



CITY OF BELVEDERE

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February 23, 2022

SENT VIA EMAIL

Mallard Pointe 1951, LLC Bruce Dorfman
39 Forrest Street
Suite 202
Mill Valley, CA 94941

RE: **Mallard Pointe 1951, LLC – Completeness Review**

Dear Mr. Dorfman:

This letter is to inform you that the Planning Division for the City of Belvedere has reviewed your submitted housing application and accompanying plans and information received on January 26, 2022, for the proposed residential project commonly known as Mallard Pointe. The housing application indicates a mix of units including single-family (6 units plus 3 ADU's), duplexes (totaling 10 units) and an apartment building with 23 units for a total of 42 units proposed. The application includes two very-low and two moderate level income dwelling units. Additionally, the housing application request includes concessions and waivers from various development standards under State Density Bonus Law.

The Mallard Pointe project consists of three parcels located in the R-2 zoning district and the General Plan designation for each of the three parcels is Medium Density Residential (Multi-Family Residential: 5.0 to 20 units/net acre).

The City has reviewed the application to determine if all the elements required by the City of Belvedere have been submitted. The housing application and information does not include all the required information and consequently is incomplete. Additional information is required as described below.

A. Application Types Required

The following applications have not been submitted:

1. Demolition Permit. The proposal includes the demolition of existing structures and site improvements. In accordance with BMC Title 16.28 Demolition Permits, a demolition permit will be required for the proposed project. Below, you will find the links to Title 16.28 of the Belvedere Municipal Code and to the demolition permit application. Demolition Permits are required to be heard by the Planning Commission. Title 16.28 outlines the submittal requirements and the findings that are required to be made to approve such a request.

BMC Title 16.28 – Demolition Permits

<https://ca-belvedere2.civicplus.com/DocumentCenter/View/421/1628?bidId=>

Demolition Permit Application

<https://www.cityofbelvedere.org/DocumentCenter/View/91/Demolition-Permit?bidId=>

2. Subdivision Map Application. Please submit the application form for the tentative subdivision map. <https://www.cityofbelvedere.org/DocumentCenter/View/89/Subdivision?bidId=>
3. Accessory Dwelling Unit Permit Application. Please submit the application form for each of the Accessory Dwelling Units.
<https://www.cityofbelvedere.org/DocumentCenter/View/6538/APPLICATION-FOR-ACCESSORY-DWELLING-UNIT-REV-dec-2019>
4. Conditional Use Permit and Design Review Application for Deviations to the ADU Standards. Since the preliminary application was submitted prior to adoption of the November 2021 update to the ADU standards found in Chapter 19.79, the prior ADU provisions apply (Ordinance No. 2020-04). Because the accessory dwelling units on Lots 3, 5, and 7 exceed the height standard of 16 feet found in Section 19.79.050 C of this ordinance, submit a Conditional Use Permit application per 19.79.100.
<https://www.cityofbelvedere.org/DocumentCenter/View/85/General-Use-Permit?bidId=>
5. Revocable License. Submit an application form for a Revocable License and with the required revocable license exhibit for the proposed encroachment onto City property.
<https://www.cityofbelvedere.org/DocumentCenter/View/319/Revocable-License?bidId=>
6. Extension for the Construction Time Limit. The project as submitted requests an extension for the Construction Time Limit. As required, submit an application for this Extension as the project is expected to require more than 18 months to construct.
<https://www.cityofbelvedere.org/DocumentCenter/View/84/Extension-of-Construction-Time?bidId=>

7. Cost Recovery Agreement. Submit a signed copy of this agreement.
<https://www.cityofbelvedere.org/DocumentCenter/View/7850/CC-CostRecoveryFeesforApplica>

B. Planning Comments - Incomplete Plans

The following provides a list of where submitted plans are incomplete or contain incorrect information.

1. Density Bonus Application.
 - a. In order to be eligible for a density bonus, which would allow an application for concessions and waivers, the project must provide a minimum of five percent very low-income units based on the total number of units excluding any bonus units, which is 42 units because no bonus units are being requested. (See Government Code Section 65915(o)(6).) Thus, the two proposed very low-income units constitute less than five percent of the total number of units (4.76%), and the required number of very low-income units is three ($42 \text{ units} \times .05 = 2.1$; round up). Please revise accordingly.
 - b. Indicate which units are designated for the four affordable units; two for very low-income households and two for moderate-income households.
 - c. Please answer questions #5 and #6 on the Density Bonus Application.
2. Replacement Housing Plan/Relocation Program. The Housing Crisis Act of 2019 and State Density Bonus Law address requirements for housing developments that demolish existing housing units. The submitted Project Narrative provides a general description of the intended replacement, but more detailed information is required. The Replacement Housing Plan must include the following elements:
 - a. Indication of which units are “protected units”, including units that were occupied by lower income households within the past five years (regardless of rent paid).
 - b. Provide income levels of all existing units to determine which are protected.
 - c. If none of their incomes are known, then it is assumed that occupants have the incomes shown in CHAS (Comprehensive Housing Affordability Strategy) data, which shows that 23.3% of renters in the City of Belvedere are very low income and 18.6% are low income. Based on the CHAS data, at least six units must be affordable to very low-income households and at least four units must be affordable to low-income households. See Government Code Sections 66300(d); 65915(c)(3).
 - d. Provide a Relocation Plan for any tenants in protected units, including right of first return to a comparable unit in the new development, at an affordable rent.

3. Design Review Application. Provide the following information in the Design Review Application as required by Section 20.04.080:
- a. Photosimulations. Provide photosimulations of the proposed project from a greater array of vantage points, including from existing homes fronting onto San Rafael Avenue. Provide a map showing the vantage points for all photosimulations. Such photosimulations shall include aerial views of the proposed projects in lieu of a scaled model.
 - b. Story Pole Plan. Section 20.04.080 J. of the Design Review Ordinance requires story poles to be erected. Provide a Story Pole Plan to demonstrate how requirements of this section will be met.
 - c. Project Data Sheets. In the Project Narrative or the Plan Sets, provide a comprehensive project data sheet, in one place, that summarizes the requirement for and compliance with each development standard applicable to the project.
 - d. Plan sheet A1 & A4. The Table on the plan sheet refers to lots. The site plan, however, refers to building numbers. Although we assume lot and buildings are one in the same, please modify plans to make sure they are consistent.
 - e. Plan Sheet A1. It appears that structures are proposed beyond the property boundaries. For example, it appears that the yard area extends beyond the property boundary on Building 1. Provide clarification on this situation and whether there is any filling in of lagoon for any of the parcels.
 - f. Plan sheet A3. Clarify whether the area with the solar panels is useable outdoor space on the apartment roof top deck area.
 - g. Adjacent Structures. Provide the elevations of floor levels of adjacent structures and distances from the project.
 - h. Plan Sheet A6. Some notes on West Elevation are blurred and unreadable. Please ensure all notes are legible on revised plans.
 - i. Existing Grade and Base Flood Elevation (BFE). Please show BFE on all elevations for the single-family and duplex units. Show existing grade on all elevations.
 - j. Transformers/Vault. Show locations for PG&E transformers and vaults on the plans and add notes accordingly.
 - k. Rooftop mechanical. On the apartment plans, the height of the mechanical equipment is not clear as to whether they are screened. Provide height and screening information on the plans. Also show rooftop mechanical equipment on the single-family and duplex units.

- l. Workspace. Please clarify the intended use of the workspace on the rooftop level.
 - m. Fencing. Provide a fencing plan as part of the landscaping plan that clearly shows the location of proposed fencing.
 - n. Bulkheads. Provide information on the plans or in the narrative on whether the existing bulkheads will be replaced, repaired, or remain as is. *Also see comments relating to bulkheads from BLPOA, which must approve any encroachment into property owned by BLPOA.*
4. Vicinity Map. The vicinity map on page AO does not properly show the location of site and surrounding roads. Please enlarge and show the site plan in relation to surrounding uses and roads.
5. Project Plans – Lot Coverage. Please confirm whether the calculation of “coverage areas” on Tables 1 and 2, Sheet A4 includes “Gross Floor Area” as defined by Section 19.08.203,

- A. The sum of all enclosed or covered areas of each level of the building having a floor, measured to the exterior faces of the enclosing walls, columns or posts, but excluding the following:
 - 1. Areas permanently open to the sky;
 - 2. Exterior areas under roof eaves or other cantilevered overhangs;
 - 3. Areas that are less than six feet (6') in clear height.
- B. Areas with ceiling heights of 15 feet or greater shall be calculated as twice the floor area of areas with ceiling heights less than 15 feet.

Clarify whether the crawl space areas or attic spaces have been calculated as floor area (if over 6 ft in height) and whether the elevator in the apartment building was counted as floor area (twice the floor area).

6. Project Plans – Parking.
- a. Provide dimensions for all parking spaces and confirm compliance with parking lot dimension standards per Section 19.68.020.
 - b. Please indicate which spaces are proposed as compact spaces.
 - c. Provide a diagram to demonstrate the usability of the parking spaces in the interior parking garage.
 - d. Indicate which parking spaces are assigned or unassigned.
 - e. Section 19.68.050 requires that “Off-street parking spaces for a duplex or for a multiple

dwelling shall be located in a garage or covered carport, the design, construction, drainage and surfacing of which has first been approved by the Planning Commission prior to any construction thereof.” Please provide required two spaces for the Type C duplex units in a garage or covered carport.

- f. Indicate which spaces will accommodate EV charging as required by the California Green Building Code.

7. **Project Plans – Setbacks.** The submitted plans are either not clear or are incorrect on the required setbacks. Clearly show proposed setbacks and either provide plans that comply with required setbacks or indicate exactly which setbacks are the subject of a waiver or concession under Density Bonus Law.

- a. **Front Setbacks:** The required front setbacks per Section 19.28.040 are as follows. Per the definitions of Front Yard, Lot Line, Setback Line, and Street (Sections 19.08.320, 475, 500, and 570), the front setback is measured from “Any private way providing a primary means of access to more than five lots.”

Building less than 15 feet high within first 40 feet from front property line	5 feet
Building less than 25 feet high within first 40 feet	10 feet
Building over 25 feet high within first 40 feet	15 feet
<p>Modified by 19.48.060: Front yard setbacks—All other residential zones. Except as provided for in Section 19.48.010, a fifteen-foot setback is required, unless the proposed building height is no more than twenty-five feet anywhere within the forty feet of the lot front property line, in which event only a ten-foot setback is required; and, provided further, that if the proposed building height is no more than fifteen feet anywhere within forty feet of the lot front property line, only a five-foot setback is required.</p>	
<p>Modified by 19.48.190 G: In the R-2 zone, front and side yards for residential carports or garages shall be zero feet for existing structures. For new residential carports or garages, and for additions to existing carports or garages, front and side yards shall be five feet.</p>	

- i. **Community Road (public) front setback:** The required setback for the parking garage portion which is less than 15 feet in height is five feet, as shown. The two-story portion of the apartment building is shown at a height of 29 feet, which requires a 15-foot setback where 10 feet is shown.

- ii. Mallard Road (private) front setback: Some of the single-family and duplexes units show a setback of five feet for structures over 15 feet (Lots 4, 8, 9). Please show required front yard setbacks adjacent to Mallard Road.

b. Side Setbacks: The required side setbacks per Section 19.28.040 are as follows.

For buildings 15 feet or less in height	5 feet
For buildings 16-25 feet high	10 feet
For buildings over 25 feet high	15 feet
Modified by 19.48.145: Side yards—R-2 zone. Side yards in the R2 zone shall be three and one-half feet for existing structures and five feet for new structures and for additions to existing structures, except that for any second story level the side yard shall be ten feet.	

The single-family and duplex units show a side setback of five feet. The height of these building is shown as 16 – 25 feet and over 25 feet in some cases, and a 10 foot or 15-foot setback is required. Please show required side setbacks.

c. Rear Setbacks: The required rear setbacks per Section 19.28.040 are as follows:

Abutting another lot	20 feet
Abutting a street	15 feet
Abutting water, an alley or private way	10 feet

Apartments adjacent to Mallard Road: The rear setback adjacent to Mallard Road is shown as 3.5 feet where 10 feet is required. Please show required rear setback.

8. Project Plans – Height. The maximum height in the R-2 zone is as follows:

22 feet as measured from the highest point of the structure (excluding chimneys) to Base Flood Elevation plus one foot of freeboard. (See §19.56.040)
Up to 26 feet as measured from the highest point of the structure (excluding chimneys) to Base Flood Elevation plus one foot of freeboard may be allowed only as follows: A bonus of one foot of additional height may be allowed when an additional foot is added to the second story setbacks, to a maximum height of 26 BFE+1 and no structure may exceed a maximum height of 29 feet from Existing Grade as defined

in §19.08.224. (See §19.56.090)

Apartments: The submitted plans show a proposed height of 29.5 above BFE plus 7.5 feet for the roof structure, or 34 feet about existing grade plus 7.5 feet for the roof structure. Please revise plans to show the total requested height of the apartment structure to reflect the roof structure.

9. Project Plans – Open Space. The required open space in the R-2 zone is as follows:

300 square feet/unit/public
450 square feet/unit/private

Although the application seeks a concession for required open space, the project plans do not provide any information on the amount of open space provided. To determine the extent of the requested concession, please provide the provided open space compared to the requirement. Also, provide reasonable documentation showing that the reduction in open space requirements will result in identifiable and actual cost reductions to provide for affordable housing costs.

10. Project Plans – Building Elevations. Per the application checklist, please provide location of proposed vents, gutters, and downspouts.
11. Project Plans – Landscaping. The Arborist Report indicates that a number of olive and Coast Live Oak trees are to be transplanted. Revise the Landscaping Plan to indicate the location of transplanted trees.
12. Signage Plans. Section 19. 72.030 states the maximum size of signs is four square feet per lot. Sheet S-1 shows a location sign 24 square feet in size. Provide revised plans in compliance with this standard.
13. Project Plans – Docks. Provide additional information on the docks. Are they all existing? Will some docks be replaced or repaired? *See also comments relating to docks from BLPOA, which must approve any encroachment into property owned by BLPOA.*
14. Preliminary Utility Design Memo. Correct this memo to reflect 22 existing units and 42 proposed units, including the three ADUs. *See also comments from Public Works.*
15. Technical Studies (Advisory). Additional technical studies will be required as part of the City's CEQA review, including but not limited to biological resources, air quality, greenhouse gas, and a Phase I hazardous materials report. CEQA review will also include a peer review of all technical studies, as determined by the City.
16. Traffic Study. Page 11 of the Transportation Study reflects an incorrect number of affordable

units. Please correct. *See also Advisory Comments on Technical Studies.*

17. Requested Waivers. Government Code 65915 states that “an applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision b.” Provide reasonable documentation to demonstrate that compliance with development standards would physically preclude the project. For each development standard waiver requested, provide a table outlining the Zoning Code standard and the requested standard.

C. *Public Works Comments – Incomplete Plans. Please see attached memo for full comments.*

1. Preliminary Title Report. Please provide a Preliminary Title Report, current within the last three months, including the grant deed and title exceptions and show all existing easements and other relevant title items on the Tentative Map and other plans as appropriate.
2. Stormwater Control Plan. A preliminary Stormwater Control Plan in compliance with BASMAA requirements is required at this time. This will require submittal of a Preliminary Stormwater Control Plan (SCP) that follows the appropriate template in the most recent version of the Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual. All water treatment or storm water control features shall be clearly identified on the plan.
3. Preliminary Storm Drain Design. Submit a preliminary storm drain design, including Hydrology & Hydraulics information and calculations. Reference the latest Stetson Engineering study for water volumes and existing pipe capacities flowing onto the site and incorporate this into the site drainage design.
4. Subdivision Map Submittal. The Tentative Map has been reviewed in accordance with Belvedere Municipal Code 18.20.20, “Information to be shown-Form” through 18.20.30, “Statements to accompany tentative map.” *(Note: This section of the review does not imply City approval of any or all the items submitted.)*
 - a. Please identify the engineer and/or surveyor of record and their license number on the map.
 - b. Include boundary information from boundary survey exhibit on map to ensure ability to retrace boundaries.
 - c. Please identify the proposed name of the private drive and spur street.
 - d. Please provide profiles, drawn to scale, to show centerline, ground and grade elevations of all streets, sanitary and storm sewers, gas and waterlines, and other improvements in the subdivision.

- e. Please provide a demolition plan identifying all facilities to be removed from the site, all items that will remain, and all items that will be abandoned in place. Please provide the project geotechnical engineer's recommendations for any utilities proposed to be abandoned in place.
- f. The applicant shall provide a lighting plan together with a photometric study that identifies the minimum and maximum footcandles for proposed public and private roads. This plan shall utilize the City's standard light fixtures and house-side shields as appropriate to minimize glare into residences. The plan shall demonstrate that lighting shall avoid "spilling" to off-site residential sites. The lighting plan and photometric study shall be reviewed and approved by Planning and Public Works.
- g. Include pedestrian improvements recommended in Mallard Pointe Transportation Study, dated 12/13/21.
- h. SHEET TM-1 – Title Sheet. Please modify mapping to note that Tiburon Blvd is Hwy CA-131 and not Hwy US-101
- i. SHEET TM-2 – Existing Conditions. Existing boundary information as drawn is incorrect. Please revise to show the correct boundaries per record of survey prepared by CSW-ST2 (2020)
- j. SHEET TM-3 – Lotting and Layout Plan. Please provide passenger car turning movements for entering/existing the driveways for lots 4, 5, 6.
- k. SHEET TM-4 – Grading, Drainage, & Utilities
 - i. The existing Storm Drain between Lots 6 and 7 needs the easement shown; and cannot run under a house.
 - ii. The existing Storm Drain between Lots 7 and 8 needs the easement shown; and cannot run behind house.
 - iii. The existing Storm Drain adjoining Lot 11 needs to have an easement. No housing can encroach on the storm drain easements.
 - iv. Locations of some utilities have been identified, but are missing Gas, Power, Telephone and Television locations and necessary easements.
 - v. Identify all drainage pipes to remain or to be installed.
 - vi. Provide a cross section for the project extending from Community Road into the Lagoon, showing the multi-family building and typical residential house with foundations, foundation type, utilities, and other structures.

5. Utility Design Memo 01-17-2022

- a. Preliminary Storm Drain Design, including Hydrology & Hydraulics information and calculations, is required at this point. A preliminary Stormwater Control Plan in compliance with BASMAA requirements is also required at this time.
 - i. This will require submittal of a Preliminary Stormwater Control Plan (SCP) that follows the appropriate template in the most recent version of the Bay Area Stormwater Management Agencies Association (BASMAA) Post Construction Manual. All water treatment or storm water control feature shall be clearly identified on the plan.
 - ii. The Applicant shall reference the latest Stetson Engineering study for water volumes and existing pipe capacities flowing onto the site and incorporate this into the site drainage design.
 - b. Sanitary Sewer. A letter from Sanitary District 5 is required confirming description provided in report.
 - c. Water. A letter from MMWD is required confirming description provided in report regarding domestic and fire water availability and capacity.
6. Landscape Plan 01-17-2022
- a. Trees are not allowed in easements due to tree root and maintenance issues with the utilities. Please confirm compliance.
 - b. Revise Landscape plans as appropriate to incorporate Storm Water LID features.

D. Building Department Comments

Please see attached comments from the Building Official outlining Building Code and Floodplain Management requirements necessary at the time of building permit submittal.

E. Belvedere Lagoon Property Owner's Association (BLPOA) Comments – Incomplete Plans

Please respond to attached comments from the BLPOA related to encroachments into BLPOA property. Note that comments regarding the adequacy of the Geotechnical Report and Acoustic Report will inform the peer review of all technical studies to be conducted as part of the CEQA review.

F. Marin Municipal Water District Comments

Respond to the questions and comments from Marin Water in the attached letter to determine if the application is complete in terms of water supply.

G. Sanitary District No. 5 of Marin County Comments

Respond to the questions and comments from Sanitary District No. 5 of Marin County in the attached letter to determine if the application is complete in terms of sewer capacity.

H. Design Review Comments – Advisory

Please see comments on Design Review findings provided by the City's architectural consultant. The City would like to work with the applicant so that the project meets the City Design Review standards to the extent feasible in a manner that does not affect the allowable density.

Staff has received public comments (BLPOA, BRIG, Larry Stoehr, and Jean Bordon) that are attached for your information. These comments have informed the City's completeness review, if applicable, and comments on the adequacy of technical studies will inform the peer review conducted by the City.

Thank you for your attention to these items. Please contact me at iborba@cityofbelvedere.org or (415) 435-8907, or MIG project planner Tricia Stevens at tstevens@migcom.com or (916) 698-4592, if you have any questions.

Sincerely,



Irene Borba
Director of Planning and Building
City of Belvedere

Cc: File
Craig Middleton, City Manager
Amy Ackerman, City Attorney
Barbara Kautz, Goldfarb & Lipman

ATTACHMENTS:

1. Public Works Comments dated February 15, 2022
2. Building Official Comments dated February 14, 2022
3. Marin Municipal Water District Comments dated February 16, 2022
4. BLPOA Comments dated February 16, 2022
5. BRIG Comments dated February 16, 2022
6. Stoehr Comments dated February 16, 2022
7. Design Review Comments dated February 21, 2022
8. Bordon Comments dated February 22, 2022
9. Sanitary District No. 5 of Marin County Comments dated February 11, 2022