit of 24 months. This timeframe would never work for a project of this scale. The CTL was clearly designed for individual single family home projects and if strictly applied here, would render

project construction impossible. Accordingly, a CTL timeframe and/or methodology befitting a project of this type is requested.

Replacement Housing

The Project will meet all replacement housing and relocation requirements imposed by state law. The Applicant has commissioned a relocation consultant, OPC, LLC, with significant experience administering similar relocation programs, to survey tenants and to design and develop a relocation plan.

Environmental Data

No point sources of air or water pollutants are proposed. The property is not located in a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178. No known historic and cultural resources are on the property. The property does not contain a hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code. The property is not located within a delineated earthquake fault zone as determined by the State Geologist. The property does not include a stream or any other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code.

The property is located in Special Flood Hazard Area Zone AE and the Project would meet all applicable FEMA construction requirements. The Project is located on the Belvedere Lagoon, which has not traditionally been subject to State or Federal regulatory jurisdiction, but does appear as a “lake” on certain agency maps.

MEMORANDUM

TO: Bruce Dorfman and Joanna Julian
FROM: Ella Gower and Jane Martin
DATE: December 27, 2022
RE: Mallard Pointe Declaration of Restrictions (CC&Rs)

A Declaration of Restrictions (CC&Rs) (the “Declaration”) will be recorded which will govern the Mallard Pointe Development (the “Development”). The Declaration will provide that an owners’ association (the “Association”) will manage the Development. The Association will be an incorporated nonprofit mutual benefit corporation which will be governed by a Board of Directors elected by the Lot and Condominium Owners.

The Declaration will provide that each Lot/Condominium Owner shall be a member of the Association. Each Owner shall maintain their Lot/Condominium and any utilities exclusively serving their Lot/Condominium. The Lot/Condominium Owner’s maintenance responsibilities shall be in accordance with maintenance standards and all applicable laws.

The Declaration will further provide that the Association will: (i) own and maintain the private street; (ii) maintain any private utilities not otherwise maintained by a government entity or regulated utility company; and (iii) maintain any private storm drain improvements (including bioswales). The Association will also have the primary responsibility for enforcing any restrictions for the Development that are required or that may be appropriate.

The Association will prepare an annual budget report each fiscal year showing the estimated revenues and expenses of the Association. The Association will levy and collect assessments to fund its management and maintenance duties. Each Owner of a Lot/Condominium shall be obligated to pay the assessments levied against their Lot/Condominium. If an Owner fails to pay its share of assessments the Association may impose a lien against the applicable Lot/Condominium.