



Introduction

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

Applicability

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

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

Requirements

On February 16, 2021, the City Council adopted an amendment to the Affordable Housing [Ordinance 1990](#) and associated Resolutions [14890](#) and [14891](#) amending the affordable housing obligation residential projects. Residential development projects would have a primary and a secondary requirement. Residential development projects between two (2) and fifteen (15) units shall meet only the Primary Requirement. Residential development project greater than fifteen (15) units shall meet both the Primary Requirement and Secondary Requirement. Primary and Secondary Requirements are described below:

Primary Requirement. All Residential development projects shall provide affordable housing units as follows:

- 2-15 units : 10% of the proposed units (excluding density bonus units) must be affordable to and occupied by a low- income household
- 15 or more Housing Units* : 5% of the proposed unit (excluding density bonus units) s must be affordable to and occupied by a low-income household

* See exemptions listed in SRMC 14.16.030 subsection (B)(1).

Secondary Requirement. Residential development projects greater than fifteen (15) units shall satisfy the Secondary Requirement through any of the following alternate means:

- Additional On-Site Affordable Units. A developer may request this option by providing the additional on-site affordable units as set forth in [Resolution 14890](#).
- In-Lieu Fees for Residential Development. A developer may request this option by proposing payment of an in-lieu fee equivalent to five percent (5%) of the total proposed units (not including density bonus units).
- Off-Site Affordable Units. Provision of affordable units off-site must be approved by the decision-making body reviewing and taking action on the project, and shall meet criteria set forth in [Resolution 14890](#).
- Donation of Land to the City. The City may choose to accept the donation of land to the City as a means of alternative compliance with this policy if, after appropriate due diligence, the City determines that the land is desirable for the production of affordable

housing and meets the criteria set forth in [Resolution 14890](#), as determined by the Community Development Director.

Current affordable housing in-lieu fee for a full unit is approximately \$343,969.47 (last updated February 2019). Check with the Planning Division for the current figure. Rental units must be affordable to very low (50%AMI) and low income (60% AMI) persons assuming 30% of income will be spent on total housing costs. Calculation is based on area median income (AMI). For more information visit www.cityofsanrafael.org/housing/.

Length of Restrictions

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

Selection of Affordable Units

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

Selection of Occupants

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

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

Process

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

Density Bonus

The City of San Rafael allows a density bonus pursuant to State Law for provision of affordable units (see table below). Density bonus units are market rate units. In addition to the bonus units, projects meeting the density bonus thresholds are entitled to additional incentives to assure the density bonus units can be developed. For more information on density bonus, please contact the Planning Division. (revised 2/2019)

DENSITY BONUS CALCULATION TABLE

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