



City of Belvedere
Wednesday, February 14, 2024

From: Mayor and City Council

Subject: Frequently Asked Questions About the Mallard Pointe Appeal

What are the next steps for the project?

The project applicant has been willing to modify the project based on the Planning Commission's comments and feedback at its November 14, 2023 meeting. At a future meeting, the Planning Commission will discuss and consider the remaining project approvals, including Design Review, a Demolition Permit, a Subdivision Map, and a Revocable License.

If the Planning Commission grants these project approvals, they can also apply conditions that address both standard operating requirements for all projects and specific provisions designed to manage the particular circumstances of this project. Any conditions will be public and subject to examination and comment during the Planning Commission hearing(s).

Does the City Council resolution confirm that the Density Bonus waivers and concession are approved for the proposed project?

The guidance we've received is that the requested waivers and concession qualify. Under State Density Bonus Law, the project is entitled to one concession and unlimited waivers. The project has applied this one concession to a modification of a zoning restriction to remove apartment houses from Prohibited Uses in the R-2 zone, as well as waivers of various development standards, as described in the [Planning Commission staff report](#) dated November 1, 2023. City staff determined that the project qualifies for these incentives in the same November staff report. At its January 22, 2024 hearing, the City Council confirmed that the concession qualifies when it found that the project was consistent with the applicable general plan designation, all applicable general plan policies, and the applicable zoning designation and regulations.

Will the Planning Commission be able to further review the Density Bonus waivers and concession?

As discussed above, the City Council found that the project is consistent with the applicable general plan designation, all applicable general plan policies, and the applicable zoning designation and regulations. The Planning Commission will be asked to only consider Design Review, the Demolition Permit, the Subdivision Map, and the Revocable License in the next scheduled hearing(s).

Does the City Council resolution establish any conditions of approval regarding bulkhead replacement?

A decision to approve a CEQA exemption is based on the project as presented by the applicant and adopted standards, regulations, and ordinances. However, the Planning Commission can make bulkhead repair or replacement a condition of the project's final approval, consistent with the City's existing practices regarding building permit approval and other agencies' regulatory review.

The building permit application requires a detailed geotechnical report on potential bulkhead replacement based on final project building plans, subject to peer review by the City Engineer. The resolution does specifically acknowledge that the applicant has agreed to replace the bulkhead when and as required by the City's building department and/or other reviewing agencies.

Will this bulkhead replacement or repair happen before demolition and construction?

As described above, bulkhead repair or replacement can be a condition of a potential final approval, specifically to improve and protect the shoreline before any significant demolition and construction. The City's standard practice is to require, as part of the building application, a staging and development plan for any construction, including bulkheads, describing the sequencing and scope of development in and around the Lagoon shoreline. The City's Building Department will review the design, sequencing, and implementation, ensuring that any work is completed safely and efficiently.