



# Glossary + Appendices

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# Glossary

## A

**Alley.** A secondary lane behind buildings, offering space for services and utilities (garbage collection, electricity, off-street parking, etc.).

## B

**Block-Form.** Attached buildings that form a continuous street wall for all or most of the length of a block. See also *house-form*.

**Building Type.** Classifications based on the form and use of a building.

## C

**Complete Street.** A street design concept that takes a multimodal approach to the planning and design of roadways to ensure that the needs of all users are balanced, and that people walking, x, driving, and using transit can travel safely, comfortable, and conveniently, regardless of age and ability.

**Connectivity/Street Network.** The system of connecting paths that people use to move through a town. More connections offer more options for getting from Point A to Point B, and thus improved connectivity.

**Context.** Factors encompassing a particular site that affect how development on the site will interact with its surroundings. Includes neighboring buildings, natural

features, vegetation, climate, topography, and cultural factors.

## D

No specialized terms beginning with the letter D are defined at this time.

## E

No specialized terms beginning with the letter E are defined at this time.

## F

**Facade.** The “face” of a building, oriented toward civic space; what people most often see from the outside.

**Floor-Area Ratio (FAR).** The relationship between the total amount of usable square footage in a building and the total area of the lot. Higher ratios tend to be more urban.

**Form.** The shape of a building that defines the space around it.

**Form-Based Code.** A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town,

or county law. (Definition from the Form Based Codes Institute [FBCI])

**Frontage.** How the front facade of a building and the privately-owned land between the building and the sidewalk relate to the streetscape. (Definition from FBCI)

## G

**Gateway.** A structure marking a transition into a particular realm, such as a city or neighborhood.

## H

**House-Form.** Detached buildings that are compatible in scale to single-unit houses. See also *block-form*.

## I

No specialized terms beginning with the letter I are defined at this time.

## J

No specialized terms beginning with the letter J are defined at this time.

## K

No specialized terms beginning with the letter K are defined at this time.

## L

**Livability.** The ability of a community to meet “broad human needs ranging from food and basic security to beauty, cultural expression, and a sense of belonging to a community or place.” (Definition from the World Commission on Environment and Development)

## M

**Mass/Massing.** A building’s three-dimensional form.

**Mixed-Use (Development, Building).** Mixed-use development typically refers to pedestrian-oriented places that layer compatible land uses, public amenities, and utilities together at various scales and intensities. This variety of uses allows for people to live, work, play and shop in one place, which makes such places attractive destinations. A mixed-use building accommodates multiple functions within the same building. Common forms include “vertical” mixed-use buildings (different uses on different floors of the same building), “horizontal” mixed-use blocks (individual buildings may have the same use; but a block has several buildings, each with different uses); or mixed-use “walkable neighborhoods” (a combination of vertical and horizontal mixed-use within a five to ten-minute walking distance of a center).

**Multimodal.** Supporting several different means of mobility (e.g., walking, bicycles, cars, buses, trains). A multimodal station offers people the ability to switch from one transportation mode to another, while a multimodal corridor accommodates multiple modes along its length.

## N

No specialized terms beginning with the letter N are defined at this time.

## O

No specialized terms beginning with the letter O are defined at this time.

## P

**Public Realm.** A term broadly used to describe spaces in a community that are publicly owned and freely

accessible, including streets, sidewalks, parks, plazas, etc. The concept encompasses the social interaction and processes that occur in public spaces, as part of community living.

## Q

**Quality of Life.** “The relationship between economic and social well-being and the complex nature of individual and social material and immaterial well-being.” Includes factors such as traffic, crime rate, employment opportunities, amount of open space, quality of housing, etc.

## R

No specialized terms beginning with the letter R are defined at this time.

## S

**Streetscape.** The overall experience of a street, defined by elements such as building frontages, sidewalk and roadway design, landscape elements, street furniture, lighting, etc.

**Street Trees.** Trees planted alongside a street, usually near the outer edge of the sidewalk. Pruned to provide a canopy for shade and open space underneath for people and vehicles to circulate.

## T

**Transit-Oriented Development (TOD).** A type of urban development around a transit station that clusters an optimal mix of complementary uses, such as retail, office, residential and recreational, within a five to ten-minute walking distance (1/4 to 1/2 mile) from the transit station. Such development typically results in a higher intensity, mixed-use, walkable built environment.

## U

No specialized terms beginning with the letter U are defined at this time.

## V

No specialized terms beginning with the letter V are defined at this time.

## W

**Walkable/Walkability.** The extent to which it is easy, safe, and convenient to walk to a destination. Factors influencing walkability include the design of the street network, streetscape, building frontages, and pedestrian facilities.

## X

No specialized terms beginning with the letter X are defined at this time.

## Y

No specialized terms beginning with the letter Y are defined at this time.

## Z

**Zoning.** The process of zoning is a land use planning tool typically used by local governments to divide land in a municipality into zones, with each zone having defined characteristics that govern the development of property within that zone. Zoning ordinances are local laws that can be bypassed only with a variance.

# Appendix I. References to Planning Regulations

**The following is a list of topics in the Zoning Ordinance (Title 14 of the San Rafael Municipal Code) that the Downtown Code references and/or has addressed.**

- 14.04.020 | Land Use Regulations - Residential Districts
- 14.05.020 | Land Use Regulations - Commercial and Office Districts)
- 14.09 | Public/ Quasi Public District
- 14.10 | Parks / Open Space District
- 14.11 | Water District
- 14.13 | Wetland Overlay District (WO)
- 14.15 | Canalfront Review Overlay District (C)
- 14.16.020 | Accessory Structures
- 14.16.030 | Affordable Housing
- 14.16.040 | Buildings over three stories
- 14.16.060 | Conservation of Dwelling Units
- 14.16.080 | Creeks and Other Water Courses
- 14.16.120 | Exclusions to the maximum height requirements
- 14.16.130 | Exclusions to required minimum yards
- 14.16.140 | Fences and Walls
- 14.16.150 | FAR/ Density
- 14.16.190 | Height Bonus
- 14.16.245 | Ministerial Process
- 14.16.270 | Nonconformities
- 14.16.279 | Relocation assistance for displaces residential rental unit tenants
- 14.16.295 | Sight distance
- 14.16.300 | Small lots
- 14.16.330 | Transfer of Density Among Properties
- 14.16.335 | Transfer of FAR Among or Between Properties
- 14.17 | Performance Standards
- 14.18 | Parking Standards
- 14.19 | Signs
- 14.20 | Zoning Administrator Authority
- 14.30 | Enforcement
- Allowable heights as noted in the General Plan
- PD districts

## Relevant Regulatory and Policy Documents

For the Precise Plan to be consistent with past planning efforts, the following documents were referred to in the preparation of the Precise Plan.

### ■ "Our Vision of Downtown San Rafael" Community Plan and Implementation Strategy [1993]

This plan provided a long-term (up to 2010) vision for Downtown and divided Downtown into six distinct districts. It strengthened Downtown's role as Marin County's economic center and envisioned a new corporate district on Lindero Street, promoted high-quality architecture and historic preservation, and encouraged the activation of Fourth Street. The Vision and Implementation Strategy was developed to serve as an initial consensus document, as a basis for detailed land use policies and urban design plans, and as a road map for public and private investment. The plan envisioned a future Downtown as a "great place to walk around", "a busy place" with "increased traffic", and a "Transportation Center and County Transitway" serving as "popular and busy alternatives to driving Downtown".

### ■ San Rafael Downtown Station Area Plan [2012]

The Downtown Station Area Plan was a response to the construction of the SMART commuter rail line, and the designation of Downtown as a Priority Development Area (PDA). It looked at opportunities for transit-oriented development in the SMART station area and recommended six goals to improve connectivity, encourage new transit-oriented uses, and zoning changes to intensify development along the east side of US-101. It laid emphasis on housing, retail and office uses and provided a strategy for the area within a half-mile radius of the planned SMART station.

Guiding principles identified in the plan include fostering a strong sense of place as a gateway to Downtown, improving the street network and bicycle-pedestrian connections to promote transit use, enabling new transit-oriented development with a mix of uses at higher intensities, and modifying parking and land use regulations to support development. Each of its goals are accompanied by short, medium and long-term implementation strategies.

*The Precise Plan integrates the design direction from the Station Area Plan into its policies, actions and development standards for the Plan Area. In particular, public realm and connectivity improvements, as well as new form-based zoning standards recommended in the Precise Plan bring forward the Station Area Plan goals and concepts for the SMART station area.*

### ■ "Good Design" Guidelines for Downtown [2017]

This was an effort by the City to define elements of "good design" to guide development projects in the pipeline, and to act as a reference for decision makers. The guidelines aimed to address community concerns regarding growth in Downtown by identifying what 'good design' meant for Downtown San Rafael. The goals were to improve the quality of architecture and civic spaces within Downtown, enhance existing historic resources and promote environmental sustainability.

*The Precise Plan incorporates much of the design direction from this document in framing the form-based development standards for the Plan Area.*

### ■ City of San Rafael Climate Change Action Plan [2009, updated 2019]

In 2006 San Rafael was one of the early signatories to the U.S. Conference of Mayors Climate Protection Agreement,

committing the City to working towards meeting the goals of the Kyoto Protocol. The Climate Change Action Plan (2009) identified recommended programs to achieve a 25 percent greenhouse gas (GHG) reduction goal that included implementation of the SMART train and completion of US-101 HOV lanes. By the end of 2016, the City had reduced community-wide GHG's by 18 percent, meeting the State target of 15 percent reduction and on track to meet the local 25 percent stretch goal.

In 2016 California issued new interim targets for 2030 of 40 percent reduction of GHG's below 1990 levels. The updated Plan, adopted in April 2019, indicates that the City could reduce GHG emissions to 42 percent below 1990 levels by 2030. Low carbon transportation strategies including increasing the rate of Zero Electric Vehicle (ZEV) ownership, increasing transit use through incentives, and enabling better walking and cycling opportunities. These measures comprise 38 percent of the anticipated reductions.

*The document informs the Precise Plan and continues to apply city-wide, including the Plan Area.*

#### ■ **Downtown Parking and Wayfinding Study [2018]**

The study identified existing and future parking needs within Downtown and identified parking management strategies that maximize the supply and utilization of Downtown parking spaces. The study also developed viable options for a wayfinding program for vehicles, pedestrians, and bicycles within Downtown.

*The Downtown Precise Plan incorporates many of the study's recommendations, in particular the expansion of the Downtown parking district, and reduction of parking requirements for Downtown development, in particular reduction of parking requirements for ground floor commercial uses.*

#### ■ **San Rafael Bicycle and Pedestrian Master Plan [2011, updated 2018]**

The Plan sets policies and recommendations to meet five goals to improve pedestrian and bicycle usage in San Rafael. It analyzed existing conditions of pedestrian and bicycle facilities to identify areas of multimodal conflict, and provides a list of priority projects. Recommended projects relevant to the Plan Area include the North-South Greenway, a regional pedestrian-bicycle route along the SMART right-of-way, and the Cross Marin route and Commercial Connector route running east-west through Downtown, and enhancements for the street crossings underneath US-101.

*The BPMP Plan informed transportation-related design decisions in the Precise Plan and its recommendations have been considered in the Precise Plan policies, actions and development standards for the Plan Area.*

#### ■ **San Rafael Wildfire Prevention and Protection Action Plan [2009, updated 2019]**

This Plan takes a comprehensive approach to reducing wildfire risk in San Rafael and lists a series of prescriptions, programs, and ordinance changes. The 2019 update makes those applicable to the entire City (not just the Wildland Urban Interface) to make San Rafael more disaster-resistant.

*This Plan provides important background information and its recommendations will continue to apply to the City, including the Plan Area.*

#### ■ **Canalfront Conceptual Design Plan and Design Guidelines [2008, 2009]**

The Canalfront Conceptual Design Plan explores design concepts to improve access to the San Rafael Canal and better connect the Canal neighborhood to Downtown

and the Montecito neighborhood through waterfront development and canal improvements. The design guidelines identify options for achieving the Plan goals and provide an architectural and landscape design framework for future development in the Canal area.

*Where appropriate, proposed improvements for the Montecito area have been incorporated into the Downtown Precise Plan.*

### Other Ongoing Plans and Studies

#### ■ San Rafael Transit Center Relocation Project

The SMART extension to Larkspur through Downtown San Rafael necessitated the relocation of the San Rafael Transit Center. The Golden Gate Bridge Highway and Transportation District (GGBHTD) is the lead agency working to identify a new location. As of 2020, several options are under consideration and an Environmental Impact Report is underway.

*The Precise Plan studied the three site options under review, and incorporated the flexibility within the design recommendations to be coordinated with this effort. See Figure 4.20 for more detail.*

#### ■ Third Street Rehabilitation Project

The City of San Rafael is developing an improvement plan that will include pedestrian safety enhancements, infrastructure repair, congestion relief, and beautification of Third Street from Grand Avenue to the West End.

*The Precise Plan incorporates the continued implementation of this project.*

#### ■ Sea-Level Rise Adaptation

As of 2020, when the Precise Plan was prepared, the City was also addressing the impacts of projected sea-level

rise, and evaluating potential mitigation and adaptation strategies. A sea-level rise “adaptation report” was being prepared as an appendix to the General Plan, and policies throughout the General Plan address resilience, levee improvements, hardening of infrastructure, and other strategies to anticipate rising seas.

The Precise Plan and General Plan both build on prior work done on this topic, including Marin BayWAVE, Resilient by Design, and “Adapting to Rising Tides - Bay Area” by the Bay Conservation and Development Commission (BCDC).

*The Precise Plan recommends that upon completion of the report, and referencing other resources, the City set adaptation strategies and development guidelines specific to Downtown.*

### Other City Policies

#### ■ Affordable Housing and Height Bonus Program

Section 14.16.030 of the Zoning Ordinance of the San Rafael Municipal Code regulates affordable housing. The requirements apply to all new rental and ownership residential developments, with a few exceptions. The ratio of affordable units to be provided is proportional to the total number of new units being proposed, and varies from 10 to 20 percent. The affordable units can be provided on-site, or, in the case of fractional units beyond the required number, can be met by paying an in-lieu fee. Affordable units for rental developments and resale restrictions for ownership units run with the land, and must remain for a minimum of 55 years. The City is currently evaluating the Affordable Housing Ordinance to look at a possible alternative for developers to address inclusionary housing as part of a development proposal.

The City of San Rafael allows a height bonus pursuant to State Law, as well as concessions or waivers on development standards, for provision of affordable



units. The height bonus ranges from 20 percent (for five percent affordable units) to 35 percent (for 20 percent affordable units). In addition to the bonus units, projects meeting the height bonus thresholds are entitled to additional incentives to assure the height bonus units can be developed. Among these additional incentives is a program providing a height bonus ranging from six to 24 feet, linked to the provision of specific amenities including open space, easements, public parking, community facilities as well as affordable housing.

*The Downtown Form-Based Code establishes provisions for bonus heights in Chapter Nine applicable to projects meeting the affordable housing requirements. Allowed heights in the Code have been refined to reflect current construction technology.*

### ■ Transfer of Development Rights (TDR) Program

San Rafael's TDR program is described in Sections 14.16.330 (transfer of density among properties) and 14.16.335 (transfer of FAR between or among properties).

The code allows for transfer of development rights among properties under special circumstances, such as the preservation of historic structures or wetlands, etc. and requires review by the Planning Commission through the use permit process. The density transfer, once approved, is permanent and runs with the donating and receiving tracts.

Transfer of FAR among properties is permitted only under special circumstances and requires approval by the City Council, with recommendation by the Planning Commission through the use permit process. For approval, the following must be true:

- The development of the beneficiary parcel must be consistent with the General Plan, except that FARs or maximum densities may be exceeded; and/ or

- The proposed development will comply with all applicable zoning and design parameters and criteria as well as traffic requirements; and a special condition is found to exist that would cause significant environmental impacts if the transfer is not allowed, and/or the development provides a significant public benefit, such as securing a park, school, library, fire station, police station, etc.

*The Precise Plan recommends using the TDR program where applicable to help meet the Plan goals. The TDR program will continue to apply to the City, including the Plan Area.*

# Appendix II. Downtown Area Profile Report

**Access online:** <https://www.cityofsanrafael.org/documents/36545/>

# Appendix III. Community Engagement

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**Appendix III.A** Design Charrette Opening Presentation

**Appendix III.B** Design Charrette Opening Presentation Table Exercise

**Appendix III.C** Design Charrette Brown Bag Presentations

**Appendix III.D** Design Charrette Closing Presentation

**Appendix III.E** Design Charrette Other Events

**Appendix III.F** Pop-Up Workshop 1 Summary - Visioning

**Appendix III.G** Pop-Up Workshop 2 Summary - Downtown Options

**Online feedback:** <https://neighborland.com/sanrafael2040>



# Design Charrette Opening Presentation

Downtown San Rafael  
Precise Plan

Design Charrette  
**May 8<sup>th</sup>, 2019**



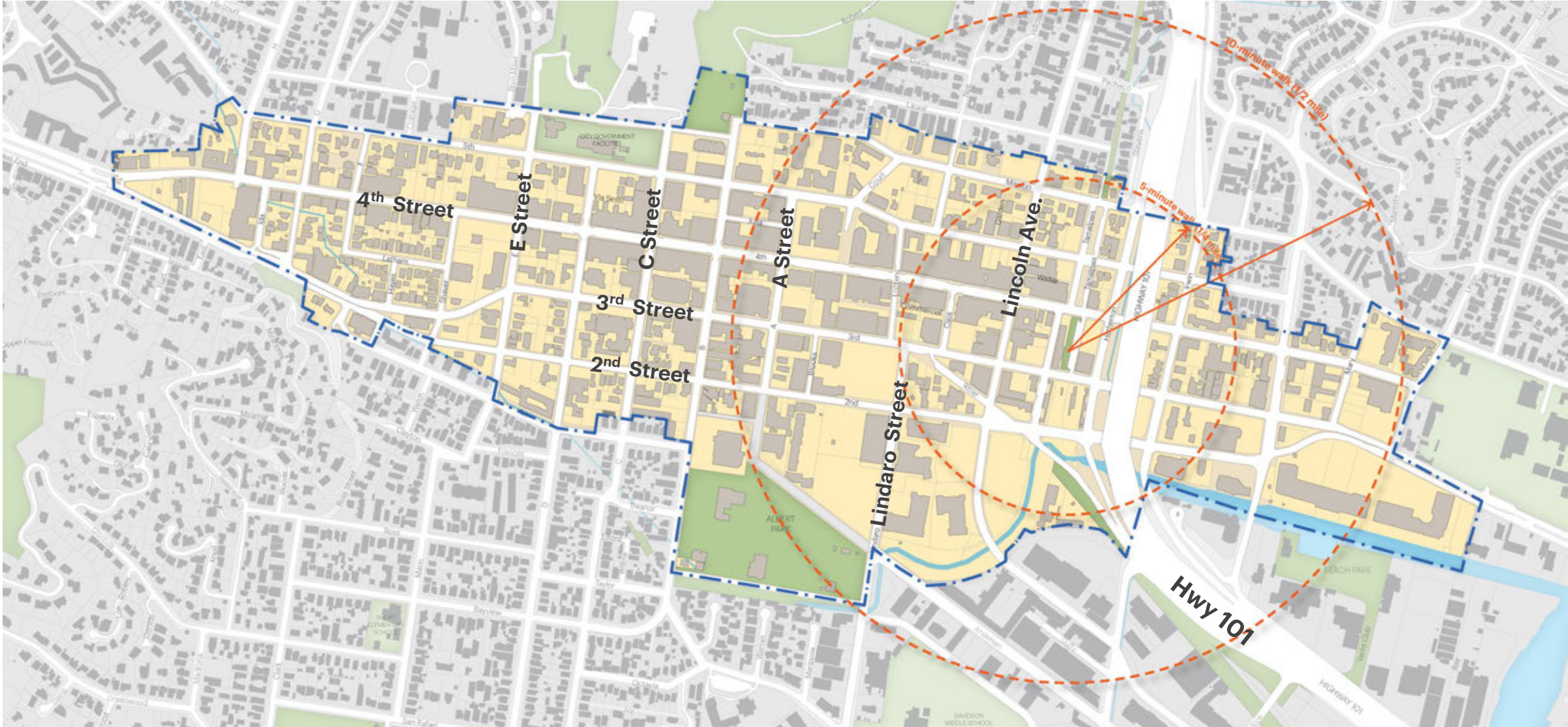
# Contents

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# Process to Date



# Precise Plan Study Area



# Precise Plan Milestones to Date

**January 30<sup>th</sup> 2019**



**March 13<sup>th</sup> 2019**



**April 10<sup>th</sup> 2019**



**April 12<sup>th</sup> 2019**



**May 8<sup>th</sup> – 11<sup>th</sup> 2019**

**Project Kick-Off Meeting**

**General Plan Steering Committee Meeting  
Visioning**

**General Plan Steering Committee Meeting  
Downtown Profile**

**Pop-Up Workshop at 2<sup>nd</sup> Friday Art Walk**

**Design Charrette**





# What We Have Heard



# Steering Committee Visioning Exercise

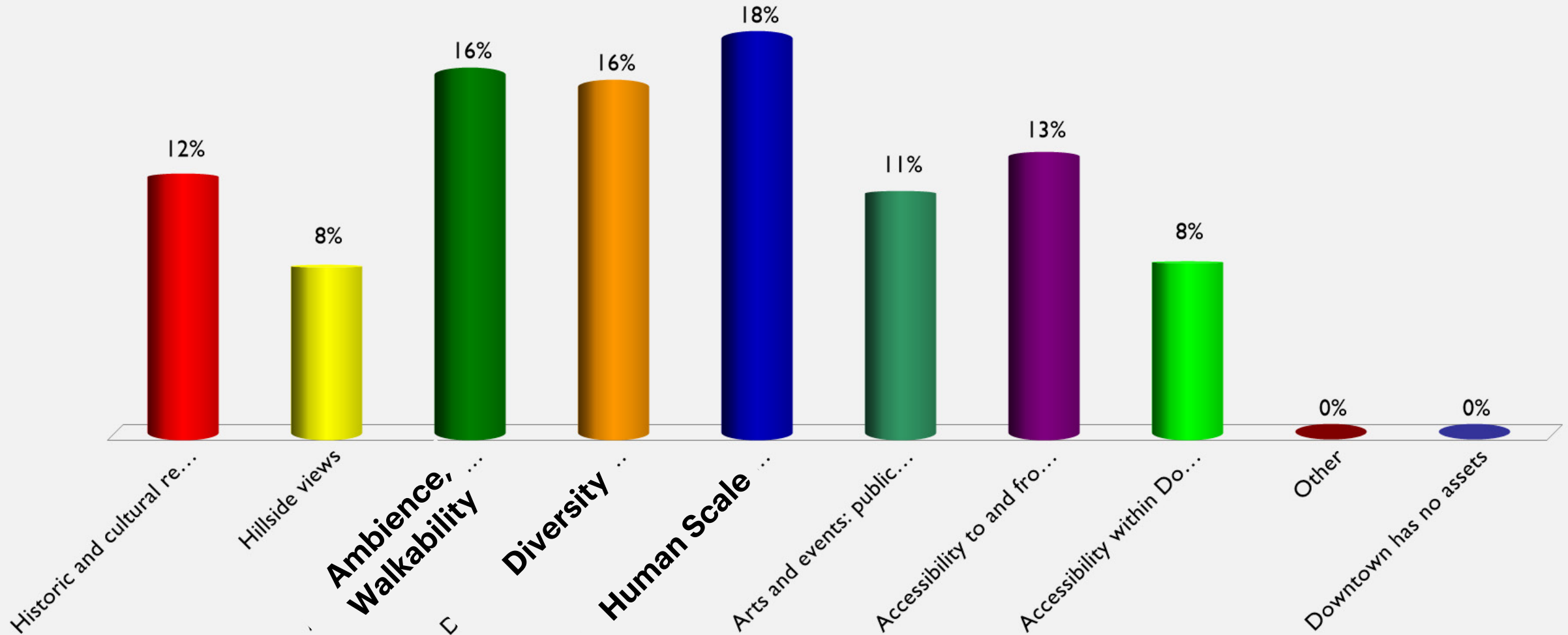


# What are Downtown San Rafael's Greatest Assets?

**Please rank the top three phrases you agree with most:**

- A. Historic and cultural resources
- B. Hillside views
- C. Ambience: streetscape and environment makes it pleasant to walk around and be in
- D. Diversity: people, businesses and activities
- E. Human scale: not too big, not too small
- F. Arts and events: public art, 2<sup>nd</sup> Friday Art Walk, Thursday Farmers Market, etc.
- G. Accessibility *to and from* Downtown: close proximity to neighborhoods
- H. Accessibility *within* Downtown: places to sit, density of businesses facilitate walking, good parking availability, etc.
- I. Other
- J. Downtown has no assets

# ■ Polling Results: Downtown Assets

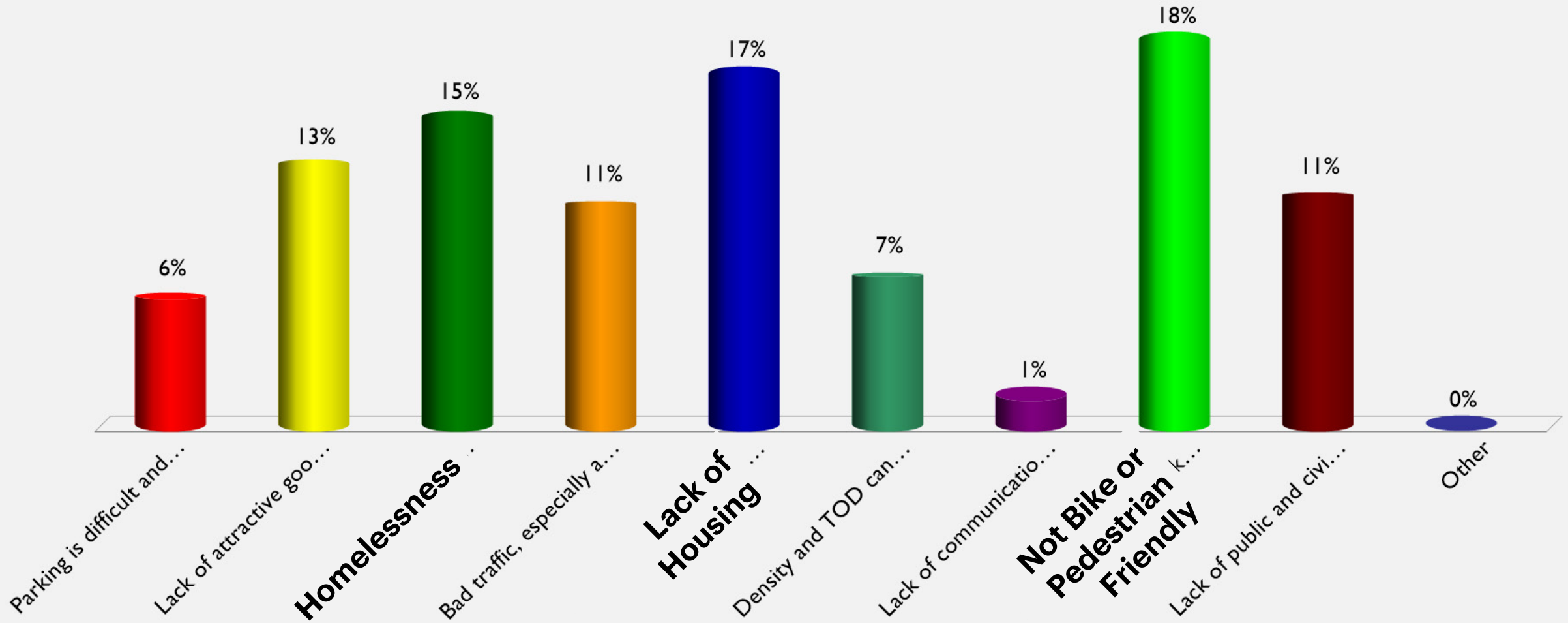


# What are Downtown San Rafael's Greatest Constraints?

**Please rank the top three phrases you agree with most:**

- A. Parking is difficult and expensive
- B. Lack of attractive goods and services → unexciting Downtown → lack of foot traffic → (repeat)
- C. Homelessness makes Downtown unattractive and uncomfortable
- D. Bad traffic, especially at rush hour
- E. Lack of housing and people to support businesses
- F. Density and TOD can worsen congestion and parking issues if residents/ visitors still demand privately-owned cars
- G. Lack of communication to the public about new economic development
- H. Not pedestrian or bike friendly: cars too fast, too much through-traffic
- I. Lack of public and civic space (for example a town square that is programmed well)
- J. Other

# ■ Polling Results: Downtown Constraints

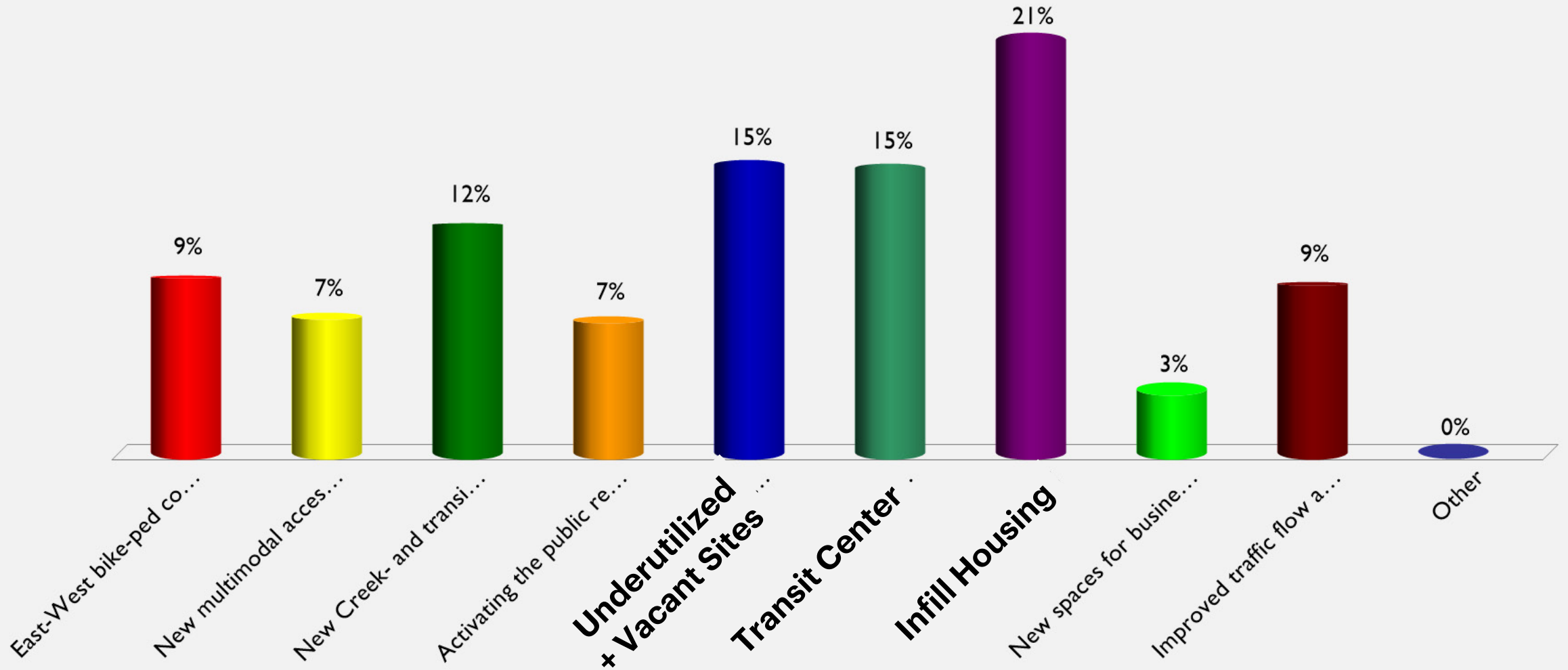


# What are Downtown San Rafael's Greatest Opportunities?

**Please rank the top three phrases you agree with most:**

- A. New east-west bike-ped. connection and bike lanes on 4th Street from San Rafael High to West End
- B. New multi-modal access along SMART corridor (for example, a greenway)
- C. New creek-oriented and transit-oriented urban neighborhood on the east side of Highway 101 (Montecito Plaza area)
- D. Activation of the public realm for all ages and users that showcases Downtown's unique identity
- E. Repurposing of obsolete areas, such as vacant and parking lots, for infill and civic space
- F. Reuse of Bettini Transit Center and Whistlestop blocks
- G. New infill housing
- H. New spaces for business incubation and entrepreneurship
- I. Car-free public spaces
- J. Improved traffic flow and less congestion
- K. Other

# ■ Polling Results: Downtown Opportunities





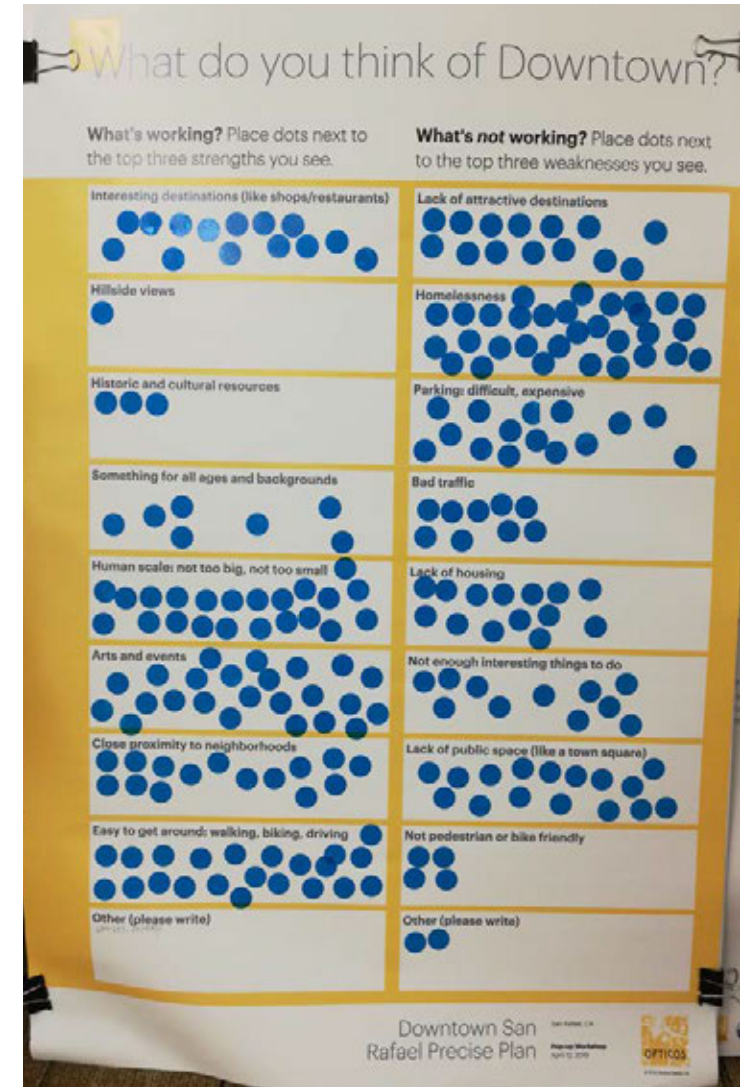
# Downtown Plan Visioning Pop-Up



# Visioning Pop-Up Results

## What do you think of Downtown? [35 People Polled]

<i>What's working?</i>	<i>Dots</i>	<i>What's not working?</i>	<i>Dots</i>
Interesting Destinations	14	Lack of attractive destinations	14
Hillside Views	1	<b>Homelessness</b>	<b>31</b>
Historic and Cultural Resources	3	Parking: difficult, expensive	15
Something for all ages and backgrounds	7	Bad traffic	9
<b>Human scale: not too big, not too small</b>	<b>22</b>	Lack of housing	14
<b>Arts and events</b>	<b>24</b>	Not enough interesting things to do	11
Close proximity to neighborhoods	15	<b>Lack of public space (such as a town square)</b>	<b>16</b>
<b>Easy to get around: walking, biking, driving</b>	<b>22</b>	Not pedestrian or bike friendly	4
Other (please write)	0	Other (please write)	2

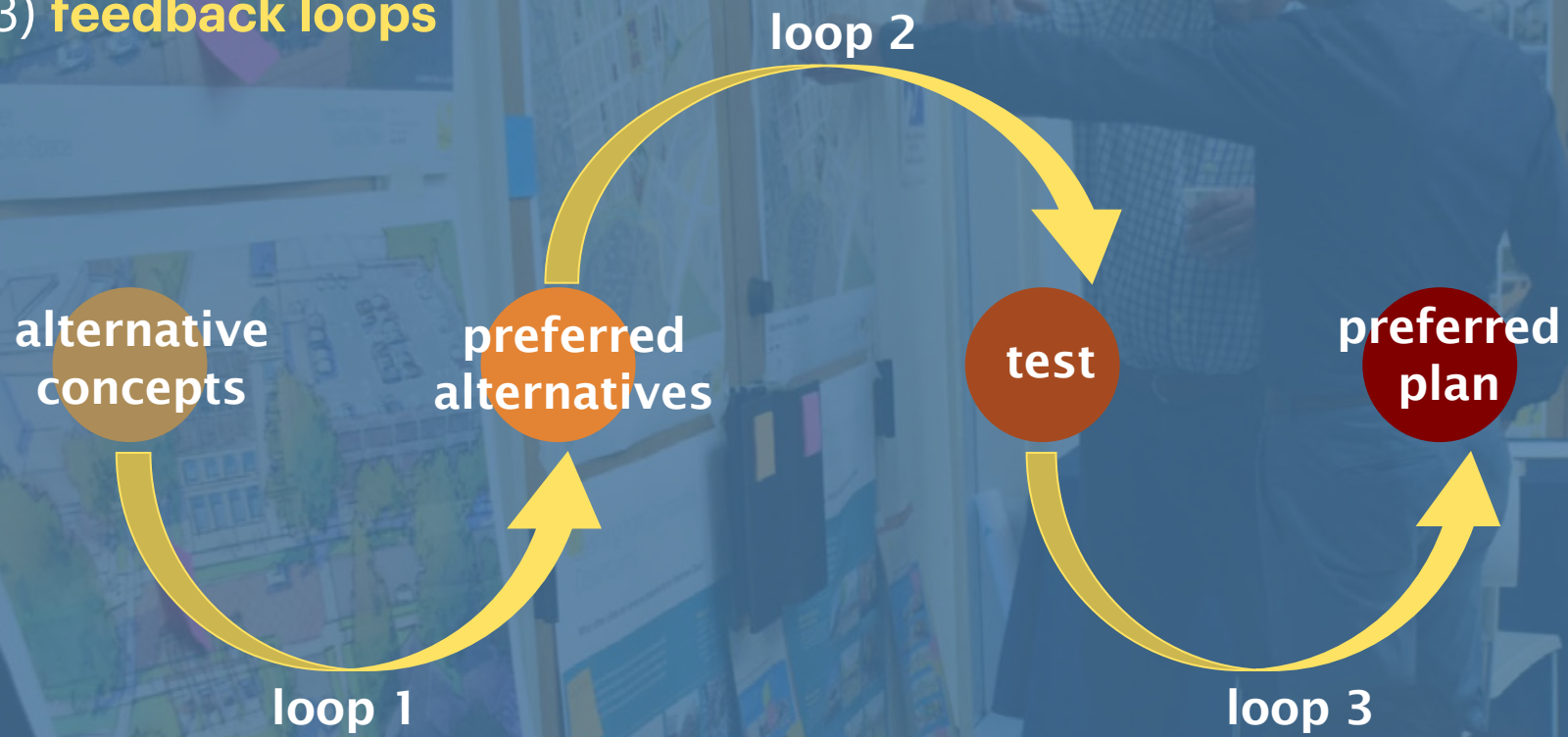


# Charrette: What to Expect



# What is a Charrette?

A **collaborative and iterative process** that relies on several (minimum 3) **feedback loops**




Slide repurposed from Bill Lennertz, National Charrette Institute

# Charrette Schedule

## Many Opportunities to Participate

- Opening + Closing Presentations
- Midpoint Pinup
- Brown Bag Lunches
- Open Studio

 If you have limited time to participate, come to these events

	Wednesday 8th May	Thursday 9th May	Friday 10th May	Saturday 11th May		
10 - 11 am	Closed Studio 10.00 am - 7.00 pm	Open Studio 10.00 am - 5.00 pm	Open Studio 10.00 am - 12.00 pm	Closing Presentation 9.30 am - 12.00 pm <i>Jackson's Café, Whistlestop</i>		
11 am - 12 pm						
12 - 1 pm					Brown Bag Historic Resources 12.00 - 1.00 pm	Brown Bag Economics 12.00 - 1.00 pm
1 - 2 pm						
2 - 3 pm						
3 - 4 pm						
4 - 5 pm						
5 - 6 pm					Midpoint Pinup 5.00 - 6.30 pm 1200 4th St	Closed Studio 1.00 - 9.00 pm
6 - 7 pm						
7 - 8 pm					Closed Studio 6.30 - 9.00 pm	
8 - 9 pm	Opening Presentation 7.00 - 9.00 pm <i>Jackson's Café, Whistlestop</i>					

# Appendix IV. Downtown Options Report

**Access online:**

<https://www.cityofsanrafael.org/documents/downtown-options-report-part-i/>

<https://www.cityofsanrafael.org/documents/draft-downtown-options-report/>

# Appendix V. Historic Resources - Additional Information

## Contents

**V.A:** Glossary of Terms and Relevant Agencies

**V.B:** Downtown Historic Resources Report (2020)

## Appendix V.A | Glossary of Terms and Relevant Agencies

**Following is a list of technical terms and other references relevant to historic resources. Many of these terms have been used in Chapter Five: Historic Resources.**

**Alteration.** Any act or process that changes any portion of the exterior architectural appearance of a structure or object, including, but not limited to, the erection, construction, reconstruction, removal of exterior architectural features or details, or the addition of new structures, but does not include painting, ordinary maintenance and landscaping.

**California Historical Building Code (CHBC).** The California Historical Building Code is Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historic structures, districts and sites, designated under federal, state and local authority. It provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as qualified historic buildings.

**California Historical Resources Information System (CHRIS).** California Historical Resources Information System (CHRIS) is a statewide system for managing information on the full range of historic resources identified in California. Specifically, those resources evaluated in historic resource surveys conducted in accordance with criteria established by the California Office of Historic Preservation (OHP), formally determined eligible for, or listed in the National Register of Historic Places or designated as California Registered Historical Landmarks or California Points of Historical Interest. CHRIS is a cooperative partnership between the citizens of California, historic preservation professionals, twelve Information Centers, the CHRIS Hub and various agencies.

**California Office of Historic Preservation (OHP).** The governmental agency primarily responsible for the

statewide administration of the historic preservation program in California.

**California Register of Historical Resources.**

The California Register of Historical Resources is a comprehensive listing of California's historic resources, including those of local, state and national significance. The "significance" criteria for the California Register are similar to those used by National Register of Historic Places, which includes resources formally determined eligible for, or listed in, the National Register of Historic Places.

**Certified Local Government (CLG).** The CLG program is a model and cost-effective local, state and federal partnership that promotes historic preservation at the grassroots level. Through an agreement between the City and the California OHP, the City carries out some of the functions of the National Historic Preservation Act. The OHP also provides the City with technical assistance and the ability to apply for grants to aid in the preservation of local historic resources.

**Character Defining Features.** The defining elements, such as prominent architectural features, materials, craftsmanship or other elements, that, individually or in combination, identify a historic property, building or landscape.

**Commission Staff.** The staff liaison assigned to the Historical Commission.

**Contributing Resource.** A public or private property that is not a Historic Resource individually, but contributes to the historic character of a Historic District.



**DPR 523.** The California Department of Parks and Recreation Historic Resource Inventory Forms used for historic evaluations. The DPR 523A form provides descriptive information about a resource. The DPR 523B form provides an evaluation of the resources and includes a determination as to whether the resource is eligible for the National or State Register of Historic Places or listing on the Los Altos Historic Resources Inventory. The 523D form is used to identify districts or clusters of buildings that consist of a concentration or continuity of associated historic resources. The District Record is used for documenting the linkages among individual resources within the framework of an historic context.

**Exterior Architectural Feature.** The architectural elements embodying style, design, general arrangement and components of all the outer surfaces of an improvement, including but not limited to, the kind, size, shape and texture of building materials, and the type and style of windows, doors, lights, signs and other fixtures appurtenant to such improvement.

**Historic District.** A distinct section of the City, specifically defined in terms of geographical boundaries that has cultural, historic, architectural and/or archaeological significance and is designated as a historic district by the City Council.

**Historic Landmark.** A building, improvement, structure, natural feature, site or area of land, under single or common ownership that has significant historical, architectural, cultural, and/or aesthetic interest or value, and is designated as a historic landmark by the City Council.

**Historic Resource.** A property or structure that has been determined to be over 50 years old, retains its physical integrity, has historical, architectural, cultural, and/or

aesthetic value, and is listed on the Historic Resources Inventory.

**Historic Resources Inventory (HRI).** The City's official inventory of the historic resources, as adopted and amended from time to time by resolution of the Historical Commission and/or the City Council. A property or structure must be designated as a Historic Landmark, a Historic Resource or located within a Historic District in order to be listed in the HRI.

**Historical Commission.** A seven-member advisory commission appointed by the City Council that is tasked with maintaining the Historic Resources Inventory, making recommendations on historic landmarks and historic districts, working with property owners on preservation, maintenance and other development activities related to historic resources, and other activities as identified in the Municipal Code.

**Improvement.** Any building, structure, parking facility, wall, work of art or other appurtenance or addition thereto constituting a physical betterment of real property or any part of such betterment.

**Integrity.** Integrity is the authenticity of the characteristics, also referred to as Character Defining Features, from which resources derive their significance. Integrity is the composite of seven qualities: location, design, setting, materials, workmanship, feeling and association. When properties retain integrity, they are able to convey their association with events, people, and designs from the past.

**National Register of Historic Places.** The official inventory of districts, sites, buildings, structures and objects significant in American history, architectural, archeology and culture, maintained by the Secretary of Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

**Mills Act.** The Mills Act is the single most important economic incentive program in California for the restoration and preservation of qualified historic structures. Enacted in 1972, the Mills Act grants participating local governments the authority to enter into contracts with owners of qualified historic properties to reduce the property tax assessment in exchange for the restoration and maintenance of the historic resource.

**Preservation.** The act of identification, study, protection, reconstruction, restoration, rehabilitation or enhancement of historic and/or cultural resources.

**Reconstruction.** The act or process of reproducing by new construction, the exact form and detail of a vanished building, structure or any part thereof, as it appeared at a specific period of time.

**Rehabilitation.** The act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural value.

**Restoration.** The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

**Secretary of Interiors Standards.** The Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards), with accompanying interpretive guidelines, are utilized by federal agencies in the preservation of historic properties that are listed or determined eligible for listing in the National Register of Historic Places; by State Historic Preservation Offices in evaluation projects proposed for historic properties in accordance with federal regulations; and by local governments, organizations and individuals in making

decisions about the identification, evaluation, registration and treatment of historic properties. The list of ten Rehabilitation Standards, published as the Secretary of the Interior's Standards, is aimed at retaining and preserving those features and materials that are important in defining the historic character of a resource. Technical advice about archaeological and historic preservation activities and methods is included in the Standards along with guidelines for archaeology and historic preservation.

## **Appendix V.B | Downtown Historic Resources Report (2020)**

**As part of the Precise Plan process, a report on Downtown Historic Resources was prepared that summarizes the findings of an inventory of historic resources completed as part of the San Rafael Downtown Precise Plan. The inventory builds on an historic inventory completed in 1977 (and administratively updated in 1986), as well as research by individuals and organizations completed since the 1986 update. The principal findings are based on field surveys and archival research completed in 2019 and 2020, including the completion of Department of Parks and Recreation (DPR) 523 Forms for approximately 40 eligible historic properties. Survey work was completed by a team that included City staff, consultants, and volunteers from San Rafael Heritage.**

### **Access online:**

[Link to be provided by City](#)

# Appendix VI. Transportation and Parking - Additional Information

## Contents

**VI.A:** Curbside Management

**VI.B:** Ride-Hailing, Self-Driving Vehicles, and Micromobility

**VI.C:** Vehicle Travel Reduction Measures

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**VI.E:** Key Recommendations of the Downtown Parking and Wayfinding Study [2017]

## Appendix VI.A | Curbside Management

**As competition for limited curb space increases, a Downtown Curbside Management Strategy should be considered to help optimize available resources.**

### Approach

Competition for curb space is increasing as shared mobility options, ride-hailing, micromobility modes, e-commerce package deliveries, and food delivery services have intensified demand for curb access. Making efficient use of curb space to meet these new demands will require a proactive approach to design, measure, price, and manage curb space.

Curb space in Downtown San Rafael is predominantly used for car parking, with limited loading and freight delivery zones. Failure to manage curb space can result in negative effects on traffic congestion and transit reliability as trucks park or stop in travel lanes for commercial loading, for-hire ride-hailing and food delivery vehicles stop in travel lanes, private autos double park, and loading occurs in designated bus stops.

Technically speaking, changes to use of curb space can be accomplished quickly and relatively inexpensively, and can be done in a temporal and iterative manner. However, in reality, re-assigning curb space for new purposes is usually contested and often controversial. Thus, it is beneficial to develop and implement a formal curbside management process, and carefully select a menu of short-term and long-term curb management and allocation strategies that are appropriate for Downtown's context and conditions.

The Curbside Management Practitioners Guide developed by the Institute of Transportation Engineers (ITE) describes a process that could be considered for the Plan Area.

It consists of the following steps:

1. **Inventory existing conditions**
2. **Identify land use and activity considerations to develop modal prioritization**
3. **Identify appropriate treatment alternatives**
4. **Assess and present alternatives for public feedback**
5. **Refine and implement treatment**

A key element of the curbside management approach is to establish “flex” parking spaces where, rather than designating fixed uses for a parking space all day, the same space would accommodate different functions at different times of the day, thus maximizing its use and coordinating it with Downtown activities.

For example, the same parking space could be used for commercial loading during early morning hours, as a short-term metered paid parking space during the day, and as a loading space for food delivery or for-hire ride-hailing vehicles during evening hours. This would be accomplished using a sign indicating acceptable uses during different times of day, and is an approach being applied in numerous commercial districts today.

The implementation of initial treatments at specific locations can be done through temporary, low-cost installations to demonstrate the value and effectiveness of recommended treatments.

## Strategies and Implementation Tools

The following strategies are available for planning and implementing curb management measures.

■ **Flex zones.** Flex zones accommodate different right-of-way functions through spatial and temporal strategies. Implementation of flex zones allows efficient use of curb space based on varying demands at different times and locations.

■ **Living previews.** Temporary installations of some or all of a proposed project involving new curb measures. This allows residents to observe, interact, and comment on a curb measure.

### ■ Access to loading zones

- **Passenger Access.** The growth of for-hire vehicle activity and forthcoming automated vehicles makes the provision of adequate passenger loading zones critical. The first step in the process involves identifying demand levels for passenger loading. A strategy for managing curbside for-hire vehicles involves a process called geofencing, the creation of a virtual restricted area where pick-up and drop-off activity can't occur.
- **Freight loading access.** Reliable access to freight loading and unloading facilitates commerce and avoids blockages to travel lanes when trucks stop in the travel lanes. Designation of paid freight loading and unloading zones, along with off-peak delivery requirements or congestion pricing, are strategies that allow the City to manage freight demands and related curb requirements.
- **Passenger and freight access alternatives.** Rather than serving all curbside uses directly in front of each adjacent land use, loading zones can be placed in reasonable proximity to individual destinations. For loading demands on Fourth Street, this would involve

placing loading zones on cross-streets around the corner from businesses.

### ■ Curbside parking management

- **Parking pricing.** Implementing variable parking pricing, as described earlier in this section, would aid in reducing the effects of double-parking, stopped vehicles in loading or bus stop zones, or circling for parking. Adjusting paid parking rates for peak times, special events, or real-time demand can reduce the occurrence of these activities by creating a reliable availability of on-street parking spaces.
- **Peak hour parking restrictions.** Prohibiting on-street parking during peak commute hours can provide an additional lane of capacity that can assist in reducing traffic congestion. Parking is currently prohibited during weekday evening commuter periods on the segment of Lincoln Avenue between Second Street and Mission Avenue. This strategy could also be used to provide peak-hour transit-only lanes or transit queue-jump lanes during peak commute periods.

## Appendix VI.B | Ride-Hailing, Self-Driving Vehicles, and Micromobility

**A key Plan objective is to prepare Downtown for the future of mobility. Emerging technologies are discussed in this section, to provide relevant information to inform the design and management of streets and parking.**

### Ride-Hailing Services

Ride-hailing services (also known as Transportation Network Companies) such as Lyft and Uber are increasing demand for curbside loading space and decreasing parking demand. For example, according to Walker Consultants, one of the nation's largest parking consulting firms, "hotels are seeing up to a 70 percent decline in parking by business travelers, although there is much less impact on leisure traveler parking, as well as banquet and local event parking. Restaurants and bars, particularly those with valet parking, are seeing up to an 80 percent reduction in parking".

Ace Parking, one of North America's largest parking operators, reports that in San Diego, parking demand is down five to 10 percent at hotels it serves; down by 25 percent at restaurant valet stands, and down 50 percent at its nightclub valet operations. Ace, which has 750 parking operations around the country, reports similar declines nationwide. In San Francisco, where ride-hailing accounted for 15 percent of intra-San Francisco vehicle trips in 2016, parking demand and revenues have been declining at more than one percent per year since 2014, despite strong economic growth.

### Self-Driving (Autonomous) Vehicles

Self-driving shuttles and taxis (also known as autonomous or automated vehicles) are accelerating these trends. Self-driving shuttles are now picking up passengers on public streets in cities around the world. Similarly, self-driving taxis are being introduced as ride-hailing fleets. At present,

these fleets are operating in limited geographical areas, but are rapidly expanding coverage.

Waymo (a division of Google's parent company, Alphabet) began providing a free self-driving taxi service with a safety driver to 400 families in the Phoenix suburb of Chandler, Arizona in April 2017. Waymo began charging fares in December 2018, and in December 2019 began testing the paid service with no safety driver in the driver's seat. In July 2019, Waymo received permission from California authorities to begin operating self-driving taxis with a safety driver in Mountain View, Sunnyvale, Los Altos, Los Altos Hills, and Palo Alto.. At present, Waymo's California robotaxi service is limited to company employees only, but the firm intends to expand into commercial service in California. Similarly, General Motors' Cruise, which currently operates a self-driving ridehailing service in San Francisco for its own employees, also intends to expand into commercial service.

Roughly 80 percent of the cost of transit and taxi service is the driver. Self-driving vehicles are therefore expected to substantially reduce the cost of transit and taxis, while no comparable change in parking costs is foreseen. Academic and industry researchers predict that as a result, self-driving vehicles could reduce parking demand rates by 40 to 90 percent.

The Plan's parking policies are intended to both cope with these trends and take advantage of them. It does this by planning for expanded curbside loading areas and reforming parking regulations to ensure that parking – which can cost in excess of \$50,000 per space gained

for structured parking – remains readily available, but not overbuilt.

### Micromobility

According to NACTO, “Shared Micromobility encompasses all shared-use fleets of small, fully or partially human-powered vehicles such as bikes, e-bikes, and e-scooters. In 2018, people took more than 84 million trips on Shared Micromobility in the United States, more than double the number of trips taken in 2017.” Personal micromobility devices also include vehicles such as seated scooters, self-balancing boards, and powered skates. Trip purposes for these devices include commute, access to transit, social, shopping, and recreational uses.

While San Rafael currently doesn’t have shared micromobility options such as e-bikes or e-scooters, the planned increase in downtown housing and employment may yield the population densities that would incentivize introduction of these vehicles in the future.

Several cities around the country are developing micromobility policies to govern how operators may deliver services. Currently, there are three main resources

that provide guidance on what these policies should include: NACTO’s Guidelines for the Regulation and Management of Shared Active Transportation, Remix’s Micromobility Policy Survey, and Transportation for America’s Shared Mobility Playbook. These resources agree on some aspects of micromobility policy and differ on others. The table on the next page includes a list of key policy issues to be considered to accommodate emerging technologies as part of the Downtown transportation system.

#### **Self-driving shuttles in Las Vegas (left), and Sion, Switzerland (right)**

*Self-driving shuttles such as these are expected to dramatically reduce the cost of providing transit service.*





## Policy Considerations for Managing Ride-Hailing, Self-Driving Cars and Micromobility Services

### ■ Fleet Caps

Fleet size based on a performance-based cap could help achieve a balance of supply and demand, and incentivize operators to provide adaptive vehicles, ensuring equitable access, etc.

### ■ Service Area and Distribution

There is currently no standard approach or best practice for agencies on how to define a service area for micromobility devices and how to place devices within a designated service area. Vendor priorities are to place devices in areas with the highest demand. Cities are considering other objectives including requiring equitable service areas so that disadvantaged communities are provided with access to these mobility options.

### ■ Fees and Pricing

Cities may implement permitting fees and/or other charges and ensure they reflect the full cost of City resources regulating and managing micromobility companies. Additional income could also be used to implement parking and shared bicycle infrastructure. A recommended first step is conducting a cost analysis study to help determine the true financial costs of administering the program.

### ■ Equity

Equity objectives can be incorporated into requirements for fleet distribution, pricing, payment, technology platform, and requirements for inter-operation of transportation modes to integrate with existing network.

### ■ Parking

Cities can establish regulations that work for local circumstances, but education (physical and digital) and enforcement are key because many cities are struggling with vehicles blocking the public right-of-way.

### ■ Maintenance and Safety

Many cities require frequent (weekly or monthly) data regarding incident reports, vehicle malfunctions, and vehicle turnover.

### ■ Data Sharing

Data sharing helps cities monitor fleet operation, enforcement, and infrastructure planning efforts such as bicycle lane and street furniture building. Data compliance is also tied to the permitting and revocation process.

### ■ Communication and Education

Cities often require companies to provide community engagement and education that minimize the burden of micromobility adoption on the City. Programming should be reflective of the community fabric (especially for multi-lingual communities) and focus on equitable distribution of events and materials.

## Appendix VI.C | Vehicle Travel Reduction Measures

**Public and private sectors can work together to implement vehicle trip reduction measures to reduce Vehicle Miles Traveled (VMT), traffic congestion levels, and greenhouse gas emissions.**

### Approach

Trip reduction measures are important elements of accomplishing the City's objectives identified in the Climate Change Action Plan 2030, mitigating CEQA transportation impacts associated with VMT, and managing the overall transportation system.

Chapter 5.81 of the San Rafael Municipal Code, adopted by ordinance in 1993, describes Trip Reduction and Travel Demand Requirements. The requirements apply to employers with 100 or more employees at an individual work site and mandates that those employers designate an Employee Transportation Coordinator, distribute trip reduction information regarding transportation alternatives, and conduct employee surveys.

With the advent of new Climate Action Plans and CEQA VMT requirements, cities are adopting new Transportation Demand Management (TDM) Ordinances that create TDM Programs for new development. The programs typically require land use development projects to prepare a TDM Plan that identifies TDM measures that encourage reduced vehicle travel and support residents, workers, and visitors in making trips by transit, bicycling, or walking. The goal of these programs is to reduce driving trips (or VMT) associated with new development. They often do not apply to small projects, affordable housing projects, senior housing projects, or other projects that would have little or no impact on VMT. TDM Programs adopted recently have fees to cover staff time associated with the original TDM Plan submittal and ongoing monitoring/reporting activities.

### Trip Reduction Measures for Downtown

To meet the transportation goals set by the San Rafael Climate Change Action Plan 2030, and to meet the goals of the Precise Plan, a set of trip reduction strategies should be developed for Downtown, along with suitable incentives to encourage participation, and metrics to measure performance. San Francisco's recently adopted TDM Program includes a "TDM Menu of Options" (shown on the next page) that can be considered as a starting point for creating a TDM Program for Downtown San Rafael. In San Francisco's TDM Program, measures are grouped into the following categories:

- Active transportation (walk or bicycle)
- Car-share parking
- Delivery amenities and services
- Family amenities (child care, etc.)
- High occupancy vehicles (transit)
- Information and communications
- Land use (affordable housing, etc.)
- Parking Management

Each category has a list of TDM reduction strategies and measures, and a point-based system allows combining strategies from across categories, and measures the cumulative impact.

### Monitoring and Reporting

A successful TDM program typically includes a monitoring and reporting element to confirm that the TDM Plan is being implemented as proposed.

For instance, San Francisco’s TDM Program (see below) includes several steps in the process. The first is a pre-occupancy process to confirm that all approved physical measures in the TDM Plan have been installed and review documentation that approved programmatic measures will be implemented. The second occurs 18 months after building occupancy and involves a review of the first annual Ongoing Monitoring and Reporting Statement.

City staff subsequently reviews Statements submitted on an annual basis, and conduct site monitoring visits every three years to confirm that physical measures continue to be implemented. Property owners may voluntarily initiate review of a previously approved TDM Plan and submit an Updated Plan at any time after the initial project entitlement.

## DRAFT TDM MENU OF OPTIONS



CATEGORY	MEASURE	DESCRIPTION
 ACTIVE TRANSPORTATION	<b>ACTIVE-1</b> <b>Improve Walking Conditions:</b> Options A - B	Provide streetscape improvements to encourage walking
	<b>ACTIVE-2</b> <b>Bicycle Parking:</b> Options A - D	Provide secure bicycle parking, more spaces given more points
	<b>ACTIVE-3</b> <b>Showers and Lockers</b>	Provide on-site showers and lockers so commuters can travel by active modes
	<b>ACTIVE-4</b> <b>Bike Share Membership:</b> Locations A - B	Provide Bike Share memberships for residents and employees (1 point additional point if the project site is within the Bike Share network)
	<b>ACTIVE-5A</b> <b>Bicycle Repair Station</b>	Provide on-site tools and space for bicycle repair
	<b>ACTIVE-5B</b> <b>Bicycle Repair Services</b>	Provide repair services through an on-call mechanic or vouchers to a local shop
	<b>ACTIVE-6</b> <b>Fleet of Bicycles</b>	Provide an onsite fleet of bicycles for residents, employees, and/or guests to use
<b>ACTIVE-7</b> <b>Bicycle Valet Parking</b>	For large events. Provide monitored bicycle parking for 20% of guests.	
 CAR-SHARE	<b>CSHARE-1</b> <b>Car-share Parking:</b> Options A - E	Several options for providing car-share parking and memberships, more points given for higher levels of participation
 DELIVERY	<b>DELIVERY-1</b> <b>Delivery Supportive Amenities</b>	Facilitate deliveries with a staffed reception desk, lockers, or other accommodations
	<b>DELIVERY-2</b> <b>Provide Delivery Services</b>	Provide delivery of products (groceries) or services (dry cleaning)
 FAMILY	<b>FAMILY-1</b> <b>Family TDM Amenities:</b> Options A - B	Provide storage for car seats near car-share parking, cargo bikes and shopping carts
	<b>FAMILY-2</b> <b>On-site Childcare</b>	Provide on-site childcare services
	<b>FAMILY-3</b> <b>Family TDM Package</b>	Provide a combination of car-share parking and memberships and family amenities

 HIGH OCCUPANCY VEHICLES	<b>HOV-1</b>	<b>Contributions or Incentives for Sustainable Transportation:</b> Options A - D	25, 50, 75, or 100% subsidies for sustainable transportation use (e.g. Muni fast pass), more points given for higher rate of subsidy
	<b>HOV-2</b>	<b>Shuttle Bus Service:</b> Options A - B <sup>1</sup>	Provide shuttle bus services, more points given for more frequent service
	<b>HOV-3</b>	<b>Vanpool Program:</b> Options A <sup>1</sup> - G <sup>1</sup>	Provide vanpool services to employees, more points for serving larger projects
 INFORMATION & COMMUNICATIONS	<b>INFO-1</b>	<b>Multimodal Wayfinding Signage</b>	Provide directional signage for locating transportation services (shuttle stop) and amenities (bicycle parking)
	<b>INFO-2</b>	<b>Real Time Transportation Information Displays</b>	Large screen or monitor that displays, at a minimum, transit arrival and departure information
	<b>INFO-3</b>	<b>Tailored Transportation Marketing Services:</b> Options A - D	Provide residents and employees with information about travel options, more points given for providing more marketing services
 LAND USE	<b>LU-1</b>	<b>Healthy Food Retail in Underserved Area</b>	Providing healthy food options (restaurants, grocery stores) in an area identified as being underserved
	<b>LU-2</b>	<b>On-site Affordable Housing:</b> Options A - D	Providing on-site affordable housing as part of a residential project, more points given for a higher percentage of affordable units
 PARKING MANAGEMENT	<b>PKG-1</b>	<b>Unbundle Parking:</b> Locations A - E	Separating the cost of parking from the cost of rent, lease or ownership, more points given for projects located in areas where parking is more constrained
	<b>PKG-2</b>	<b>Parking Pricing</b>	No parking rates discounted beyond a daily pass, no weekly, monthly, or annual passes allowed.
	<b>PKG-3</b>	<b>Parking Cash Out: Non-residential Tenants</b>	Employees who are provided free parking must also have the option to take the cash value of the space in lieu of the space, itself
	<b>PKG-4</b>	<b>Parking Supply:</b> Options A - K	Provide less accessory parking than the neighborhood parking rate, more points given for greater reductions

## Appendix VI.D | Wayfinding: Additional Information

**Wayfinding will continue to be integral to the effectiveness of the Downtown transportation and parking system. Well-designed and placed signs anticipate circulation needs, provide clear direction, and minimize confusion. Signage also plays a part in shaping identify, creating neighborhood or district character, and expressing community values.**

### Wayfinding Strategy for Downtown

The Precise Plan recommends developing a Downtown Wayfinding Strategy that implements the objectives of the Downtown Parking and Wayfinding Study (2017).

- Use coordinated signage and wayfinding strategies to create a sense of arrival at Downtown gateways including the SMART station and Transit Center.
  - Increase the functionality of wayfinding by helping visitors find their destinations easily within Downtown including access to parking, relying on real-time information about availability of spaces.
  - Use the wayfinding strategy as a promotional tool to raise awareness about Downtown activities and events, and to market its venues and attractions.
  - Reinforce the Downtown brand through wayfinding, and coordinate with tools and technology to promote tourism.
  - Develop wayfinding solutions that assist in highlighting the unique characteristics of each of the four Downtown sub-areas, while reinforcing Downtown as a destination.
  - Support unified messaging for Downtown San Rafael that can be reflected in wayfinding signage and carried throughout other aspects of the City's marketing efforts.
  - Enhance the success and market potential for arts, entertainment, outdoor recreation, and other tourist sectors that build on core San Rafael assets.
- Create and implement a user-friendly and visible navigational system that is supported on multiple platforms including "smart" signage, print materials, online maps, and smart phones.
  - Anticipate the continued evolution of Downtown and other districts, including traffic pattern changes, the addition of new attractions, and increased pedestrian traffic.

## Appendix VI.E | Key Recommendations of the Downtown Parking and Wayfinding Study [2017] supported by City staff and the CWG.

- 1.** Adopt clear and strategic Guiding Principles as formal policies for the operation and management of Downtown public parking, as stated in the City's Municipal Code Section 14.18.010 (Parking Standards).
- 2.** Amend City Municipal Code Section 14.18.060A (Downtown Parking Assessment District) to clarify that the first 1.0 of FAR on a property is "waived" from providing off-street parking as the required parking is provided by the current Parking District.
- 3.** Amend City Municipal Code Section 14.18.080 (Parking requirements for reciprocal uses with shared parking facilities) to encourage developers/property owners to pursue more shared parking.
- 4.** Revise City Municipal Code Section 14.18.220B (On-site and remote parking) to allow off-site/ remote parking to be a greater distance for uses within the Downtown districts. 1,300- 1,500 feet is recommended.
- 5.** Revise City Municipal Code Section 14.18.120 (Tandem parking prohibited) to allow for tandem parking and to permit automated parking or other mechanical parking devices (e.g., automated parking lifts) in the Downtown District.
- 6.** Amend City Municipal Code Section 14.18.040 (Parking Requirements) adding language that approved parking (for Downtown development) may be made available to the public, not solely for the uses and tenants on the subject property. The intent of this recommendation is to encourage public use of underutilized private parking facilities. It is recommended that incentives be provided to the property owners that make their parking supply available for public use.
- 7.** Consider expanding the Downtown Parking District boundaries based on increased parking demand.
- 8.** Simplify parking requirements for the Downtown area, as now provided in City Municipal Code Section 14.18.040. For Downtown, the study recommends collapsing the 50 land use types (with varying parking requirements) currently in the City ordinance into five, general land use categories.
- 9.** Initiate a pilot program to reduce parking requirements in the Downtown area by 20% from current levels.
- 10.** Establish "exterior and ground floor" design standards for parking garages.
- 11.** Consider revisions to parking dimensional requirements within Downtown parking garages.
- 12.** The City should undertake an effort to develop a shared parking arrangement with owners of private parking facilities to enter into a shared parking program that is offered to the public in a common and seamless basis. This action would require amending City Municipal Code Section 14.18.040 (Parking Requirements) to add language stating that approved parking for developments may be made available to the public and/or used to satisfy parking requirements for other developments.
- 13.** Provide reductions in the Downtown vehicle parking requirements for developers who provide bicycle parking.
- 14.** Encourage bicycle parking for new, Downtown multi-unit residential development.

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# **Appendix VII.** Affordable Housing and Anti-Displacement Strategy

# Downtown San Rafael Precise Plan



# Affordable Housing and Anti-Displacement Strategy

**February 13, 2020**



Downtown San Rafael Precise Plan:  
**Affordable Housing and Anti-Displacement Strategy**

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## I. INTRODUCTION AND REPORT SUMMARY

The City of San Rafael is undertaking an update of its General Plan (General Plan 2040), and as a component of this effort is preparing a Precise Plan for greater Downtown San Rafael.

The one-half mile radius around the Downtown San Rafael SMART rail station and Bettini Transit Center has been designated a Priority Development Area (PDA) by the City Council, with recognition by the Association of Bay Area Governments (ABAG). As a PDA, the area has been identified as an infill development opportunity where there is both a local and regional commitment to developing more housing, along with amenities and services to meet the day-to-day needs of residents in a pedestrian-friendly environment served by transit. With this projected growth, an understanding of implications for existing and future affordable housing within the Downtown Precise Plan is desired by the City.

The consultant team for the Precise Plan has prepared a Downtown Area Profile Report and a Downtown Economic and Market Profile. The following Affordable Housing and Anti-Displacement Strategy builds upon the information contained in these background reports to assess housing needs and develop recommendations for consideration as the planning process moves forward.

### Summary of Report Recommendations

The City of San Rafael currently implements a number of programs to support the production of affordable housing and to protect existing tenants from displacement. Programs applicable to the Downtown San Rafael (DSR) Precise Plan Area include the following (refer to Chapter IV):

#### Existing Housing Production Programs

- Inclusionary Housing
- Density Bonus and Affordable Housing Incentives
- In-Lieu Fees for Affordable Housing
- First time Home Buyer Program
- Accessory Dwelling Units and Junior Second Units
- Minimum Density Standards

#### Existing Tenant Protection Programs

- Condominium Conversion Regulations
- Fair Housing Program
- Source of Income Ordinance
- Relocation Assistance
- Mandatory Mediation
- Just Cause Eviction

To supplement these existing programs, the Report identifies the following additional new strategies for potential implementation in DSR, described in detail in Chapter V:

Potential New DSR Housing Production Strategies

- Enhanced Density Bonus
- Potential Zoning Strategies
- Parking Reductions
- Streamlined Development Review
- Air Rights Development/Land Write-Downs
- Outside Funding Sources and Applications
- Multi-family Acquisition/Rehabilitation
- Community Land Trusts/Cooperatives

Potential New DSR Tenant Protection Strategies

- Tenant Relocation and Protection Ordinance
- No Net Loss/One-for-One Replacement
- Preservation of Affordable Housing

## II. HOUSING ELEMENT CONTEXT

San Rafael's 2015-2023 Housing Element sets forth housing policies to incentivize both market rate and affordable development in the Downtown, and to address displacement of existing residents. Excerpts from the City's Housing Element (below) provide a policy framework for establishing an Affordable Housing and Anti-Displacement Strategy within the Precise Plan or possibly city-wide:

***Policy H-7. Protection of the Existing Housing Stock.***

*Continue to protect existing housing from conversion to nonresidential uses. Ensure that affordable housing provided through government subsidy programs, incentives, and deed restrictions remains affordable over the required time period, and intervene when possible to help preserve such housing.*

***Policy H-15. Infill Near Transit.***

*Encourage higher densities on sites adjacent to a transit hub, focusing on the Priority Development Area surrounding the San Rafael Transportation Center and future Downtown SMART station.*

***H-15a. Downtown Station Area Plan.*** *The coming of SMART rail service to Downtown San Rafael in 2016 is an opportunity to build on the work that the City has undertaken to revitalize the Downtown and to create a variety of transportation and housing options, economic stability, and vibrant community gathering places in the heart of San Rafael. General Plan 2020, adopted in 2004, allowed for higher residential densities and reduced residential parking standards to encourage housing development within the heart of Downtown that would support local businesses and allow people to live close to their place of work. The Downtown Station Area Plan, accepted by City Council in June 2012, establishes a series of implementing actions, the following of which specifically serve to facilitate higher density residential and mixed use infill in the area.*



- ✓ *Conduct parking study in Station Area to evaluate options to addressing small parcels and on-site parking constraints to development.*
- ✓ *Evaluate relocation of existing Bettini Transit Center, and potential reuse as mixed use site.*
- ✓ *Evaluate additional height and FAR on certain blocks adjacent to US 101, facilitating redevelopment of the Transit Center into a vibrant, mixed use environment.*
- ✓ *Evaluate allowing additional height and FAR increases in certain areas to match the adjacent height and FAR limits in exchange for community amenities, and consider adopting a form based code instead of the current density and FAR requirement.*
- ✓ *Review parking requirements and develop additional municipal parking resources to reduce onsite parking burden.*

## Regional Housing Needs

Under California State Housing Law, each city and county is required to adopt a Housing Element that demonstrates how the jurisdiction plans to meet existing and projected housing needs during the Housing Element cycle. The projected housing need is identified through the Regional Housing Needs Allocation (RHNA) process, which specifies the quantity of housing units needed distributed among four income levels. Through the Housing Element update process, each jurisdiction must show that it has zoned sufficient sites to provide the development capacity necessary to accommodate its RHNA. This “fair share” allocation concept seeks to ensure that each jurisdiction accepts responsibility for the housing needs of not only its resident population (i.e., young adults leaving home and forming new households, or larger households splitting up to form smaller ones), but also for the jurisdiction’s projected share of regional household growth across all income categories. Such non-resident household growth occurs primarily when new job opportunities attract new residents to the region.

The Association of Bay Area Governments (ABAG) has adopted RHNA for San Rafael for the 2015-2023 Housing Element cycle:

**Table 1: San Rafael Regional Housing Needs Allocation (RHNA) 2015-2023**

Income Level	Percent of AMI*	Units	Permits Issued 2015-2018	Pipeline Residential Units	Remaining RHNA Need
Very Low	0-50%	240**	3	88	149
Low	51-80%	148	46	98	4
Moderate	81-120%	181	11	18	152
Above Moderate	120%+	438	149	322	0
<b>Total</b>		<b>1,007</b>	<b>209</b>	<b>526</b>	<b>305</b>

Source: Association of Bay Area Governments (ABAG) 5th Cycle RHNA .

\* AMI: Area Median Income for Marin County

\*\* Of San Rafael's allocation for 240 very low income units, half is allocated to extremely low income households and half to very low income households.

San Rafael has been allocated 1,007 total new housing units, of which 24% are Very Low Income and 15% are Low Income. These RHNA figures are linked to San Rafael’s allocation of regional housing growth under the Sustainable Communities Strategy (tied to SB 375), and are influenced by factors including planned employment growth and proximity to transit.

The City prepares an Annual Housing Element Progress Report (APR) for submittal to the State which includes an assessment of progress towards meeting the RHNA allocation. Based on the most recent APR for calendar year 2018, San Rafael has issued a total of 209 residential building permits during the first four years of the Housing Element (2015-2018), including 45 accessory

dwelling units that help to address the City's low and moderate income housing needs. Relative to the eight year RHNA goal of 1,007 units, construction has been modest, particularly in the very low and moderate income categories. However, San Rafael has seen a recent uptick in development activity, including the following residential projects in various stages of entitlement:

Approved projects

- 815 B Street Mixed Use - 41 residential units, including 6 BMR units in a dual BMR agreement (while the project is rented, there will be 3 very low & 3 low income BMR units; when units are sold, there will be 6 low income BMR units)
- 1628 5th Avenue - 9 condos, including 1 low income
- 1135 4th Street (Wilkins Hotel) - 12 apartments
- 21 G Street - 8 townhome units, including 1 low income

Projects Under Review

- Whistlestop/EDEN Housing - 67 low income (60% AMI) senior units
- Homeward Bound - 32 extremely low income SRO units on top of rebuilt/expanded Mill Street shelter
- St. Vincent DePaul - 50 permanent supportive housing units (extremely low income)
- Northgate Walk - 136 condos (30 for seniors), including 14 low & 14 mod income
- Seagate - 120 apartments, including 5 very low and 4 low income units
- 3833 Redwood Highway/350 Merrydale Road - 44 townhomes, including 5 low & 4 moderate income
- 104 Shaver Street - 7 apartments, including 1 very low income

If approved as proposed, these eleven projects would contribute an additional 526 units towards San Rafael's RHNA goals, including 88 very low income and 98 low income units. As presented in the final column of Table 1, adding these proposed projects to the 209 building permits already issued better positions the City to be able to address its RHNA goals during the planning period. And although the Table still shows the City underperforming in its future production of moderate income units, the affordability analysis in the following section (refer to Table 3) shows that many market rate apartments are in fact affordable to moderate income households without subsidy.

### III. EXISTING HOUSING CHARACTERISTICS

According to the Economic and Market Profile prepared by Bay Area Economics (BAE), there are approximately 1,250 existing housing units in the Downtown Precise Plan study area. The majority of the housing stock is renter-occupied (89%), in contrast with a significantly lower incidence of renter-occupied housing city-wide (50%). The risk of economic displacement from redevelopment tends to be higher in areas with high numbers of households in rental housing.

San Rafael is expected to experience a steady increase in population resulting from regional employment growth trends, fueling increased housing demand as more people move to the area. ABAG's Plan Bay Area 2040 project an increase of approximately 1,000 new jobs and 900 new households in the Downtown San Rafael PDA. BAE indicates that market demand for all types of residential development is high, and that overall buildout will likely be constrained by the availability of buildable sites more so than by market demand. Table 2 summarizes the 313 housing units in the Precise Plan study area currently in the development pipeline.

**Table 2: Downtown Precise Plan Pipeline Residential Projects**

Address	Project Type	Housing Units	Status
815 B Street	Mixed use - residential over retail	41 condos (3 VL/3 L when rented, 6 L when sold)	Approved
703 3rd Street (Seagate)	Apartments	120 apts (5 VL, 4 L)	In Design Review
800 Mission (Aegis San Rafael)	Senior Assisted Living	77 suites with 88 beds	Approved, Pending Building Permit
999 3rd Street (Whistlestop)	Senior housing above new senior center	67 low income apts	Application submitted. Draft EIR underway
21 G Street	Townhomes	8 condos (1 L)	Approved, pending building permit

Source: City of San Rafael, Planning Division of the Community Development Department, April 2019.  
 VL = Very low income, L = Low income, M = Moderate income

The following provides additional information on several of the larger projects:

**815 B Street Mixed Use** is a four-story, mixed-use building with 41 residential units above approximately 1,900 sq. ft. of retail space located on four adjacent Downtown lots. The project was granted a 35% density bonus, and includes six BMR units: three very low income and three low income while the project is a rental project, and six low income units when the project converts to ownership. In April 2018, a two year time extension was granted for the project, with planning entitlements now valid until May 2020.





**Seagate** at 703 3rd Street is a six story, mixed use project with ground level retail and apartments above. A total of 120 studio, one and two bedroom units are proposed, including nine below market rate (BMR) units: five very low income and four low income. The project is seeking a density bonus above the 35% by-right density increase under State statutes based on proximity to transit and to increase the project's economic viability.



**Aegis San Rafael** at 800 Mission Avenue is a four-story assisted living facility building with 77 assisted living suites (studio and one-bedroom unit layouts) with 88 beds over a 40 space subterranean garage. The building's first floor of residential will house 25 units dedicated to memory care. The upper two floors will house 52 units of assisted living residents. While none of the units in the project are affordable, the developer will be paying a commercial in-lieu fee of approximately \$500,000 for contribution to the City's Affordable Housing In-Lieu Fee Fund.



**BioMarin and Whistlestop/Eden Housing** have submitted a planning application for a proposed development at 999 3rd Street. The property owner, BioMarin, proposes to construct two, four-story buildings for laboratory/R&D and general office use, with a third building housing a healthy aging center on the first two floors and 67 affordable senior housing units above to be constructed by Whistlestop/Eden Housing. The proposed project will allow Whistlestop to continue offering a wide array of services to seniors (fitness classes, health clinics, screenings, etc.) and provide affordable housing to seniors in a central Downtown location.



## Rental Costs and Affordability

Rental costs in the Downtown study area (and for comparison purposes, San Rafael and Marin) were obtained from CoStar, a real estate service that provides information on asking rents in properties containing five or more units. A total of 545 units<sup>1</sup> were included in CoStar's Q1 2019 rent survey within the Downtown Precise Plan Area, documenting average asking rents of \$2,605, and reflecting rents higher than both the citywide average (\$2,194) and Marin County as a whole (\$2,492). As could be expected, rents in the newest mutli-family buildings in Downtown are significantly higher than these averages. Downtown rental vacancy rates were documented at 4.2%, below the 5% rate considered ideal for mobility

Table 3 presents the maximum affordable rents for very low, low and moderate income households by household size, and compares this with average apartment rents in the study area, the City, and the County. As the data in this table indicates, DTSR study area rents are well above the level of affordability for very low and most low income households, with the affordability gap increasing with household size. In constrast, households earning moderate incomes are still able to afford average market rents in the Downtown, though existing units tend to be small and not well suited to larger households. The 2013 City-wide rent survey conducted for San Rafael's Housing Element presents similar results. Increasing rents, combined with low vacancy rates, indicate a strong demand for mutli-family rental units in the Downtown.

**Table 3: Comparison of Affordable Rents with Downtown Rents**

Income Level	Maximum Affordable Rent After Utilities Allowance		
	Studio (1 person)	1 Bedroom (2 person)	2 Bedroom (3 person)
Very Low Income (50% AMI)	\$1,320	\$1,511	\$1,683
Low Income (80% AMI)	\$2,170	\$2,483	\$2,775
Moderate Income (120% AMI)	\$2,781	\$3,181	\$3,563
<b>Downtown Study Area Average Rents</b>	<b>\$2,003</b>	<b>\$2,467</b>	<b>\$3,259</b>
<b>San Rafael Average Rents</b>	<b>\$1,499</b>	<b>\$1,997</b>	<b>\$2,473</b>
<b>Marin County Average Rents</b>	<b>\$1,514</b>	<b>\$2,138</b>	<b>\$2,726</b>

Sources: FY 2019 Marin County Income Limits; CoStar Q1 2019 (rentals 5 units and above); BAE, 2019.  
Utility costs based on Marin Housing multi-family utility allowance schedule: \$91 for studios, \$101 for 1 bedrooms, \$131 for 2 bedrooms.

<sup>1</sup> The actual number of multi-family rental units in Downtown is higher than the 545 units tracked by CoStar, and includes subsidized units, smaller market rate projects (<5 units) and rental units built above ground floor retail.

## At-Risk Affordable Housing

San Rafael has facilitated the development of affordable and special needs housing using a variety of public financing mechanisms from federal, state, and local resources. Table 4 presents an inventory of publicly assisted rental housing within the Downtown Precise Plan study area to evaluate whether any of the current supply is at risk of transitioning to market-rate housing.

As presented in Table 4, the study area currently contains 286 publicly assisted affordable rental units within twelve residential developments. Most of these properties have long term affordability controls, though the following four properties are potentially at-risk of conversion to market rate during the next ten years:

- Carmel Hotel - 2028
- Marin Center for Independent Living - 2027
- Fourth Street Center - 2015 (or as long as owned by Homeward Bound)
- One H Street Apartments - 2028

Fortunately, these properties are considered at low risk of conversion as they are owned and managed by non-profit organizations that have a public purpose to develop and maintain affordable housing for low income and special needs populations.

**Table 4: Publicly Assisted Affordable Rental Housing within Downtown Precise Plan**

Project Name	Address	BMR Units	Housing Type	Potential Conversion Date
1103 Lincoln Avenue	1103 Lincoln Ave	12	Disabled	Perpetuity
Apts at 822 B Street	822 B St	6	Permanent Supportive Housing	2041
Carmel Hotel	831 B St	36	26 Supportive Hsg/ 10 Transitional	2028
Centertown	855 C St	60	Family	2064
Gordon's Opera House	1137 Fourth St	17	General	2039
Lone Palm Apts	840 C Street	24	Family	2047
Marin Center for Independent Living	710 Fourth St	5	Disabled	2027
Fourth Street Center (Marin Hotel)	1111 Fourth St	20	Permanent Supportive Housing	2015, or as long as owned by Homeward Bound
One H Street Apts	1 H Street	20	Family	2028
San Rafael Commons	302 Fourth St	83	Senior	Sec 236 - 2056 Sec 8 - 2031
1700 4th Street	1700 4th St	1	Family	2071
1200 Irwin Street	1200 Irwin St	2	Student Housing/Family	2071
<b>Total Units</b>		<b>286</b>		

Source: Marin County Affordable Housing Inventory 2/12/19

Potentially at more imminent risk of conversion to market rate are privately owned rent-restricted units produced under the City's inclusionary program. The Marin Housing Authority monitors these below market rate (BMR) units on behalf of the City, and has identified a total of 228 BMR rental units in San Rafael (*source: Marin County Affordable Housing Inventory, Feb 2019*). When the City started its program in 1986, BMR units were only required to be affordable for a 30-year term, meaning that affordability controls on many of these earlier projects may soon be expiring.

In addition to the risk of conversion of existing “official” affordable housing units in the Downtown Precise Plan study area, there is also a supply of *de facto* affordable (or somewhat more affordable than prevailing rents) rental housing, the occupants of which could be at risk of displacement due to general market factors as housing costs in the area continue to increase, and/or as the Downtown is further improved through redevelopment and re-investment. Displacement may occur if redevelopment activity in the area increases the market value of the existing housing stock, and households currently renting market-rate units can no longer afford those units. Rents have increased rapidly in the City and throughout the Bay Area in recent years, and a significant amount of economic displacement has already occurred within and beyond the Downtown Precise Plan study area, well before implementation of the Downtown Station Area Plan policies to facilitate redevelopment.

## IV. EXISTING CITY HOUSING PROGRAMS

San Rafael currently implements a number of city-wide programs intended to support the production of affordable housing and to protect existing tenants from displacement. These programs include the following:

**Table 5: San Rafael Affordable Housing Production and Anti-Displacement Strategies**

Housing Production Strategies	Tenant Protection Strategies
Inclusionary Housing	Condominium Conversion Regulations
Density Bonus and Affordable Housing Incentives	Fair Housing Program
In-Lieu Fees for Affordable Housing	Source of Income Discrimination Ordinance
First-time Homebuyer Program	Relocation Assistance
Accessory Dwelling Units (ADUs) & Junior Second Units (JSUs)	Mandatory Mediation
Minimum Densities	Just Cause Eviction

### Existing Affordable Housing Production Programs

#### Inclusionary Housing Program

San Rafael began implementation of its inclusionary requirements in 1986 (codified in Section 14.16.030 of the Zoning Code), and the program has become one of the City's most successful methods to create permanent affordable housing. The City's primary intent is the construction of below market rate (BMR) units on-site so that the inclusionary units are integrated within the project and throughout the community. If BMR units cannot be constructed on-site, off-site construction is the second priority, with payment of an affordable housing in-lieu fee the last priority. The City's current inclusionary requirements are as follows:

**Table 6: Inclusionary Requirement by Project Size**

Project Size	% Below Market Rate (BMR) Units Required
2 – 10 Housing Units*	10%
11 – 20 Housing Units	15%
21+ Housing Units	20%

\* Exemptions for smaller projects units may be provided for in Zoning Ordinance.

- Rental Units: minimum 50% of BMR units affordable to very low-income households, with remainder affordable to low income households.

- Ownership Units: minimum 50% of BMR units affordable to low income households, with remainder affordable to moderate income households.
- In-lieu Fee Option: For fractions of required BMR units, if > 0.5 of a unit, the developer shall construct the next higher whole number of affordable units, and if < 0.5 of a unit, the developer shall pay an in-lieu fee.

From the inception of the BMR program, a total of 228 BMR rental units and 117 BMR for-sale units have been developed. Because the structure of the City's inclusionary requirements trigger eligibility for a State housing density bonus, a significant number of development applicants elect to take advantage of density bonus incentives. The City is currently partnering with the County of Marin and five other Marin Jurisdictions on a collaborative Inclusionary Zoning Study and Housing Mitigation and Commercial Linkage Fees grant project. The proposed Inclusionary Study will analyze and recommend new and/or improved inclusionary policies regarding inclusionary fees, affordable housing impact fees, jobs-housing linkage fees and commercial linkage fees for participating towns, cities, and County of Marin.

### **Density Bonus and Affordable Housing Incentives**

Pursuant to State density bonus law (*Government Code Section 65915*), developers of residential projects may apply for a density bonus and additional incentive(s) if the project includes one or more of the following:

- At least 10% of the units for lower income (up to 80% AMI) households;
- At least 5% of the units for very low income (up to 50% AMI) households;
- A senior citizen housing development or mobile home park that limits residency based on age requirements for housing for older persons;
- At least 10% of the total dwelling units in a condominium development for moderate income (up to 120% AMI) households.

The amount of density bonus varies according to a sliding scale set forth in State law, but generally ranges from 20-35% above the density otherwise allowed under the zoning or land use designation of the site. In addition to the density bonus, eligible projects may receive 1-3 additional development incentives, depending on the proportion of affordable units and level of income targeting. Applicants are also eligible to utilize the State's parking ratio (inclusive of handicapped and guest parking), which requires: one space for studios and 1-bedroom units; two spaces for 2- or 3-bedroom units, and two and one half spaces for units with 4 or more bedrooms. In addition, pursuant to AB 744, density bonus projects which include the maximum percentage of very low or low income units and located within one-half mile of a major transit stop with unobstructed access are eligible for further parking reductions.

San Rafael has integrated State density bonus requirements within its Affordable Housing Ordinance (Zoning Code Section 14.16.030), depicting the inter-connection with the City's Inclusionary Housing requirements. According to City staff, the majority of recent housing projects reviewed by the City have included the approval of a density bonus, with most of the

bonuses granted ranging between the standard 20-35%. However, the Planning Division is currently processing two projects with considerably higher bonus requests than the 35% established by the State (Whistlestop/EDEN housing project and the 703-723 3rd Street housing development).

### **In-Lieu Fees for Affordable Housing**

Affordable Housing In-Lieu Fees<sup>2</sup> generated from non-residential development and fees generated from residential developments pursuant to San Rafael Zoning Code Section 14.16.030 are placed in a citywide housing in-lieu fee fund to be used to increase the supply of housing affordable to very low, low, and moderate income households. As of the end of 2018, San Rafael's Housing In-Lieu Fee Fund had a balance of approximately \$1.3 million, with several pipeline projects to generate additional funds. Given this relatively limited amount of funding, the City intends to focus these resources on projects which emphasize leverage with outside funds and maximize the number and affordability of units provided. Funded activities may include: acquisition and rehabilitation of housing through non-profits; new construction of affordable housing; and provision of rehabilitation funds to privately owned rental housing in exchange for affordability covenants. Pursuant to the City's Housing Element, the City will dedicate a portion of these in lieu fees for housing for extremely low and very low income households to help address its unmet RHNA needs.

### **First-Time Home Buyer Program**

The Below Market Rate (BMR) ownership housing program is administered by Marin Housing Authority with assistance and policy direction from City staff. The program offers low and moderate-income, first-time homebuyers the opportunity to purchase specified new and previously owned condominium units in Marin County at less than market value. Since the inception of the program, over 150 San Rafael households have been assisted with first time home purchases at affordable prices, with a current inventory of 117 BMR ownership units within the City. All of the units have long term Resale Restrictions that restrict the sales price to keep the unit affordable to low and moderate income buyers. The Marin Housing Authority also assists BMR purchasers in obtaining Federal Mortgage Credit Certificates (MCCs) to further reduce homeownership costs.

### **Accessory Dwelling Units (ADUs) & Junior Second Units (JSUs)**

Accessory dwelling units (ADU), also referred to as second units and "in-law" units, have been regulated and encouraged in San Rafael since 1983. ADUs offer several benefits. First, they typically rent for less than apartments of comparable size, and can offer affordable rental options for seniors and single persons. Second, the primary homeowner receives supplementary income by renting out the second unit, which can help many modest income and elderly homeowners afford to remain in their homes.

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<sup>2</sup> In-lieu fees are charged based on an individual project's affordable housing unit requirement, and are currently \$331,070 per affordable unit. The fee amount is adjusted annually, taking into consideration inflation, the local median sales price for a home, and average annual building cost index.

San Rafael has continuously promoted ADUs as an affordable housing option. In 2016, the City also adopted regulations to support in the creation of "junior second units" (JSU) of less than 500 square feet in size. Such units are created through the repurposing of existing space, such as a bedroom, within a single-family home to create a semi-private living situation for a renter or caregiver in conjunction with the owner-occupied unit.

Up until recently, the City received approximately 4-6 ADU applications per year. In 2017, the State adopted several new pieces of legislation designed to further promote the production of ADUs, including ministerial review requirements, elimination of parking requirements for properties near transit, and elimination of utility connection fees for attached ADUs. Since operating under the State model ADU ordinance, the number of ADU applications in San Rafael have increased significantly, with 30 applications in 2017 and another 30 in 2018. The City has also received three applications for JADUs.

### **Minimum Densities**

To encourage the efficient and sustainable use of land, the City prohibits residential development below minimum designated General Plan densities, unless physical or environmental constraints preclude its achievement. Residential projects are to be approved at the mid- to high-range of the zoning density. If development on a site is to occur over time, the applicant must show that the proposed development does not prevent subsequent development of the site to its maximum density and provide guarantees that the remaining phases will be developed.



## Existing Tenant Protection Programs

### **Condominium Conversion Regulations**

Apartment projects proposed for conversion to condominium ownership are subject to the City's Condominium Conversion regulations (Section 15.12.080 of the Zoning Code). These regulations set forth a series of tenant protections, including noticing requirements and relocation provisions, and prohibit conversions unless the City's rental vacancy rate is above 5% (as determined by the State of California Finance Department annual Population Estimates). San Rafael's rental vacancy rate has remained below 5%, and thus the City has not received any condominium conversion applications in recent years. Should the rental vacancy rate increase, any proposed condominium conversion would be required to comply with the City's affordable housing (inclusionary) requirements, as well as all other requirements of the condominium conversion ordinance which includes meeting current zoning and building codes.

### **Fair Housing Program**

As part of the Cooperative Agreement with the County on CDBG funding, San Rafael directs a portion of the City's allocation to Fair Housing of Marin and Marin Mediation Services, and refers discrimination and tenant/landlord complaints to these agencies. The City provides written materials regarding fair housing law at various public locations, and posts information about fair housing agencies and phone numbers in various places such as the City's website, at City Hall, the Public Library, and other public places.

The City is currently assessing and pursuing adoption of renter protection policies, practices and programs. In late 2018, the City adopted a "source of income discrimination" ordinance, which prohibits a landlord from rejecting a tenant who's rent is subsidized by a voucher. In-the-works for 2019 are ordinances and policies addressing "mandatory mediation" and "just cause for eviction." Each of these programs is described below.

### **Source of Income Discrimination Ordinance**

State law prohibits housing discrimination based on a person's source of income, but does not protect individuals or families who rely on rental subsidies paid by a third party directly to the landlord rather than to the tenant for payment to the landlord. Examples of such rent subsidies include Housing Choice Vouchers (Section 8) and Veterans Affairs Supportive Housing (VASH) Vouchers. Every year more than 100 voucher holders are not able to find a unit in Marin because they cannot find a landlord willing to accept a voucher.

In November 2016, the Marin County Board of Supervisors adopted a Source of Income Fair Housing Ordinance intended to eliminate this limitation in State law by recognizing these third-party housing subsidies as a source of income and prohibiting rental discrimination against persons relying on them. The ordinance does not, however, prevent or hinder property owners and landlords from screening renters and retaining freedom of choice based on other factors, such as total income, credit scores, rental history, references, and more. The County had asked that individual cities consider the adoption of a similar ordinance to create consistent rental

opportunities throughout Marin, regardless of a renter's source of income. In December 2018, the San Rafael City Council passed a Source of Income Discrimination Ordinance, joining the County and cities of Fairfax, Mill Valley and Novato.

### **Relocation Assistance**

Section 14.16.279 of the San Rafael Municipal Code requires applicants to provide certain limited relocation assistance for low income tenants displaced by new development or property improvements that result in vacancy of the unit. A notice of displacement is required to be distributed at least 60 days before the property is to be vacated. No later than 30 days prior to the date the tenant of record is displaced, the property owner is required to provide the following to each displaced tenant who demonstrates that his or her household qualifies as a low-income household:

- A referral to the Marin Housing Assist Line to obtain a list of low-income rental housing units available in the area; and
- Cash payment equal to two times the then current monthly rental of the residential unit being vacated

### **Mandatory Mediation**

Mediation is a process in which a neutral third party facilitates the negotiation of a mutually acceptable resolution to a dispute between parties. With “Mandatory” Mediation, if a triggering event occurs (e.g. rent is increased above a certain percentage), then the tenant is able to request mediation services. It is then mandatory that the landlord participates in the mediation process, but the parties cannot be compelled to reach a resolution. Instead, the goal of these programs is to facilitate constructive conversations in a neutral and accountable environment.

San Rafael has recently joined the County and a variety of other Bay Area communities in adopting a mandatory mediation program to assist renters. The City’s program went into effect on July 17, 2019, and can be summarized as follows:

- A tenant or landlord can request a mediation for rent increases of greater than 5% during a 12 month period.
- Landlords can request this service at any time in anticipation of a rent increase. Tenants must request mediation within ten days of receiving notice of the rent increase.
- A tenant or landlord seeking to utilize dispute resolution services are required to complete the Mediation Service Request Form and submit to the City’s Consumer Protection Unit.
- The City’s program requires "good faith participation" and obliges each party or their authorized representative to personally participate in the dispute resolution program. To participate in good faith, landlords are prohibited from harassing the tenant and from engaging in behavior prohibited by Federal and State laws. Tenants are required to continue to pay all rent legally due to the landlord and to comply with the terms of their rental agreement throughout the dispute resolution process.

- For tenants and landlords seeking mediation for issues other than rent increases, the District Attorney's Office offers voluntary mediation services to help address repairs, security deposits, and evictions / lease terminations.

### **Just Cause Eviction**

Under California law, landlords have the legal right to terminate a rental agreement without reason so long as they furnish the tenant proper written notice: 30 days for tenants residing in a unit less than one year, and 60 days for tenants residing in a unit one year or more. Just Cause ordinances state that renters can only be evicted for a certain list of pre-established "causes" (failure to pay rent, nuisance behavior, etc.), or other reasons that are "no cause" of the tenant (unit being removed from rental market, substantial rehabilitation, etc.). Just Cause ordinances retain the rights of landlords to terminate a lease for valid reasons, but they also help prevent evictions of responsible tenants.

The County of Marin recently adopted Just Cause policies to provide greater stability for renters, and ABAG recently adopted the CASA Compact, a 10-point action plan aimed at alleviating the housing crisis in the Bay Area which includes Just Cause as one of the prescribed policies. In conjunction with the Mandatory Mediation Program described above, the City of San Rafael Cause for Eviction Ordinance also went into effect on July 17, 2019. Key tenets of the Ordinance are summarized below:

- Applies to properties with at least three separate units
- Causes for termination include: 1) failure to pay rent, 2) breach of rental contract, 3) tenant illegal activities, 4) threat of violent crime, or 5) nuisance behavior
- "No fault" terminations include: 1) landlord will permanently remove unit from rental market, 2) landlord will move into dwelling unit, 3) substantial rehabilitation for health and safety, or 4) tenant's refusal to execute lease
- Eviction notice requirements include: 1) for permanent removal of unit from rental market, 120 days prior to the final date of tenancy, 2) for other "no fault" terminations, 60 days if tenant has resided in unit at least one year, or 30 days if less than one year residency, and 3) for "cause" terminations, a three days prior to the intended final date of tenancy.

## V. EXISTING SOCIAL SERVICE INSTITUTIONS OR RESOURCES

To gain an understanding of the existing social service resources in downtown and the surrounding area, the following institutions were researched and mapped. As shown on the map in Figure 1 and the corresponding table, there are approximately 60 social service institutions that serve the Greater San Rafael area. Services offered include: Aging, Disability, Disaster, Domestic Violence, Employment, Financial, Food, Health, Home, Homelessness, Housing, Immigration, Mental Health, Rehabilitation, Resolution, Welfare, and Youth. Within the downtown area of San Rafael there are approximately 15 social service institutions, 10 of which fall within the San Rafael Downtown Precise Plan boundaries, that provide the following services: Aging, Disability, Disaster, Domestic Violence, Employment, Food, Health, Homelessness, Housing, Rehabilitation, and Youth (see Figure 2). As clearly shown on the maps below, there are many homeless related services in San Rafael, particularly in the downtown area, as compared to other communities throughout Marin that do not currently offer as many related services.



Ritter Center (photo credit: Marin IJ)



Center for Domestic Peace



Canal Alliance



Community Action Marin

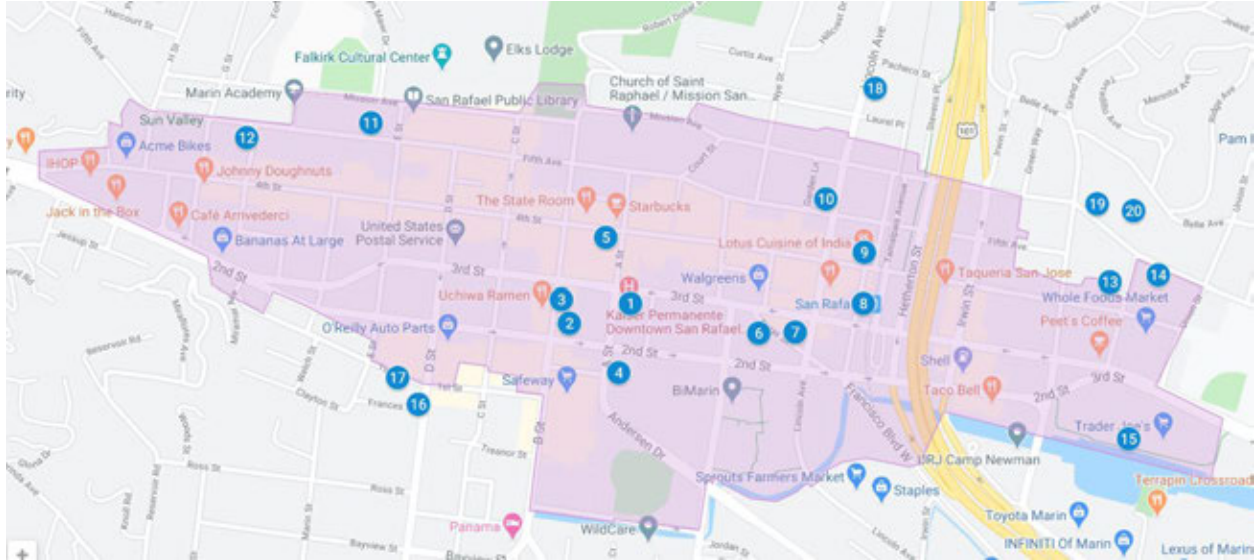


Figure 1 - Map of Social Service Institutions within the Downtown Precise Plan Area

**Table 7. Location of Social Service Institutions within the Downtown Precise Plan Area**

#	Institution	Services	Address
1	<a href="#">RotaCare San Rafael</a>	Health	1033 3rd St, San Rafael, CA 94901
2	<a href="#">St. Vincent de Paul Society of Marin</a>	Homelessness	820 B Street
3	Homeward Bound: Voyager	Mental Health, Homelessness	830 B St, San Rafael, CA 94901
	Homeward Bound: Carmel	Mental Health, Homelessness	
4	<a href="#">Center for Domestic Peace</a>	Domestic Violence	734 A Street San Rafael, CA 94901
5	Homeward Bound: 4th Street	Homelessness	1111 4th St, San Rafael, CA 94901
6	<a href="#">Ritter Center</a>	Homelessness	16 Ritter St, San Rafael, CA 94901
7	<a href="#">Goodwill</a>	Employment	809 Lincoln Ave, San Rafael, CA 94901
8	<a href="#">Whistlestop</a>	Aging, Disability	930 Tamalpais Avenue San Rafael, CA 94901
9	Bucklew Programs: Assisted Independent Living	Aging	710 4th St, San Rafael, CA 94901
10	Bucklew Programs: Assisted Independent Living	Aging	1103 Lincoln Ave
11	<a href="#">Downtown Streets Team</a>	Homelessness	1510 Fifth Avenue, San Rafael, CA 94901
12	<a href="#">Project Avary</a>	Youth	1623 5th Avenue, Bldg C San Rafael, CA 9490
13	Center Point: Life-Link	Rehabilitation	39 Mary St, San Rafael, CA 94901
14	<a href="#">Salvation Army</a>	Disaster, Domestic Violence, Food, Homelessness, Aging, Youth	351 Mission Ave, San Rafael, CA 94901
15	<a href="#">Alternative Family Services</a>	Youth	361 3rd St G, San Rafael, CA 94901

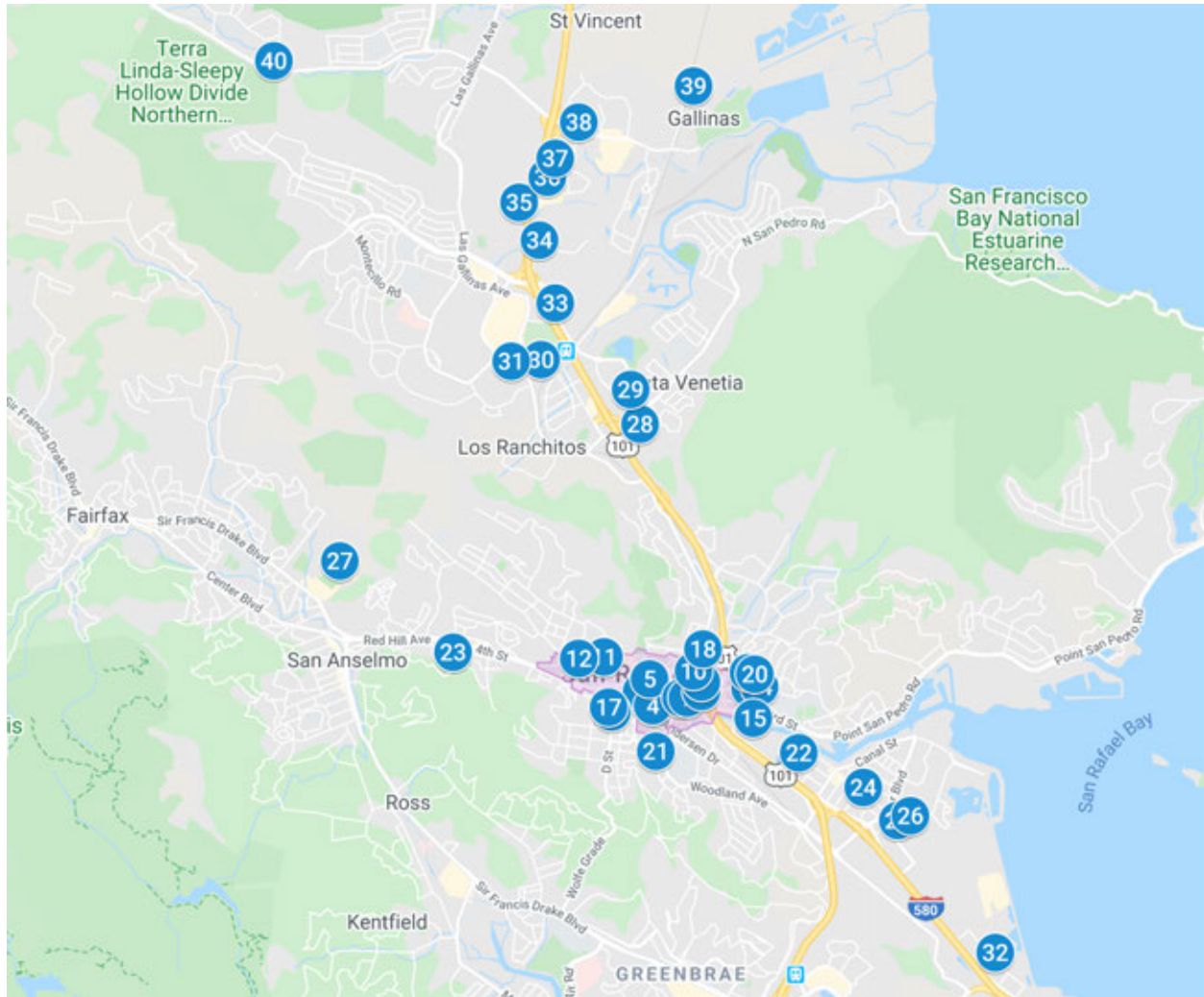


Figure 2 - Map of Social Service Institutions in the Greater San Rafael Area

**Table 8. Location of Social Service Institutions within the Greater San Rafael Area**

#	Institution	Services	Address
16	Center Point: The Manor	Rehabilitation	603 D St., San Rafael, CA 94901
17	<a href="#">Center Point</a>	Rehabilitation	207 1st Street, San Rafael, CA 94901
18	<a href="#">Fair Housing of Marin</a>	Housing	1314 Lincoln Ave. Suite A, San Rafael, CA 94901
19	Homeward Bound: Family Center	Homelessness	430 Mission Avenue, San Rafael, CA 94901
20	Bucklew Programs: Assisted Independent Living	Aging	410 Mission Ave, San Rafael, CA 94901
21	Bucklew Programs: Assisted Independent Living	Aging	7 Mariposa Rd, San Rafael, CA 94901
22	Homeward Bound: Mill	Disaster, Homelessness	190 Mill St, San Rafael, CA 94901
23	Homeward Bound: Palm Court	Mental Health, Homelessness	199 Greenfield Ave, San Rafael, CA 94901

24	<a href="#">Canal Alliance</a>	Immigration	91 Larkspur Street San Rafael, CA 94901-4820
25	<a href="#">Adult Protective Services</a>	Aging	3240 Kerner Blvd., San Rafael
26	<a href="#">CalFresh - SNAP</a>	Food	3250 Kerner Blvd. San Rafael, CA 94901-4840
	<a href="#">CalWORKS</a>	Employment	
	<a href="#">Children and Family Services</a>	Youth	
	<a href="#">Children and Family Services Emergency Response</a>	Youth	
	<a href="#">Fost-Adopt</a>	Youth	
	<a href="#">Foster Care</a>	Youth	
	<a href="#">Kin-Gap</a>	Youth	
	<a href="#">Medi-Cal</a>	Health	
27	<a href="#">Side by Side</a>	Youth	300 Sunny Hills Drive San Anselmo, CA 94960
	<a href="#">Side by Side</a>	Youth	300 Sunny Hills Drive San Anselmo, CA 94960
28	<a href="#">Aging and Adult Services</a>	Aging	10 North San Pedro Rd., San Rafael
	<a href="#">Area Agency on Aging</a>	Aging	
	<a href="#">In Home Supportive Services (IHSS)</a>	Aging	
	<a href="#">Information and Assistance</a>	Aging	
	<a href="#">Long-Term Care Ombudsman</a>	Aging	
29	<a href="#">Marin Mediation Services</a>	Resolution	3501 Civic Center Drive, Room 130, San Rafael, CA 94903
30	<a href="#">Guide Dogs for the Blind</a>	Disability	350 Los Ranchitos Road San Rafael, CA 94903
31	<a href="#">Community Action Marin</a>	Youth, Financial, Employment, Mental Health	555 Northgate Dr, San Rafael, CA 94903
32	<a href="#">SF Marin Food Bank</a>	Food	2550 Kerner Blvd, San Rafael, CA 94901
33	<a href="#">Marin Housing Authority</a>	Housing	4020 Civic Center Drive San Rafael, CA 9490
34	<a href="#">Family Works</a>	Disability	4 Joseph Court San Rafael, CA 94903-2609
35	<a href="#">Bucklew Programs</a>	Mental Health	1401 Los Gamos #240, San Rafael, CA 94903
36	<a href="#">Cleaning 4 Kids</a>	Home	4340 Redwood Hwy Suite 224 San Rafael, CA 94903
37	<a href="#">Adopt A Family of Marin</a>	Homelessness	35 Mitchell Blvd. Suite 16 San Rafael, CA 94903
38	<a href="#">CalFresh - SNAP</a>	Food	120 North Redwood Dr, San Rafael
	<a href="#">CalWORKS</a>	Financial	
	<a href="#">CalWORKS Employment Services</a>	Employment	
	<a href="#">CareerPoint Marin</a>	Employment	

	<a href="#">County Medical Services Program (CMSP)</a>	Health	
	<a href="#">Employment and Training Branch</a>	Employment	
	<a href="#">General Relief</a>	Financial	
	<a href="#">Medi-Cal</a>	Health	
	<a href="#">Public Assistance</a>	Welfare	
39	Helen Vine Recovery Center	Mental Health	301 Smith Ranch Road
40	<a href="#">Elpida Residential Programs</a>	Mental Health	7 Mt. Lassen Drive C258 San Rafael, CA 94903

The services highlighted in the previous maps and tables, are also organized below by service below for ease of reference.

### Aging

- **Whistlestop** | 930 Tamalpais Avenue San Rafael, CA 94901
- **Bucklew Programs: Assisted Independent Living** | 710 4th St, San Rafael, CA 94901
- **Bucklew Programs: Assisted Independent Living** | 1103 Lincoln Ave
- **Salvation Army** | 351 Mission Ave, San Rafael, CA 94901
- **Bucklew Programs: Assisted Independent Living** | 410 Mission Ave, San Rafael, CA 94901
- **Bucklew Programs: Assisted Independent Living** | 7 Mariposa Rd, San Rafael, CA 94901
- **Adult Protective Services** | 3240 Kerner Blvd., San Rafael
- **Aging and Adult Services** | 10 North San Pedro Rd., San Rafael
- **Area Agency on Aging** | 10 North San Pedro Rd., San Rafael
- **In Home Supportive Services (IHSS)** | 10 North San Pedro Rd., San Rafael
- **Information and Assistance** | 10 North San Pedro Rd., San Rafael
- **Long-Term Care Ombudsman** | 10 North San Pedro Rd., San Rafael

### Disability

- **Whistlestop** | 930 Tamalpais Avenue San Rafael, CA 94901
- **Guide Dogs for the Blind** | 350 Los Ranchitos Road San Rafael, CA 94903
- **Family Works** | 4 Joseph Court San Rafael, CA 94903-2609

### Disaster

- **Salvation Army** | 351 Mission Ave, San Rafael, CA 94901
- **Homeward Bound: Mill** | 190 Mill St, San Rafael, CA 94901

### Domestic Violence

- **Center for Domestic Peace** | 734 A Street San Rafael, CA 94901



- **Salvation Army** | 351 Mission Ave, San Rafael, CA 94901

### **Employment**

- **Goodwill** | 809 Lincoln Ave, San Rafael, CA 94901
- **CalWORKS** | 3250 Kerner Blvd. San Rafael, CA 94901-4840
- **Community Action Marin** | 555 Northgate Dr, San Rafael, CA 94903
- **CalWORKS Employment Services** | 120 North Redwood Dr, San Rafael
- **CareerPoint Marin** | 120 North Redwood Dr, San Rafael
- **Employment and Training Branch** | 120 North Redwood Dr, San Rafael

### **Financial**

- **Community Action Marin** | 555 Northgate Dr, San Rafael, CA 94903
- **CalWORKS** | 120 North Redwood Dr, San Rafael
- **General Relief** | 120 North Redwood Dr, San Rafael

### **Food**

- **Salvation Army** | 351 Mission Ave, San Rafael, CA 94901
- **CalFresh – SNAP** | 3250 Kerner Blvd. San Rafael, CA 94901-4840
- **SF Marin Food Bank** | 2550 Kerner Blvd, San Rafael, CA 94901
- **CalFresh – SNAP** | 120 North Redwood Dr, San Rafael

### **Health**

- **RotaCare San Rafael** | 1033 3rd St, San Rafael, CA 94901
- **Medi-Cal** | 3250 Kerner Blvd. San Rafael, CA 94901-4840
- **County Medical Services Program (CMSP)** | 120 North Redwood Dr, San Rafael
- **Medi-Cal** | 120 North Redwood Dr, San Rafael

### **Home**

- **Cleaning 4 Kids** | 4340 Redwood Hwy Suite 224 San Rafael, CA 94903

### **Homelessness**

- **St. Vincent de Paul Society of Marin** | 820 B Street
- **Homeward Bound: Carmel** | 830 B St, San Rafael, CA 94901
- **Homeward Bound: Voyager** | 830 B St, San Rafael, CA 94901
- **Homeward Bound: 4th Street** | 1111 4th St, San Rafael, CA 94901
- **Ritter Center** | 16 Ritter St, San Rafael, CA 94901
- **Downtown Streets Team** | 1510 Fifth Avenue, San Rafael, CA 94901
- **Salvation Army** | 351 Mission Ave, San Rafael, CA 94901
- **Homeward Bound: Family Center** | 430 Mission Avenue, San Rafael, CA 94901
- **Homeward Bound: Mil** | 190 Mill St, San Rafael, CA 94901

- **Homeward Bound: Palm Courth** | 199 Greenfield Ave, San Rafael, CA 94901
- **Adopt A Family of Marin** | 35 Mitchell Blvd. Suite 16 San Rafael, CA 94903

### Housing

- **Fair Housing of Marin** | 1314 Lincoln Ave. Suite A, San Rafael, CA 94901
- **Marin Housing Authority** | 4020 Civic Center Drive San Rafael, CA 9490

### Immigration

- **Canal Alliance** | 91 Larkspur Street San Rafael, CA 94901-4820

### Mental Health

- **Homeward Bound: Carmel** | 830 B St, San Rafael, CA 94901
- **Homeward Bound: Voyager** | 830 B St, San Rafael, CA 94901
- **Homeward Bound: Palm Courth** | 199 Greenfield Ave, San Rafael, CA 94901
- **Community Action Marin** | 555 Northgate Dr, San Rafael, CA 94903
- **Bucklew Programs** | 1401 Los Gamos #240, San Rafael, CA 94903
- **Helen Vine Recovery Center** | 301 Smith Ranch Road
- **Elpida Residential Programs** | 7 Mt. Lassen Drive C258 San Rafael, CA 94903

### Rehabilitation

- **Center Point: Life-Link** | 39 Mary St, San Rafael, CA 94901
- **Center Point** | 603 D St., San Rafael, CA 94901
- **Center Point** | 207 1st Street, San Rafael, CA 94901

### Resolution

- **Marin Mediation Services** | 3501 Civic Center Drive, Room 130, San Rafael, CA 94903

### Welfare

- **Public Assistance** | 120 North Redwood Dr, San Rafael

### Youth

- **Project Avary** | 1623 5th Avenue, Bldg C San Rafael, CA 9490
- **Salvation Army** | 351 Mission Ave, San Rafael, CA 94901
- **Alternative Family Services** | 361 3rd St G, San Rafael, CA 94901
- **Children and Family Services** | 3250 Kerner Blvd. San Rafael, CA 94901-4840
- **Children and Family Services Emergency Response** | 3250 Kerner Blvd. San Rafael, CA 94901-4840
- **Fost-Adopt** | 3250 Kerner Blvd. San Rafael, CA 94901-4840
- **Foster Care** | 3250 Kerner Blvd. San Rafael, CA 94901-4840
- **Kin-Gap** | 3250 Kerner Blvd. San Rafael, CA 94901-4840

- **Women Infants and Children (WIC)** | 3250 Kerner Blvd. San Rafael, CA 94901-4840
- **Side by Side** | 300 Sunny Hills Drive San Anselmo, CA 94960
- **Community Action Marin** | 555 Northgate Dr, San Rafael, CA 94903

## VI. IMPLEMENTATION STRATEGIES

As discussed in the prior chapter, San Rafael has implemented a number of successful programs to facilitate the production of affordable housing and protect existing tenants from displacement. The following chapter identifies additional new strategies for potential implementation in the Downtown Precise Plan area, summarized in Table 7 below.

**Table 9: Potential DTSR Affordable Housing Production and Anti-Displacement Strategies**

Housing Production Strategies	Tenant Protection Strategies
Enhanced Density Bonuses	Tenant Relocation and Protection Ordinance
Potential Zoning Strategies	No Net Loss/ One-for-One Replacement
Parking Reductions	Preservation of Affordable Housing
Streamlined Development Review	
Air Rights Development/Land Write-Downs	
Outside Funding Resources and Applications	
Multi-family Acquisition/Rehabilitation	
Community Land Trusts/ Cooperatives	

### Housing Production Strategies

#### Enhanced Density Bonuses in the Downtown

As discussed in the prior section on Existing City Housing Programs, San Rafael implements a successful density bonus program, with the majority of recent housing projects receiving density increases of between 20-35% for the inclusion of affordable units. In addition, two projects are currently being processed with higher bonuses than the 35% by-right bonus established by the State (Whistlestop/EDEN housing project and the 703-723 3rd Street housing development).

State density bonus law allows jurisdictions the discretion to grant bonuses above 35%, with a growing number of jurisdictions adopting local ordinances that support greater density bonus allowances. Several ABAG communities, including Emeryville and most recently Santa Rosa, have adopted supplemental density bonus programs of up to 100% in locations near transit. According to interviews with Emeryville City staff, virtually all density bonus applicants take advantage of the local program offering bonuses over 35%, resulting in a significant increase in the production of affordable units. As a means of further incentivizing the development of both market rate and affordable units in the Downtown Precise Plan Area, the City should consider adopting an enhanced density bonus program.

AB 2222 (effective January 2015) has made important changes to State density bonus law in an effort to help address potential displacement of existing tenants. Specifically, AB 2222 now prohibits an applicant from receiving a density bonus (and related incentives and waivers) unless the proposed housing development or condominium project would, at a minimum, maintain the number and proportion of any existing affordable housing units located within the proposed development site, including affordable dwelling units that have been vacated or demolished in the five-year period preceding the application. AB 2222 also increases the required affordability from 30 years or longer to 55 years or longer for all affordable rental units that qualified an applicant for a density bonus, and requires replacement rental units to be subject to a recorded affordability restriction for at least 55 years. If the units that qualified an applicant for a density bonus are affordable ownership units, as opposed to rental units, they must be subject to an equity sharing model rather than a resale restriction.

### **Potential Zoning Strategies**

The General Plan 2040 Steering Committee is currently evaluating several strategies to provide for increased densities in the Downtown Precise Plan Area. One proposal is to eliminate residential density standards within the Precise Plan and instead use floor area ratio (FAR) and building height limits as the metric for evaluating residential and mixed-use development. Regulating densities through height and bulk provides greater flexibility in the design and use of buildings, and the number of units that can be achieved.

If density standards remain, then the City will consider switching from a "gross" standard to a "net" standard in the Land Use Element, thereby increasing the allowable number of units per acre. Net density is defined as the area of a parcel with a given General Plan Map designation divided by the number of units on that property, excluding any area used for streets (public or private) or utility easements. By utilizing a units/net acre density standard, the resulting increased densities would better align with the City's standards for building heights in the Downtown.

### **Parking Reductions**

To reduce development costs, the City could consider reducing parking requirements for projects in the Downtown Precise Plan Area, with deeper reductions for affordable projects eligible for alternative parking standards under State density bonus law. With typical podium parking costing approximately \$50,000 per space, a project that provides 100 spaces would save at \$2.5 million over one that provides 150 spaces.

The City adopted a Downtown Parking and Wayfinding Study in early 2018. The study recommends a 20% reduction in current parking requirements in the Downtown, allowing developers to pursue more shared parking, and incorporating other strategies, such as automated parking lifts, to maximize the efficient use of public parking. The City is currently evaluating micro-areas within the Downtown potentially suitable parking reductions, and has adopted a resolution to allow for projects to be submitted with a 20% reduction in parking requirements subject to monitoring provision.

To help make reduced parking a viable alternative for developers and residents, it may be advisable to encourage new housing projects to incorporate parking and travel demand management techniques. For example, some cities have required “unbundling” of parking so that occupants must pay separately for a parking space, but can achieve lower rents or sales prices if they require less parking. Similarly, projects that provide residents with transit passes or incorporate car share programs can yield lower parking demands, and may be incented through credit for these efforts in a density bonus program.

Market forces will determine whether units with reduced parking availability can be competitive for renters, but providing an option for developers to reduce development costs and/or increase densities in exchange for affordable housing units is a proven approach to realizing affordability.

### **Streamlined Development Review**

Lengthy permit processing can add substantial costs to development, constraining production of both market rate and affordable housing. San Rafael has been awarded an SB 2 Planning Grant from the State, and will be undertaking the following activities in an effort to streamline the development review process:

- **Objective Design and Development Standards.** Staff has been working on the development of an objective design and development standards toolbox and manual to allow for “by right” development in compliance with the SB 35 law.
- **By-Right Affordable Housing Overlay Zone.** The City plans to develop a “by-right” zoning process and overlay zone for the review and approval of affordable housing development projects located within the HR-1 (High Density Residential) Zoning District. The intent is to streamline the review of such projects, which will significantly reduce soft costs and the process timing for developers/applicants.
- **Online Permit Guide.** The City will be developing an online portal which will guide residents and contractors through a customized application checklist of steps and forms required for their specific project. This guide will help add transparency to permitting requirements and expedite the time it takes to complete an application.
- **Permit Management System.** The City intends to develop a web-based permit management system to streamline approvals for Planning, Building, and Code Enforcement Division projects, and make housing and mixed-use development easier.

### **Air Rights Development/Land Right Downs**

One of the primary constraints to the provision of affordable housing in the Downtown Plan Area is the lack of access to suitable sites for redevelopment by housing developers. In addition, when privately-owned development sites do come on the market, non-profit developers are often unable to compete with market-rate developers, who can pay higher prices for land and/or close on a deal much more quickly.

To address this issue, San Rafael has had a policy on the books to encourage developers of affordable housing to utilize air rights, such as above public parking lots or commercial uses in the Downtown. The City had its first inquiry for an air rights development in 2018 and is currently working with the applicant. In addition, the City has identified the following Downtown public parking lots as potential candidate sites for mixed income and affordable housing:

- 5th Avenue at Lootens Street
- 3rd & Cijos Street
- 2nd Street between D & E Streets
- 5th Avenue & Garden Lane
- Menzies Lot - Mission Avenue north of E Street
- 519 4th Street between Irwin Street and Grand Avenue (temporary Fire Station 52)

The City will be conducting a feasibility study of these six parking lots for potential development, retaining the ground floor parking for public use (either retained by the City or privatized). The feasibility study will also explore, as an incentive for the developer, the City offer the site free of charge and possibly a waiver of the parking for housing. Staff anticipates bringing a report back to City Council in mid-2019.

### **Outside Funding Resources and Applications**

San Rafael's Housing Element includes programs to identify potential funding resources for affordable housing, and as funding becomes available, to support applicants in preparing competitive funding submittals. In 2017, the State Legislature passed and Gov. Brown signed into law two key new funding measures in support of affordable housing: SB 2 and SB 3.

- **SB 2 (Atkins)** imposes a new \$75-\$225 real estate recording fee to fund affordable housing-related activities on a permanent, ongoing basis. First year proceeds are to be split evenly between planning grants to local governments to streamline housing production, and HCD's programs that address homelessness. Thereafter, 70% of the proceeds will be allocated to local governments to support affordable housing, homeownership opportunities, and other housing-related programs. The fee is estimated to generate \$200 to \$300 million annually.
- **SB 3 (Beall)** placed \$4 billion general obligation bond on the November 2018 general election ballot, which was subsequently passed by voters. The bill allocates \$3 billion in bond proceeds among existing state affordable housing programs, including programs that assist affordable multifamily developments, housing for farmworkers, transit-oriented development, infrastructure for infill development, and homeownership. The bond also funds matching grants for Local Housing Trust Funds and homeownership programs. \$1 billion in bond proceeds will be allocated to CalVet for home and farm purchase assistance for veterans.

San Rafael has been awarded an SB 2 planning grant to fund, among other activities, a General Plan Amendment and Zone Change on parcels currently designated Light Industrial to support

two local non-profits in the development of housing for formerly homeless individuals. Homeward Bound of Marin is proposing to demolish its current 55-bed emergency housing shelter at 190 Mill Street and replace it with a new 64-bed emergency shelter for families, adding 32 SRO units of permanent supportive housing on top. St. Vincent DePaul Society is proposing to re-purpose an existing, three-story office building at 3301 Kerner Boulevard in the Canal Street Neighborhood, moving their community dining room from Downtown and adding approximately 50 permanent housing units for extremely low income individuals.

### **Multi-family Acquisition/Rehabilitation**

In addition to new construction, many communities also provide affordable housing through the acquisition and rehabilitation of aging and/or deteriorating multi-family housing. Under such a program, the City acquires or assists in the acquisition of a problem apartment complex and then works with a development partner to coordinate the rehabilitation, maintenance and management of the project as long-term affordable housing. In instances where units have been determined to be uninhabitable, housing element statutes establish specific criteria for acquisition/rehabilitation in which regional housing needs (RHNA) credit may be obtained.

As part of the land use analysis being conducted for the Downtown Precise Plan, the City has the opportunity to begin developing an inventory of older, undermaintained apartment complexes for potential future acquisition and rehabilitation.

### **Innovative Housing Approaches: Community Land Trusts and Cooperatives**

San Rafael's Housing Element includes the following policy to encourage innovative housing approaches to broaden the types of housing available:

*Provide opportunities and facilitate innovative housing approaches in financing, design and construction of units to increase the availability of low and moderate income housing and especially for housing that meets the city's housing needs.*

Two types of non-traditional housing that may have particular relevance in the Downtown as a means of increasing the supply of affordable housing and minimizing future displacement include Community Land Trusts and Cooperative Housing Developments.



Community Land Trusts (CLTs) are non-profit organizations that buy and hold land, permanently removing it from the speculative real estate market. CLTs may build new ownership or rental housing on land they purchase, or may purchase existing housing, provide rehabilitation improvements and offer at affordable rents. The CLT makes the land available to residents through a 99 year ground lease. In some cases, residents purchase the home, which is well below market rate as land cost is not part of the purchase. In other cases, the lease goes to a cooperative which owns the building collectively, and provides affordable housing to co-op shareholders.



A limited equity cooperative is a model in which low and moderate income residents purchase ownership shares in a building at below market prices, subject to limitations on the amount of equity or profit they can receive on the resale of their units. Cooperatives are governed by an elected board of directors whose responsibilities include establishing resale controls. Co-op ownership helps to allow residents to remain in place in the face of rising market pressures that can lead to displacement.

## Tenant Protection Strategies

ABAG's Plan Bay Area 2040 projects an increase of approximately 1,000 new jobs and 900 new households in the Downtown San Rafael PDA. This level of development demand will place significant pressure to redevelop existing uses in the Downtown. The following measures will serve both to minimize loss of existing housing in the study area, and to assist tenants who are displaced to find suitable replacement housing.

### **Tenant Relocation and Protection Ordinance**

With significant demand for multi-family development in the Downtown Precise Plan Area and elsewhere in the City, some of which may be accommodated through redevelopment of existing residential uses, an effective anti-displacement program for rental property tenants is essential to stemming future gentrification.

Several Bay Area communities have adopted Tenant Relocation Assistance Ordinances in response to the number of low-rent apartments being lost to redevelopment and the associated displacement of lower income tenants. With rents continuing to rise, displaced tenants are facing heightened challenges in locating replacement housing within their communities. The City of Mountain View was one of the first non-rent control cities in the State to adopt a tenant relocation program, and based on nearly ten years of implementation, recently amended the Ordinance to provide additional assistance to tenants, including expanding eligibility to moderate households (120% AMI). The City of San Leandro adopted its Ordinance in 2017, and includes relocation payments to tenant's facing rent increases of greater than 12% within the last 12 month period. Most recently, the City of Menlo Park adopted its Tenant Relocation Ordinance in March 2019, accompanied by establishment of a City-funded Community Housing Fund. The intent of this fund is to provide financial assistance to lower income households (60% AMI) not covered by the City's Tenant Relocation Ordinance, but facing displacement due to substantial rent increases (defined as a rent increase greater than the previous year's CPI, plus 5% above the base rent that was in place at the beginning of the prior 12 month period).

Table 8 which follows summarizes the key provisions of these three Tenant Relocation Programs, with copies of the complete Ordinances included in the Appendix.

**Table 10: Bay Area Tenant Relocation Ordinances**

Ordinance Provisions	Menlo Park (2019)	Mountain View (2010, 2018 amendments)	San Leandro (2017)
Ordinance Applicability	Landlord actions (demolitions, condo conversions, renovations) resulting in the removal of rental units and requiring tenants to vacate their apartments.		
Additional Applicability	na	na	Rent increase of >12% within 1 year, and tenant intends to vacate unit
Project Size Threshold	5 or more rental units	4 or more rental units	2 or more rental units
Tenants Eligible for Assistance	Up to 80% AMI	Up to 120% AMI	No income limit
Rent Payment Amount	3 x current HUD fair market rent (FMR)	3 months median market rent	3 months tenant's current rent, or 3x current FMRs, whichever is greater
Additional Assistance to Special Circumstance Households*	1 additional month rent	\$3,000	\$1,000

\*Special circumstance households are defined as having at least one person that is either over 62 years of age, handicapped, disabled, or a legally dependent minor child (less than 18 years of age).

Sources: [www.menlopark.org/1399/Tenant-relocation-assistance-ordinance](http://www.menlopark.org/1399/Tenant-relocation-assistance-ordinance); [www.mountainview.gov/comdev/preservation/tenant\\_relocation\\_assistance](http://www.mountainview.gov/comdev/preservation/tenant_relocation_assistance); [www.sanleandro.org/depts/cd/housing/tra/default](http://www.sanleandro.org/depts/cd/housing/tra/default)

Other tenant protection strategies adopted by cities such as Fremont and Concord include:

- Requiring landlords to offer extended lease terms as an option to tenants
- Establishing extended noticing requirements for tenants to vacate beyond the 30 day minimum under State law
- Limiting the frequency of rent increases to no more than once/year

Adopting a Tenant Relocation and Protection Program in San Rafael could help offset the impacts of redevelopment on current tenants in both Downtown and Citywide, providing greater opportunities for existing residents to remain in the community.

**No Net Loss/One-for-One Replacement**

The City could consider implementing a one-for-one replacement requirement in the Downtown for projects involving the demolition or removal of deed restricted residential units affordable to lower and/or moderate income households. Projects could be required to include an equivalent number of affordable housing units (in addition to affordable units required under the City's inclusionary ordinance), or could potentially be permitted to pay a fee to offset replacement costs at a different location. Cities such as Portland and Los Angeles have no-net loss policies for affordable housing in their downtowns. And the City of Walnut Creek implements a one-for-one replacement requirement for projects involving demolition of residential units less than 30 years old.

State density bonus law now includes no net loss provisions, requiring replacement of units occupied by lower income households or subject to a form of rent control within the preceding five year period. Given that most recent development applicants in San Rafael elect to take advantage of density bonus incentives, State replacement housing requirements will provide some protections to tenants in buildings seeking a density bonus.

### **Preservation of Affordable Rental Housing**

The preservation of existing affordable housing is a key strategy to minimizing displacement within the Downtown Precise Plan Study Area. As presented previously in Table 4, the study area currently contains 286 publicly assisted affordable rental units within twelve residential developments. While four of these properties (81 units) are potentially eligible to convert to market rents within the next ten years, they are all owned by non-profit organizations and are thus considered at low-risk of conversion.

At more imminent risk of conversion to market rate are privately owned below market rate (BMR) rent-restricted units produced under the City's inclusionary program. When the City started its program in 1986, BMR units were only required to be affordable for a 30-year term, meaning that affordability controls on many of these earlier projects may soon be expiring. In order to develop an effective approach to prevent the loss of affordable units, the City will need to begin by requesting an updated inventory from Marin Housing Authority with current dates of expiring use restrictions. Once the City has identified the expiration dates for BMR properties in the Downtown study area, staff can reach out to property owners to discuss options and incentives to extend affordability controls. Depending on the extent of at-risk BMR units, the City may wish to consider developing a policy for pricing the purchase of affordability term extensions so this option could be offered to local BMR property owners, along with additional incentives such as rehabilitation assistance.

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# **Appendix VIII.** Financial Feasibility Analysis of Infill Sites

## Memorandum

**To:** Raffi Boloyan, Planning Manager, City of San Rafael  
Barry Miller, San Rafael General Plan 2040 Project Manager

**CC:** Mitali Ganguly, Opticos Design  
Stefan Pellegrini Opticos Design

**From:** Stephanie Hagar, Associate Principal

**Date:** April 14, 2020

**Re:** San Rafael Downtown Precise Plan Financial Feasibility Analysis

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### Introduction and Purpose

This memorandum presents the findings from a static proforma analysis that BAE conducted to evaluate the financial feasibility of three hypothetical prototype projects in the San Rafael Downtown Precise Plan Area. The City of San Rafael is currently in the process of preparing the Precise Plan for the City's Downtown area. The purpose of the analysis is to evaluate whether the type of development that the draft Plan anticipates is financially feasible under current market conditions, as well as over the long-term implementation period for the Plan. The findings presented in this memorandum will inform the strategies that will be incorporated into the Downtown Precise Plan.

### Key Findings

Key findings from financial feasibility analysis include:

- **All of the development projects evaluated in this analysis face financial feasibility challenges in the current development environment, similar to challenges currently present in many other Bay Area cities.** None the prototypes evaluated in this analysis are financially feasible based on the cost and revenue assumptions detailed below. This finding is consistent with current development conditions in cities throughout the Bay Area, where significant recent increases in construction costs have impacted the feasibility of new development. Developers and other real estate professionals expect that the current imbalance between construction costs and rents will even out over time, at which point residential development will become more feasible. This correction will require increases in rents and sale prices, decreases in construction costs, or some combination of rent and sale price increases and construction cost decreases. Some developers have sought to mitigate these challenges in part by

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Berkeley, CA 94710  
510.547.9380

#### Sacramento

803 2<sup>nd</sup> St., Suite A  
Davis, CA 95616  
530.750.2195

#### Los Angeles

448 South Hill St., Suite 701  
Los Angeles, CA 90013  
213.471.2666

[www.bae1.com](http://www.bae1.com)

#### Washington DC

1140 3<sup>rd</sup> St. NE, 2<sup>nd</sup> Floor  
Washington, DC 20002  
202.588.8945

#### New York City

234 5<sup>th</sup> Ave.  
New York, NY 10001  
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exploring modular construction and construction that uses prefabricated building components, though cost savings from modular or prefabricated construction are relatively modest at present. Adopting policies that enable or facilitate use of these lower-cost construction methodologies could help to address feasibility challenges as other factors that affect feasibility shift over time, particularly if cost savings from modular and prefabricated construction become more significant with increased use.

- **Small residential projects face more significant financial feasibility challenges than larger projects.** As shown in Table 1 below and in the proformas attached to this memorandum, the smallest residential project evaluated in this analysis resulted in a larger negative residual land value than the medium residential project evaluated in this analysis. The residential component of the largest project evaluated in this analysis generated a low positive residual land value. A negative residual land value indicates a financially infeasible project, with larger negative values indicating that more significant changes in development conditions would be necessary to make the project feasible. This finding suggests that parcel assembly could be critical for enabling new development in the Precise Plan area.
- **Larger residential projects could potentially become financially feasible in somewhat different market conditions or for projects with lower development costs or higher rents than are typical.** The residential portion of the large mixed-use prototype would potentially be financially feasible if hard construction costs were eight percent lower than assumed in this analysis, if market-rate rents were five percent higher than assumed in this analysis, or through a combination of lower hard construction costs and higher market-rate rents.
- **Relative to other factors that affect development feasibility, the City's inclusionary requirements have a relatively modest impact.** The sensitivity analysis presented in this memorandum shows that the financial feasibility of the residential component of the large prototype would improve if the prototype provided only the affordable units needed to be eligible for the maximum density bonus available under State law. However, the magnitude of the impact of the change in financial feasibility would be equivalent to the impact of relatively small changes in other factors that affect feasibility, such as decreases in construction costs or increases in rents.
- **Development incentives such as density bonuses and height bonuses help to support the financial feasibility of providing affordable units in new residential development projects in the Precise Plan Area.** The existing density and height bonuses that are available to projects that provide affordable housing in San Rafael help to offset the cost of providing affordable units, helping to balance affordable and workforce housing needs with development feasibility considerations. Supplemental density bonuses that exceed those available under State law and other development incentives may be necessary to enable more projects to achieve financial feasibility while meeting the City's inclusionary requirements.



- **While office development faces considerable financial feasibility challenges in the current development environment, an office project that is well-positioned to achieve higher rents than may be typical in San Rafael could potentially be financially feasible.** The office component of the large development program evaluated in this analysis results in a significant feasibility gap. This is due to the relatively high cost of office construction, coupled with low rents for office space in San Rafael. However, San Rafael has a minimal inventory of available office space, particularly in the Downtown Precise Plan Area, and therefore information on the likely rental rates for space in a new office development that could be built Downtown is limited. If a developer were to pursue a project that would achieve monthly rents that are approximately \$1.25 higher than assumed in this analysis, the type of office development shown in the large prototype project could potentially be financially feasible. This would require rents that are comparable to secondary office locations in the Bay Area, which could potentially be achievable in the Precise Plan Area for a unique, well-positioned project that leverages the transit, dining, and other amenities in the Downtown area.
- **The City could facilitate infill development in the Precise Plan area by making City-owned sites available at a discounted cost for development of catalyst projects.** The sensitivity analysis presented in this memorandum identifies changes in real estate development conditions, such as construction costs and rental rates, that would be necessary to make each of the prototypes financially feasible. Much smaller changes are needed for a project on a given site to achieve feasibility if the land sale cost is discounted from the market-rate cost. This indicates that the City could help to incentivize development by making City-owned sites available for a discounted sale cost or ground lease rate. Development on these sites could serve as catalyst projects that would increase activity and retail and restaurant spending in the Downtown area and help to improve market and overall economic conditions, thereby spurring additional development projects on privately-owned sites.
- **The City can also facilitate development feasibility by providing both flexibility and predictability in the development process.** Flexible development standards can allow developers to respond to market conditions by pursuing projects that are most likely to be financially feasible as economic conditions evolve over time. The form-based code that is included in the proposed Downtown Precise Plan helps to provide this flexibility by moving away from a dwelling unit per acre standard. This flexibility can also help to support the construction of new residential projects that meet a variety of housing needs. Predictability in the development process allows developers to anticipate the requirements that will apply to their projects during early stages of project planning, which can make development opportunities more attractive. The City can add predictability to the development process by removing discretionary review and streamlining the development process as appropriate, including reducing discretionary review of development incentives. The City could focus such efforts on projects that provide affordable units or meet other Precise Plan goals.

- **The financial feasibility findings described in this analysis are dependent in part on low parking ratios, which may be lower than developers will accept in the current market.** As discussed in more detail below, each of the development programs evaluated in this study have low parking ratios, which are likely lower than the parking ratios that developers would pursue for a project in San Rafael in the current environment. Developers would likely choose to exceed the parking ratios modeled in this analysis, even if not required to do so, in order to support the marketability of their project and to secure financing. These trends could shift over time with advancements in driverless car technology, public parking availability, and other factors. However, to the extent that developers choose or are required to provide more parking than shown in this analysis, this change to the development programs would have a negative impact on financial feasibility.
- **The Downtown Precise Plan area is well-positioned to attract new residential and office development as economic conditions improve, particularly with policies in the Plan that help to facilitate new infill development.** Downtown San Rafael offers many of the amenities that residents and office tenants seek in the neighborhoods where they live and work, including restaurants, a walkable historic downtown, and access to transit. As economic conditions improve and successful implementation of the Plan helps to encourage new infill development in the Downtown area, developers may be increasingly attracted to the opportunities that the Precise Plan offers to leverage these amenities to support new infill development projects.

***Impact of Recent Economic Impacts Related to the COVID-19 Pandemic***

The data that inform the analysis presented in this memorandum were collected during January, February, and early March of 2020, and therefore do not reflect the impacts of more recent economic conditions related to the COVID-19 pandemic. While the assumptions presented in this memorandum are generally consistent with conditions through the end of February 2020 and the beginning of March 2020, the data do not capture the more recent economic impacts related to the pandemic, including but not limited to the statewide stay at home orders that were issued in mid-March of 2020 to slow the spread of COVID-19. At the time of issuance of this memorandum, there is a shortage of data that could potentially provide insight on the effect that COVID-19 and the associated stay at home orders have had on construction costs, residential rents and sale prices, and other factors that affect the financial feasibility of new development. However, to the extent possible, this memorandum and the resulting findings consider both the conditions at the time that the underlying data were collected and potential future changes in these conditions over the long-term implementation period for the Downtown San Rafael Precise Plan, which will span economic cycles.

## **Prototype Projects**

The prototypes evaluated in this analysis reflect the type of development that could potentially occur on various sites in Downtown San Rafael, based on the development standards currently under consideration in the draft Precise Plan. The prototypes would all consist of infill development projects within the Plan Area and are illustrative of the types of developments that could occur on a small (0.1-acre) site, medium (0.9-acre) site, and large (2.1-acre site). The site sizes for the prototype projects are the sizes of actual sites in the Precise Plan area that have redevelopment potential over the near- to medium-term, following adoption of the Precise Plan.

### ***Inclusionary Requirements***

This analysis assumes that each of the prototype projects would provide affordable units in accordance with the City's inclusionary ordinance. The ordinance requires that projects with two to ten units make ten percent of units affordable, projects with 11 to 20 units make 15 percent of units affordable, and projects with more than 20 units make 20 percent of units affordable. In cases where the requirements result in a fractional unit, the developer must round up and provide one whole unit to satisfy a requirement for a fractional unit equal to 0.5 units or more, but may pay an in-lieu fee to satisfy a requirement for a fractional unit equal to less than 0.5 units. The ordinance requires that at least half of the affordable units are made affordable to very low-income households and the remaining affordable units are made affordable to low-income households; in cases where an odd number of affordable units is required, the developer must provide more very low-income units than low-income units. While the ordinance allows developers to meet the inclusionary requirements through an "alternative equivalent action" subject to City Council approval, this analysis assumes that all prototypes provide affordable units within the project according to the requirements outlined above.

### ***Density Bonuses***

This analysis also assumes that each of the prototypes would receive a density bonus pursuant to the California State Density Bonus law. State Density Bonus Law provides various levels of density bonuses, along with other concessions and incentives, depending on the number of affordable units provided in a project and the income level of the affordable units. State law provides up to a 35-percent density bonus for projects that include both market-rate and affordable units, with larger bonuses available for 100 percent affordable projects. Under State Density Bonus Law, a market-rate project is eligible for the maximum 35-percent density bonus if 11 percent of the units that would be allowable by zoning are affordable to very low-income households or if 20 percent of the units that would be allowable by zoning are affordable to low-income households. For example, if the zoning for a site allows for 100 units, a project that restricts 11 units (11 percent) for low-income households would be eligible for an additional 35 market-rate units under State Density Bonus Law, resulting in a 135-unit project with 11 affordable units and 124 market-rate units. In cases where calculations result in fractional affordable units or bonus units, the Density Bonus law requires rounding up to the nearest whole unit. Smaller density bonuses are available for projects that

provide fewer affordable units. As described in more detail below, this analysis assumes that some of the prototypes provide deeper levels of affordability than required by the City's inclusionary requirements in order to become eligible for the maximum 35-percent density bonus.

### ***Parking Ratios***

Each of the development programs evaluated in this analysis incorporate low parking ratios, at a rate of less than one parking space per residential unit and less than 1.5 spaces per 1,000 square feet of nonresidential uses. These parking ratios are likely lower than the parking ratios that developers would currently pursue in San Rafael, and therefore may underestimate the likely parking ratios for these prototypes. However, these lower parking ratios may be feasible at a future point in time during the course of the Precise Plan implementation process, depending on changes in driverless car technology adoption, the availability of public parking facilities to serve new development, enhanced transit usage, or other factors or combinations of factors.

### ***Prototype Descriptions***

**Prototype 1: Small Infill Site.** The small infill prototype consists of a seven-unit multifamily rental development on a 0.1-acre site, with a density of 61 dwelling units per acre. The analysis assumes that the base project allowed by zoning would consist of a five-unit project, with a ten-percent inclusionary requirement, or 0.5 inclusionary units. The 0.5-unit requirement would be rounded up to require one very low-income unit, which is equal to 20 percent the units allowable by zoning. This project would be eligible for a 35-percent density bonus under State law, enabling an additional 1.75 market-rate units, which would be rounded up to two whole units, resulting in a seven-unit project with six market-rate units and one very low-income unit.

The project would include three parking spaces in a tuck-under configuration, at a ratio of 0.43 parking spaces per unit. This residential building would consist of 7,350 gross square feet, not including parking, with an average unit size of 893 square feet per unit net of common areas. This unit size is larger than the average in the San Rafael Town Center development but smaller than the average in G Square, the Lofts at Albert Park, and 33 North.

**Prototype 2: Medium Infill Site.** The medium infill prototype consists of a 27-unit multifamily rental development on a 0.9-acre site, with a density of 31 dwelling units per acre. The analysis assumes that the base project allowed by zoning would consist of a 20-unit project with a 15-percent (3.0-unit) inclusionary requirement and would therefore be required to provide two very low-income units and one low-income unit. These requirements amount to providing 10 percent of the units allowable by zoning to very low-income households and providing five percent of units allowable by zoning to low-income households, which does not meet the threshold in either affordability category to make the project eligible for a 35-percent

density bonus under State law. This analysis assumes that the developer would choose to target all three affordable units to very low-income households, making 15 percent of the units allowable by zoning affordable at the very low-income level, in order to receive a 35-percent (seven-unit) density bonus. In total, this project would include 24 market-rate units and three very low-income units.

The project would include 15 surface parking spaces and five tuck-under spaces, or 20 parking spaces in total, at a ratio of 0.74 parking spaces per unit. The medium project is able to accommodate most of its parking in surface spaces because this project would be built at a relatively low density, leaving a substantial portion of the site available for surface parking. This prototype would total 27,500 gross square feet, not including parking, with an average unit size of 896 square feet per unit net of common areas. Similar to the prototype on the small infill site, the average unit size in this prototype is larger than the average in the San Rafael Town Center development but smaller than the average in G Square, the Lofts at Albert Park, and 33 North.

**Prototype 3: Large Infill Site.** The large infill project consists of 200 residential units, 90,000 square feet of office space, and 10,000 square feet of retail space on a 2.1-acre site. The financial feasibility analysis assumes that the site would accommodate this development program in two four-story office buildings and one multifamily rental building with ground-floor retail space and two levels of podium parking. The podium building would include approximately 185,000 gross square feet of residential space, including common areas but not including parking. Assuming a 90 percent efficiency ratio, the net rentable residential unit size in this building would average 833 square feet per unit, slightly smaller than the average in the other two prototype projects but larger than the average in San Rafael Town Center. The analysis assumes that the base project allowed by zoning would include 148 residential units with a 20-percent (29.6-unit) inclusionary requirement and would therefore be required to provide 15 very low-income units and 15 low-income units. These requirements amount to providing 10.1 percent of units allowable by zoning to very low-income households and 10.1 percent of units allowable by zoning to low-income households. This analysis assumes that the developer would choose to provide 17 very low-income units (equal to 11.5 percent of the units allowable by zoning), in order to receive the full 35-percent density bonus, and 13 low-income units to meet the remainder of the City's inclusionary requirement. In total, this project would include 170 market-rate units and 30 affordable units (17 very low-income and 13 low-income).

The two levels of podium parking in the residential building would provide a total of 285 parking spaces, 270 of which would be in spaces with mechanical parking lifts that essentially accommodate two cars per stall. This analysis assumes that 150 parking spaces would be dedicated to the residential portion of the project, at a rate of 0.75 spaces per unit, and 135 parking spaces would be dedicated to the office portion of the project, at a rate of 1.5 spaces per 1,000 square feet. This analysis assumes no dedicated parking for the retail space.

In addition to the residential, office, and retail uses on the site, the development program for this site includes a pedestrian paseo that would run through the center of the site as well as common areas in the center of the site that could accommodate relocated historic structures from elsewhere in the Downtown Precise Plan area. These historic structures could be converted to office or public uses. The financial feasibility analysis presented in this memorandum assumes that the developer of the site would not be responsible for the cost to construct the pedestrian paseo or relocate the historic structures, and would not receive any rent or sale revenue from the relocated historic structures, though the developer would dedicate site area for these uses.

## **Methodology**

The methodology used for this study involved preparation of static pro-forma financial feasibility models for each of the prototype projects described above. The static pro-forma models represent a form of financial feasibility analysis that developers often use at a conceptual level of planning for a development project, as an initial test of financial feasibility for a development concept to screen for viability. BAE developed the various modeling inputs and assumptions needed for the financial feasibility analysis based on interviews with residential developers and other residential real estate professionals active in the area, data from industry publications and databases, experience with recent development projects in the local area, and other research. The detailed pro-formas that BAE prepared for this analysis are attached to this memorandum.

### ***Residual Land Value***

The pro-forma models are structured to calculate the residual land value associated with each prototype. The residual land value for a residential rental project is equal to the market value of the completed project at stabilization, net of total development costs and developer profit. The capitalized value of the project at stabilization is defined as the annual net operating income (NOI) from the project (i.e., annual income from the project net of operating expenses), divided by the capitalization rate (cap rate). The cap rate is a common metric used to estimate the value of a property based on its NOI, and varies based on property type, location, and other property-specific characteristics. The residual land value for a residential rental project can be summarized as follows:

$$\begin{aligned} & \text{Capitalized Value at Stabilization (i.e., NOI / cap rate) - Total Development Costs} \\ & = \\ & \text{Residual Land Value} \end{aligned}$$

The residual land value approximates the maximum amount that a developer should be willing to pay for a given site, based on the value of the project that the developer would build on that site. In general, a development pro-forma that shows a residual land value that is approximately equivalent to the typical sale price for land among recent comparable sales

indicates a financially feasible project. If a developer is able to acquire land for a price that is lower than the residual land value associated with his or her project, the difference between the residual land value and the actual sale price essentially represents additional project profit.

This analysis assumes that a project must generate a residual land value of at least \$130 per site square foot to establish feasibility, though a project that results in a residual land value in this range would likely face significant financial feasibility challenges. While there are limited data on recent land sales in Downtown San Rafael, the data that are available indicate that a sale price of \$130 per site square foot is likely at the bottom end of the range of the potential sale price distribution.

Although this analysis generally assumes that a project would need to generate a residual land value that is consistent with market-rate sale prices, in some cases developers of projects in the Downtown Precise Plan area may be able to acquire land for less than the market rate, which could significantly decrease the feasibility threshold. The small infill prototype evaluated in this analysis is based on a development that could occur on a site in the Downtown Precise Plan area that the City of San Rafael currently owns, which the City could potentially offer to a developer at no cost or for a cost that is somewhat lower than market rates. In this case, a project would be feasible on that site provided that it generates a residual land value that is equal to the discounted sale price for the land, which may be lower than \$130 per site square foot. In a scenario in which a developer is able to acquire land for free, a \$0 residual land value would indicate a financially feasible project, while a project with a negative residual land value would be infeasible.

## **Financial Feasibility Findings**

The financial feasibility analysis found that, based on the assumptions discussed above and detailed in the pro-formas shown in Attachment A, none of the prototypes tested in this analysis are feasible under current market conditions. All of the prototypes tested result in negative residual land values, indicating that these projects would not be financially feasible even with no land cost. The results of the financial feasibility analysis are summarized in Table 1 below and detailed in the pro-formas attached to this memorandum.

The findings presented below reflect the current development environment in the Bay Area region, which has been impacted by significant increases in construction costs over recent years. While home sale prices and multifamily rental rates have also increased, the pace of the increase in sale prices and rents has not matched the pace of increases in construction costs. As a result, developers are facing challenges in achieving financial feasibility with new projects.

Despite these current challenges, residential construction activity has continued in many Bay Area communities. This construction activity is likely continuing in part because the

construction contracts for many projects that are now under construction were negotiated and fixed prior to the recent escalation in construction costs, and therefore do not reflect the cost that a developer would pay if required to negotiate a construction contract in the current environment. Other projects may benefit from low site acquisition costs or high projected rents or sale prices that enable feasibility in the current environment, though these projects are not necessarily typical. In other cases, developers may continue to pursue projects in anticipation of future rent or sale price increases, which would provide returns in future years that would not be captured in the static pro-forma models used in this analysis. The current imbalance between construction costs and residential project revenues is expected to even out over time, at which point the feasibility of the prototypes would improve.



**Table 1: Summary of Financial Feasibility Analysis Findings, Downtown San Rafael Development Prototypes**

	Prototype 1: Small Infill	Prototype 2: Medium Infill	Prototype 3: Large Infill			
<b>Development Program</b>						
Site Size (acres)	0.1	0.9	2.1			
Total Units	7	27	200			
Total Nonresidential Square Footage	0	0	100,000			
Parking Spaces	3	20	285			
Parking Type	Tuck-Under	Tuck-Under & Surface	Above-Ground Podium with Parking Lifts			
<b>Total Development Costs, Excluding Land Acquisition</b>			<b>Residential</b>	<b>Office</b>	<b>Retail</b>	<b>Total</b>
Total Development Costs (TDC)	\$4,181,423	\$16,273,317	\$102,481,620	\$63,207,392	\$5,035,013	\$170,724,025
TDC per Unit	\$597,346	\$602,715	\$512,408	N/A	N/A	N/A
TDC per Gross Building Sq. Ft.	\$569	\$592	\$554	\$702	\$504	\$599
<b>Residual Land Value Analysis</b>						
Capitalized Value (Rental)	\$3,583,325	\$14,165,975	\$102,934,795	\$47,353,846	\$4,897,778	\$155,186,419
Less Development Costs	(\$4,181,423)	(\$16,273,317)	(\$102,481,620)	(\$63,207,392)	(\$5,035,013)	(\$170,724,025)
<b>Residual Land Value</b>	<b>(\$598,098)</b>	<b>(\$2,107,342)</b>	<b>\$453,175</b>	<b>(\$15,853,546)</b>	<b>(\$137,236)</b>	<b>(\$15,537,606)</b>
<i>Residual Land Value per Site Sq. Ft.</i>	<i>(\$120)</i>	<i>(\$56)</i>	<i>\$8</i>	<i>(\$558)</i>	<i>(\$43)</i>	<i>(\$173)</i>

Source: BAE, 2020.

### ***Sensitivity Analysis***

The findings shown in Table 1 are sensitive to the development cost and rent assumptions used in the analysis, and will vary as market conditions change over time and between projects. Table 2 below shows findings from a sensitivity analysis that evaluates how changes to the rent and development cost assumptions would affect the financial feasibility of each of the prototype projects. As shown, both the residential and office components of the large prototype project would result in a residual land value of at least \$130 per site square foot under some of the conditions tested in the sensitivity analysis. This prototype would potentially be financially feasible in these scenarios, though a higher residual land value – resulting from a larger increase in rents, larger decrease in construction costs, or some combination of these factors – might be necessary to ensure financial feasibility.

Because the small infill site is owned by the City and could be offered to a developer at a discounted rate, Table 2 also presents findings related to the changes that would be needed to result in a feasible project on that site, assuming no land cost. As shown, a relatively large decrease in residential hard costs (16 percent) or a relatively large increase in market-rate rents (12 percent) would be necessary to achieve a positive residual land value on this site, which would indicate a feasible project with no land cost. However, this project would also become feasible with no land cost and a more moderate decrease in residential hard costs (eight percent), coupled with a more moderate increase in market-rate rents (six percent). Various other combinations of decreases in hard construction costs and increases in market-rate rents would also result in a financially feasible project if the cost of land for this project were heavily discounted. Overall, the changes needed to make this project feasible with no land cost are substantially lower than those that would be needed to make this project feasible with a market-rate land cost.

**Table 2: Financial Feasibility Sensitivity Analysis Results, Changes in Rent and Construction Cost Assumptions**

Change to Assumptions	Residual Land Value per Site Sq. Ft.			
	Small Prototype	Medium Prototype	Large Prototype – Residential Component	Large Prototype – Office Component
<i>Baseline (as shown in Table 1)</i>	<i>(\$120)</i>	<i>(\$56)</i>	\$8	<i>(\$558)</i>
<b>Effect of Changes in Residential Construction Costs</b>				
8% decrease in residential hard cost assumptions	<i>(\$59)</i>	<i>(\$26)</i>	\$134	<i>(\$558)</i>
16% decrease in residential hard cost assumptions	\$2	\$5	\$261	<i>(\$558)</i>
<b>Effect of Changes in Market-Rate Residential Rents</b>				
5% increase in market-rate residential rents	<i>(\$69)</i>	<i>(\$29)</i>	\$129	<i>(\$558)</i>
12% increased market-rate residential rents	\$1	\$8	\$300	<i>(\$558)</i>
<b>Effect of Changes in Residential Construction Costs and Market-Rate Residential Rents</b>				
2% decrease in residential hard cost assumptions + 4% increase in market-rate residential rents	<i>(\$64)</i>	<i>(\$27)</i>	\$137	<i>(\$558)</i>
8% decrease in residential hard cost assumptions + 6% increase in market-rate residential rents	\$1	\$6	\$280	<i>(\$558)</i>
<b>Effect of Changes in Office Rents</b>				
Increased office rents by \$1.25 per month	<i>(\$120)</i>	<i>(\$56)</i>	\$8	\$136

Table 3 below shows the residual land value associated with each project if the project provides only the minimum number of very low-income units necessary to be eligible for the maximum 35-percent State Density Bonus for market-rate projects, rather than meeting the City’s full inclusionary requirement. As shown, this change would not affect the financial feasibility of the small or medium project compared to the baseline analysis shown in this report. This is because the City’s inclusionary ordinance requires a smaller proportion of inclusionary units for projects with 20 or fewer units than for larger projects. When rounded to the nearest whole unit, the City’s inclusionary requirements for the small and medium project result in the same number of affordable units as would be needed to make these projects eligible for the maximum State Density Bonus for market-rate projects.

The figures in Table 3 demonstrate that providing only the number of affordable units necessary to be eligible for the maximum State Density Bonus brings the residential component of the large prototype closer to reaching the financial feasibility threshold (i.e., generating a residual land value of at least \$130 per site square foot), but does not make this prototype feasible. In this scenario, the large prototype would consist of the same physical building as in the baseline analysis but would not provide the low-income units that the baseline scenario included to meet the City’s inclusionary requirements. Compared to the baseline scenario, the effect that reducing the affordability contribution has on the residential component of this prototype is approximately equivalent to the effect of a four percent decrease in hard residential construction costs or a three percent increase in market-rate rents.

**Table 3: Financial Feasibility Sensitivity Analysis Results, Changes in Affordability Levels**

Change to Assumptions	Residual Land Value per Site Sq. Ft.		
	Small Prototype	Medium Prototype	Large Prototype – Residential Component
<i>Baseline (as shown in Table 1)</i>	(\$120)	(\$56)	\$8
11% of project allowable by zoning affordable to very low-income households (minimum very low-income requirement for eligibility for full State Density Bonus)	(\$120)	(\$56)	\$78

## ATTACHMENT A: DETAILED PRO-FORMAS

This attachment includes the detailed pro-formas that informed the findings presented in the preceding memorandum, as well as information on the key assumptions used in the pro-forma analysis.

### Key Assumptions

The information on key assumptions provided below provides detail on the methodology used for this study to derive total development costs and project values. Developers vary somewhat in the categorization of various project costs, and therefore may show different cost figures for individual cost items even for projects with similar overall development costs. Any variation in the specific cost items described below would not affect the findings of this analysis provided that the total development costs shown each of the following pro-formas are consistent with total development costs for similar projects.

**Hard Costs:** Hard costs are the costs associated with the physical construction of a building, including all construction materials and labor. For the small and medium prototypes, this analysis uses a hard cost assumption of \$380 per square foot of built residential space. For the large prototype, this analysis uses a slightly lower hard cost assumption of \$365 per square foot of residential space, which reflects that the larger project would gain some efficiencies due to scale. The analysis of the large prototype assumes a hard construction cost of \$350 per square of retail space and \$440 per square foot of office space. These costs assume wood-frame construction for the residential portion of the podium building and heavy timber construction for the office building. All pro-formas included in this analysis use a parking hard cost assumption of \$10,000 per surface parking space, \$35,000 per tuck-under parking space, and \$50,000 per podium space. Hard costs for mechanical parking lifts are estimated to average \$17,000 per lift, in addition to the cost of the parking space itself.

All hard cost assumptions used in this analysis are consistent with hard cost estimates for recent projects in the area as well as an ongoing construction cost study that BAE is currently preparing that evaluates typical construction costs in the Bay Area for various types of residential and non-residential developments. However, it should be noted that hard costs are subject to variation, even among projects that are relatively similar, and the sources that BAE used to estimate hard costs for this study reflected this variation.

**Soft Costs:** This analysis assumes that soft costs are equal to 20 percent of hard costs. This soft cost estimate includes engineering, architecture, and CEQA costs, as well as City cost-recovery fees for planning, permitting, and entitlements, but does not include financing costs or impact fees. Financing costs and impact fees were calculated separately and included in total development costs as separate line items.

**Financing Costs:** This analysis assumes a 5.0 percent interest rate on construction loans and loan fees equal to 0.75 percent of the loan amount. These assumptions are consistent with BAE's experience with recent projects in the region and recent interviews with developers that are active in the region.

**Impact Fees:** BAE calculated impact fees for each prototype based on the City of San Rafael and San Rafael City School District impact fee schedules, applied to the characteristics of each prototype. The impact fee calculations for each project are attached to this memorandum.

**Market-Rate Residential Rents:** This analysis assumes that monthly rents for market-rate units will average \$3,300 per unit. These rental rates are based on the monthly rents for market-rate units in the four most recently constructed multifamily rental developments in San Rafael, according to March 2020 data from CoStar. The rental rate assumptions used in this analysis assume that rents for new units will be slightly higher than the average for comparably-sized existing units in San Rafael because newer buildings will generally feature more modern fixtures and amenities.

**Affordable Residential Rents:** The affordable rental rates used in this analysis are based on the rents that would be affordable to households with incomes equal to the income limits for a very low-income household and a low-income household in Marin County, according to 2019 income limits published by the California State Department of Housing and Community Development (HCD). The affordable rental rates are based on an assumption that the affordable rental rate is equal to 30 percent of gross household income after utility costs, and reflect the midpoint between the affordable rent for a one-bedroom unit and the affordable rent for a two-bedroom unit, with rents adjusted for unit size assuming a household size equal to the number of bedrooms in the unit plus one.

**Capitalization Rate:** The capitalization rate is defined as the net operating income that a property generates divided by the estimated value of the property. Capitalization rates are a common metric used to estimate the value of a rental property based on its net operating income, and vary by property type, location, and other property-specific characteristics. This analysis uses a capitalization rate of 4.50 percent to value multifamily rental development, 6.5 percent to value office development, and 6.75 percent to value retail development. These capitalization rates are based on the capitalization rates reported in the CBRE North America Cap Rate Survey for the second half of 2019. The CBRE Survey does not include capitalization rates that are specific to San Rafael, and therefore the assumptions used in this analysis are based on the capitalization rates in other Bay Area cities and BAE's assessment of San Rafael's market position relative to these other cities.

**Table 4: Pro-Forma for Small Multifamily Rental Prototype, Downtown San Rafael, 2020**

Development Program Assumptions		Cost and Income Assumptions		Development Cost Analysis	
Site Size (acres)	0.1	<b>Development Costs</b>		<b>Hard Costs</b>	
Site Size (sf)	5,000	Construction Hard Costs		Site Work	\$125,000
		Site Work, per site sf	\$25	Residential	\$2,793,000
Total Dwelling Units	7	Residential, per sf	\$380	Tuck-Under Parking	\$105,000
Base Project Units	5	Tuck-Under Parking, per space	\$35,000	Surface Parking	\$0
Density Bonus Units	2	Surface Parking, per space	\$10,000	<b>Total Hard Costs</b>	<b>\$3,023,000</b>
				<i>Hard Costs per Unit</i>	<i>\$431,857</i>
Built Project Density (units per acre)	61	Soft Costs (as a % of hard costs) (a)	20%	<i>Hard Costs per Gross Building sf</i>	<i>\$411</i>
		Impact Fees (per unit)	\$13,579		
Gross Building Area (sf)	7,350	<b>Operating Revenues &amp; Expenses</b>		Soft costs (a)	\$604,600
Net Rentable (% of gross res. area)	85%	Avg Residential Market Rent, per unit month (b)	\$3,300	Impact fees	\$95,053
Net Rentable (sf)	6,248	Very Low Income Rent, per unit per month (c)	\$1,713	<b>Total Soft Costs</b>	<b>\$699,653</b>
Net Rentable per unit	893	Low Income Rent, per unit per month (c)	\$2,056		
		Vacancy	5%	<b>Financing Costs</b>	
Total Parking Spaces	3	Operating Expenses (per unit/year)	\$12,000	Total Loan Amount	\$2,419,724
Tuck Under	3			Interest	\$60,493
Surface	0			Points	\$18,148
Parking Ratio (spaces per dwelling unit)	0.43	<b>Construction Financing</b>		<b>Total Financing Costs</b>	<b>\$78,641</b>
		Loan to Cost Ratio	65%		
<b>Unit Mix</b>	<b>%</b>	<b>#</b>		<b>Developer Profit</b>	<b>\$380,129</b>
Market Rate	86%	6	Interest Rate	5.0%	
Very Low Income (50% AMI)	14%	1	Loan Fees	0.75%	<b>Total Development Costs (Excl. Land)</b>
Low Income (60% AMI)	0%	0	Construction Period (months)	12	<i>Cost per residential sf</i>
			Avg. Outstanding Balance During Construction	50%	<i>Cost per residential unit</i>
Total Affordable Units	14.3%	1			<i>\$597,346</i>
			Developer Profit (as % of total project costs)	10%	
			Capitalization Rate	4.50%	
				<b>Valuation Analysis</b>	
				<b>Projected Revenue</b>	
				Gross Annual Income	\$258,158
				Less: Vacancy	(\$12,908)
				Less: Operating Expenses	(\$84,000)
				Net Operating Income (NOI)	<b>\$161,250</b>
				Capitalized Project Value	\$3,583,325
				Less Total Development Costs	(\$4,181,423)
				<b>Residual Land Value (RLV)</b>	<b>(\$598,098)</b>
				<i>RLV per Unit</i>	<i>(\$85,443)</i>
				<i>RLV per Site sf</i>	<i>(\$120)</i>

Notes:

(a) Soft costs shown in this line include engineering, architecture, and CEQA costs, as well as City cost-recovery fees for planning, permitting, and entitlements

(b) Market-rate rents based on rents for market-rate units in recently-constructed multifamily rental properties in San Rafael, according to data from CoStar.

(c) Affordable rental rates reflect the affordable rent for households at each AMI level, based on 2019 income limits for Marin County, assuming that the affordable rent is equal to 30 percent of gross household income. Rental rates shown for each AMI level are the midpoint between the affordable rent for a two-person household and the affordable rent for a three-person household.

Source: BAE, 2019

**Table 5: Pro-Forma for Medium Multifamily Rental Prototype, Downtown San Rafael, 2020**

Development Program Assumptions			Cost and Income Assumptions			Development Cost Analysis	
Site Size (acres)	0.9		<b>Development Costs</b>			<b>Hard Costs</b>	
Site Size (sf)	37,500		Construction Hard Costs			Site Work	\$937,500
			Site Work, per site sf	\$25		Residential	\$10,450,000
Total Dwelling Units	27		Residential, per sf	\$380		Tuck-Under Parking	\$175,000
Base Project Units	18		Tuck-Under Parking, per space	\$35,000		Surface Parking	\$150,000
Density Bonus Units	9		Surface Parking, per space	\$10,000		<b>Total Hard Costs</b>	<b>\$11,712,500</b>
						<i>Hard Costs per Unit</i>	\$433,796
Built Project Density (units per acre)	31		Soft Costs (as a % of hard costs) (a)	20%		<i>Hard Costs per Gross Building sf</i>	\$426
			Impact Fees (per unit)	\$13,579			
Gross Building Area (sf)	27,500		<b>Operating Revenues &amp; Expenses</b>			Soft costs (a)	\$2,342,500
Net Rentable (% of gross res. area)	88%		Avg Residential Market Rent, per unit month (b)	\$3,300		Impact fees	\$366,632
Net Rentable (sf)	24,200		Very Low Income Rent, per unit per month (c)	\$1,713		<b>Total Soft Costs</b>	<b>\$2,709,132</b>
Net Rentable per unit	896		Low Income Rent, per unit per month (c)	\$2,056			
			Vacancy	5%		<b>Financing Costs</b>	
Total Parking Spaces	20		Operating Expenses (per unit/year)	\$12,000		Total Loan Amount	\$9,374,061
Tuck Under	5					Interest	\$351,527
Surface	15		<b>Construction Financing</b>			Points	\$70,305
Parking Ratio (spaces per dwelling unit)	0.74		Loan to Cost Ratio	65%		<b>Total Financing Costs</b>	<b>\$421,833</b>
			Interest Rate	5.0%			
<b>Unit Mix</b>	<b>%</b>	<b>#</b>	Loan Fees	0.75%		<b>Developer Profit</b>	<b>\$1,484,346</b>
Market Rate	89%	24	Construction Period (months)	18			
Very Low Income (50% AMI)	7%	2	Avg. Outstanding Balance During Construction	50%		<b>Total Development Costs (Excl. Land)</b>	<b>\$16,327,811</b>
Low Income (60% AMI)	4%	1				<i>Cost per residential sf</i>	\$594
			Developer Profit (as % of total project costs)	10%		<i>Cost per residential unit</i>	\$604,734
Total Affordable Units	11.1%	3	Capitalization Rate	4.50%		<b>Valuation Analysis</b>	
						<b>Projected Revenue</b>	
Notes:							
(a) Soft costs shown in this line include engineering, architecture, and CEQA costs, as well as City cost-recovery fees for planning, permitting, and entitlements							
(b) Market-rate rents based on rents for market-rate units in recently-constructed multifamily rental properties in San Rafael, according to data from CoStar.							
(c) Affordable rental rates reflect the affordable rent for households at each AMI level, based on 2019 income limits for Marin County, assuming that the affordable rent is equal to 30 percent of gross household income. Rental rates shown for each AMI level are the midpoint between the affordable rent for a two-person household and the affordable rent for a three-person household.							
						Gross Annual Income	\$1,016,184
						Less: Vacancy	(\$50,809)
						Less: Operating Expenses	(\$324,000)
						Net Operating Income (NOI)	\$641,375
						Capitalized Project Value	\$14,252,773
						Less Total Development Costs	(\$16,327,811)
						<b>Residual Land Value (RLV)</b>	<b>(\$2,075,038)</b>
						<i>RLV per Unit</i>	(\$76,853)
						<i>RLV per Site sf</i>	(\$55)



**Table 6: Pro-Forma for Large Multifamily Rental/Office Mixed-Use Prototype, Downtown San Rafael, 2020**

Development Program Assumptions			Cost and Income Assumptions			Development Cost Analysis						
Site Size (acres)	2.1		<b>Development Costs</b>			<b>Hard Costs</b>						
Site Size (sf)	90,000		Construction Hard Costs			Site Work	Residential	Office	Retail	Total		
Total Dwelling Units	200		Site Work, per site sf			\$25	\$1,460,526	\$710,526	\$78,947	\$2,250,000		
Base Project Units	158		Residential, per sf			\$365	\$67,525,000	\$39,600,000	\$3,500,000	\$110,625,000		
Density Bonus Units	42		Office, per sf, including TI allowance			\$440	\$3,750,000	\$3,750,000	\$0	\$7,500,000		
Built Project Density (units per acre)	97		Retail, per sf, including TI allowance			\$350	\$1,275,000	\$1,020,000	\$0	\$2,295,000		
			Podium Parking, per stall			\$50,000	<b>Total Hard Costs</b>	<b>\$74,010,526</b>	<b>\$45,080,526</b>	<b>\$3,578,947</b>	<b>\$122,670,000</b>	
			Cost Per Parking Stacker			\$17,000	<i>Hard Costs per Unit</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	
			Soft Costs (as a % of hard costs) (b)			20%	<i>Hard Costs per Gross Building sf</i>	<i>\$400</i>	<i>\$501</i>	<i>\$358</i>	<i>\$430</i>	
	Net	% Net	Impact Fees (per residential unit)			\$8,524	Soft costs (a)	\$14,802,105	\$9,016,105	\$715,789	\$24,534,000	
	<u>Rentable SF</u>	<u>Rentable</u>	<u>Gross</u>	Impact Fees (per commercial sf)			\$19.24	Impact fees	\$1,704,842	\$1,731,656	\$152,467	\$3,588,965
Total Building Area (sf)	285,000		Impact Fees (per retail sf)			\$15.25	<b>Total Soft Costs</b>	<b>\$16,506,947</b>	<b>\$10,747,762</b>	<b>\$868,257</b>	<b>\$28,122,965</b>	
Residential sf	166,500	90%	185,000	<b>Operating Revenues &amp; Expenses</b>			<b>Financing Costs</b>					
Office sf	90,000	100%	90,000	Avg Residential Market Rent, per unit month (c)			\$3,300	Total Loan Amount	\$58,836,358	\$36,288,387	\$2,890,683	\$98,015,427
Retail sf	10,000	100%	10,000	Very Low Income Rent, per unit per month (d)			\$1,713	Interest	\$2,206,363	\$1,360,815	\$108,401	\$3,675,579
Residential Net SF Rentable/Unit	833		Low Income Rent, per unit per month (d)			\$2,056	Points	\$441,273	\$272,163	\$21,680	\$735,116	
	Parking	Parking	Res. Operating Expenses (per unit/year)			\$12,000	<b>Total Financing Costs</b>	<b>\$2,647,636</b>	<b>\$1,632,977</b>	<b>\$130,081</b>	<b>\$4,410,694</b>	
	<u>Stalls</u>	<u>Stackers (a)</u>	<u>Total (a)</u>				<b>Developer Profit</b>					
Total Parking Spaces (Podium)	150	135	285	Office Rent, per sf per month, NNN			\$3.00	<b>\$9,316,511</b>	<b>\$5,746,127</b>	<b>\$457,728</b>	<b>\$15,520,366</b>	
Residential Spaces	75	75	150	Retail Rent, per sf per month, NNN			\$2.90	<b>Total Development Costs (Excl. Land)</b>	<b>\$102,481,620</b>	<b>\$63,207,392</b>	<b>\$5,035,013</b>	<b>\$170,724,025</b>
Office Spaces	75	60	135	Vacancy			5%	<i>Cost per sf</i>	<i>\$554</i>	<i>\$702</i>	<i>\$504</i>	<i>\$599</i>
Retail Spaces	0	0	0					<i>Cost per residential unit</i>	<i>\$512,408</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<b>Parking Ratio</b>						<b>Valuation Analysis</b>						
Spaces per Dwelling Unit	0.75		<b>Construction Financing</b>			<b>Projected Revenue</b>						
Spaces per 1,000 sf of Office	1.50		Loan to Cost Ratio			65%	Gross Annual Income	\$7,376,424	\$3,240,000	\$348,000	\$10,964,424	
Spaces per 1,000 sf of Retail	0.00		Interest Rate			5.0%	Less: Vacancy	(\$368,821)	(\$162,000)	(\$17,400)	(\$548,221)	
			Loan Fees			0.75%	Less: Operating Expenses	(\$2,400,000)	\$0	\$0	(\$2,400,000)	
<b>Residential Unit Mix</b>			Construction Period (months)			18	Net Operating Income (NOI)	<b>\$4,607,603</b>	<b>\$3,078,000</b>	<b>\$330,600</b>	<b>\$8,016,203</b>	
Market Rate	84%	168	Avg. Outstanding Balance During Construction			50%	Capitalized Project Value	\$102,391,173	\$47,353,846	\$4,897,778	\$154,642,797	
Very Low Income (50% AMI)	8%	16	Developer Profit (as % of total project costs)			10%	Less Total Development Costs	(\$102,481,620)	(\$63,207,392)	(\$5,035,013)	(\$170,724,025)	
Low Income (60% AMI)	8%	16	Residential Capitalization Rate			4.50%	<b>Residual Land Value (RLV)</b>	<b>(\$90,447)</b>	<b>(\$15,853,546)</b>	<b>(\$137,236)</b>	<b>(\$16,081,228)</b>	
Total Affordable Units	16.0%	32	Commercial Capitalization Rate			6.50%	<i>RLV per Unit</i>	<i>(\$452)</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	
			Retail Capitalization Rate			6.75%	<i>RLV per Site sf</i>	<i>(\$2)</i>	<i>(\$558)</i>	<i>(\$43)</i>	<i>(\$179)</i>	
<b>Notes:</b>												
(a) Stackers enable one additional car per stall.												
(b) Soft costs shown in this line include engineering, architecture, and CEQA costs, as well as City cost-recovery fees for planning, permitting, and entitlements												
(c) Market-rate rents based on rents for market-rate units in recently-constructed multifamily rental properties in San Rafael, according to data from CoStar.												
(d) Affordable rental rates reflect the affordable rent for households at each AMI level, based on 2019 income limits for Marin County, assuming that the affordable rent is equal to 30 percent of gross household income. Rental rates shown for each AMI level are the midpoint between the affordable rent for a two-person household and the affordable rent for a three-person household.												
(e) Podium structure hard construction costs are equal to the number of parking stalls multiplied by the hard construction cost per podium space.												

