



Introduction

This handout summarizes San Rafael’s regulations for affordable housing. Most of these requirements are contained in Section 14.16.030 of the Zoning Ordinance of the San Rafael Municipal Code. The Zoning Ordinance can be viewed on the City’s website at www.cityofsanrafael.org (Municipal Codes), at the Community Development Department, City Clerk’s Office or at the Main Library.

Applicability

The requirements apply to all new rental and ownership residential developments, with the following exceptions:

- Individually developed single-family dwellings (unless part of a subdivision subject to these requirements)
- Second Units
- Projects of 1-4 housing units under 1,800 square feet per unit (not including garage)
- Projects of 1-4 units of attached housing

Requirements

| | |
|-------------|---------------------------------|
| 2-10 units | 10% of units must be affordable |
| 11-20 units | 15% of units must be affordable |
| 20+ units | 20% of units must be affordable |

| | |
|------------------------|--|
| Rental developments* | 50% of affordable units for very low income and 50% of affordable units for low income |
| Ownership developments | 50% affordable to low income and 50% to moderate income |

**Requirement may not be applied to a rental-only development that does not include a condominium map or a density bonus request.*

The affordable units will be located onsite unless the developer proposes an alternative equivalent action. (see 14.16030). When the calculation results in a fractional unit, the development may pay an ‘in lieu’ fee if less than 0.5 or must round up to a full unit if 0.5 or greater. The lieu fee for a full unit is approximately \$343,969.47. Check with the Planning Division for the current figure.

Rental units must be affordable to very low (50%AMI) and low income (60% AMI) persons assuming 30% of income will be spent on total housing costs. Calculation is based on area median income (AMI). [Click here](#) for affordable rents information. Or for more information visit www.cityofsanrafael.org/housing/

Length of Restrictions

Affordable units for rental developments and resale restrictions for ownership units must remain for at least 55 years. Rental and ownership restrictions are recorded on the property and run with the land.

Selection of Affordable Units

The affordable units must be of similar mix and type to that of the development as a whole, and disbursed throughout the development.

Selection of Occupants

Tenant selection is responsibility of owner-manager. Tenant income must be equal to or less than maximum income requirements. Owner must provide annual tenant income certifications to the City of San Rafael.

Ownership units are selected through a lottery process conducted by Marin Housing. Marin Housing will provide qualified buyers to the owner and manage the escrow and closing. For more information visit www.marinhousing.org

Process

The affordable housing requirements are part of the Community Development Department approval process. Questions on affordable housing should be addressed to Community Development staff assigned to the project.

Density Bonus

The City of San Rafael allows a density bonus pursuant to State Law for provision of affordable units (see table below). Density bonus units are market rate units. In addition to the bonus units, projects meeting the density bonus thresholds are entitled to additional incentives to assure the density bonus units can be developed.

DENSITY BONUS CALCULATION TABLE

| Percentage of Affordable Units to Total Units | Income Category | Density Bonus |
|--|------------------------|---|
| 5% | Very Low (50% AMI) | 20% |
| 6% and above | Very Low (50% AMI) | 2.5% additional bonus for each 1% increase in affordable units up to 35% max. density bonus. 11% affordable units =35% density bonus |
| 10% | Low (60% AMI) | 20% |
| 11% and above | Low (60% AMI) | 1.5% additional bonus for each 1% increase in affordable units up to 35% max. density bonus. 20% affordable units =35% density bonus |

For more information on density bonus, please contact the Community Development Department. *(revised February 2019)*