

2 Evaluation of Prior Housing Element

2.1 Introduction

Government Code Section 65588 requires each local government to periodically review its housing element to:

- (1) Evaluate the appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal, which is to provide decent housing and a suitable living environment for every Californian.
- (2) Evaluate the effectiveness of the housing element in attainment of the community's housing goals and objectives.
- (3) Discuss the progress of the city or county in implementation of the housing element.

2.2 2015-2023 RHNA and Actual Production

The City's Regional Housing Needs Allocation (RHNA) for the prior (2015-2023) period was 1,007 units. The City provided adequate sites to accommodate this assignment, which included 240 units of very low-income housing, 148 units of low-income housing, 181 units of moderate-income housing, and 438 units of above moderate-income housing.

As shown in Table 2-1, the actual number of units permitted during the first seven years of this eight-year period, based on the City's Annual Housing Progress reports, was 388 units. However, these units were not evenly distributed across income categories. The City produced 60 percent of its above moderate income assignment, 6 percent of its moderate income assignment, 51 percent of its low income assignment, and 16 percent of its very low income assignment. The table does not show data for 2022, but additional permits for lower income housing were issued during the year, bringing the City closer to its lower-income targets.

The very low-income housing permitted over the period includes the 32-unit Homeward Bound development on Mill Street. Many of the low- and moderate-income units produced over the planning period were accessory dwelling units (ADUs), which are not deed restricted but are affordable "by design." ADUs smaller than 500 square feet are generally classified as "low" income, while those larger than 500 square feet are generally classified as "moderate." A few of the low- and moderate-income units produced over the period resulted from the City's affordable housing (inclusionary) ordinance and related density bonus requests. Market-rate housing produced over the period included the Loch Lomond Marina development (The Strand), a 41-unit apartment complex at 4th and B Streets, and several smaller Downtown projects (1628 Fifth, 21 G Street, 107 G Street, 524 Mission).

Table 2-2 compares housing production over the Fifth Cycle for San Rafael, Marin County, and the nine county San Francisco Bay Area. The data includes calendar years 2015 through 2021 and excludes the final 13 months of the Fifth Cycle.

Table 2.1: Progress Made Toward 2015-2023 Regional Housing Needs Allocation

Income Level		RHNA Allocation	Permits Issued							Total Units to Date
			2015	2016	2017	2018	2019	2020	2021	
Very Low	Deed Restricted	240	2	-	-	1	-	4	32	39
	Non-Deed Restricted		-	-	-	-	-	-	-	
Low	Deed Restricted	148	10	5	-	1	-	2	1	76
	Non-Deed Restricted		4	-	7	22	6	7	11	
Moderate	Deed Restricted	181	-	-	-	-	-	-	-	11
	Non-Deed Restricted		10	-	-	1	-	-	-	
Above Moderate		438	94	21	20	14	22	69	22	262
TOTAL		1,007	120	26	27	39	28	82	66	388

Source: San Rafael 2022 Annual Progress Report. Excludes data for 2022 and 2023.

Table 2-2: RHNA Progress for City, County, and Region, 2015-2021

Income Group	Housing Units Permitted					
	San Rafael	% of RHNA Permitted	Marin County	% of RHNA Permitted	Nine-county Bay Area	% of RHNA Permitted
Very Low	40	16.7%	287	46.4%	14,697	31.5%
Low	77	52.0%	377	102.7%	12,539	43.3%
Moderate	11	6.1%	251	59.3%	17,028	51.0%
Above Moderate	278	63.5%	1,228	138.0%	145,868	184.8%
TOTAL	406	40.3%	2,143	93.3%	190,132	101.1%

Source: HCD Data Dashboard, 2022. Excludes data for 2022 and 2023.

Note: The HCD data dashboard indicates that 406 units per permitted during the period, which is slightly higher than the total of the City's annual progress reports for 2015-2021 (388 units).

Table 2-2 indicates that San Rafael had permitted housing units equivalent to 40 percent of its RHNA as of December 31, 2021. The equivalent figure for the county as a whole (including all 11 cities and the unincorporated area) was 93 percent. At a regional level, cities and counties in the nine-county Bay Area permitted housing units equivalent to 101 percent of the 2015-2023 RHNA. Again, production was heavily weighted toward above moderate-income housing, with most jurisdictions falling well below their lower- and moderate-income targets. Regionally, the Bay Area permitted 185 percent of the 2015-2023 RHNA for above moderate-income housing but only about 36 percent of the RHNA for low- and very low-income housing.

It is expected that data for 2022 will show an uptick in housing permits for San Rafael as a number of projects with entitlements broke ground during the year. The City also entitled a number of large projects in 2018-2021, which suggest higher rates of permitting in the coming years. However, as of 2022 the city is still lagging the county and region in housing production relative to the RHNA.

2.3 Evaluation Matrix for 2015 Housing Element

Table 2.3 is an evaluation matrix for the 2015 Housing Element. The matrix presents each of the housing programs from the 2015 Element in the second column. The third column provides an assessment of the program's effectiveness and continued relevance, including a recommendation for retaining the program, deleting it, replacing it, or editing it. As appropriate, the text also indicates program "gaps" suggesting where new programs may be needed.

Preparation of this matrix was one of the early tasks of the Housing Element Update. Some of the findings evolved over the course of the project and were modified based on community input and additional evaluation. Some of the programs noted as being "carried forward" were modified, combined, or edited. There are also new programs in the 2023-2031 Housing Element that are not referenced here. Nonetheless, the matrix provided a useful tool for identifying where the existing Element was working and where improvements or changes were needed.

Table 2.3 only includes programs; it does not list goals and policies. Feedback from the City's Housing Element Working Group indicated that the two goals from the 2015 Element did not adequately cover the breadth of housing issues in the city and should be expanded. The Working Group also expressed that substantial revisions to the policies were needed, with a greater focus on those populations who are most impacted by the regional housing crisis.

Table 2.3: Evaluation Matrix for 2015-2023 Housing Element Programs

Program	Text	Evaluation
<p>Program H-1A</p>	<p>Annual Housing Element Review. Provide an annual Housing Element progress report for review by the public and City decision-makers. The Report will document:</p> <ul style="list-style-type: none"> • San Rafael's annual residential building activity, including identification of any deed restricted affordable units; • Progress towards the Regional Housing Needs Allocation since the start of the planning period; and • Implementation status of Housing Element programs 	<p>CARRY FORWARD. Although this is required by State law, it is helpful to reiterate it in the Housing Element. The Annual Progress Report provides an important self-evaluation of the City's progress in meeting its goals, and an opportunity for course corrections.</p> <p>This program has been implemented consistently during the 2015-2023 cycle. The City prepared annual reports six years in a row, and these reports have helped focus City Council discussions on housing. They are also used to track the City's progress toward meeting its RHNA, facilitate applications for grants, and allocate funds for housing programs.</p>
<p>Program H-2A</p>	<p>Design Concerns of Single-Family Homes. Examine and amend, as needed, zoning regulations and guidelines for single-family homes to address concerns about bulk, height, setbacks privacy, and other impacts of new homes and of additions to existing homes. Consider potential cost impacts on housing development when developing new regulations and guidelines.</p>	<p>REMOVE. This is already covered by several programs in General Plan 2040. See CDP-4.1A (Design Guidelines), CDP-4.1B (Objective Standards), CDP-4.3A (Reinforcing Design Context), and CDP-4.4 (single family home design). As a matter of practice, the City regularly examines its zoning regulations and guidelines to address the issues listed here.</p>
<p>Program H-2B</p>	<p>Compatibility of Building Patterns. Adopt design guidelines to ensure compatibility of neighborhood building patterns. Guidelines may address setback patterns, garage and driveway patterns, and building scale. Further develop the character-defining elements of the neighborhood. Guidelines may address entries, roof design, windows, architectural style, materials, and detailing. Consider potential cost impacts on housing development when developing new regulations and guidelines. The City is currently operating under interim design guidelines adopted with the 2020 General Plan, which has been providing direction to the development community.</p>	<p>REMOVE. The City's ability to adopt subjective guidelines that require "compatibility" is limited by state law. Potentially replace with an action program that addresses the need to develop objective design standards, as required by State law. For example, the City adopted Form-Based Code standards for Downtown in the 2021 Downtown Precise Plan. It also has Hillside Residential Design Guidelines, Canalfront Design Guidelines, and special development standards for areas like the Eichler-Alliance homes in Terra Linda. Cross reference to Programs CDP-4.1A and 4.3A in General Plan 2040.</p>

Program	Text	Evaluation
Program H-3A	Neighborhood Meetings. Require neighborhood meetings, as provided for by the City Council resolution for Neighborhood Meeting Procedures, for larger housing development proposals and those that have potential to change neighborhood character. In larger projects, the City requests that developers participate in formal meetings with the community. The City facilitates outreach by helping applicants find information on the appropriate neighborhood groups to contact. City staff attends meetings as a staff resource and conducts noticing of meetings.	REMOVE. Again, this is covered in other elements of the Plan, e.g. Policy CDP-4.2 (Public Involvement in Design Review) as well as the Land Use Element and the Neighborhoods Element. To the extent possible, the focus here should be on measures to reduce delays and additional costs and ensure that residents of all backgrounds are given a chance to participate in the neighborhood meetings.
Program H-3B	Information and Outreach on Housing Issues. Continue to provide information to improve awareness of housing needs, issues and programs, and to collaborate with housing organizations to publicize in-service training, press releases, fair housing laws, contacts, and phone numbers. For example, provide links on the Community Development webpage to housing resources, such as the State Department of Housing and Community Development (HCD).	CARRY FORWARD. This remains valid and could potentially be expanded into a larger set of programs about outreach and education, with a particular focus on those most in need of housing assistance.
Program H-4A	Inter-Jurisdictional Housing Activities and Resources. Continue to implement shared responsibilities, common regulations, coordinated lobbying efforts and the housing data clearinghouse to efficiently and effectively respond to housing needs within the cities and county of Marin.	CARRY FORWARD. This is implemented on an ongoing basis, with the City coordinating with the County and other Marin cities both formally and informally. Formal coordination includes monthly meetings of all Planning Directors, and the use of the County of Marin “clearinghouse” website where cities share various ordinances (SB9, ADU regs, etc.). Marin jurisdictions also collaborate on SB2 (housing) grants, fee studies, and preparation of their Housing Elements.
Program H-4B	Community Collaboration. Encourage cooperative and joint ventures between owners, developers, and community non-profit groups in the provision of affordable housing. Give technical assistance to non-profit developers by providing information on other local sources of funding for affordable housing and introductions to other funders. As appropriate, write letters of support and serve as a co-applicant for project funding, such as for affordable housing funds available through California’s cap-and-trade system. Work with businesses, public agencies, and local school districts to seek opportunities to help employees find local housing.	CARRY FORWARD. Retitle the program. The City routinely uses its expertise to assist local developers in pursuing affordable housing (Homeward Bound, Whistlestop/ Vivalon, etc.) and facilitating by right approval. The last sentence should be handled separately, as it deals with a different topic (teacher housing).

Program	Text	Evaluation
<p>Program H-5A</p>	<p>Fair Housing Program. Designate the Community Development Director as the Equal Opportunity Coordinator in San Rafael. Ensure that written materials regarding fair housing law are provided at various public locations, and that information about fair housing agencies and phone numbers is posted in places such as the City’s website, at City Hall, the Public Library, and other public places. As part of the Cooperative Agreement with the County on CDBG funding, continue to require a portion of the City’s allocation be directed to Fair Housing of Marin and/or other fair housing organizations. Continue to refer discrimination and tenant/landlord complaints to Fair Housing of Marin, or the appropriate legal service, county, state, or federal agency.</p>	<p>CARRY FORWARD, but reorganize as this deals with multiple topics: (1) Designation of Equal Opportunity Coordinator; (2) Distribution of fair housing materials; (3) Allocation of County CDBG funds; (4) referral of discrimination cases. A separate program should be developed addressing renter protection and displacement (just cause, mediation, rent increases, etc.)</p> <p>During the 5th cycle period, the City implemented this program by referring complaints to Fair Housing of Marin and Marin Mediation Services. It also pursued a range of renter protection practices, including adopting a just cause for eviction ordinance and a mandatory median ordinance. In 2020, it adopted a temporary moratorium on rent increases in census tracts most impacted by COVID-19, and a renter relocation assistance program for no-fault evictions in the Canal area.</p>
<p>Program H-6A</p>	<p>In-Lieu Fees for Affordable Housing. Affordable Housing In-Lieu Fees 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 fiscal year 2013/14, San Rafael’s Housing In-Lieu Fee Fund has a current balance of approximately \$1.2 million, with an estimated \$100,000 in additional fees which could be generated during the planning period. Given this relatively limited amount of funding, the City will 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 existing 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 State Law, the City will dedicate a portion of these in lieu fees for housing for extremely low and very low income households.</p>	<p>CARRY FORWARD, but shorten and simplify (move narrative text outside the program itself). The City continues to place in-lieu fees in a fund that is used to leverage affordable housing production and will continue to do so in the future. The issue of how the funds are used is guided by City Council policy. The list of permitted activities shown here remains valid, and the commitment to dedicate funds for extremely low income households remains appropriate.</p> <p>As of 2021, the City had collected over \$1.5 million, with the funds deposited in an Affordable Housing Trust Fund. Projects like 350 Merrydale and Loch Lomond Marina have contributed to the Fund, as well as providing on site below market rate units. The City has used in-lieu fees in the past few years to assist Homeward Bound (190 Mill) and the Vivalon/Eden affordable senior housing project.</p>
<p>Program H-6B</p>	<p>Funding Resources. Work with community and elected leaders to identify potential public and private funding resources for affordable housing funds. Seek to secure at least two new funding sources and a minimum of \$200,000 in outside funds during the planning period.</p>	<p>CARRY FORWARD and update. Resources are procured on a case by case basis as affordable housing applications are received. In 2019, the City received \$310,000 from the SB 2 state grant program. This was used to leverage housing for extremely low-income residents at 190 Mill St. SB2 funds have also been used to update the City’s permit system to streamline housing development review.</p>

Program	Text	Evaluation
Program H-6C	Funding Applications. As opportunities for funding become available, coordinate applications for State and Federal subsidies for affordable housing, and (1) provide technical assistance in public funding resources and local processing requirements, including community involvement; (2) consider project funding and timing needs in the processing and review of the application; and (3) work with applicants to identify appropriate submittal materials to enable a timely determination of application completeness.	MERGE into H-6B as they are closely related. The City continues to provide technical assistance, consider project funding and timing as part of the development review process, and work with applicants to ensure that materials are submitted in a timely manner.
Program H-7A	Condominium Conversion Ordinance. As stated in the zoning ordinance, prohibit conversion of existing multifamily rental units to market rate condominium units unless the city’s rental vacancy rate is above 5.0 percent, as determined by the State of California Finance Department annual Population Estimates. Exceptions include limited equity cooperatives, co-housing, and other innovative housing proposals that are affordable to low- and moderate-income households.	CARRY FORWARD. Potentially broaden to protecting the housing stock The City continues to monitor the rental vacancy rate and restricts condominium conversions. There have been no conversions as the rental vacancy rate has remained below 5%. The list of “exceptions” remains appropriate.
Program H-7B	Preserving Existing Rental Housing Affordable to Low Income Households At Risk of Conversion. Eight assisted rental projects in San Rafael (totaling 291 units) are technically at-risk of conversion to market rate prior to 2025. However, all eight projects are owned and managed by non-profit organizations with a public purpose to maintain affordable housing for low income and special needs populations. The majority of these developments receive Federal and State funding, rather than local funding, and therefore are not subject to the City’s rent and income monitoring requirements. The City will however monitor each project’s potential affordability expiration, and contact the non-profit owners within one year of the expiration date to address any future loss of funding which may put these units at risk.	UPDATE to reflect the current status of projects with expiring subsidies for 2023-2031. There are a number of locally-created BMR units that will expire during this time period. There were no units that were identified as being “at risk” in 2014 when the 2015-2023 Element was prepared. Add a new program (and policy) related to renter protection and displacement of tenants due to rising rents in market rate projects.
Program H-7C	Preserving Existing Rental Housing Affordable to Low Income Households through Ongoing Affordability Restrictions. The City of San Rafael and the former Redevelopment Agency is responsible for the annual monitoring of over 1,400 units in forty one publicly and privately owned rental developments. In addition, City policies have resulted in the development of 115 affordable ownership units. All of these rental and ownership units have long term affordability covenants.	MERGE into 7B. The Marin Housing Authority oversees the BMR program. The units that are most at risk are those created through BMR requirements (inclusionary zoning) rather than units in projects operated by non-profits.
Program H-7D	BMR Resale Regulations. Continue to require resale controls on ownership Below Market Rate (BMR) units to assure that units remain affordable to very low, low, and moderate-income households. Continue to monitor database with Marin Housing.	CARRY FORWARD. The City continues to work with the Marin Housing Authority to monitor resale controls on BMR for-sale units. Sales agreements include a clause that the owner must sell the unit back to the Marin Housing Authority so it can be maintained as affordable.

Program	Text	Evaluation
Program H-7E	Retention of Mobilehomes and Preservation of Existing Mobilehome Sites. Retain where possible this type of housing, which includes the 400-home Contempo Marin and the 30-home B-Bar-A mobilehome park, and its affordability by continuing to implement the Mobilehome Rent Stabilization Ordinance. Mobilehomes typically provide lower cost housing by the nature of their size and design.	CARRY FORWARD. The legality of the City’s mobile home rent controls has been affirmed in court, and this program remains applicable.
Program H-8A	Apartment Inspection Program. To assure safe living conditions, continue to enforce housing codes for all apartment projects, three units or larger in size.	Already covered at Program EDI-3.5B in the Equity, Diversity, and Inclusion Element, but worth re-stating here, as this is an important aspect of housing conservation. The City’s Code Enforcement Division continues to administer this program.
Program H-8B	Code Enforcement and Public Information Programs. Coordinate housing, building and fire code enforcement to ensure compliance with basic health and safety building standards and provide information about rehabilitation loan programs for use by qualifying property owners. Continue to investigate reported illegal units and abate or legalize where possible units built without permits or occupied in violation of San Rafael’s ordinances.	EDIT. Keep this focused on staff-level coordination of code enforcement and safety standards, including investigating violations. Public information on rehabilitation loans is already covered by Program 8-C below. This program should cover ongoing activities by staff (including the Development Coordinating Committee and Health & Safety Committee) to review development submittals, enforcement cases, and other issues of interdepartmental concern. Consider adding a new program related to amnesty for property owners seeking “late” approval for unpermitted work to add or improve housing.
Program H-8C	Residential Rehabilitation Loan Program. As part of the Cooperative Agreement with the County on CDBG funding, continue to require a portion of the City’s allocation be directed to the Marin Housing Authority to provide property improvement loans and technical assistance to qualified very-low-income homeowners to make basic repairs and improvements, correct substandard conditions, and eliminate health and safety hazards. Continue to advertise the Rehabilitation Program on the City’s website, and disseminate program brochures at City Hall.	CARRY FORWARD. This is an active program that should continue to be implemented. In 2020, it was used to help refinance improvements and upgrades to the Centertown Apartments at 855 C Street (an affordable housing development). The program is administered by the Marin Housing Authority on behalf of the City. The City advertises the program on its website and in brochures at City Hall.
Program H-8D	Relocation Assistance. Require applicants to provide certain limited relocation assistance, per Section 14.16.279, for low-income tenants displaced by new development or property improvements such as unit renovation or rehabilitation that results in the vacancy of the unit, including referring tenants to Marin Housing and providing cash compensation. Require notice of displacement to be distributed at least 60 days before the property is to be vacated.	CARRY FORWARD. This program is codified in the Municipal Code. All projects that may displace lower income residents is subject to its provisions. In 2020, the City amended the Code to establish regulations for residents displaced by no fault evictions in the Canal area. Additional revisions may be considered.

Program	Text	Evaluation
Program H-9A	Adaptive Housing. Ensure compliance with State and Federal requirements for accessible units. Conduct regular "coffee and codes" meetings with design and construction industry members to discuss requirements under the Americans with Disabilities Act. An average of 2-3 meetings are held per year, consisting of simplified explanations of technical information and a range of topics aimed at clarifying development standards.	CARRY FORWARD but edit. The "coffee and codes" meetings cover more than just ADA compliance and should be covered as a community engagement measure. Add a new program to promote additional development of adaptable units in future projects.
Program H-9B	Reasonable Accommodation. Encourage and facilitate the provision of housing for persons with disabilities. Implement zoning regulations to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures that may be necessary to ensure equal access to housing.	CARRY FORWARD. This is an ongoing program to implement local policies to meet the housing needs of persons with disabilities.
Program H-9C	Housing Opportunities for Persons Living with Disabilities: The Golden Gate Regional Center (GGRC) provides services and support for adults and children with developmental disabilities, including over 400 San Rafael residents. The GGRC reports that 60 percent of their adult clients with developmental disabilities live with their parents, and as these parents age and become frailer their adult disabled children will require alternative housing options. The City will coordinate with the GGRC to implement an outreach program informing San Rafael families of housing and services available for persons with developmental disabilities, including making information available on the City's website.	CARRY FORWARD. Clarify in title that this is specifically for persons with <u>developmental</u> disabilities. Work with the GGRC to confirm appropriate program language for 2023-2031 Element.
Program H-9D	Housing for Extremely Low Income Households. To meet the needs of extremely low income households, prioritize some housing fees for the development of housing affordable to extremely low-income households, to encourage the development of programs to assist age-in-place seniors, to increase the amount of senior housing, to increase the production of second units, and to facilitate the construction of multifamily and supportive housing.	EXPAND. The City has been implementing this program in practice, and used SB2 Planning grant money to create 32 units of transitional housing for extremely low income households at 190 Mill Street. More specific measures to assist ELI households should be identified. Perhaps shift focus to transitional and supportive housing, SROs, and shelter rather than second units and senior housing.
Program H-10A	Co-Housing, Cooperatives, and Similar Collaborative Housing Development. Provide zoning flexibility through Planned Development District zoning to allow housing development that is based on co-housing and similar approaches that feature housing units clustered around a common area and shared kitchen, dining, laundry, and day care facilities.	CARRY FORWARD but delete reference to "PD" zoning—the bottom line is that zoning should not preclude the ability to build these housing types. Using PD zoning is one tool but there should be others. The State has already mandated zoning amendments to allow supportive and transitional housing, employee housing, etc.

Program	Text	Evaluation
Program H-10B	Manufactured Housing. Continue to allow quality manufactured housing in all zoning districts which allow single-family residences.	CARRY FORWARD. A project with 9 manufactured townhomes was approved at 21 G Street in 2020.
Program H-10C	Single Room Occupancy (SRO) Units. Actively promote existing incentives for SRO apartments, such as no density regulations and lower parking standards, in multifamily and mixed use districts in recognition of their small size and low impacts. Where needed, encourage linkages to social services.	CARRY FORWARD. No applications have been received recently, although the Homeward Bound project is similar to an SRO. Additional incentives may be needed.
Program H-10D	Zoning for Live/Work Opportunities. Continue to accommodate live/work quarters in commercial districts, and allow for flexibility in parking requirements as supported by a parking study.	ALIGN with General Plan Program LU-2.12A which calls for an update of the City's live-work regulations. No live-work applications have been received recently. Consider additional programs related to vacant office space and vacant commercial space. Also consider additional opportunities for live-work in a limited number of industrial areas? Also cross-reference General Plan Programs LU-2.2B (Innovation Districts), NH-3.11, NH-4.11A (live work in Lindero area and in Northgate Business Park), AC-1.9D (live work for artists)
Program H-11A	Homesharing and Tenant Matching Opportunities. Continue to support, and consider increased participation in, the Shared Housing Project in collaboration with community partners.	UPDATE to reflect new and emerging programs and resources. The concept has expanded since 2015 and the needs have become greater with an aging population.
Program H-11B	Junior Second Units. Coordinate with other Marin jurisdictions in evaluating appropriate zoning regulations to support in the creation of "Junior Second Units" of less than 500 square feet in size. Such units would be created through the repurposing of existing space within a single-family dwelling to create a semi-private living situation for a renter or caregiver in conjunction with the owner-occupied unit. Junior second units would be required to have exterior access and meet the U.S. Census definition of a housing unit ¹ to qualify for credit towards the City's Regional Housing Needs Allocation (RHNA).	UPDATE to reflect changes in State law since 2015, and the City's adoption of ADU and JADU regulations. Staff records indicate four Junior ADUs were approved in 2020. These units do count toward the RHNA, to the extent they accommodate a household other than the primary occupant. With that in mind, this program should be moved to the program on "Second Units" (H-16) so that this policy remains focused on home sharing (which does not count toward RHNA).
Program H-12A	Countywide Efforts to Address Homeless Needs. Work with other jurisdictions and agencies in Marin to provide emergency, transitional, and supportive housing and assistance throughout Marin, and continue City staff's role as the homeless coordinator for the County. Continue to support and allocate funds, as appropriate, for programs providing emergency, supportive, and/or transitional shelter and counseling services for families and individuals who are homeless or at-risk of homelessness.	EXPAND. Consider a dedicated goal on ending homelessness. Edit to clarify City's role relative to the County, and the activities under the City's jurisdiction. Also reference the City's Homeless Services program, including the role of the Homeless Services Coordinator, the role of other organizations (Opening Doors Marin, Homeward Bound etc.). Potentially add actions to reflect ongoing activities to end homelessness.

Program	Text	Evaluation
Program H-12B	Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities. Where determined necessary during review of an application, encourage positive relations between neighborhoods and providers of emergency shelters and residential care facilities by requiring shelter outreach communication programs with the neighborhoods.	EDIT. Delete first part and start with “Encourage...” Note that there are already requirements for management/ operations plans prior to approval, and the public may be engaged in reviewing these plans as they are developed.
Program H-12.C	Residential Care Facilities. Regularly update zoning regulations that govern residential care facilities to conform to Federal and State laws and to encourage their location in areas that do not result in overconcentration of care facilities. Explore the feasibility of requiring affordable units in assisted living facilities, for example, reduced rate rentals with access to market-rate services.	CARRY FORWARD. This may fit better under another policy, as many residential care facilities are not directly related to emergency shelter. The issue of requiring assisted living to include affordable units should be dealt with through a separate program. The City has been studying this issue since 2018.
Program H-12D	Emergency Shelters, Transitional and Supportive Housing. Implement Zoning Code Section 14.16.115 to allow emergency shelters as a permitted use in the General Commercial (GC) and Light Industrial (LI/O) zoning districts south of Bellam and east of Highway 580 and with appropriate performance standards as allowed by State law. Continue to allow emergency shelters with a use permit in areas zoned for office, commercial, light industrial and public/quasi-public use. Implement the City's Zoning Code (Zoning Code Chapter 14.03 - Definitions), consistent with State and Federal law, to recognize transitional and supportive housing as residential uses, subject to the same restrictions and standards of similar residential dwellings in the same zone. Based on input from State HCD, amend Zoning Code Section 14.16.115 to clarify requirements for staff and services to be provided to assist residents in obtaining permanent shelter and income are permissive, rather than mandatory. In addition, clarify that while a written Management Plan is required, it is not subject to discretionary approval	CARRY FORWARD. Update as needed. As part of the Housing Element update, the City must examine whether its zoning provides sufficient opportunities to meet the need for emergency shelter. This will include a determination on whether shelters should be a permitted use or a conditional use in other zones. The last two sentences in this action program should be completed as part of a zoning “clean up” item prior to January 2023 if possible.
Program H-13A	Assisted Living. Evaluate current zoning regulations for new assisted living housing, and assess options to regulate as a residential, rather than a commercial use. Evaluate establishing inclusionary housing requirements for assisted living.	REPLACE with a new program that addresses the issue of how zoning regulations can better support assisted living and improve its affordability. Staff has been studying residential care and assisted living facilities to determine their impacts on the community and if they may be subject to inclusionary housing requirements.
Program H-13B	“Age-in-Place” Assistance. Continue to provide assistance to older residents who want to remain independent and in their homes for as long as possible, such as the Police Department’s “Are You OK?” program, the Fire Department’s “Safety Check” program, Code Enforcement’s continuing cooperation with the Marin County Social Services, and Community Services social activities offered through the Community Centers.	CARRY FORWARD. Update as needed to incorporate recommendations from Age Friendly San Rafael. Potentially add new programs addressing other models for aging in community, and other housing issues faced by older adults (home retrofits for decreased mobility, etc.)

Program	Text	Evaluation
<p>Program H-14A</p>	<p>Residential and Mixed Use Sites Inventory. Encourage residential development in areas appropriate and feasible for new housing. These areas are identified in Appendix B, Housing Element Background, Summary of Potential Housing Sites (available for view on the City’s website). Explore effective ways to share housing site information and developer and financing information to encourage development of underutilized institutional land. The City has employed different strategies to find the most effective way to deliver information about development. It is an ongoing and evolving process that has included practices such as preparing fact sheets for sites with multiple inquiries.</p>	<p>CARRY FORWARD. But make it more action-oriented and measurable, i.e., develop a website highlighting the opportunity sites with basic information about each site and contact information for those interested in development. The third sentence (development on institutional land) should be extracted as its own program.</p>
<p>Program H-14B</p>	<p>Efficient Use of Multifamily Housing Sites. Do not approve residential-only development below minimum designated General Plan densities unless physical or environmental constraints preclude its achievement. Residential-only projects should 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 minimum density and provide guarantees that the remaining phases will, in fact, be developed.</p>	<p>EDIT. Need to strengthen. This is being successfully implemented in practice. The last sentence should be clarified. There are other zoning issues that also should be addressed, like the mismatch between certain multi-family zones and the High Density Residential General Plan designation.</p>
<p>Program H-14C</p>	<p>Continue to Implement Zoning Provisions to Encourage Mixed Use. San Rafael has been effective in integrating both vertical mixed use and higher density residential development within its Downtown. As a means of further encouraging mixed use in commercial areas outside the Downtown, General Plan 2020 now allows site development capacities to encompass the aggregate of the maximum residential density PLUS the maximum FAR for the site, thereby increasing development potential on mixed use sites. The City will continue to review development standards to facilitate mixed use, including:</p> <ul style="list-style-type: none"> a) Encourage adaptive reuse of vacant buildings and underutilized sites with residential and mixed use development on retail, office, and appropriate industrial sites b) Explore zoning regulation incentives to encourage lot consolidation where needed to facilitate housing. c) Review zoning requirements for retail in a mixed use building or site, and amend the zoning ordinance as necessary to allow for residential-only buildings in appropriate mixed-use zoning districts. 	<p>UPDATE and potentially break into a few different programs. The Downtown Precise Plan effectively eliminated density and FAR in Downtown San Rafael. Changes to the other commercial zones should now be considered, based on the analysis of zoning constraints to be prepared through the Housing Element Update. More specific changes to commercial zoning regulations may be warranted, specifically relating to height, density, setbacks, and parking. Additional policies and programs related to adaptive reuse of vacant retail, office, and other commercial buildings are appropriate. Additional guidance on reuse of older hotels/motels is also appropriate (Project HomeKey, etc.)</p>
<p>Program H-14D</p>	<p>Air Rights Development. Take an active role in evaluating the feasibility of air rights development and consider possible zoning incentives for such development. Encourage developers of affordable housing to utilize air rights, such as above public parking lots or commercial uses Downtown.</p>	<p>CARRY FORWARD. Add a quantified objective. The City is presently considering a request to develop above a municipal parking garage on 3rd Street. In 2019, staff completed a planning feasibility study of six municipal lots. Further study is needed to determine how to proceed with public private partnerships to develop housing on these sites. This should be a program in the 2023-31 Element.</p>

Program	Text	Evaluation
<p>Program H-15A</p>	<p>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:</p> <ul style="list-style-type: none"> • Conduct parking study in Station Area to evaluate options to addressing small parcels and on-site parking constraints to development (study underway, complete in 2015). • Evaluate relocation of existing Bettini Transit Center, and potential reuse as mixed use site (study underway, complete in 2015). • Evaluate additional height and FAR on certain blocks adjacent to US 101 (as defined in the Downtown Station Area Plan), facilitating redevelopment of the Transit Center into a vibrant, mixed use environment (long term). • Evaluate allowing additional height and FAR increases in certain areas to match the adjacent height and FAR limits in exchange for community amenities. The blocks recommended for study are: A. West side of US 101 - Tamalpais Avenue to Hetherington Street between Mission Avenue and Second Streets, including the transit center; and B. On the east side of US 101 - The west side of Irwin Street between Fourth and Second Streets and the south side of Fourth Street between Irwin Street and Grand Avenue, and consider adopting a form based code instead of the current density and FAR requirement (long term). • Review parking requirements and develop additional municipal parking resources to reduce onsite parking burden (long term) 	<p>DELETE and replace with a new program related to implementation of the Downtown Precise Plan. The Precise Plan includes incentives specifically related to housing, including a height bonus program (now being implemented), parking reductions, and objective design standards that allow for streamlined project review. Future action may be needed to aggregate parcels into more viable development sites, explain how density bonuses are calculated, and plan for the area around the transit center once a final relocation site has been identified.</p>
<p>Program H-15B</p>	<p>Civic Center Station Area Plan. The City completed the Civic Center Station Area Plan, which was accepted by the City Council in August 2012 and amended in 2013. Development around the station area will be guided by considerations for station access and transportation connections by various modes, as well as promotion of land uses that embrace the opportunities of a transit-oriented site and are compatible with the character of the surrounding area. Following the commencement of the operation of SMART (2016), study Station Area Plan recommendations to facilitate housing opportunities near transit, and implement through General Plan amendments and Zoning Code changes where appropriate.</p>	<p>DELETE and replace with new programs related to future housing in the newly designated Priority Development Areas (PDAs) at Northgate and Southeast San Rafael. Guidance for housing at Northgate Mall may be included here, and at least some direction should be provided supporting housing in the southeast/ Canal area. The City will continue to apply for ABAG/MTC grants to prepare Area plans for the two PDAs.</p>

Program	Text	Evaluation
Program H-16A	New Second Units. Continue to encourage the provision of second units to provide housing options for seniors, caregivers, and other lower and extremely low income households.	REPLACE. This is a policy and not a program. Need to replace with a program explaining what the City will do and when. In other words, what measurable steps is the City going to take to increase ADU production. For example, actions could address education and outreach, architectural templates for homeowners seeking to build ADUs, modifying development standards, maintaining a roster of ADUs, conducting periodic surveys on ADU rents and occupancy, and so on.
Program H-17A	State Density Bonus Law. Under Government Code section 65915-65918, for housing projects of at least five units cities must grant density bonuses ranging from 5% to 35% (depending on the affordability provided by the housing project) when requested by the project sponsor, and provide up to three incentives or concessions unless specific findings can be made. San Rafael has integrated State density bonus requirements within its Affordable Housing Ordinance (Zoning Code Section 14.16.030), depicting the connection with the City's Inclusionary Housing requirements.	REPLACE. Keep a program to implement State density bonus law, but avoid references to the percentages, as these change with State law (the percentages cited here are outdated). The City updates its density bonus ordinance in 2021 to align with current State laws. It also adopted local density bonus provisions through the Downtown Precise Plan that may be used in lieu of State bonuses.
Program H-17B	Height Bonuses. Continue to offer height bonuses for projects that include affordable housing units as provided in Exhibit 10 of the Land Use Element. Provide early design review to assist with potential design issues. Height increases may be granted with a use permit. Evaluate utilizing height bonuses as a tool to incentivize lot consolidation.	CARRY FORWARD. (update reference to Exhibit 10). This is done in practice and is included in General Plan 2040 and the Downtown Precise Plan. The City has approved roughly 15 projects with height bonuses. Consider pulling out the last sentence and making it a separate program (incentives for lot consolidation)
Program H-17C	Waiver or Reduction of Fees. Continue to offer fee waivers and reductions for applications including affordable units, consistent with Resolution 11025. Facilitate the production of second units through elimination of the traffic mitigation fee (adopted in 2012), and coordination with local jurisdictions to lobby Las Gallinas Valley Sanitary District to reduce sewer connection fees for second units and affordable housing.	CARRY FORWARD first sentence only. Delete second sentence as it is State law. Fee waivers and reductions continue to be an important tool to facilitate affordable housing. In 2020, the Council approved a fee waiver for the Homeward Bound project. In its consultation with the development community, the City has identified fees as a potential obstacle to development and is studying ways to mitigate this constraint. Second sentence (waiver of traffic mitigation fee for ADUs) has been achieved. State law now governs the City's ability to collect impact fees for ADUs.

Program	Text	Evaluation
Program H-17D	Efficient Project Review. San Rafael has fully implemented the provisions of the Permit Streamlining Act (AB 884) and provides concurrent processing through over-the-counter one-stop permitting. Planning staff continue to inform developers of density bonus incentives for affordable housing, and consistent with State requirements, any modified development standards provided as part of a density bonus incentives package are exempt from the variance process. The City utilizes allowable California Environmental Quality Act (CEQA) exemptions for qualified urban infill and other residential projects where site characteristics and an absence of potentially significant environmental impacts allow.	REPLACE. Move this to narrative and replace with a program that provides direction on measurable actions that can be taken to improve the efficiency of project review. The City has taken a number of steps in recent years to save time for applicants, including using a working group of the Design Review Board to make recommendations on small projects and using a “virtual public counter” during the COVID-19 pandemic.
Program H-18A	Inclusionary Housing Nexus Study. Conduct an Inclusionary Housing Nexus Study and engage with the local development community and affordable housing advocates to evaluate the Inclusionary Housing Ordinance and in-lieu fee requirements for effectiveness in providing affordable housing under current market conditions. Amend the Inclusionary Housing Ordinance as appropriate, to enhance the Program’s effectiveness and consistent with recent court decisions.	REPLACE. The City partnered with Marin County and other Marin jurisdictions to prepare a nexus study in 2020. Replace this program with a new program calling for regular monitoring of the inclusionary requirements and periodic meetings with the development community to determine the need for modifications and adjustments.
Program H-19A	Sustainability Policies and Programs. Refer to the Sustainability Element in the San Rafael General Plan to guide housing development and renovation. SU-4a Renewable Energy lays out programs to increase the supply of renewable energy. SU-5a Reduce Use of Non-Renewable Resources promotes efficiency in resource consumption.	REPLACE. Program needs to be updated to reference current energy conservation and renewable energy policies and programs in General Plan 2040 and the Climate Change Action Plan (CCAP). The City implements CalGreen and Green Building Code standards and is promoting conservation through its CCAP. Additional programs should be added regarding lower rates and assistance for lower income owners and tenants.

2.4 General Plan 2040 Housing-Related Policies

In August 2021, the City of San Rafael adopted its 2040 General Plan. While the Plan Update did not include the Housing Element, it addressed housing issues and created a planning framework for the coming years. One of the objectives of the 2040 Plan was to provide sufficient capacity to meet the 2023-2031 RHNA. The RHNA was finalized during the General Plan adoption hearings, enabling the City to ensure that adequate sites had been identified and included in the General Plan Environmental Impact Report.

Another objective of the General Plan Update was to ensure internal consistency between the Housing Element and the other elements of the Plan, and to avoid redundancy between the two documents. Some of the topic areas addressed in the 2015 Housing Element, such as neighborhood character and the design of multi-family housing, were covered in the 2040 General Plan and Downtown Precise Plan. Other issues regularly raised during the Housing Element process relate to tree planting, sustainable development, climate change, wildfire

hazards, traffic, and parking. These issues are addressed by the Neighborhoods Element, the Conservation and Climate Change Element, the Safety and Resilience Element, and the Mobility Element. By addressing these topics in other elements, Housing Element can focus on issues related to housing affordability, housing maintenance, fair housing, and the removal of housing constraints.

General Plan 2040 also included an Equity, Diversity and Inclusion (EDI) Element. The Element aligns the entire General Plan with the State goal of affirmatively furthering fair housing, as well as City goals related to racial equity and more meaningful engagement of groups who have historically been under-represented in the planning process. The EDI Element includes the following specific implementing actions related to housing:

- **Program EDI-3.1A: Anti-Displacement Strategies.** *Evaluate anti-displacement strategies in future plans or programs that could result in the direct removal of affordable housing units, the displacement of tenants, or economic hardships due to rapid rent increases.*
- **Program EDI-3.1B: Renter Protection Measures.** *Continue to explore and promote measures to protect San Rafael renters and facilitate positive communication between landlords and tenants.*
- **Program EDI-3.1C: Climate-Related Displacement.** *Consider measures to address the potential for loss or displacement of affordable or lower cost housing in the City's climate change adaptation planning.*
- **Program EDI-3.4A: Healthy Homes.** *Support programs and regulations that support healthier homes, including the abatement of toxic hazards such as lead and mold, the use of non-toxic materials and finishes, and design features that improve ventilation and indoor air quality.*
- **Program EDI-3.5A: Code Enforcement.** *Provide effective code enforcement efforts in all neighborhoods to abate unsafe or unsanitary conditions. Ensure that the abatement of violations does not increase housing cost burdens or result in displacement of lower-income households.*
- **Program EDI-3.5B: Rental Inspections.** *Continue the Periodic Housing Inspection Program and Residential Building Record (RBR) inspections to ensure the safety and habitability of all housing units.*
- **Program EDI-3.6A: Incentives for Family Housing.** *Consider density bonuses and other incentives for three-bedroom affordable rental units in new construction to meet the need for housing suitable for larger families and extended households.*
- **Program EDI-3.7A: Temporary Housing for At Risk Groups.** *Work with community-based organizations to develop and support temporary housing solutions for lower-income immigrants, older adults, and other at-risk groups during and after an emergency.*

These measures are not repeated in the Housing Element programs (Chapter 6) but help inform its policy and program direction.