



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: COMMUNITY DEVELOPMENT**

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Community Development Director**

**City Manager Approval:** \_\_\_\_\_ *AS*

**TOPIC: ANNUAL PROGRESS REPORT (APR) ON HOUSING**

**SUBJECT: ANNUAL PROGRESS REPORT (APR) ON: HOUSING UNITS SUBMITTED, APPROVED AND BUILT IN 2019; AND UPDATE ON PROGRESS OF IMPLEMENTING PROGRAMS IN THE HOUSING ELEMENT. CASE NO. P20-003**

**RECOMMENDATION:**

It is recommended that the City Council:

- a. Open the public hearing and accept comments; and
- b. Accept report.

**BACKGROUND:**

Government Code Section 65400 requires local jurisdictions to prepare an Annual Progress Report (APR) on the status of the City's Housing Element and the progress in meeting its share of regional housing needs. A copy of the report must be submitted to both the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) by April 1st for the previous calendar year (January 1-December 31). Historically, the APR has been prepared in narrative format and informally reported to the City Council as part of routine updates on housing. However, the State housing laws have dramatically changed in the last several years, and now mandate higher reporting standards and a greater level of accountability by the local jurisdiction. The housing laws require that a public hearing on the APR be conducted by the local jurisdiction to allow for public comment.

The APR is reported on [forms](#) prescribed by HCD. Prior to the 2018 reporting year, the APR forms were simpler, requiring the reporting of housing units approved (entitled) in the reporting calendar year, and progress on the implementation programs contained in the Housing Element. However, in response to changes in the State housing laws, in 2019, the forms became far more complex. The APR now requires that the local jurisdictions itemize and report the number of housing units: a) submitted; b) approved/entitled; c) issued building permits; and d) built and issued final inspections for occupancy. Further, the APR requires reporting the type of housing unit and the level of affordability. As noted above, the APR also requires listing all of the housing programs outlined in the Housing Element and status of

**FOR CITY CLERK ONLY**

**File No.:** \_\_\_\_\_

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

implementation of these programs. Lastly, the recent changes to the APR require that local jurisdictions report on housing development processed using the by-right housing approval process prescribed by Senate Bill 35 (SB 35). The APR now contains nine (9) reporting tables briefly described as follows:

1. Table A – Housing Development Applications Submitted. An “application” is a formal permit application submittal of a project for approval. This application is either for a discretionary entitlement (e.g. Environmental and Design Review, Use Permit), or where a ministerial process is solely required, such as an application for a building permit.
2. Table A2 – Annual Building Activity Report Summary. This table requires reporting all new housing construction, approved/entitled units, building permits issued, and built units issued a Certificate of Occupancy/final inspection.
3. Table B – Regional Housing Needs Allocation Progress. This table tallies the reporting year and prior year(s) of building permits issued for housing units under the current Regional Housing Need Allocation (RHNA) Planning Cycle (current cycle is 2015-2023). Permitted housing units are reported by their affordability (e.g., low-income, above moderate income/market rate). This table tracks the local jurisdictions progress towards meeting the RHNA. Table B contains the RHNA by income level and compares that number with total annual new housing units and housing units to date.
4. Table C – Properties Rezoned to Accommodate a Shortfall of Housing Need. State housing law requires that if the local jurisdiction approves a housing development on a housing opportunity site that results in fewer units than the number estimated for the site in the Housing Element, the shortfall of units must be made by rezoning another site to accommodate the shortfall. For the 2019 reporting year, the City was not required to rezone any site(s) to accommodate a shortfall of housing need.
5. Table D – Housing Element Program Implementation. This table requires that all Housing Element programs be listed and accompanied by a report on the progress of program implementation.
6. Table E – Commercial Development Bonus. This table allows for reporting of commercial development bonus for applications that include an agreement for partnered housing that contributes affordable housing through a joint project or two separate projects encompassing affordable housing. For the 2019 reporting year, the City did not approve any project involving a commercial development bonus.
7. Table F – Housing Units Rehabilitated, Converted from Non-affordable to Affordable and Preserved. This table allows the local jurisdiction to report housing units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved. For the 2019 reporting year, there were no housing units approved/built that meet this criterion.
8. Table G – City-owned Properties Sold, Leased or Otherwise Disposed. This table requires the local jurisdiction to identify any City-owned property that has been included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of during the reporting year. The City did not dispose of any such property during the 2019 reporting period.

9. **Summary Table.** This table tallies the data from several of the tables listed above. The summary data focuses on the total of all permits issued and all applications submitted and approved for the 2019 reporting period.

**ANALYSIS:**

Staff has completed the APR for the 2019 calendar year. The APR tables are attached (Attachment 1). Although the City is past the April 1 deadline for filing, staff contact HCD staff in mid-March informing them that the filing would be late due to COVID-19 and the shelter-in-place order. HCD staff advised that we proceed with completing the report and filing it by June 1. The following is a summary of the City’s progress on housing approvals/entitlements, building permits issued and housing units completed for occupancy.

- As reported in Table A, a total of 67 housing development applications (Planning applications and building permits) were submitted to the City in 2019. A total of 11 units qualified as low-income units due to size. HCD allows accessory units that are less than 500 square feet in area to reported for low-income (non-deed restricted) as rental prices for these units fall within the low-income rental rates.
- Table A2 data includes the following report for 2019:
  - a. Housing Units Approved/Entitled: 289 units
  - b. Building Permits Issued: 28 units
  - c. Units Built and Granted Final Occupancy: 19 units
  - d. Units Lost: 1 unit
- RHNA progress is presented in Table B (below).

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2								3	4	
Income Level	RHNA Allocation by Income Level	#REF!									Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	240	2	-	-	1	-				3	237	
	Non-Deed Restricted		-	-	-	-	-						
Low	Deed Restricted	148	10	5	-	1	-				57	91	
	Non-Deed Restricted		4	-	7	24	6						
Moderate	Deed Restricted	181	-	-	-	-	-				11	170	
	Non-Deed Restricted		10	-	-	1	-						
Above Moderate		438	94	21	20	14	22				171	267	
Total RHNA		1007											
Total Units			120	26	27	41	28	0	0	0	0	242	765

Note: units serving extremely low-income households are included in the very low-income permitted units totals

As mentioned above the tables use building permit issuance for the purposes of determining progress towards RHNA. As such, housing projects that have been approved/entitled are not necessarily reflected in the APR if they did not also receive a building permit. Those units will be counted in future reporting periods once building permits are issued. Some key projects that received approvals/entitlements in 2019 that are reported but are not counted toward the RHNA for this reporting period include:

- 703 Third Street (Seagate) 120 units
- 1010 Northgate Walk 136 units
- 1628 5<sup>th</sup> Avenue 9 units

While Table B only shows credit for 27 units, the City entitled a total of 289 units in 2019 getting us closer to reaching our RHNA goals.

- As reported in Table D, there are a number of Housing Element programs that are ongoing and serve to streamline housing development within the City and provide housing protections to vulnerable communities. The following are some key programs that were part of the 2019 reporting period:
  - a. H11-b. & H16-a. Accessory Dwelling Units and Junior Accessory Dwelling Units. The city began drafting of an ADU Ordinance however due to an additional round of changes in state legislation on this topic, work on this topic will continue for the 2020 reporting period.
  - b. H-5a. Fair Housing Program. In 2019, the City adopted renter protection policies, practices and programs. In late 2019, the City adopted a "just cause for eviction" and "mandatory mediation" ordinance.
  - c. H-7b. Preserving Existing Rental Housing Affordable to Low Income Households at Risk of Conversion.
  - d. H-14d. Air Rights Development (over a City parking garage). The city has received one inquiry for air rights development (over a City parking garage) during this reporting period. The developer is working with City staff on this proposal. In 2019, City staff completed a planning feasibility study of six City-owned public parking lots to assess the potential for housing development.
  
- Summary Table. The Summary Table tab includes a summary of Tables A through G. There are only two relevant tables as shown below. As shown in these tables there were total 28 building permits issued for the 2019 reporting period. This is also the total number of units that count toward the City's RHNA goals.

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	6
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		22
<b>Total Units</b>		<b>28</b>
Note: Units serving extremely low-income households are included in the very low-income permitted units totals		

<b>Housing Applications Summary</b>	
<b>Total Housing Applications Submitted:</b>	<b>31</b>
<b>Number of Proposed Units in All Applications Received:</b>	<b>68</b>
<b>Total Housing Units Approved:</b>	<b>34</b>
<b>Total Housing Units Disapproved:</b>	<b>0</b>

The APR does not include housing projects that have received approvals/entitlements in 2020. Since January 2020, the City has approved/entitled a total of 150 units for the following projects:

- 350 Merrydale Road – 44 Units (APPROVED)
- 190 Mill Street – 32 supportive units (APPROVED)
- 999 3<sup>rd</sup> Street - Whistlestop/EDEN Housing 67 senior units 100% affordable (APPROVED)
- 104 Shaver Street - 7 Units (APPROVED by Planning Commission pending appeal to City Council)

In addition, in 2020 to date, the City has received building permit applications for 12 new Accessory dwelling units and 2 single family residential units. The above entitled units and all units that received building permits in 2020 will be reported in the 2020 annual progress report.

**ENVIRONMENTAL REVIEW:**

As required by State law (California Environmental Quality Act), review and action on the APR must be reviewed to determine if it is subject to environmental review. As the APR is an informational report, it will have no physical impact on the environment. The APR is classified as a planning study, which qualifies for a Statutory Exemption from the provisions of the CEQA Guidelines under 14 CRR Section 15262.

**COMMUNITY OUTREACH:**

Notice of the public hearing was conducted in accordance with the public review period and noticing requirements contained in Chapter 29 of the Zoning Ordinance. Notice of public hearing was mailed to all neighborhood associations and stakeholders including the San Rafael Chamber of Commerce and housing advocacy groups.

**FISCAL IMPACT:**

There is no fiscal impact associated with the completion and submittal of the 2019 APR.

**OPTIONS:**

1. Accept the APR as presented by staff;
2. Accept the APR with modifications; or
3. Reject the APR and direct staff to return with additional information.

**ATTACHMENTS:**

1. 2019 HCD Annual Progress Report Tables
2. Public Hearing Notice



Jurisdiction	San Rafael	
Reporting Year	2019	(Jan. 1 - Dec. 31)

## ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

Note: "+" indicates an optional field  
Cells in grey contain auto-calculation formulas

(CCR Title 25 §6202)

**Table A**

### Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes							Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Notes	
1					2	3	4	5							6	7	8	9	10
Prior APN +	Current APN	Street Address	Project Name +	Local Jurisdiction Tracking ID +	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project (Auto-calculated Can Be Overwritten)	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Notes +
Summary Row: Start Data Entry Below								1	32	0	11	0	0	24	68	34	0	0	
	1109223	1519 Lincoln Avenue		ADU19-010	ADU	R	6/4/19							1	1	1	0	No	
	1406401	311 Belle Avenue		ADU19-013	ADU	R	7/15/19							1	1	1	0	No	
	16517137	11 Park Ridge Road		ADU19-019	ADU	R	8/12/19							1	1	1	0	No	
	1215209	216 Bayview Street		ADU19-017	ADU	R	9/17/19							1	1	1	0	No	
	1218103	339 D Street		ADU19-019	ADU	R	10/7/19							1	1	1	0	No Existing unit legalized.	
	1207216	18 Frances Street		ADU19-020	ADU	R	10/10/19							1	1	1	0	No Detached unit	
	17805206	369 Orange Blossom Lane		JSU19-002	ADU	R	4/8/19				1			1	1	1	0	No	
	1121214	1016 C Street		UP19-028	ADU	R	7/3/19							1	1	1	0	No	
	1011109	20 Edgewood Way		ADU19-002	ADU	R	1/28/19							1	1	1	0	No	
	17822142	765 Beechnut Court		ADU19-014	ADU	R	7/30/19							1	1	1	0	No	
	1316134	75 Blossom Drive		ADU19-016	ADU	R	8/26/19				1			1	1	1	0	No	
	1231010	353 Clorinda Avenue		ADU19-021	ADU	R	11/7/19							1	1	1	0	No	
	1214155	39 Clayton Street		ED19-090	SFD	O	11/7/19							1	1	0	0	No	
	1214160	33 Clayton Street		ED19-091	SFD	O	11/7/19							1	1	0	0	No	
	1419212	190 Mill Street		UP19-014	5+	R	4/26/19		32					32	0	0	0	No By-right project includes prope	
	1035101	3 Shannon Lane		ADU19-006	ADU	R	4/10/19				1			1	1	1	0	No	
	1108418	21 Graceland Drive		ADU19-001	ADU	R	1/17/19				1			1	1	1	0	No	
	17529231	24 Drakes Cove		ADU19-005	ADU	R	4/3/19							1	1	1	0	No	
	17814220	716A Montecillo Road		ADU19-007	ADU	R	5/15/19				1			1	1	1	0	No	
	1202408	137 Spring Grove Avenue		ADU19-009	ADU	R	5/15/19				1			1	1	1	0	No Detached Unit	
	1205401	202 Miramar Avenue		JSU19-001	ADU	R	1/9/19				1			1	1	1	0	No Existing Unit legalized	
	17522245	771 Tamarack Drive		JSU19-003	ADU	R	4/26/19				1			1	1	1	0	No	
	1027817	78 W Crescent Drive		ADU19-004	ADU	R	3/27/19				1			1	1	1	0	No Existing Unit legalized	
	1208140	197 Hillside Avenue		ADU19-012	ADU	R	7/11/19							1	1	1	0	No	
	1314135	544 Bret Harte Road		ADU19-018	ADU	R	10/2/19							1	1	1	0	No	
	1115103	120 H Street		ADU19-022	ADU	R	12/19/19				1			1	1	1	0	No	
	1511223	77 Locust Avenue		UP19-038	ADU	R	9/24/19				1			1	1	1	0	No	
	1124540	104 Shaver Street		ED19-030	5+	R	4/25/19	1						6	7	7	0	No	
	1229119	Meyer Road		ED19-060	SFD	O	7/17/19							1	1	1	0	No	
	18403001	2000 Point San Pedro Road		ED19-082	SFD	O	10/4/19							1	1	1	0	No	
	1222218	51A Grove Street		B1910-24	ADU	R	4/29/19							1	1	1	0	No	

Jurisdiction	San Rafael	
Reporting Year	2019	(Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.  
Please contact HCD if your data is different than the material supplied here

**Table B**  
**Regional Housing Needs Allocation Progress**  
**Permitted Units Issued by Affordability**

Income Level		RHNA Allocation by Income Level	2									3	4
			2015	2016	2017	2018	2019	2020	2021	2022	2023		
Very Low	Deed Restricted	240	2			1						3	237
	Non-Deed Restricted												
Low	Deed Restricted	148	10	5		1						57	91
	Non-Deed Restricted		4		7	24	6						
Moderate	Deed Restricted	181										11	170
	Non-Deed Restricted		10			1							
Above Moderate		438	94	21	20	14	22					171	267
<b>Total RHNA</b>		<b>1007</b>											
<b>Total Units</b>			<b>120</b>	<b>26</b>	<b>27</b>	<b>41</b>	<b>28</b>					<b>242</b>	<b>765</b>

Note: units serving extremely low-income households are included in the very low-income permitted units totals  
Cells in grey contain auto-calculation formulas





# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202)

<b>Jurisdiction</b>	San Rafael	
<b>Reporting Year</b>	2019	(Jan. 1 - Dec. 31)

**Table D**

### Program Implementation Status pursuant to GC Section 65583

#### Housing Programs Progress Report

Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
H-1a. Annual Housing Element Review.	Provide an annual assessment of housing element.	Annually	The City has prepared the Annual Report for Year four of its 2015-2023 Housing Element, including reporting on progress towards meeting RHNA goals and program implementation.
H-2a. Design Concerns of Single-Family Homes.	Examine and amend, as needed, zoning regulations and guidelines for single-family homes.	2017	This program not yet been implemented; it is targeted for a Mid-Term time frame.
H-2b. Compatibility of Building Patterns.	Adopt design guidelines to ensure compatibility of neighborhood building patterns.	2017	This program has not yet implemented; it is targeted for a Mid-Term time frame. However, in 2018, the City prepared and approved "Good Design" Criteria for Downtown Development. These criteria combine and update several design guideline documents adopted by the City over the past 25 years. Much of this effort was focused on pursuing good design for housing projects in Downtown San Rafael, which are higher density developments close to commuter rail and transit.
H-3a. Neighborhood Meetings.	Require neighborhood meetings for larger housing development proposals and those that have potential to change neighborhood character.	Ongoing (as part of project review)	Neighborhood meetings are held (as needed) as part of individual project review. The City also encourages applicants to implement other outreach measures, including holding informal meetings with small groups.
H-3b. Information and Outreach on Housing Issues.	Continue to provide information to improve awareness of housing needs, issues and programs, and to collaborate with housing organizations.	Annually	The City has continued to provide information and to collaborate with housing organizations to foster awareness of housing resources. The City's website includes webpages on specific, housing-related topics, Housing Element policies and pending/approved housing developments. In addition, the City Manager publishes a newsletter ("Snapshot"), which often includes reports on housing issues and developments.

H-4a. Inter-Jurisdictional Housing Activities and Resources.	Continue to implement Shared responsibilities, common regulations, coordinated lobbying efforts and the housing data clearing house to efficiently and effectively respond to housing needs within the cities and county of Marin.	Ongoing	The City has continued to collaborate with Marin jurisdictions in addressing regional housing needs. The Marin jurisdiction Planning Directors meet monthly to share housing policies and tools. A County of Marin website is being develop to establish a central clearinghouse and repository for all of the local ADU and JDU ordinances and regulations. Further, a collective, cross-agency application will be filed this spring for securing SB2 Planning Grant Program funds to develop "objective design standards" (SB35 ministerial review process) that are generally applicable to and shared by the local cities/towns.
H-4b. Community Collaboration.	Encourage cooperative and joint ventures between owners, developers, and community non-profit groups in the provision of affordable housing.	Ongoing	The Community Development Department staff routinely uses its expertise and connections in affordable housing to assist local developers in pursuing housing development. In 2019, the City secured SB2 Planning Grant funds to assist a non-profit organization (Homeward Bound) with its supportive housing project for extremely-low income residents. The SB2 funds cover the cost for the Planning review process and serves as a "pilot" for a by-right review process for affordable housing projects.
H-5a. Fair Housing Program.	Ensure that written materials regarding fair housing law are provided at various public locations, and continue to refer discrimination and tenant/landlord complaints to Fair Housing of Marin, or other appropriate agency.	Ongoing	City staff continues to refer complaints to Fair Housing of Marin and Marin Mediation Services. The City continues to fund Marin Mediation Services, when the need for the service arises. The City is currently assessing and pursuing adoption of renter protection policies, practices and programs. In late 2019, the City adopted a "just cause for eviction" and "mandatory mediation" ordinance.
H-6a. In-Lieu Fees for Affordable Housing.	Contribute funding towards at least one affordable rental project for lower income households. Activities may include: acquisition/rehabilitation of existing housing; new construction of affordable housing; and rehabilitation of privately owned rental housing in exchange for affordability covenants.	Ongoing	The City continues to collect affordable in lieu fees for new residential and non-residential (commercial linkage fee) development, and has collected over \$1.5 million to date. The collected fees are held in an Affordable Housing Trust Fund. Further, a number of market-rate housing projects were entitled by the City in 2019, which incorporate affordable/BMR units (Northgate Walk, 815 B St, 703-723 3rd Street), which also include some contribution to this affordable housing fund. In 2019, the City adopted a new program and procedures for administering the Affordable Housing Trust Fund, which includes a NOFA process.
H-6b. Funding Resources.	Work with community and elected leaders to identify potential public and private funding resources for affordable housing. Seek to secure at least two new funding sources and a minimum of \$200,000 in outside funds during the planning period.	Ongoing	Resources are considered and tapped on a case-by-case basis, as affordable project applications are received. In 2019, the City received \$310,000 from the SB2 Planning Grant Program. As discussed under Program H-2b above, an application for SB2 funds have supported completing a "by right" zoning process for a non-profit sponsored supportive housing development projects for the extremely low-income community. SB2 Planning Grant funds have also been secured to develop an updated permit system to streamline housing development review and construction.

H-6c. Funding Applications.	Coordinate applications for State and Federal subsidies for affordable housing, and provide technical assistance in public funding resources and local processing requirements, including community involvement.	Annually	In 2019, the City secured \$310,000 from the SB2 Planning Grants Program. As discussed under Program H-6b above, the SB2 funds are being used to develop programs and tools to streamline housing development.
H-7a. Condominium Conversion Ordinance.	Prohibit conversion of existing multifamily rental units to market rate condominium units unless the City's rental vacancy rate is above 5.0 percent, with exceptions of limited equity cooperatives, co-housing, and other housing proposals affordable to low- and moderate-income households.	Ongoing (as part of project review)	The City continues to monitor the rental vacancy rate and restricts condominium conversions accordingly. There have been no conversions as the rental vacancy rate remains below 5%.
H-7b. Preserving Existing Rental Housing Affordable to Low Income Households At Risk of Conversion.	Conserve all 291 very low income rental units at risk of conversion to market rate as long-term affordable housing.	Contact non-profit owners within one year of potential affordability expiration.	None of the City's at-risk rental projects have converted to market rate.
H-7c. Preserving Existing Rental Housing Affordable to Low Income Households through Ongoing Affordability Restrictions.	For units owned by non- profit agencies, continue to monitor these units as required by the original funding source. For private units produced pursuant to City inclusionary requirements, continue to monitor through annual income and rent certification from property owners.	Annual rent and income certification	The City's BMR rental program is being administrating by the Marin Housing Authority. In addition, the City has an adopted "conservation of dwelling unit" ordinance, which permits residential units to be replaced or rebuilt if under their current conditions they would normally be non-conforming.
H-7d. BMR Resale Regulations.	Continue to require resale controls on ownership BMR units to assure that units remain affordable and continue to monitor database with Marin Housing.	Annually	The City, in coordination with the Marin Housing Authority continues to monitor resale controls on below market rate (BMR) units. For sale BMR unit agreements include a clause that an owner must sell the unit back to the Marin Housing Authority so the affordability can be maintained and the unit can remain in the affordable housing inventory.
H-7e. Retention of Mobile homes and Preservation of Existing Mobile home Sites.	Retain where possible this type of housing and its affordability by continuing to implement the mobile home Rent Stabilization Ordinance.	Ongoing	The rent stabilization ordinance applicable to the local mobile home parks remains in effect.
H-8a. Apartment Inspection Program.	To assure safe living conditions, continue to enforce housing codes for all apartment projects, three units or larger in size.	Inspect all apartment units in the City every 5 years	The City's Code Enforcement Division continues to administer the apartment and hotel inspection program (HIP). This Citywide program is near completion of its second cycle.

H-8b. Code Enforcement and Public Information Programs.	Coordinate housing, building and fire code enforcement to ensure compliance with basic health and safety building standards and provide information about rehabilitation loan programs for use by qualifying property owners.	Bi-weekly meetings of the Development Coordinating Committee	The City continues to conduct bi-weekly meetings of Development Coordinating Committee and Health & Safety Committee (including representatives of Fire, Police, Building, Planning, Code Enforcement and Public Works) to review development submittals and other matters of interdepartmental concern. During this period, the City launched an amnesty program for residential property owners. The amnesty allows homeowners the opportunity to obtain permits for unpermitted/illegal construction work with no levying of fines or penalties.
H-8c. Residential Rehabilitation Loan Program.	Continue to require a portion of the City's CDBG allocation to the Marin Housing Authority to provide property improvement loans and technical assistance to very low-income homeowners. Provide rehabilitation assistance to 3 very low income households annually, subject to funding availability.	Annual through the CDBG funding allocation process	The City continues to advertise the Rehabilitation Program on the City's website, and disseminate program brochures at City Hall. This program is administered by the Marin Housing Authority on behalf of the City. In 2019, the City of San Rafael in coordination with the Marin Housing Authority approved a refinancing loan to a private residential property owners for a large apartment complex. As part of the refinancing agreement, the property owner committed to complete improvements and upgrades to the apartment units.
H-8d. Relocation Assistance.	Require applicants to provide certain limited relocation assistance, per Section 14.16.279, for low-income tenants displaced by new development or property improvements.	Ongoing (as part of project review)	This requirement is reviewed as part of all development applications involving displacement of existing low income residents. During 2019, there were no reported remodeling or demolition projects that resulted in resident displacement or need for relocation assistance.
H-9a. Adaptive Housing.	Ensure compliance with State and Federal requirements for accessible units. Conduct regular "coffee and codes" meetings with design and construction industry members to discuss requirements under the Americans with Disabilities (ADA) Act.	Ongoing	The Building Division holds regular "coffee and codes" meetings with design and construction industry members to discuss ADA requirements. In 2019, the City's dormant ADA Advisory Committee was re-established and re-purposed with new by-laws. The ADA Advisory Committee provides an advisory role to the City's Chief Building Official, City Engineer and City Council.
H-9b. Reasonable Accommodation.	Implement zoning regulations to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures that may be necessary to ensure equal access to housing.	Ongoing	City staff continues to use a standardized set of forms to simplify and streamline the review of reasonable accommodation requests. No requests for Reasonable Accommodation were received during this reporting period.
H-9c. Housing Opportunities for Persons Living with Disabilities	Coordinate with the Golden Gate Regional Center to disseminate information on resources available to persons with developmental disabilities, including making information available on the City's website.	2015	The City has included a link to the Golden Gate Regional Center in its Planning Library as a resource for persons with developmental disabilities.

H-9d. Housing for Extremely Low Income Households.	Prioritize some in-lieu funds and Successor Agency affordable housing funds for the development of housing affordable to extremely low-income households and supportive housing.	Annually	Ongoing, as affordable housing applications are received. As discussed in Programs H-4b and H-6c above, the City is currently working with a non-profit organizations that us proposing a supportive housing development project for extremely low-income residents. The Planning process for this project is funded through a secured SB2 Planning Grant and is a pilot for a new "by right" review process for affordable housing projects.
H-10a. Co-Housing, Cooperative, and Similar Collaborative Housing Development.	Provide zoning flexibility through Planned Development District zoning to allow housing development that is based on co-housing and similar approaches that feature housing units clustered around a common area and shared kitchen, dining, laundry, and day care facilities.	Ongoing (as part of project review)	No inquiries or actions taken during the reporting period.
H-10b. Manufactured Housing.	Continue to allow quality manufactured housing in all zoning districts which allow single-family residences.	Ongoing (as part of project review)	No applications received during the planning period.
H-10c. Single Room Occupancy (SRO) Units.	Actively promote existing incentives for SRO apartments, such as no density regulations and lower parking standards, in multifamily and mixed use districts in recognition of their small size and low impacts.	Ongoing	No applications or inquiries for SROs were received in this reporting period.
H-10d. Zoning for Live/Work Opportunities.	Continue to accommodate live/work quarters in commercial districts, and allow for flexibility in parking requirements as supported by a parking study.	Ongoing	No applications or inquiries for live/work units were received in this reporting period.
H-11a. Home sharing and Tenant Matching Opportunities.	Continue to support, and consider increased participation in, the Shared Housing Project in collaboration with community partners.	Ongoing	No inquiries received during the reporting period.
H-11b. Junior Second Units	Coordinate with other Marin jurisdictions in evaluating appropriate zoning regulations to support in the creation of "Junior Second Units" Adopt standards to facilitate and seek to issue permits for at least 20 units during planning period.	2015	In 2019, the City approved three (3) junior second units (JSUs).

H-12a. Countywide Efforts to Address Homeless Needs.	Continue to support and allocate funds, as appropriate, for programs providing emergency shelter, supportive and/or transitional housing and counseling services for the homeless or persons at risk of homelessness.	Ongoing (as part of project review)	City staff (Director of Homeless, Planning and Outreach) is participating in a countywide effort to seek both temporary and permanent housing opportunities for homeless. The City is a member of "Opening Doors," which is a Committee comprised of Marin County elected officials, housing advocates/developers and homeless advocated. City also hired new Director of Homeless Planning & Outreach to bring a strategic focus to the City's efforts and to partner with other organizations.
H-12b. Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities	Where determined necessary during review of an application, encourage positive relations between neighborhoods and providers of emergency shelters and residential care facilities by requiring shelter outreach communication programs with the neighborhoods.	As part of project review	No applications were processed for emergency shelters or residential care facilities during the reporting period.
H-12c. Residential Care Facilities.	Regularly update zoning regulations to conform to laws and do not result in overconcentration of care facilities. Explore the feasibility of requiring affordable units in assisted living facilities.	2018	This program, which is also linked to Program H-13a (Assisted Living) has not yet been implemented by the City. However, in 2018, the City Council directed staff to complete a study of the residential care and assisted living-type facilities to: a) determine their impact on the community (an aging community); and b) identify appropriate measure for affordable and/or inclusionary housing requirements. This study will be completed in 2020.
H-12d. Emergency Shelters, Transitional and Supportive Housing.	Implement Zoning Code provisions to accommodate emergency shelters, transitional and supportive housing. Amend Code Section 14.16.115 to clarify: a) Requirements for staff and services to assist residents in obtaining permanent shelter and income are permissive, not mandatory; and b) while a written Management Plan is required, it is not subject to discretionary approval.	2014	City completed Zoning Code revisions in compliance with SB 2 in 2014. City in process of amending Code to further clarify shelter provisions as specified in the Housing Element.
H-13a. Assisted Living.	Evaluate current zoning regulations for new assisted living housing, and assess options to regulate as a residential, rather than a commercial use. Evaluate establishing inclusionary housing requirements for assisted living.	2018	This program, which is also linked to Program H-12c (Residential Care Facilities) has not yet been implemented by the City. However, in 2018, the City Council directed staff to complete a study of the residential care and assisted living-type facilities to: a) determine their impact on the community (an aging community); and b) identify appropriate measure for affordable and/or inclusionary housing requirements. This study will be completed in 2020.

H-13b. "Age-in-Place" Assistance.	Continue to provide assistance to older residents to remain independent in their homes, such as the Police Department's "Are You OK?" program, the Fire Department's "Safety Check" program, Code Enforcement's continuing cooperation with Marin Social Services, and Community Services social activities offered through the Community Centers.	Annually	The City continues to offer a variety of programs and services to support seniors to age in place in their homes. The City has adopted standards to facilitate Accessory Dwelling Units (ADUs) and junior dwelling units (JDUs) to assist "over-housed" senior homeowners to remain in their homes.
H-14a. Residential and Mixed Use Sites Inventory.	Maintain a current inventory of suitable sites, and provide this information to interested developers along with information on incentives.	Ongoing	As part of the 2015-2023 Housing Element update, in 2015, the City undertook a comprehensive update of its sites zoned and suitable for residential and mixed-use development. Planning staff continues to inform developers of density bonuses and concessions available for development projects, where appropriate.
H-14b. Efficient use of Multifamily Housing Sites.	Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement.	Ongoing (as part of project review)	The City continues to require developers/applicants to meet the minimum density requirements in designing their housing projects. The City has not approved a housing project that is below the minimum density requirements specified by the General Plan 2020 or zoning.
H-14c. Continue to implement Zoning Provisions to Encourage Mixed Use.	Encourage adaptive reuse. Explore zoning incentives to encourage lot consolidation. Review zoning requirements for retail in a mixed use building or site, and amend as necessary to allow for residential-only buildings in appropriate mixed-use zoning districts.	2017	The City continues to support mixed use development as project applications are received.
H-14d. Air Rights Development.	Evaluate the feasibility of air rights development and consider possible zoning incentives. Encourage developers of affordable housing to utilize air rights, such as above public parking lots or commercial uses Downtown.	2020	One inquiry for air rights development (over a City parking garage) was informally presented to the City during this reporting period. The developer is working with City staff on this proposal. In 2019, City staff completed a planning feasibility study of six, City-owned public parking lots to assess opportunities to partner with housing developers and consider housing development on these lots.



H-15a. Downtown Station Area Plan.	Complete Station Area parking study and Transit Center relocation analysis (2015). Study other Plan recommendations to increase housing opportunities near transit. Build upon lessons learned from the Station Area parking analysis to reevaluate parking standards on a citywide basis.	One year after the start of SMART services	In 2018, the City initiated the preparation of General Plan 2040, which is a citywide update. Included in this work is the preparation of a Downtown Precise Plan, which will cover an area that is generally 1/2-mile around the Downtown SMART commuter rail station. The intent and goal of the Downtown Precise Plan is to develop and incorporate a form-based code as a tool to streamline the environmental and development review process for Downtown projects, particularly for new housing development. This Precise Plan will incorporate the recommendations of the Downtown Parking & Wayfinding Study (adopted by the City Council in 2018), which includes creative measures for reducing parking and parking cost. The Downtown Precise Plan is expected to be adopted in 2020
H-15b. Civic Center Station Area Plan.	Study Station Area Plan recommendations to facilitate housing opportunities near transit, and implement through General Plan amendments and Zoning Code changes where appropriate.	One year after the start of SMART services	As noted in Program H-15a (Downtown Station Area Plan) above, in 2018, the City initiated the preparation of General Plan 2040, which is a citywide update. The General Plan 2040 will incorporate the recommendations of the Civic Center Station Area Plan, which includes rezoning and up zoning key sites for housing development that are within 1/2-mile of the Civic Center SMART commuter rail station. The draft General Plan 2040 includes a recommended new program to pursue funding and completion of a "specific plan" or "precise plan" for the Northgate area. It is expected that the San Rafael General Plan 2040 will be adopted in 2020.
H-16a. New Second Units	Based on past trends, support the production of an average of five second units annually, with the goal of achieving 40 units over the planning period.	Ongoing	The Community Development Department has prepared helpful informational handouts to assist property owners in determining feasibility of a second unit. In 2019, the City approved 25 ADUs. A new ADU Ordinance has been drafted and is being revised to address the recent State law changes applicable to ADUs and JDUs.
H-17a. State Density Bonus Law.	Implement State density bonus requirements, as specified within the city's Affordable Housing Ordinance, in connection with the city's Inclusionary Housing requirement.	Ongoing (as part of project review)	San Rafael has integrated State density bonus requirements within its Affordable Housing Ordinance (Zoning Code Section 14.16.030), depicting the connection with the City's Inclusionary Housing requirements. Since adoption of this ordinance, the City has approved approximately 15 residential housing developments that have included a density bonus.
H-17b. Height Bonuses.	Continue to offer height bonuses for projects that include affordable housing, and provide early design review to assist with potential design issues. Evaluate utilizing height bonuses as a tool to incentivize lot consolidation.	Evaluate lot consolidation by 2016	Since the adoption of the height bonus allowance, the City has approved approximately 15 residential housing developments that have included a height bonus.

H-17c. Waiver or Reduction of fees	Continue to offer fee waivers/reductions for applications including affordable units. Eliminate traffic mitigation fees on second units, and coordinate with local jurisdictions to lobby Las Gallinas Valley Sanitary District to reduce sewer connection fees for second units and affordable housing.	Ongoing (as part of project review)	The City received one request for fee waiver for a 32-unit supportive housing project in 2019. The fee waiver was approved by the City Council in 2020. The City has eliminated traffic mitigation fees on Accessory and Junior Accessory Dwelling units. In 2019, the San Rafael City Council received a report on the challenges to approving and developing housing. One of the identified challenges is the cost of fees for housing development projects. The City Council directed staff to study the current fees and return with a program to defer, reduce or eliminate fees for housing project to promote development. This study is underway and will be completed and presented to the City Council in late 2020.
H-17d. Efficient Project Review.	Continue to implement the Permit Streamlining Act and provide concurrent permitting.	Ongoing (as part of project review)	The City's Building Division continues to implement permit tracking and over-the-counter one-stop permitting. Planning staff continues to inform developers of density bonuses and concessions available for development projects, where appropriate. In 2019, the San Rafael City Council received a report on the challenges to approving and developing housing. One of the identified challenges is time it takes to process a Planning application through action for a housing project. Staff was directed to find ways to streamline the Planning review process by studying options to the current Design Review Permit process. Staff is reviewing options to the current Design Review Board platform for reviewing projects. It is expected that this study will be completed in mid-to-late 2020.
H-18a. Inclusionary Housing Nexus Study	Conduct affordable housing nexus study. Evaluate the Inclusionary Housing Ordinance and in-lieu fee requirements for effectiveness in providing affordable housing and amend the Inclusionary Housing Program as warranted.	2016	Through the SB2 Planning Grant process, the City has secured funds to update the 2003 affordable housing nexus study. The City is partnering with the County of Marin and other cities/towns in Marin County on the completion of this study. It is expected that the updated nexus study will be completed in mid-to-late 2020. In 2019, the San Rafael City Council received a report on the challenges to approving and developing housing. One of the identified challenges is the City's current inclusionary housing requirements (20% inclusionary). The City Council has directed staff to study options to the current inclusionary housing requirements such as: a buy-out and payment of an in-lieu fee; a combination or a reduced amount of on-site inclusionary housing and in-lieu fee payment; and a reduction in the current requirements (e.g., reducing the requirement from 20% to 15%). This study will be completed and presented to the City Council by mid-2020, followed by likely changes to the City's inclusionary housing ordinance.
H-19a. Sustainability Policies and Programs	Implement the Sustainability Element in the San Rafael General Plan to guide sustainable housing development and renovation.	Ongoing	Housing projects are required to meet Green Building and Cal Green Standards. The Green Building informational handout, which is posted on the City website, provides information on requirements, including incentives available to residential projects that achieve at least 100 Green Points or non-residential projects that achieve at least a LEED Gold rating. On May 20, 2019, the City adopted Climate Action Plan 2030 which includes local measures and programs to reduce greenhouse gas emissions.

<b>Jurisdiction</b>	San Rafael	
<b>Reporting Period</b>	2019	(Jan. 1 - Dec. 31)

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field  
Cells in grey contain auto-calculation formulas

Table E									
Commercial Development Bonus Approved pursuant to GC Section 65915.7									
Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name +	Local Jurisdiction Tracking ID +	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									
No commercial development bonus approved in 2019									

Jurisdiction	San Rafael	
Reporting Period	2019	(Jan. 1 - Dec. 31)

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202)

Note: "+" indicates an optional field  
 Cells in grey contain auto-calculation formulas

**Table F**

**Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)(2)**

This table is optional. Jurisdictions may list (for informational purposes only) units that do not count toward RHNA, but were substantially rehabilitated, acquired or preserved. To enter units in this table as progress toward RHNA, please contact HCD at APR@hcd.ca.gov. HCD will provide a password to unlock the grey fields. Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in Government Code section 65583.1(c)(2).

Activity Type	Units that Do Not Count Towards RHNA <sup>+</sup> Listed for Informational Purposes Only				Units that Count Towards RHNA <sup>+</sup> Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1 <sup>+</sup>
	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	Extremely Low-Income <sup>+</sup>	Very Low-Income <sup>+</sup>	Low-Income <sup>+</sup>	TOTAL UNITS <sup>+</sup>	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Total Units by Income									

<b>Jurisdiction</b>	San Rafael	
<b>Reporting Period</b>	2019	(Jan. 1 - Dec. 31)

**NOTE: THIS table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.**

Note: "+" indicates an optional field  
Cells in grey contain auto-calculation formulas

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
(CCR Title 25 §6202)

<b>Table G</b>						
<b>Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of</b>						
<b>Project Identifier</b>						
<b>1</b>						<b>4</b>
<b>APN</b>	<b>Street Address</b>	<b>Project Name +</b>	<b>Local Jurisdiction Tracking ID +</b>	<b>Realistic Capacity Identified in the Housing Element</b>	<b>Entity to whom the site transferred</b>	<b>Intended Use for Site</b>
Summary Row: Start Data Entry Below						
No locally owned lands sold in 2019						

<b>Jurisdiction</b>	San Rafael	
<b>Reporting Year</b>	2019	(Jan. 1 - Dec. 31)

<b>Building Permits Issued by Affordability Summary</b>		
<b>Income Level</b>		<b>Current Year</b>
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	6
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		22
<b>Total Units</b>		<b>28</b>

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

<b>Housing Applications Summary</b>	
Total Housing Applications Submitted:	31
Number of Proposed Units in All Applications Received:	68
Total Housing Units Approved:	34
Total Housing Units Disapproved:	0

<b>Use of SB 35 Streamlining Provisions</b>	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

<b>Units Constructed - SB 35 Streamlining Permits</b>			
<b>Income</b>	<b>Rental</b>	<b>Ownership</b>	<b>Total</b>
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

Cells in grey contain auto-calculation formulas

# Marin Independent Journal

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San Rafael, CA 94903  
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legals@marinij.com  
2070419

CITY OF SAN RAFAEL  
CITY OF SAN RAFAEL  
CITY CLERK, ROOM 209  
1400 FIFTH AVENUE, SAN RAFAEL, CA 94901  
SAN RAFAEL, CA 94915-1560

## PROOF OF PUBLICATION (2015.5 C.C.P.)


### STATE OF CALIFORNIA County of Marin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer of the MARIN INDEPENDENT JOURNAL, a newspaper of general circulation, printed and published daily in the County of Marin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Marin, State of California, under date of FEBRUARY 7, 1955, CASE NUMBER 25566; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**05/02/2020**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated this 5th day of May, 2020.



Signature

## PROOF OF PUBLICATION

Legal No. **0006481522**

### CITY OF SAN RAFAEL NOTICE OF PUBLIC HEARING

Notice is hereby given that the San Rafael City Council will hold a public hearing on the following project:

#### MEETING DATE/TIME/LOCATION: Monday, May 18, 2020, 7:00 p.m. COVID-19 ADVISORY NOTICE

Consistent with Executive Orders No.-25-20 and No. N-29-20 from the Executive Department of the State of California and the Marin County March 16, 2020 Shelter in Place Order, the San Rafael City Council meeting of May 18, 2020 will not be physically open to the public and the meeting will be streamed live to YouTube at <https://www.youtube.com/cityofsanrafael>. Instructions on how to participate online will be available on the YouTube channel.

#### PROJECT DESCRIPTION: ANNUAL PROGRESS

**REPORT (APR) ON HOUSING** - Per State law, the City of San Rafael is required to complete and submit an Annual Progress Report (APR) on housing to the State of California Department of Housing and Community Development. The APR includes data on the number of housing units submitted, approved and built in 2019, and an update on the progress of implementing programs in the City's Housing Element. Further, State law requires that the City conduct a public hearing on the APR to solicit public comments. File No.: P20-003.

As required by State law (California Environmental Quality Act), review and action on the APR must be reviewed to determine if it is subject to environmental review. As the APR is an informational report, it will have no physical impact on the environment. The APR is classified as a planning study, which qualifies for a Statutory Exemption from the provisions of the CEQA Guidelines under 14 CRR Section 15262.

**WHAT WILL HAPPEN:** You may comment on the project online through YouTube or over the telephone by calling the number provided on the agenda. The City Council will consider public comment/testimony and decide whether to accept the APR.

**IF YOU CANNOT PARTICIPATE:** You may send a letter to Lindsay Lara, City Clerk, City of San Rafael, 1400 5th Ave, San Rafael, CA 94901 or via email [Lindsay.Lara@cityofsanrafael.org](mailto:Lindsay.Lara@cityofsanrafael.org).

#### FOR MORE INFORMATION:

Contact Alicia Giudice, Principal Planner at **(415) 485-3092** or [alicia.giudice@cityofsanrafael.org](mailto:alicia.giudice@cityofsanrafael.org). **City offices are currently closed to public walk in, but you can contact the planner for more information.** You can also view the staff report after 5:00 p.m. on the Friday before the meeting at <http://www.cityofsanrafael.org/meetings>.

#### SAN RAFAEL CITY COUNCIL

/s/ Lindsay Lara  
Lindsay Lara  
CITY CLERK

No. 432 May 2, 2020