



August 28, 2023

Mr. Robert Zadnik
City Manager
City of Belvedere
450 San Rafael Avenue
Belvedere, CA 94920

RE: Mallard Pointe Application Status

Dear Mr. Zadnik:

Thank you for your letter of August 17th in which you express the desire to move this project forward to a public hearing as soon as possible. We share that desire.

It is correct that due to the extended uncertainty of the approval process, and at the behest of several community members, we have been studying certain alternative development plans over the past few weeks. However, the time spent exploring these alternatives was incredibly minor compared to the length of time this project has been under review. Our application was deemed complete on June 23, 2022 (over a year ago), and not only have we not had any hearings since then, but we also did not receive the CEQA determination due within 30-days of its being deemed complete.

Your letter implicitly points out the importance of Ascent completing its work so that everyone (the City, the community, and the Applicant) can understand the path forward for this project. We agree with this direction. Rather than submitting any alternative scheme which could complicate matters and further delay this process, we look forward to learning the CEQA determination based on our current complete application.

After we receive the final Ascent report, and provided staff concurs that a CEQA exemption is appropriate for Mallard Pointe, as would be typical for a project of the proposed scale in this location, we will submit alternate plans to the City for consideration as part of our existing application. These schemes include removing all or a portion of the apartment building and replacing it with four-plexes and three-plexes. These alternatives reflect the Objective Design and Development Standards approved by the City Council last year while incorporating density bonus waivers similar to our completed application. However, if the CEQA determination indicates that the project will effectively need an Environmental Impact Report to certify an additional 18-units on our site (of which one is an ADU), neither our original application nor any of the alternatives are economically viable and we will need to consider more intensive redevelopment options for the property allowed under state law.

Mallard Pointe 1951, LLC

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Another major difficulty for the project is the City's desire for us to install story poles on the site. We believe this requirement is antiquated given the computer modeling of the project that has been included in our application at the City's direction – much of the related ordinance was primarily designed for single-family homes and was written before computers were widely used and before 3D software was commercially available. Also, since our application is only subject to objective design standards existing at the time of application, the requirement to install story-poles has no applicability and provides no information on which decision makers can act upon in their project review. Further, the property is fully occupied, and these story poles would be a significant nuisance to our residents as well as a safety issue. Please confirm that the City's Police and Fire departments are aware of this plan and have no issue with providing emergency services to each of our residences given the numerous pole locations and the excessive number of guidewires to stabilize these poles. Note that we are reviewing the story pole plan with our residents to understand any issues they may have and receive their input on timing. We are committed to completing this concurrently with the City's completion of CEQA.

I would also like the City to confirm that apartments are appropriate for the site as contemplated in the General Plan and as required to meet the General Plan density. As you know, this portion of the City's Municipal Code has not been updated since 1989 and does not conform with the General Plan (which is the governing document by law). We have been advised in numerous meetings that the acting City Attorney agrees with this statement, as did the former City Manager who wrote us an email to inform our application after reviewing this with City staff. The failure of the City to formally weigh in on this issue causes ongoing confusion and consternation in the community.

The level of environmental review that has been completed to confirm an exemption for Mallard Pointe exceeds that which we or any of our team members have ever experienced in the past. Nevertheless, in the hope of drawing this process to a close, we have submitted additional funds for Ascent to complete this analysis.

We appreciate that you are working to finalize CEQA and move our application along.

Sincerely,



Bruce Dorfman
Manager
Mallard Pointe 1951, LLC

cc: Will Thompson
Eric Hohmann
Joanna Julian
Riley Hurd, Esq.
Rebecca Markwick, Director of Planning and Building

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