



August 9, 2022

To: Leslie Mendez, Planning Manager, Community Development Department

From: Jordan Sullivan, Sr. Development Manager, SLI

Date: August 9, 2022

Re: Notice of Intent to Submit SB35 Application for 703 3rd Street

Introduction

This letter acts as a formal 'Notice of Intent' ('NOI') on behalf of Sustainable Living Innovations ("SLI") to submit an SB35 application for 703 3rd Street pursuant to AB168 (requirement for tribal consultation) and subsection b of Gov Code § 65913.4 (more commonly known as 'SB 35'). Attached to this letter are the required documentation for an NOI:

- The City of San Rafael's SB330 pre-application form pursuant to Gov Code § 65913.4(b)(1)(A)(i): "The notice of intent shall be in the form of a preliminary application that includes all of the information described in Section 65941.1"
- Project plans which include all of the required pages listed in the SB330 pre-application form page 5.

Project Narrative

As required by page 5 of the attached SB330 pre-application form ("Project Narrative. A written description and explanation of your project"), the following is a description of the project:

703 Third Street is a 119-unit housing development designed as a gateway statement on the 0.65 acre site at the corner of 3rd Street and Tamalpais Avenue in the City of San Rafael. The 8 story mid-rise building will be a model of sustainability and set a high bar for energy savings/minimal consumption and power production, while leading water conservation and re-use with a grey water system. The gateway building is located directly across from the transit center and SMART train station, providing an unique transit-oriented development (TOD) opportunity. This is reflected in parking ratio of only 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. These include mechanical, electrical plumbing, and data infra-structure pre-installed. Each SLI home provides an enhanced living experience and a healthier, light-filled space of superior quality at a lower cost. Our units offer light-filled, spacious, column-free design to the residents with floor-to-ceiling glass walls that open to private balconies, incredibly quiet

acoustics, ultra-efficient hydronic air conditioning with unit-level controls, comfortable in-floor hydronic radiant heat, lightning-fast, secure internet access, and an integrated Smart-Living App that securely connects them with every aspect of their home and living experience. 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 as well as an active gathering opportunity.

The building will reflect a modern interpretation of the city’s new Downtown Plan with transparent or visually interesting street-frontage and activating uses such as a large bike lounge visible from the street. A “Gallery” along Third Street will provide an arcaded entry which provides accessible access to the lobby and management offices above the area’s flood plain.

The arcaded backdrop will have accent walls which screen required utility spaces while providing visual interest. The raised space provides a strong base to the ground floor. The modern façade will have a 5/7/9 rhythm to the facade accented by the vertical pattern of balconies with a strong cap strengthened by the deeper balconies on the top floor(s). New Street trees in tree grates, landscape planters, and bike hoops for visitors create a new streetscape along Third Street, Lincoln Boulevard and Tamalpais Avenue.

703 Third Street represents the future of San Rafael’s sustainable urban living.

Local Government Responsibilities

SB35 imposes several requirements on the City of San Rafael in processing this NOI, see Gov Code § 65913.4(b)(1)(A)(iii). They are summarized in the following table:

Task	Time	Notes
City receives NOI	8/9/2022	
City deadline to issue NOI to Tribes	8/9/2022 + 30 days	City must provide a description of development, the location, and an invitation to appropriate tribal entities to engage in a scoping consultation.
Deadline for Tribes to accept invitation to engage in consultation.	30 days from issuance of NOI to Tribes.	Begins 30-day requirement for commencement of consultation.
If requested, tribal entity and City are required to commence scoping consultation	Tribe and City must engage in scoping consultation within 30 days of Tribes’ acceptance of invitation.	Scoping must commence and be completed in a timely manner pursuant to GC 65913.4(b)(3)(B). The statute requires that the failure of a tribe to engage after repeated

		<p>attempts by the City allows that an SB35 application for streamlined ministerial processing may then be submitted. Engagement is written broadly in the statute and is not confined to either triggering or beginning the consultation. Failure to engage at any point, once consultation has been triggered, would allow for submittal of the SB35 application pursuant to this section.</p>
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The project team would like to be part of the scoping consultation process if participating tribes are comfortable with our presence. As an experienced developer, SLI always seeks partnerships with local communities in a respectful and culturally appropriate manner. SLI and our consulting teams have successfully worked with Tribes in the past and look forward to continuing to find ways to address any concerns local Tribes may have.

The team would also like to bring to the attention of the City and any interested tribes the results of soil borings on site. This soil study found that the first four to five feet of soil at the site is overburden added to the site by recent development. The project will not excavate below this level and therefore does not anticipate encountering any tribal or cultural resources during construction.

Use of State Density Bonus Law

The project will apply for a State Density Bonus based on the provision of at least 10% of the base project’s units as affordable to low-income households. This density bonus will allow the project to take advantage of waivers and at least one concession. The Downtown Form Based Code does not provide a direct density standard such as a Floor Area Ratio standard or dwelling unit per acre standard. Due to this, the allowable density can be inferred as a floor area standard from the allowable massing regulated by the setback and height limits. The project will not need exceed that allowable floor area but still proposes to use waivers and concessions as allowed by state density law. The statute specifies that use of concession or waivers is not confined to those projects which take advantage of increased density, which is but one of the statute’s benefits. The State Housing and Community Development Department has supported this use of SDBL several times through technical assistance letters which can be found on their website. This use of SDBL is expressly permitted by State Density Bonus Law:

“density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density” Gov Code § 65915(f).