



**PURPOSE**

This form serves as the preliminary application for housing development projects seeking vesting rights pursuant to SB 330, the Housing Crisis Act of 2019.

**GENERAL INFORMATION**

An applicant for a housing development project that includes (1) residential units (2) a mix of commercial and residential uses with two-thirds of the project’s square footage used for residential purposes; or (3) transitional or supportive housing, shall be deemed to have submitted a preliminary application upon provision of all of the information listed in this Preliminary Application form and payment of the permit processing fee to the agency from which approval for the project is being sought.

After submitting this Preliminary Application to the local agency, an applicant has 180 days to submit a full application, or the Preliminary Application will expire.

**Submittal Date Stamp\*<sup>1,2</sup>:**

\*<sup>1</sup>Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date unless exceptions per Government Code § 65889.5(o) are triggered.

\*<sup>2</sup>Note: Record keeping pertaining to which standards and fees apply at date of submittal is imperative, as penalties may apply for imposing incorrect standards.

**DETAILED DESCRIPTION OF PROJECT**

703 Third Street is a 119-unit, 8 story high-rise building, which will be a model of sustainability with minimal energy consumption, solar power production, and gray water system. This gateway building is located directly across from the transit center and SMART train station, providing a unique transit-oriented development (TOD) opportunity. This is reflected in parking ratio of approximately 38 spaces, committing to a transit based, bikeable and walkable community.  
The Sustainable Living Innovations (SLI) building system uses a prefabricated building technology with high-tech construction and built-in systems, assuring quality construction and sustainable living. The building will feature tech-enabled, prefabricated wall and floor panels complete with all major systems and components. Including mechanical, electrical plumbing, and data infra-structure. The building will be capped off with a large rooftop open space which provides unique views to the surrounding downtown, Mount Tam, and vistas beyond.  
The building may include an optional courtyard at the podium level which could provide additional common open space or stormwater treatment.

Notes:

- 1. California Environmental Quality Act (CEQA) and Coastal Act standards apply.
- 2. After submittal of all of the information required, if the development proponent revises the project to change the number of residential units or square footage of construction changes by 20 percent or more, excluding any increase resulting from Density Bonus Law, the development proponent must resubmit the required information so that it reflects the revisions.

**SITE INFORMATION**

**1. PROJECT LOCATION** - The specific location, including parcel numbers, a legal description, and site address, if applicable.

Street Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

Legal Description (Lot, Block, Tract)

Attached? YES  NO

Assessor Parcel Number(s)

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**2. EXISTING USES** - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

**3. SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied.

Attached? YES  NO

**4. ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied.

Attached? YES  NO

**5. PROPOSED USES** - The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

**a. RESIDENTIAL DWELLING UNIT COUNT:**

Please indicate the number of dwelling units proposed, including a breakdown of levels by affordability, set by each income category.

	Number of Units
Market Rate	
Managers Unit(s) – Market Rate	
Extremely Low Income	
Very Low Income	
Low Income	
Moderate Income	
<b>Total No. of Units</b>	
<b>Total No. of Affordable Units</b>	
<b>Total No. of Density Bonus Units</b>	

Other notes on units:

**6. FLOOR AREA** - Provide the proposed floor area and square footage of residential and nonresidential development, by building (attach relevant information by building and totals here):

	Residential	Nonresidential	Total
<b>Floor Area (Zoning)</b>			
<b>Square Footage of Construction</b>			

**7. PARKING** - The proposed number of parking spaces:

**8. AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?

YES  NO

If "YES," please describe:

**9. SUBDIVISION** – Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

YES  NO

If "YES," please describe:

**10. POLLUTANTS** – Are there any proposed point sources of air or water pollutants?

YES  NO

If "YES," please describe:

**11. EXISTING SITE CONDITIONS** – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

	<b>Occupied Residential Units</b>	<b>Unoccupied Residential Units</b>	<b>Total Residential Units</b>
<b>Existing</b>			
<b>To Be Demolished</b>			

## 12. ADDITIONAL SITE CONDITIONS –

a. Whether a portion of the property is located within any of the following:

- i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178?  
YES  NO
- ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?  
YES  NO
- iii. 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?  
YES  NO
- iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency?  
YES  NO
- v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2?  
YES  NO
- vi. A stream or 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?  
YES  NO

If "YES" to any, please describe:

b. Does the project site contain historic and/or cultural resources?

YES  NO

If "YES," please describe:

c. Does the project site contain any species of special concern?

YES  NO

If "YES," please describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way?

YES  NO

If "YES," please describe:

e. Does the project site contain a stream or 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? Provide an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

YES  NO

If "YES," please describe and depict in attached site map:

f. **COASTAL ZONE** - For housing development projects proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

a. Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations.

YES  NO

b. Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code.

YES  NO

c. A tsunami run-up zone.

YES  NO

d. Use of the site for public access to or along the coast.

YES  NO

g. **PROJECT TEAM INFORMATION** - The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

Applicant's Name \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Are you in escrow to purchase the property? YES  NO

**Property Owner of Record**  Same as applicant  Different from applicant

Name (if different from applicant) \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Optional: Agent/Representative Name**

Company/Firm \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

**Optional: Other** (Specify Architect, Engineer, CEQA Consultant, etc.)

Name: \_\_\_\_\_

Company/Firm \_\_\_\_\_

Address \_\_\_\_\_ Unit/Space Number \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone \_\_\_\_\_ Email \_\_\_\_\_

Primary Contact for Project:  Owner  Applicant  Agent/Representative  Other

703 THIRD STREET L. P.

August 3, 2022

Ms. Leslie Mendez  
Planning Manager  
City of San Rafael  
1400 Fifth Avenue, Top Floor  
San Rafael, CA 94901

Dear Leslie,

703 Third Street, L.P. hereby authorizes Sustainable Living Partners LLC to submit an SB35 application for 703 3<sup>rd</sup> Street pursuant to AB168 (requirement for tribal consultation) and subsection b of Gov Code § 65913.4 (more commonly known as 'SB 35'). The project is proposing a 119-unit mixed-use affordable housing project at the corner of 3<sup>rd</sup> Street and Tamalpais Avenue in the City of San Rafael. The project will replace existing surface parking and commercial structures.

Sustainable Living Partners LLC is under contract to purchase land (703 3<sup>rd</sup> St San Rafael, 94901) address from 703 Third Street L.P.

The following recitals are listed below.

1. I hereby certify that I am the owner of record of the herein previously described property located at 703 Third Street & 898 Lincoln Ave. San Rafael CA. which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
2. I hereby consent to the filing of this Preliminary Application on my property for processing by the San Rafael, Department of Community Planning for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.
3. Further, I understand that this Preliminary Application, and vesting requested by the same, will be terminated if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with the City of San Rafael Community Planning department within 180 days of the date that the Preliminary Application is deemed complete.
4. By my signature below, I certify that the foregoing statements are true and correct.

By: \_\_\_\_\_



Willis K. Polite Jr.  
Managing Member  
703 Associates, LLC  
General Partner  
703 Third Street, L.P.

Date \_\_\_\_\_

8/3/22



## CONDITIONS OF APPLICATION

- 1) All materials submitted in conjunction with this form shall be considered a part of this application.
- 2) This application will not be considered filed and processing may not be initiated until the Planning Division determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
- 3) The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review Board and Zoning Administrator and to file applications, plans, and other information on the owner's behalf.
- 4) The Owner shall inform the Planning Division in writing of any changes.
- 5) **INDEMNIFICATION:** As a condition of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities ("indemnities"), the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of any environmental document which accompanies it. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted or incurred by any person or entity, including the applicant, third parties and the indemnities, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the indemnities.

In the event that any claim, action or proceeding as described above is brought, the City shall promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate fully in the defense of such claim, action, or proceeding. In the event the applicant is required to defend the City in connection with any said claim, action or proceeding, the City shall retain the right to (1) approve the counsel to so defend the City, (2) approve all significant decisions concerning the manner in which the defense is conducted, and (3) approve any and all settlements, which approval shall not be unreasonably withheld. Nothing herein shall prohibit the City from participating in the defense of any claim, action or proceeding, provided that if the City chooses to have counsel of its own to defend any claim, action or proceeding where applicant already has retained counsel to defend the City in such matters, the fees and the expenses of the counsel selected by the City shall be paid by the City.

- 6) **ATTORNEY'S EXPENSES COST REIMBURSEMENT:** As a condition of this application, applicant agrees to be responsible for the payment of all City Attorney expenses and costs, both for City staff attorneys and outside attorney consultants retained by the City, associated with the reviewing, process and implementing of the land use approval and related conditions of such approval. City Attorney expenses shall be based on the rates established from time to time by the City Finance Director to cover staff attorney salaries, benefits, and overhead, plus the actual fees and expenses of any attorney consultants retained by the City. Applicant shall reimburse City for City Attorney expenses and costs within 30 days following billing or same by the City.
- 7) **RECOVERY OF ATTORNEY'S FEES BY PREVAILING PARTY:** In any action brought to enforce the applicant's obligations, including the Indemnification and Attorneys' Expenses Cost Reimbursement conditions set forth above, the prevailing party shall be entitled to an award of reasonable litigation costs, including attorneys' fees and costs.
- 8) **COST BASED FEE SYSTEM (not applicable to flat fee applications):** Applicant agrees to pay to the City all incurred costs, both direct and indirect, including State-mandated costs, associated with review and processing of the accompanying application for land use approval(s), even if the application is withdrawn or not approved. Reimbursable costs include all staff and overhead costs as established in the City's adopted Cost Recovery Fee Program Master Fee Schedule, as well as the cost of required professional consultants to assist in environmental, engineering or legal review.

If expenditures exceed 75% of the deposit amount required by the Cost Recovery Fee Program, additional deposits will be requested. Applicant understands and agrees that nonpayment of deposit requests within the time period specified in the request shall be deemed a withdrawal of the application. Any unexpended funds will be refunded by the City after completion of application processing.

I have read and agree with all of the above. I declare under penalty of perjury that the information contained in this application is true and correct to the best of my knowledge.

Property Owner: \_\_\_\_\_ Dated: \_\_\_\_\_

Authorized Agent/Applicant: \_\_\_\_\_ Dated: \_\_\_\_\_

**EXHIBIT A**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN RAFAEL, COUNTY OF MARIN, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THIRD STREET IN THE CITY OF SAN RAFAEL, SAID POINT BEING THE NORTHEASTERLY CORNER OF THE PROPERTY DESCRIBED IN THE DEED FROM THE ESTATE OF JOHN H. SAUNDERS, DECEASED, TO ROSE OLIN RECORDED JUNE 15, 1886 IN BOOK 3 OF DEEDS, AT PAGE 436, MARIN COUNTY RECORDS, RUNNING THENCE FROM SAID POINT OF BEGINNING EASTERLY ALONG THE SOUTHERLY LINE OF THIRD STREET TO THE NORTHWESTERLY CORNER OF THE PROPERTY FIRST DESCRIBED IN THE DEED FROM JOHN E. SAUNDERS TO JAMES H. DONAHUE, RECORDED OCTOBER 30, 1882 IN BOOK X OF DEEDS, AT PAGE 459, MARIN COUNTY RECORDS, RUNNING THENCE SOUTHERLY ALONG THE WESTERLY LINE OF THE LANDS OF DONAHUE (X D 459), 140 FEET TO A POINT THENCE LEAVING SAID WESTERLY LINE, WESTERLY PARALLEL TO THE SOUTHERLY LINE OF THIRD STREET, TO THE SOUTHEASTERLY CORNER OF THE LANDS OF OLIN FIRST ABOVE MENTIONED, (3 D 436), RUNNING THENCE NORTHERLY ALONG THE EASTERLY LINE OF THE LANDS OF OLIN (3 D 436), 140 FEET TO THE POINT OF BEGINNING.

APN: 011-278-02

*[Continued on Following Page]*

PARCEL ONE:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THIRD STREET AND PETALUMA AVENUE (NOW KNOWN AS LINCOLN AVENUE); THENCE EASTERLY ALONG THE SOUTHERLY LINE OF THIRD STREET 50 FEET TO THE NORTHWEST CORNER OF THE PETER OLINE LOT; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID OLINE LOT, 136 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID OLINE LOT; THENCE WESTERLY 50 FEET TO THE EAST LINE OF PETALUMA AVENUE; THENCE NORTH ALONG SAID AVENUE LINE, 136 FEET TO THE POINT OF BEGINNING.

BEING LOT 1, BLOCK 49, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "PLAT OF THE TOWNSITE OF THE TOWN OF SAN RAFAEL", FILED FOR RECORD OCTOBER 14, 1873 IN RACK 1 OF MAPS, AT PAGE 4, MARIN COUNTY RECORDS AND AN EXTENSION OF SAID LOT, SOUTHERLY, EXCEPTING THEREFROM THE NORTHERLY 4 FEET, ALL AS SET FORTH IN THAT CERTAIN DEED EXECUTED BY JOHN H. SAUNDERS TO JOHN F. O'TOOLE, RECORDED APRIL 25, 1872 IN BOOK K OF DEEDS AT PAGE 220, MARIN COUNTY RECORDS.

PARCEL TWO:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THIRD STREET, DISTANT 100 FEET EASTERLY FROM THE INTERSECTION OF SAID SOUTHERLY LINE OF THIRD STREET WITH THE EASTERLY LINE OF PETALUMA AVENUE (NOW KNOWN AS LINCOLN AVENUE); THENCE EASTERLY ALONG SAID STREET LINE, 50 FEET; HENCE LEAVING SAID STREET LINE SOUTHERLY PARALLEL WITH SAID AVENUE LINE 140 FEET; THENCE WESTERLY PARALLEL WITH SAID STREET LINE 50 FEET; THENCE NORTHERLY PARALLEL WITH SAID AVENUE LINE, 140 FEET TO THE POINT OF BEGINNING.

BEING LOT 3, BLOCK 49, AS SHOWN UPON THAT CERTAIN MAP ENTITLED 'PLAT OF THE TOWNSITE OF THE TOWN OF SAN RAFAEL', FILED FOR RECORD OCTOBER 14, 1873 IN RACK 1 OF MAPS, AT PAGE 4, MARIN COUNTY RECORDS AND AN EXTENSION OF SAID LOT, SOUTHERLY, ALL AS SET FORTH IN THAT CERTAIN DEED EXECUTED BY THE EXECUTORS OF THE ESTATE OF JOHN H. SAUNDERS, DECEASED TO ROSE OLIN, RECORDED JUNE 15, 1886 IN BOOK 3 OF DEEDS AT PAGE 436, MARIN COUNTY RECORDS.

PARCEL THREE:

LOT 2, BLOCK 49, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "PLAT OF THE TOWNSITE OF THE TOWN OF SAN RAFAEL", FLIED FOR RECORD OCTOBER 14, 1873 IN RACK 1 OF MAPS, AT PAGE 4, MARIN COUNTY RECORDS.

PARCEL FOUR:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF THIRD STREET DISTANT THEREON 50 FEET EASTERLY FROM THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF THIRD STREET WITH THE EASTERLY LINE OF LINCOLN AVENUE (FORMERLY PETALUMA AVENUE); THENCE RUNNING EASTERLY ALONG SAID SOUTHERLY LINE OF THIRD STREET 100 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE EASTERLY LINE OF LINCOLN AVENUE 140 FEET; THENCE WESTERLY PARALLEL WITH THE SOUTHERLY LINE OF THIRD STREET 150 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE EASTERLY LINE OF LINCOLN AVENUE; THENCE NORTHERLY ALONG THE EASTERLY LINE OF

LINCOLN AVENUE 139.66 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION OF THE EASTERLY LINE OF LINCOLN AVENUE WITH THE SOUTHERLY LINE OF THIRD STREET; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF THIRD STREET TO THE POINT OF BEGINNING.

BEING THAT CERTAIN PARCEL OF LAND DESCRIBED IN THAT CERTAIN DECREE QUIETING TITLE TO JOSEPH MILANI AND MARY MILANI, FILED NOVEMBER 18, 1949 UNDER SUPERIOR COURT CASE NO. 18979.

EXCEPTING THEREFROM THOSE PORTIONS LYING WITHIN PARCELS ONE, TWO AND THREE HEREINABOVE.

APN: 011-278-01