

ATTACHMENT 3: EVALUATION OF 2015-2023 HOUSING ELEMENT

Reference	Statement	Staff Comments	Comments from Working Group Members
Goal 1	<p>HOUSING NEEDS</p> <p>It is the goal of San Rafael to have a strong sense of community and responsibility in meeting housing needs. <i>Historically, San Rafael has provided housing of all types to meet the varied needs of its population in settings that enhance the feeling of community.</i></p>	<p>Suggest reworking this goal so it is focused on meeting the housing needs of everyone in the community. A ‘strong sense of community’ is important, but it is covered by other elements of the General Plan. The purpose of the goal should be to provide safe, decent housing for all residents.</p>	
Policy H-1	<p>Housing Distribution</p> <p>Promote the distribution of new and affordable housing of quality construction throughout the city to meet local housing needs.</p>	<p>Rewrite. The intent of this policy is that new housing should include a mix of market rate and affordable units, with affordable units distributed throughout the city.</p>	
Program H-1A	<p>Annual Housing Element Review. <i>Provide an annual Housing Element progress report for review by the public and City decision-makers. The Report will document:</i></p> <ul style="list-style-type: none"> <i>San Rafael's annual residential building activity, including identification of any deed restricted affordable units;</i> <i>Progress towards the Regional Housing Needs Allocation since the start of the planning period; and</i> <i>Implementation status of Housing Element programs</i> 	<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>	

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<p>Policy H-2</p>	<p>Design That Fits into the Neighborhood Context Recognize that construction of new housing and improvements on existing properties can add to the appearance and value of the neighborhood if they fit into the established character of the area. Design new housing, remodels, and additions to be compatible to the surrounding neighborhood. Incorporate transitions in height and setbacks from adjacent properties to respect adjacent development character and privacy. Respect existing landforms and minimize effects on adjacent properties.</p>	<p>Modify this policy so it is focused more on housing production. The current wording is focused on design compatibility, which is already covered by policies in other elements of General Plan 2040 (Land Use, Neighborhoods, and Community Design and Preservation). Design compatibility is important, but it is addressed by Policy LU-3.2 (New development in residential neighborhoods), Policy LU-3.6 (transitions between uses), Policy CDP-1.2 (protect natural features), Policy CDP-2.3 (Neighborhood Character), Policy CDP-4.5 (higher density design), Policy CDP-4.8 (scale transitions), and more.</p>	
<p>Program H-2A</p>	<p><i>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.</i></p>	<p>See comment above. Could instead include one or more new programs here about streamlining residential zoning standards or consolidating residential districts to simplify the review of single family projects. The issue of residential design is covered by General Plan 2040. 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>	

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Program H-2B	<p><i>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.</i></p>	<p>The City’s ability to adopt guidelines that require “compatibility” is now limited by state law. Potentially merge Programs H-2A and H-2B into a single 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. Similar standards could be developed for other areas where change is expected. The issue of mitigating cost impacts remains valid and should be its own policy (under a goal to reduce government constraints). Also, add cross reference to Programs CDP-4.1A and 4.3A in General Plan 2040.</p>	

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Policy H-3	Public Information and Participation. Provide information on housing programs and related issues. Require and support public participation in the formulation and review of the City’s housing policy, including encouraging neighborhood involvement in development review. Work with community groups to advocate programs that will increase affordable housing supply and opportunities. Ensure appropriate and adequate involvement so that the design of new housing will strengthen the character and integrity of the neighborhood.	Policy should be made more robust but potentially be moved to a new goal about equitable engagement in the housing process. “Neighborhood involvement in development review” is covered by many other policies. Focus here should be on engaging all residents, including renters and those who have not historically had access or participated. Substantially more focus is needed to engage Spanish speaking residents and others with limited English, consistent with the City’s Equity, Diversity, and Inclusion Element,	
Program H-3A	<i>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.</i>	Again, this is covered in other elements of the Plan, eg. Policy CDP-4.2 (Public Involvement in Design Review) as well as the Land Use Element and the Neighborhoods Element. The focus here should be on achieving greater equity in participation and outreach, and facilitating access to neighborhood meetings by residents who have historically been excluded or not participated.	
Program H-3B	<i>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).</i>	Carry forward. This remains valid and could potentially be expanded into a larger set of programs about outreach and education. Again, the focus should be on equitable, diverse, inclusive outreach and engagement.	

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Policy H-4	Governmental and Community Collaboration. Collaborate when possible with other jurisdictions in Marin County in addressing regional housing needs. Support community partnerships to assist in the development of needed housing and continue to provide technical assistance to owners, developers, and non-profits. Participate in local and regional housing assistance programs and establish relationships and coordinate with other public agencies, non-profit housing sponsors, and for-profit housing sponsors in the use of available programs and funding resources to provide lower-cost housing in San Rafael. Take leadership in attaining the goals of the Housing Element by coordinating with interested parties and carrying out prescribed actions in a timely manner.	Delete “when possible” from first sentence. Consider breaking this into more than one policy as follows: (1) coordination with other local governments; (2) participation in regional assistance programs/ coordination with non-profits and service providers; and (3) regional leadership on housing issues. Also, the policy should reference the role and importance of Community Based Organizations in meeting housing needs.	
Program H-4A	Inter-Jurisdictional Housing Activities and Resources. <i>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.</i>	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. <i>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</i>	Carry forward. Retitle the program, as the focus is on “Technical Assistance.” 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 its own program, as it deals with a separate topic.	

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	<i>businesses, public agencies, and local school districts to seek opportunities to help employees find local housing.</i>		
Policy H-5	Fair Housing Take action when necessary to prevent discrimination on the basis of race, religion, sex, marital status, ancestry, national origin, color, familial status or disability in San Rafael’s housing market.	Reword so it is more proactive than reactive--“take action when necessary” is very passive. Perhaps “Implement measures to prevent discrimination....” Also, consider creating a new housing goal just focused on affirmatively furthering fair housing.	
Program H-5A	Fair Housing Program. <i>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.</i>	Consistent with State AFFH requirements and City Council direction, new programs will be developed to advance equity and inclusion principles. This may include additional outreach and engagement to tenants and vulnerable populations. At minimum, Program H-5A would be broken into components, including: (1) Designation of Equal Opportunity Coordinator (or EDI officer); (2) Distribution of fair housing materials; (3) Allocation of County CDBG funds; (4) referral of discrimination cases. Separate policies should be developed addressing renter protection and displacement (just cause, mediation, rent increases, etc.) During the 5 th 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.	

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Policy H-6	<p>Funding for Affordable Housing Given the loss of Redevelopment funds, combined with reductions in federal housing funding, the City's ability to directly finance affordable housing is significantly diminished. San Rafael's primary tool to support the development of affordable housing is through its Affordable Housing Ordinance, which produces both affordable units and generates in-lieu fees. The City will continue to actively pursue outside funding sources to leverage local funds and maximize assistance. In addition to applying for those funds directly available to municipalities, the City plays an important role in supporting developers to secure outside funds.</p>	<p>Rewrite this policy to more broadly indicate that the City will seek funding for affordable housing from a variety of sources, including its Affordable Housing Ordinance and in-lieu fees, state and federal grants, the private sector, and other outside funding sources. The programs should also reflect recent Council direction regarding in-lieu fee payments.</p>	
Program H-6A	<p><i>In-Lieu Fees for Affordable Housing.</i> <i>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.</i></p>	<p>Carry forward, but potentially 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 determined by the City Council. The list of permitted activities shown here remains valid, and the commitment to dedicate funds for extremely low income households remains appropriate.</p> <p>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 (Whistlestop) project, and to fund housing rehabilitation projects.</p>	

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Program H-6B	<i>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.</i>	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.	
Program H-6C	<i>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.</i>	Carry forward. 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.	

General Staff Comment on Goal H-1:

Consider restructuring this goal so it is more focused on meeting local housing needs. The distinction between Goals H-1 and H-2 is not entirely clear.

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Goal H-2	A DIVERSE HOUSING SUPPLY It is the goal of San Rafael to have an adequate housing supply and mix that matches the needs of people of all ages, income levels, and special requirements. <i>San Rafael has a wide range of housing types. People who work in San Rafael should be able to live here and there should be adequate housing for seniors and very low-income households.</i>	See comment above on prior page with respect to the goals. There are actually multiple goals embedded in this goal, including (1) an “adequate” housing supply; (2) a diverse mix of choices and unit types (and price points); and (3) ability for employees to live here. New Housing Element goals should be developed as part of the Update, reflecting data from the Housing Needs Assessment and input from the community.	
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.	This remains valid but it should be broken into two policies, as there are two different issues addressed here: (1) protection of housing from conversion to nonresidential uses; and (2) loss of subsidy and displacement of tenants paying affordable rents. Consider moving this policy and several of the others in this section to a new goal on conservation of the existing housing stock	
Program H-7A	Condominium Conversion Ordinance. <i>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.</i>	Carry forward. 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. <i>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</i>	Carry forward but update the text 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	

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	<i>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.</i>	period. During the prior (2015-2022) period, there were no losses of units that were identified as being "at risk" in 2014. Add a new program (and policy) related to displacement of tenants due to rising rents in market rate projects.	
Program H-7C	<i>Preserving Existing Rental Housing Affordable to Low Income Households through Ongoing Affordability Restrictions.</i> <i>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.</i>	Potentially combine B and C. 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	<i>BMR Resale Regulations.</i> <i>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.</i>	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 H-7E	<i>Retention of Mobilehomes and Preservation of Existing Mobilehome Sites.</i> <i>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.</i>	Carry forward. The legality of the City's mobile home rent controls has been affirmed in court, and this program remains applicable.	

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Policy H-8	Housing Conditions and Maintenance Protect and conserve the existing housing stock and existing residential areas. Protect residents and maintain the housing stock by enforcing the housing code for all types of residential units. Support good management practices and the long-term maintenance and improvement of existing housing.	The policy remains relevant, although this issue is already covered to some extent by GP 2040 Policy LU-3.4, Policy CDP-2.3, and Policy EDI-3.5. As stated, the first sentence could be its own housing goal, under which other housing conservation policies could be located.	
Program H-8A	Apartment Inspection Program. <i>To assure safe living conditions, continue to enforce housing codes for all apartment projects, three units or larger in size.</i>	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. <i>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.</i>	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.	

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Program H-8C	Residential Rehabilitation Loan Program. <i>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.</i>	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. <i>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.</i>	Carry forward and move to a different policy, as this deals with displacement rather than conservation of housing units. 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 through the Housing Element Update.	
Policy H-9	Special Needs Encourage a mix of housing unit types throughout San Rafael, including very low- and low-income housing for families with children, single parents, students, young families, lower income seniors, homeless and the disabled. Accessible units shall be provided in multi-family developments, consistent with State and Federal law.	Rewrite policy and potentially move to a different goal. As stated, this is more of a goal than a policy, and it is very broad. The policy (or a separate policy) should also explicitly reference the needs of Extremely Low Income households.	
Program H-9A	Adaptive Housing. <i>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.</i>	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 on the City's ADA Advisory Committee, which restarted in 2019 to advise the City's Building Official, Engineer, and City Council.	

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Program H-9B	<i>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.</i>	Carry forward. This is an ongoing program to implement local policies to meet the housing needs of persons with disabilities.	
Program H-9C	<i>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.</i>	Carry forward and clarify (in title) that this is specifically for persons with developmental disabilities. Work with the GGRC to confirm appropriate program language for 2023-2031 Element.	
Program H-9D	<i>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.</i>	<p>Edit and carry forward. 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.</p> <p>Is “prioritize some housing fees” sufficient or should this be quantified? Also, some of the action measures listed here may not be the best ways to assist ELI households. Perhaps shift focus to transitional and supportive housing rather than second units and senior housing.</p>	

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Policy H-10	<p>Innovative Housing Approaches 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. Examples include:</p> <p>a) Limited Equity Cooperatives. Encourage limited equity residential cooperatives and other non-profit enterprises such as self-help projects designed to provide affordable housing.</p> <p>b) Manufactured Housing (Modular, Mobile homes). Allow, consistent with state law, creative, quality manufactured housing as a means for providing affordable housing.</p> <p>c) Single Room Occupancy (SRO) Units. Encourage construction of new SRO units and protection of the existing SRO unit supply.</p> <p>d) Live/Work Housing. This type of housing is intended for a resident and their business, typically on different floors of the same unit, and well suited to San Rafael’s downtown.</p>	<p>Note there is an almost identical policy in the General Plan Land Use Element (LU-2.12), which also covers this topic: <i>“Encourage non-traditional and innovative forms of housing that respond to local housing needs, changing demographics, high housing costs, remote work trends, and sustainability goals.”</i></p> <p>Similarly, Program LU-2.12B in the General Plan mentions tiny homes, micro units, and movable construction. Are there other types of “innovative” housing approaches that should be called out here? For example, General Plan references “Floating Homes” in Program LU-2.12C.</p> <p>Conversion of office buildings to housing may warrant a similar policy (separate from this one).</p> <p>Also, considering moving this to Goal 1, since it is focused on housing production.</p>	
Program H-10A	<p>Co-Housing, Cooperatives, and Similar Collaborative Housing Development. <i>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.</i></p>	<p>Carry forward but delete reference to “PD” zoning—the bottom line is that zoning should not preclude 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.</p>	
Program H-10B	<p>Manufactured Housing. <i>Continue to allow quality manufactured housing in all zoning districts which allow single-family residences.</i></p>	<p>Carry forward. A project with 9 manufactured townhomes was approved at 21 G Street in 2020.</p>	

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Program H-10C	<i>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.</i>	The program remains relevant and should be carried forward and potentially updated. No applications have been received recently, although the Homeward Bound project is similar to an SRO. Are existing incentives working or are new ones needed?	
Program H-10D	<i>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.</i>	Strengthen this to dovetail 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. Are there steps the City can take to make live-work more viable? 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)	
Policy H-11	House Sharing Support organizations that facilitate house sharing, linking seniors and small households with potential boarders to more efficiently use existing housing stock.	Important policy and should be carried forward. Perhaps make this more proactive?	
Program H-11A	<i>Homesharing and Tenant Matching Opportunities. Continue to support, and consider increased participation in, the Shared Housing Project in collaboration with community partners.</i>	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.	

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Program H-11B	<i>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 unit¹ to qualify for credit towards the City's Regional Housing Needs Allocation (RHNA).</i>	Staff needs to be updated 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).	
Policy H-12	Residential Care Facilities and Emergency Shelters. Encourage a dispersion of residential care facilities and emergency shelters, and avoid an over concentration of residential care facilities and shelters for the homeless in any given area consistent with state and federal laws. Allow emergency shelter beds in appropriate zoning districts in order to accommodate San Rafael's unsheltered homeless population. Recognize transitional and supportive housing units as residential units, and eliminate governmental constraints to the operation or construction of transitional, supportive, and emergency housing consistent with State law.	This is a critical topic in San Rafael and it may warrant its own goal. Additional policies may be warranted. At minimum, consider breaking this into more than one policy, as it deals with multiple topics: (1) dispersing facilities and avoiding overconcentration; (2) allowing shelters in different zones; (3) recognizing transitional and supportive housing as a residential land use. There also should be a strong statement to increase resources, capacity, and supportive services.	
Program H-12A	<i>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.</i>	Carry forward but 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.). Reference the 3301 Kerner Project, potentially as a new action program. Potentially add actions to reflect ongoing activities to end homelessness.	

ATTACHMENT 3: EVALUATION OF 2015-2023 HOUSING ELEMENT

Reference	Statement	Staff Comments	Comments from Working Group Members
Program H-12B	Good Neighborhood Relations Involving Emergency Shelters and Residential Care Facilities. <i>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.</i>	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. <i>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.</i>	Carry forward but move. 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. <i>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</i>	Carry forward and 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.	

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Reference	Statement	Staff Comments	Comments from Working Group Members
Policy H-13	Senior Housing Encourage housing that meets the needs of San Rafael’s older population, particularly affordable units and affordable care facilities that foster aging within the community. Support development that provides housing options so that seniors can find suitable housing to rent or purchase.	Carry forward. Edit or expand as needed to reflect housing priorities and issues raised by Age Friendly San Rafael Action Plan.	
Program H-13A	<i>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.</i>	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	<i>“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.</i>	Carry forward and 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.)	
Policy H-14	Adequate Sites Maintain an adequate supply of land designated for all types of residential development to meet the housing needs of all economic segments in San Rafael. Within this total, the City shall also maintain a sufficient supply of land for multifamily housing to meet the quantified housing need of very low, low, and moderate income housing units. Encourage development of residential uses in commercial areas where the vitality of the area will not be adversely affected and the site or area will be enhanced by linking workers to jobs, and by providing shared use of the site or area.	The first sentence is State law, but it is still helpful to restate it here as a local policy and priority. We should also address the AB 1397 requirement to maintain a buffer of sites above and beyond what the RHNA requires, and to ensure no net loss of capacity in the event a housing site is approved for another use. The last sentence should be its own policy and is already addressed at length in the General Plan Land Use Element, Neighborhoods Element, and Economic Vitality Element.	

ATTACHMENT 3: EVALUATION OF 2015-2023 HOUSING ELEMENT

Reference	Statement	Staff Comments	Comments from Working Group Members
Program H-14A	<i>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.</i>	Carry forward but potentially make 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.	
Program H-14B	<i>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.</i>	This is being successfully implemented in practice. Carry forward and potentially strengthen. The last sentence should be clarified.	

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Reference	Statement	Staff Comments	Comments from Working Group Members
Program H-14C	<p>Continue to Implement Zoning Provisions to Encourage Mixed Use. <i>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:</i></p> <ul style="list-style-type: none"> <i>a) Encourage adaptive reuse of vacant buildings and underutilized sites with residential and mixed use development on retail, office, and appropriate industrial sites</i> <i>b) Explore zoning regulation incentives to encourage lot consolidation where needed to facilitate housing.</i> <i>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.</i> 	<p>Update this program, 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 FAR, density, parking requirements, and height limits. 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>	
Program H-14D	<p>Air Rights Development. <i>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.</i></p>	<p>Carry forward and perhaps call for a specific target. 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>	
Policy H-15	<p>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.</p>	<p>Need to update to reflect the additional PDAs and provide more robust language, consistent with General Plan 2040 and the Downtown Precise Plan.</p>	

ATTACHMENT 3: EVALUATION OF 2015-2023 HOUSING ELEMENT

Reference	Statement	Staff Comments	Comments from Working Group Members
<p>Program H-15A</p>	<p><i>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:</i></p> <ul style="list-style-type: none"> • <i>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).</i> • <i>Evaluate relocation of existing Bettini Transit Center, and potential reuse as mixed use site (study underway, complete in 2015).</i> • <i>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).</i> • <i>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:</i> <ul style="list-style-type: none"> A. <i>West side of US 101 - Tamalpais Avenue to Hetherington Street between Mission Avenue and Second Streets, including the transit center; and</i> B. <i>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</i> 	<p>Delete program 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, and plan for the area around the transit center once a final relocation site has been identified.</p>	

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Reference	Statement	Staff Comments	Comments from Working Group Members
	<p><i>code instead of the current density and FAR requirement (long term).</i></p> <ul style="list-style-type: none"> <i>Review parking requirements and develop additional municipal parking resources to reduce onsite parking burden (long term)</i> 		
<p>Program H-15B</p>	<p>Civic Center Station Area Plan. <i>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.</i></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>	
<p>Policy H-16</p>	<p>Second Units Second dwelling units 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. San Rafael has continuously promoted second units as an affordable housing option. Efforts have included providing a comprehensive handout explaining the second-unit process, posting information about second units on the City’s website, promoting the second unit program through the <i>San Rafael Focus</i> City newsletter, offering staff consultation for adding or legalizing a second unit, holding workshops to educate homeowners about the process to add a second unit, and implementing an amnesty program for legalization of illegal second units. In addition, San Rafael staff worked with local utility agencies to reduce fees for water and sewer service for second units, and in 2012 the City adopted a Citywide</p>	<p>This should be moved to the narrative and replaced with a policy supporting and encouraging ADUs for the reasons cited here. The City continues to support ADUs and JADUs as a housing strategy and a way to produce housing that is affordable “by design.” The City approved 40 ADUs in 2020 alone—this was a significant increase over prior years.</p>	

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Reference	Statement	Staff Comments	Comments from Working Group Members
	Traffic mitigation fee amendment to waive the traffic mitigation fee for second units.		
Program H-16A	<i>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.</i>	Move this to H-16 above—this is the policy statement that is missing there. One or more new action programs should be added in lieu of 16-A, explaining how the City is going to encourage ADU production. For example, programs 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.	
Policy H-17	Regulatory Processes and Incentives for Affordable Housing. San Rafael implements a variety of regulatory processes to address potential governmental constraints and incentivize the provision of affordable housing, including density bonuses, height bonuses, fee waivers, and reduced parking requirements. San Rafael's primary tool to support the development of affordable housing is through its Affordable Housing Ordinance which both produces affordable units and generates affordable housing in-lieu fees. San Rafael was one of the first cities in the State to adopt such an affordable housing requirement in the 1980's. This policy has resulted in the construction of numerous affordable units within market rate developments and provided additional funding for 100% affordable developments.	This should be reframed as a policy “Incentivize the provision of affordable housing through the City’s development regulations and processes, etc....” and carried forward.	
Program H-17A	<i>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</i>	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 <u>local</u> density bonus provisions through the	

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Reference	Statement	Staff Comments	Comments from Working Group Members
	<i>Housing Ordinance (Zoning Code Section 14.16.030), depicting the connection with the City's Inclusionary Housing requirements.</i>	Downtown Precise Plan that may be used in lieu of State bonuses.	
Program H-17B	Height Bonuses. <i>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.</i>	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. <i>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.</i>	Carry forward first sentence. 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 H-17D	Efficient Project Review. <i>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</i>	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.	

ATTACHMENT 3: EVALUATION OF 2015-2023 HOUSING ELEMENT

Reference	Statement	Staff Comments	Comments from Working Group Members										
	<i>absence of potentially significant environmental impacts allow.</i>												
<p>Policy H-18</p>	<p>Inclusionary Housing Requirements. The City of San Rafael first adopted inclusionary requirements in the 1980’s. The City requires residential projects to provide a percentage of affordable units on site and/or pay in-lieu of fees for the development of affordable units in another location. The City’s program requires the units remain affordable for the longest feasible time, or at least 55 years. The City’s primary intent is the construction of units on-site. The units should be of a similar mix and type to that of the development as a whole and dispersed throughout the development. If this is not practical or not permitted by law, the City will consider other alternatives of equal value, such as in-lieu fees, construction of units off-site, donation of a portion of the property for future non-profit housing development, etc. Allow for flexibility in providing affordable units as long as the intent of this policy is met. Specific requirements are:</p> <table border="1" data-bbox="359 837 968 1049"> <thead> <tr> <th>Project Size</th> <th>% Affordable units required</th> </tr> </thead> <tbody> <tr> <td>2-10 Housing Units (*)</td> <td>10%</td> </tr> <tr> <td>11-20 Housing Units</td> <td>15%</td> </tr> <tr> <td>21+ Housing Units</td> <td>20%</td> </tr> <tr> <td colspan="2">(*) Exemptions for smaller projects units may be provided in the Zoning Ordinance</td> </tr> </tbody> </table> <p>Rental Units. Provide, consistent with State law, a minimum of 50% of the BMR units affordable to very low-income households at below 50% of median income, with the remainder affordable to low income households at 50-80% of median income.</p> <p>Sale/Ownership Units. Provide a minimum of 50% of the BMR units affordable to low income households at 50-80% of median income, with the remainder affordable to moderate income households at 80-120% of median income.</p>	Project Size	% Affordable units required	2-10 Housing Units (*)	10%	11-20 Housing Units	15%	21+ Housing Units	20%	(*) Exemptions for smaller projects units may be provided in the Zoning Ordinance		<p>Simplify this policy so it merely says that the City will maintain inclusionary zoning. In other words, it will continue to require a percentage of all units in market-rate projects to be set aside as affordable, and it will continue to offer the option of an in-lieu fee where on-site units are not feasible. The details (such as the percentages of units) may be retained in the Housing Element narrative but should not be in the body of the policy, as they are subject to change and are regulatory in nature. The percentages cited in this policy were updated in early 2021 and may change again during 2023-2031. The other concepts expressed by this policy (length of affordability, disperse units throughout the development, allowing for flexibility, maintaining different thresholds for rental and ownership units, rounding up and down for fractional units, etc.) remain valid and can be expressed in the text. They do not need to be spelled out in the body of the policy itself.</p>	
Project Size	% Affordable units required												
2-10 Housing Units (*)	10%												
11-20 Housing Units	15%												
21+ Housing Units	20%												
(*) Exemptions for smaller projects units may be provided in the Zoning Ordinance													

ATTACHMENT 3: EVALUATION OF 2015-2023 HOUSING ELEMENT

Reference	Statement	Staff Comments	Comments from Working Group Members
	<p>Calculation of In-lieu Fee. Continue to provide a calculation for in-lieu fees for affordable housing. For fractions of affordable units, if 0.5 or more of a unit, the developer shall construct the next higher whole number of affordable units, and if less than 0.5 of a unit, the developer shall provide an in-lieu fee.</p>		
<p>Program H-18A</p>	<p><i>Inclusionary Housing Nexus Study.</i> Conduct an <i>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.</i></p>	<p>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.</p>	
<p>Policy H-19</p>	<p>Energy Conservation and Sustainability The City of San Rafael promotes resource conservation and energy efficiency through the Sustainability Element of the General Plan. In implementing the policies and programs of the Sustainability Element, the City will also achieve its objectives for greater sustainability in residential projects.</p>	<p>Rewrite as a policy to encourage energy conservation, weatherization, and efficiency in order to reduce home energy costs, including programs to assist lower income residents.</p>	
<p>Program H-19A</p>	<p><i>Sustainability Policies and Programs.</i> Refer to the <i>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.</i></p>	<p>Program needs to be updated to reference current energy conservation and renewable energy policies and programs in General Plan 2040. The City implements CalGreen and Green Building Code standards and is promoting conservation through its Climate Change Action Plan. Additional programs should be added regarding lower rates and assistance for lower income owners and tenants.</p>	

Additional Housing Policies in General Plan 2040 Equity, Diversity and Inclusion Element (adopted August 2, 2021)

Goal EDI-3: Housing Stability

Improve housing stability for all San Rafael residents, particularly those with low or very low incomes. *Residents should live without fear of being displaced by high rents and a shortage of affordable housing options. The City will work to reduce overcrowded and substandard living conditions and provide additional housing choices for people of all incomes. It will also work with landlords and rental property owners to develop fair, workable solutions.*

Policy EDI-3.1: Preventing Displacement

Prevent the displacement of lower income residents from their homes due to rising costs, evictions without cause, and other economic factors that make it difficult for people to stay in San Rafael.

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.*

Policy EDI-3.2: Affordable Housing Development

Encourage the development of affordable rental housing to meet the needs of all San Rafael households.

Policy EDI-3.3: Acquisition and Rehabilitation

Support efforts by local community-based organizations and other housing organizations to acquire private market rate apartment complexes and convert them to affordable housing using state and federal tax credit programs, or create community land trusts to purchase existing housing in order to maintain it as affordable.

Policy EDI-3.4: Healthy Homes

Promote and ensure safe and sanitary housing and healthy living conditions for all residents, particularly lower income renters.

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.*

Policy EDI-3.5: Property Maintenance

Improve property maintenance and housing conditions in all parts of the city and encourage corrective rehabilitation of housing that is substandard or poses a hazard to its occupants.

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.

Policy EDI-3.6: Reducing Overcrowding

Work with local advocacy groups to evaluate the housing circumstances of immigrant and refugee populations in San Rafael, including overcrowding. Determine appropriate implementation measures to reduce overcrowding without displacement.

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.

Policy EDI-3.7: Emergency Housing Services

Support agencies and organizations that provide emergency shelter, housing, and other services related to the needs of vulnerable communities, including temporary housing for displaced persons and persons experiencing homelessness.

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