



**LET'S HOUSE  
SAN RAFAEL**

## AGENDA

**2023-2031 SAN RAFAEL HOUSING ELEMENT UPDATE  
WORKING GROUP  
THURSDAY, March 17, 2022, 4:00 - 6:00 PM**

<https://tinyurl.com/2p8phx96> (PUBLIC)

Passcode: 714105

Telephone: (669) 900-9128

Meeting ID: 831-8705-1906#

One Tap Mobile: US: +16699009128,,83187051906#

**Member Log-In Information Provided Via Email**

### **CORONAVIRUS (COVID-19) ADVISORY NOTICE**

In response to Assembly Bill 361, the City of San Rafael is offering teleconference without complying with the procedural requirements of Government Code section 54953(b)(3). This meeting will be held virtually using Zoom. The public may participate as follows:

\* Submit public comments in writing. Correspondence received by 5:00 p.m. on March 16 will be provided to the Working Group. Correspondence received after this deadline but by 3:00 p.m. on March 17 will be conveyed as a supplement. Send correspondence to [barry.miller@cityofsanrafael.org](mailto:barry.miller@cityofsanrafael.org) and [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org).

\* Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment, or dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment. At the March 17 meeting, public comment will be taken at the beginning of the meeting and also at end of the meeting.

Any member of the public who needs accommodations should contact the City Clerk (email [city.clerk@cityofsanrafael.org](mailto:city.clerk@cityofsanrafael.org) or phone at 415-485-3066). The City will make its best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with City procedures.

#### **1. WELCOME**

#### **2. RECORDING OF MEMBERS PRESENT AND ABSENT**

#### **3. ACCEPTANCE OF PRIOR MEETING SUMMARIES**

##### **A. Summary of February 17, 2022 Meeting**

#### **4. PUBLIC COMMENT OPPORTUNITY # 1**

#### **5. DISCUSSION ITEMS**

- A. **Housing Needs Follow-Up.** At the February meeting, Working Group members were asked to share their perspectives on housing needs in San Rafael and react to data provided by staff. Many of the comments related to longstanding issues related to race, equity, and income. A future meeting of the Working Group is being planned to discuss how the Housing Element can affirmatively further fair housing and better respond to these issues. Working Group feedback is invited. *Recommended time allowance: 20 minutes*

*An opportunity for public comment on this item will be provided*

**B. Site Inventory Presentation.** The Housing Sites inventory is a critical part of the Housing Element Update process. It provides a comprehensive list of properties on which housing can be built in the next eight years, including estimates of the number of units each site can accommodate, and what income groups those units are likely to serve. Staff will deliver a PowerPoint presentation on the Inventory, highlighting the methodology for identifying sites, the types of sites that are included, and rough estimates of the number of sites in each category. *Recommended time allowance: 20 minutes*

**C. Housing Sites Discussion.** The Committee will participate in a discussion about the Housing Sites Inventory, including several policy questions that will be raised in the presentation. Staff is seeking feedback on the sites identified, additional sites that could be considered, and policies and programs to support development on the sites. *Recommended time allowance: 60 minutes*

*An opportunity for public comment on this item will be provided.*

## **6. MEMBER AND STAFF ANNOUNCEMENTS**

**A. Housing Survey** – Staff will provide an update on the Housing Survey and other outreach efforts. *Recommended time allowance: 5 minutes*

**B. Other Member and Staff Announcements**

## **7. PUBLIC COMMENT OPPORTUNITY #2**

## **8. ADJOURNMENT**

*I, Danielle Jones, hereby certify that on Friday, March 11, 2022, I posted a notice of the March 17 Housing Element Working Group meeting on the City of San Rafael Agenda Board.*



LET'S HOUSE  
SAN RAFAEL

# ATTACHMENT 1

San Rafael 2023-2031 Housing Element Working Group  
Meeting #2  
February 17, 2022  
**MEETING SUMMARY**

## **Attendance**

Members Present: *Omar Carrera, Don Dickenson, Andrew Hening, Linda Jackson, Lorenzo Jones, Cesar Lagleva, Amy Likover, Diana Lopez, Tom Monahan, Daniel Rhine, Joanne Webster*

Members Absent: *Rina Lopez (excused), Jon Previtali*

Staff Present: *Alexis Captanian, Alicia Giudice, Barry Miller, Jacob Noonan*

## **(1/2) WELCOME/ RECORDING OF MEMBERS PRESENT AND ABSENT**

The meeting was called to order at 4.00 PM. Roll call was taken. Members (and staff) introduced themselves.

## **(3) ACCEPTANCE OF PRIOR MEETING SUMMARIES**

An edit to the Meeting Summary of January 20, 2022 (related to the on-line housing survey) was requested by Amy Likover. Barry Miller noted that an edit had also been requested by Diana Lopez. The summary of the January 20, 2022 was accepted, inclusive of these edits.

## **(4) INITIAL OPPORTUNITY FOR PUBLIC COMMENT**

There were no initial comments.

## **(5) DISCUSSION ITEMS**

### **A. Housing Needs Assessment Presentation**

Barry Miller provided a presentation on the recently completed 2023-2031 Housing Needs Assessment. There was an opportunity for clarifying questions related to the presentation prior to moving to the discussion of housing needs (Item B).

- Staff was asked to clarify its conclusion about the key takeaways from the data. Barry reiterated the last slide of the presentation—key takeaways are the need for senior housing and supportive services, more affordable rental housing for families, larger units for families (to address overcrowding), and more measures to close the affordability gap for very low income households.
- Recognize that Census data is not entirely reliable, as it historically undercounts persons of color. This is especially true in lower income and immigrant communities. The disparities revealed by the data are likely even greater than what the Census indicates.

- Affordability benchmarks in Marin County used by state/federal government are exceptionally high due to pockets of extreme wealth in parts of the County. This tends to skew the data and make it even harder to reach those with the greatest needs

## **B. Housing Needs Assessment Discussion**

- From the “neighborhood” perspective, housing is part of what makes a neighborhood cohesive. Residents are interested in quality of life and security, accessibility to services (parks, community centers, libraries), nature, etc. As we meet our housing needs and State mandates, we need to strive for balance and be mindful that neighborhoods are fragile. Development should contribute positively to neighborhoods—it should also be legal, safe, and code-compliant. Some areas have illegal dwellings that may be unsafe for their occupants and their neighbors. Residents seek stability and value/ welcome long-term tenants and the security that comes with knowing neighbors. We can do more to house people who work in the city. Diversity makes our neighborhoods stronger.
- From a developer’s perspective, the more that can be built, the more possibilities there are to create housing for a wider range of incomes and households. The vision behind the Downtown Plan is exciting. We need to demonstrate continued support to create housing of all kinds.
- The data affirms what we know on all levels. We all want good quality schools, good services, and a high quality of life. But historically, residents in the Canal area have not had a voice in decisions affecting their quality of life. The city may be diverse as a whole but it is segregated at the neighborhood level. The data demonstrates high rates of renters and overcrowded units in the Canal. And then there are single family neighborhoods with no overcrowding and no rental housing. If we are going to talk about diversity and inclusion, we can’t “protect” some neighborhoods from development and not others. We need to look at what will be good for the entire community—not just Gerstle Park and Terra Linda.
- Piggybacking off the prior comments, the data isn’t surprising. At public meetings for affordable housing, residents frequently express their support for a project but then state that it should not be in their neighborhoods, or that it would fit better in another area. Wealthier communities have the benefit of free time to come to hearings and advocate against housing, while the folks that would benefit from the housing need to work or cannot participate.
- Census numbers historically have undercounted racial minorities, thus the data may not be representative of the entire community. Some of the inequity evident in the data has been created through our own policies. How do we change this? Parts of our community are not heard from, engaged, or represented. Yet, the COVID-19 crisis showed they are our essential workers and the foundation of our city. When we look at data on where the city’s growth occurred, we see much of the growth was in the Latino community—it’s Latino workers doing low wage jobs, while at the same time facing housing insecurity. This suggests the need for rent control and tenant protections. We have made a conscious decision in Marin County to protect 85% of our land as open space. This leaves very little left for development. We need to protect our lower income residents as we think about development.
- We tend to build large luxury units. We need to also make sure there are studios, SROs, and other types of housing. The City should make sure that these smaller units are allowed throughout the city. Not everyone needs a large luxury unit. For folks experiencing homelessness, a 10 x 10 unit may be OK. We should allow faith based and church organizations throughout the community to provide such housing. There are also folks living in their vehicles, so looking at safe parking programs can

help provide a source of transitional housing. If folks are living in a vehicle now, can't we provide them with a safe place to live that is smaller than a traditional housing unit? It has been disheartening to watch homeownership become unattainable for so many people. They now face a lifetime of renting.

- Growing up, we sometimes called the Canal the “servants quarters.” If you want cheap labor, you find it there. I work for / serve on multiple boards related to housing and see that renter protections and rental assistance are key to addressing housing challenges. We also need to be more proactive, instead of reactive by necessity. The Tenant Opportunity to Purchase Act (TOPA) is a promising model. We need to bring the banking institutions into this conversation. There's no way out of this crisis unless we connect with the financial institutions that can help more folks own a home.
- Many places to go in this dialogue. Check out the “Groundwater Institute,” which is an organization that deals with these issues. We are attempting to resolve what is above ground but we need to start talking about what is below ground, which is institutionalized racism. We aren't just talking about building an apartment—we are talking about dismantling systems that have brought us to this point. We are talking about the generational wealth that allows part of the community to afford second homes, nice cars, and a good education, while the rest of the community cannot. And it's not just about building housing, it is about helping people. If 60% of income is going to rent then there is not much left to spend on anything else and this hits people of color harder than anyone else. There are many aspects of this conversation that has feed into our lived experiences--kids not graduating, crime and incarceration. There are many impacts.
- The aging population is growing and there are needs not being met. We did a survey as part of Age-Friendly San Raael. We asked residents what they'd like to do to their homes to keep living there independently. We asked how the City can support residents remaining in the community as they age. We also talked to folks about what their preferences would be if moving to housing that better supported their needs. Overwhelmingly, older adults were not interested in moving. Inter-generational housing is a potential solution. Resoundingly, affordability was identified as an important issue, along with the need for subsidized senior housing. San Rafael has the largest number of low income older adults in Marin—it has expensive housing, land use patterns and roads that are not pedestrian friendly. Those surveyed loved living in San Rafael but there are challenges. Older people are vulnerable with many households living above the poverty line but below the elderly income security line. Our group is discovering many older adults do not find their homes still meeting their needs. How do we support adjustments to homes/retrofits to support continued independent living. The independent living facilities in our community are not affordable. Thus, the policy platform from Age Friendly San Rafael is to support more housing. The Othering and Belonging Institute (Berkeley) is a great resource for additional data.
- From the perspective of Sustainable San Rafael and the Aging Action Initiative, here are some observations. There is a mismatch between the housing constructed after the war (WWII) and the housing needs of the residents who now live here. Many of these residents are in their 70s and 80s. We have seen decades of slow housing development. This is why youth leave San Rafael - there are no housing choices for them. San Rafael residents love living here—it's a beautiful location with water and hills. It is a great place to raise a family—except the kids can't afford to stay when they grow up. There are no housing options. Our surveys show 80% of older people want to stay in their homes. In 2025, the first cohort of baby boomers turn 80—the silver tsunami is here. If you are renting and you are older and your partner dies, you may struggle to make ends meet. The rental issue is a challenge for older people. Not everyone wants to move to assisted living. Perhaps we can build the equivalent of SROs for older people. ADUs are a great opportunity for older people - but we need

to recognize older adults may have a lot of stuff and may need help downsizing. We need to make the most of our commercial lands, be open to innovation, get rid of density limits, and support a suburban to urban transformation in many parts of San Rafael so folks can walk and not feel isolated.

- We hear from employers all the time about the need for “missing middle” housing. A two-income household earning \$120K cannot live here—this is considered low income. If we want an inclusive community, we need to have a diverse housing stock. A lot of folks want a path to a home ownership, but that’s not possible. Let’s explore different forms of ownership and different forms of housing. The City should promote a diverse stock of rental and ownership housing that enables renters to become homeowners someday.
- Some of the surge in prices is coming from families in Silicon Valley/ San Francisco wanting to move to San Rafael. This has affected the ability of our own residents to become homeowners. There is a home in my neighborhood that I would consider a “starter” home. It’s 900 sqft. A single woman bought it and added a bedroom. It was 450K—15 years later it sold for 750K to a small family. They turned around and sold it for 1.2M with multiple bidders – non-local residents can outbid local residents. The character of the housing stock is evolving. Younger tech workers have the cash to pay higher prices. Their interest in San Rafael has been fueled by the pandemic and the ability to work remotely.

#### **(6) MEMBER AND STAFF ANNOUNCEMENTS**

Staff provided an update on the Resident Survey and ongoing outreach efforts.

#### **(7) PUBLIC COMMENT OPPORTUNITY #2**

- I work with young people in San Rafael, and they do not see a future for themselves in this city. I am 32 and there is no possibility for me to ever own a home here. We need to find way to uplift all in Marin, not just those with wealth. I really appreciated the comments on recognizing the role of race in contributing to inequities in Marin. We need to looking for commonalities and solutions. I grew up in the Pilgrim apartments, which are Section 8. There are many examples of affordable housing and supportive housing that the public would never know are “affordable” because they blend so well into communities. Bringing in the lived experience of our residents is as important as the data.
- Has there been any calculation of the number of illegal apartments or housing units in San Rafael? There is a property next to me that illegally added a unit. I would like to see more incentives for builders to build smaller homes, like two-bedroom homes. The reason more San Francisco folks are moving to Marin is because you can send your children to public schools, which is cheaper than paying for private schools in San Francisco.
- Part of a well functioning neighborhood is a sense of safety. Given the data on overcrowding, are property owners and landlords being held accountable to maintain their buildings? Would hope it doesn’t come down to calling code enforcement, because tenants may fear they will be kicked out because their unit is illegal.

#### **(8) ADJOURNMENT**

The meeting was adjourned at 6:00 PM.



## **REPORT TO 2023-2031 SAN RAFAEL HOUSING ELEMENT WORKING GROUP**

**Subject: Housing Element Site Inventory**

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### **EXECUTIVE SUMMARY**

The next meeting of the Housing Element Working Group will include a presentation/discussion on housing opportunity sites. The intent is not to go through each site individually but to talk more generally about housing opportunities in the city (vacant land, underutilized office buildings, vacant retail space, parking lots, accessory dwelling units, etc.). This staff report highlights State requirements for opportunity sites, the methodology for identifying sites, and issues related to how the City can meet its Regional Housing Needs Allocation (RHNA). These issues include the challenges of developing on non-vacant sites, the State-mandate for a RHNA buffer, the State-mandate to distribute housing sites around the city (AB 686), and the implications of housing sites in areas subject to sea level rise or wildfire.

Because the 2023-2031 site inventory report is still being produced, we have included the inventory from the prior (2015-2022) Housing Element as a benchmark. Staff is currently updating this document to add new sites and remove those that have been developed. New sites reflect changing conditions since 2015, the higher RHNA assignment, and new State requirements (discussed in this report).

### **REPORT**

#### **A. Relationship to Regional Housing Needs Allocation (RHNA)**

As noted at previous Housing Element Working Group meetings, the City of San Rafael must demonstrate that it has the capacity to accommodate its “fair share” of the region’s housing needs for the next eight years. The City’s “fair share” is calculated by the Association of Bay Area Governments (ABAG) through a process known as the Regional Housing Needs Assessment (RHNA). The City’s RHNA for 2023-2031 is 3,220 units, which is more than three times what it was during the 2015-2023 Housing Element (1,007 units).

The RHNA is broken down into four income categories. The City’s total includes 857 very low income units, 492 low income units, 521 moderate income units, and 1,350 above moderate income units. The low and very low income units serve households with incomes below \$146,350 a year (for a family of four).

#### **B. Site Inventory Requirement**

Every Housing Element must include an inventory of specific sites that are available to accommodate the jurisdiction’s RHNA. These are referred to as “Housing Opportunity Sites.” Cities must demonstrate that they have a sufficient number of opportunity sites to meet the RHNA by income category. These sites

must have existing uses, physical conditions, zoning, development standards, and infrastructure to support the type of housing that is needed. The State Department of Housing and Community Development (HCD) has prepared a guidebook for conducting the site inventory that can be reviewed [here](#).

HCD identifies the following general types of housing opportunity sites:

- Vacant sites zoned for residential use.
- Vacant sites zoned for nonresidential uses where residential development is allowed.
- Residentially zoned sites that are capable of being developed at a higher density (non-vacant sites, including underutilized sites)
- Commercially zoned sites where housing is a permitted use and site conditions are conducive to redevelopment with housing
- Sites owned by a city, county, or other public agency
- Sites where housing is not currently allowed, provided that a program is included in the Element to rezone the site to allow housing within three years of Housing Element adoption.

Additional criteria used to identify housing sites include the size and shape of the site, existing activities on the property, the value of improvements on the site, the age and condition of structures, slope and erosion conditions, environmental and pollution conditions, access to transit and job centers, site ownership, and the availability of infrastructure.

Over the years, the State has created new standards for what constitutes an “adequate” housing site. For instance, sites may be only counted as meeting the need for lower income housing if they are zoned at densities of at least 30 units per acre (AB 2348).<sup>1</sup> The State has also expressed that sites smaller than 0.5 acres and sites that are larger than 10 acres are generally unsuitable for lower income housing (due to the economics of building housing on such sites).

New State laws also affect the City’s ability to carry sites forward from the previous Housing Element. AB 1397 (2017) was adopted to address concerns that cities were simply carrying the same sites forward from cycle to cycle, without creating incentives for their development or providing evidence that these sites were viable. The new requirements are intended to provide further zoning incentives to encourage redevelopment.

Under AB 1397, the City must allow future development on “carry-over” sites to proceed by right if at least 20 percent of the housing units in that development will be affordable. In this context, “by right” approval means that the City cannot require a Planned Development permit, Conditional Use Permit, or other form of local discretionary review. The City can still require design review (including public hearings) as long as objective design standards are applied. Parcels in Downtown San Rafael will meet this criteria under the new Precise Plan, since that Plan includes objective standards and a pathway to by right approval. Objective design standards are now being developed by the City for sites outside of Downtown, and would apply to all carry-over sites.

SB 166 (2017) requires that cities include a “buffer” of additional sites beyond the RHNA in case some of the opportunity sites become unavailable during the planning period. If a site identified as potentially available for affordable housing is proposed for another use, the City must determine that it is still

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<sup>1</sup> The requirement is 30 units per acre for cities with more than 25,000 residents and 20 units per acre for cities with fewer than 25,000 residents.



possible to meet the RHNA on the remaining opportunity sites. The buffer recommended by the State is 15 to 30 percent, although larger buffers are encouraged.

### **C. What Counts as a Housing Unit?**

HCD generally relies on Census definitions when determining what qualifies as a “housing unit” for RHNA purposes. Housing units must be separate living quarters, where the occupants do not live and dine in a congregate space such as a cafeteria. The following housing types may not be counted as housing units:

- Dormitories
- Nursing home and congregate care facilities
- Military barracks
- Apartment-style student housing (where residents are leasing “beds” rather than apartments)
- Emergency shelters
- Homes on wheels (recreational vehicles)

The State’s requirements include exceptions. For instance, assisted living facilities may be counted when they are designed for independent living, with full private kitchens, bedrooms (for individual tenants), and bathrooms. Apartments for students may be counted if they are also open for occupancy by student families, faculty, staff, and rented to the public in the same manner as private apartments. Junior Accessory Dwelling Units (JADUs) may be counted, even if they do not have a full independent kitchen.

### **D. Information Required by the State for Housing Sites**

For every property listed as a housing site, the jurisdiction must identify the assessor parcel number, the size of the parcel, the General Plan and zoning designation, the existing use of the property, whether the site is publicly owned or leased, the availability of infrastructure, whether the parcel is being carried over from a prior housing element, and the income group the parcel is anticipated to accommodate. A map of sites also is required. The jurisdiction must also provide an analysis of how the site inventory achieves the goal of affirmatively furthering fair housing.

Significantly more information is required for certain types of sites, especially sites with active uses (such as retail stores or offices).

### **E. Methodology**

The City’s methodology for identifying housing sites was as follows:

#### *1) Account for approved development projects.*

Projects that have been approved or permitted, or that will receive a certificate of occupancy after July 1, 2022, may be counted as housing opportunity sites. These projects are sometimes referred to as the “development pipeline.” Housing units in the “pipeline” must be assigned by income category based on actual or projected sales prices and rent levels. In San Rafael, this includes approximately 750 housing units. Most of these units fall into the “above moderate” income category.

2) *Determine the likely number of Accessory Dwelling Units (ADUs) and Junior ADUs to be produced over the next eight years by income category. Adjust the RHNA based on this total.*

Cities and counties are permitted to include projections of future ADUs and JADUs in their housing plans, thus reducing the number of multi-family units they must plan for to meet their RHNA. The projected number of ADUs must be based in the number developed during the last three or four years. Cities can assume a slight increase in production based on Housing Element programs but may not assume dramatic increases. For instance, HCD has rejected Housing Elements in which cities claim they will double their ADU production by implementing new incentives and outreach measures.

San Rafael produced approximately 20 ADUs per year between 2018 and 2021. Thus, the City can reasonably assume 20-25 ADUs for 2023-2031, or a total of 160-200 ADUs.

ADUs must be assigned to the income categories used in the RHNA. This is typically done using rent surveys or data on unit size. The Association of Bay Area Governments (ABAG) completed a survey of Bay Area ADU rents in 2021 and determined the following distribution by income category:

- Above Moderate: 15%
- Moderate: 50%
- Low/Very Low: 35%

Applied to 200 units, this is equivalent to 30 above moderate, 100 moderate, and 70 low and very low income units.

3) *Determine the potential number of units on vacant residentially zoned land.*

The City updated its inventory of vacant residentially zoned land as part of General Plan 2040. The number of vacant residential “infill” lots is small and was determined to have the capacity for fewer than 100 units. Given the location of these lots (generally in hillside areas) and the cost of land and construction, this is presumed to be “above moderate” income housing. There are also several large sites zoned for housing that have never been subdivided. The potential to “upzone” these sites to accommodate more units is limited by physical constraints (steep slopes, poor access, high fire danger, etc.). Development potential based on existing zoning has been calculated on each site.

4) *Calculate the potential on underutilized residential land*

The potential for additional units on previously developed residential sites was evaluated using indicators such as parcel size, property dimensions, average slope, land to improvement value, ownership, and field observations. Examples of such sites are single family homes in multi-family zoning districts, large lot single family homes in areas zoned at suburban densities (2-8 units per acre), and multi-family properties with the potential for additional units.

The passage of SB 9 in 2021 creates additional capacity, even on parcels that appear fully developed. SB 9 allows duplexes on most single family lots, and further allows lots meeting certain criteria to be divided to enable construction of another house (or house plus accessory dwelling unit). Staff has not estimated the capacity for new housing through SB 9 lot splits, as these units would likely represent a

small share of the city’s total development potential. New SB 9 housing units would also generally serve above moderate income households, since there are no affordability limits.

*5) Calculate the potential in the Downtown San Rafael Precise Plan area*

The Downtown Precise Plan (adopted in August 2021) included an estimate of development potential within the 265-acre plan area. The Plan identifies locations for approximately 2,200 housing units. The specific sites (and potential unit counts) have been mapped and included in the inventory. These are all high-density residential and mixed use sites that could support affordable housing, market-rate housing, or housing that combines affordable and market-rate units. Many of these projects would also include ground floor commercial uses and could qualify for height bonuses by including affordable units. The State of California does not allow density bonuses to be counted when determining the “realistic capacity” of development sites, so the estimates for Downtown sites are lower than the actual potential.

Not all of the Downtown Precise Plan sites will be available for development by 2031. The Downtown Plan has a 20-year horizon, while the Housing Element looks at the next eight years. Many of the Downtown sites contain active uses such as retail stores and businesses. The City will need to take a close look at the sites in the inventory to evaluate which are most viable and which may not be accepted by the State due to existing uses. The City will also need to consider programs and actions to encourage more affordable units Downtown, above and beyond those required through its Inclusionary Zoning Ordinance.

*6) Calculate the potential on commercial and mixed use sites outside of Downtown*

Many of the city’s best housing opportunities are on commercially zoned sites outside of Downtown. Most of San Rafael’s commercial zoning districts also allow multi-family residential uses. Historically, these sites have offered good prospects for higher densities. As “urban infill” sites, their reuse is less disruptive than “greenfield” development and has fewer environmental and neighborhood impacts. These sites are also more likely to have good transportation access, available infrastructure, and are large enough to support multi-family housing. In some cases, the existing uses on these sites have been affected by changes in the way we live, work, and shop. For instance, demand for “brick and mortar” retail has been impacted by on-line shopping, and demand for office space has been impacted by the pandemic and employees working from home.

The Marin County Assessor’s Office parcel data base indicates that there are 1,051 commercial parcels in the San Rafael city limits. The data base was sorted to identify:

- Parcels with high land values and low improvement values (for example, gas stations, parking lots, and storage areas)
- Parcels larger than 0.5 acres
- Adjacent parcels under one ownership
- Parcels with less than 10 percent slope
- Parcels with buildings that are much smaller than what is allowed by zoning.<sup>2</sup>

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<sup>2</sup> The ratio of building area to lot area is referred to as Floor Area Ratio (FAR). A 10,000 square foot parcel with a 1,000 square foot building has an FAR of 0.1. Properties with FARs of less than 0.2 are often considered “underutilized” and were specifically analyzed as part of this task.

In addition to the metrics above, commercially zoned sites from the 2015 Housing Element also were revisited to determine if they are still suitable for housing. These sites meet the criteria listed above in some cases, but not in others. Other indicators of housing opportunities include interest expressed by property owners, plans that are in the “pre-application” or concept stages, and opportunities that are identified in other plans (such as the SMART Civic Center Station Area Plan and General Plan 2040).

Northgate Mall represents a unique case. The owners are pursuing redevelopment with approximately 1,350 new housing units. The City will need to determine what parts of the Mall property may qualify as “housing opportunity sites.” Factors such as phasing of new development (i.e., what is likely to be completed by 2031) and the income mix of new development will need to be considered.

*7) Calculate the potential on public, institutional, and nonprofit-owned land*

This includes housing potential on City-owned property, County-owned property, and State-owned property. It also includes properties owned by SMART, various utility districts, and the school districts serving San Rafael. It also includes Dominican University and land owned by non-profits and tax-exempt organizations.

Again, the 2015 Housing Element provides the starting point for this analysis. Tax assessor records provide a supplemental source of data and a way to identify vacant, unimproved public properties. Some of these properties clearly provide housing opportunities. For example, Downtown surface parking lots owned by the City of San Rafael provide opportunities for joint development (housing over parking). The County Civic Center includes underutilized properties, some of which have been considered for housing in the past. Because these sites are publicly owned, they provide some of the best opportunities for lower income and special needs housing in the city.

*8) Calculate the potential on industrial land with the potential to be rezoned*

San Rafael does not permit housing on industrially-zoned land, including land zoned for Light Industrial-Office uses. This position was strongly reaffirmed during General Plan 2040. City policy recognizes the importance of these properties to the local and regional economy, their role in providing jobs to San Rafael residents and tax revenue to the City, and the potential negative impacts of allowing uses that would be incompatible with industry.

At the same time, General Plan 2040 recognized that there may be a limited number of parcels on the edges of the industrial area where housing could be considered at some point. Specifically, there are industrial properties in the Lindero/ Jordan Street area (around Davidson Middle School) and along the San Rafael Canal that could potentially support housing. In general, these sites are not listed in the inventory, although some may be suited for live-work development or other innovative housing types that do not exist in the city today. General Plan 2040 raised the possibility of an “Innovation District” south of Downtown (and within one-half mile of the SMART station) where new forms of housing could be considered.

**F. Maximum Capacity vs Realistic Capacity**

An important factor in the sites inventory is distinguishing the “realistic capacity” of each site from the “maximum capacity” allowed by zoning. Sites often develop below their “maximums” due to site conditions and dimensions, constraints (such as topography), market demand for particular housing

types, and developer/owner preferences. Some cities (including San Rafael) have adopted minimum densities (i.e., a requirement to develop at least a given number of units) in certain zoning districts to make sure that land is used as efficiently as possible.

In the past, San Rafael has calculated “realistic” capacity by providing data on recent developments. The 2015 Housing Element provides information on the typical densities of projects approved between 2000 and 2015 and compares that data to what is allowed by zoning. A similar analysis is being done for the 2023 Element. The situation has changed due to new State density bonuses laws. In 2022, more projects are coming in above the zoning capacity, since they include bonuses for affordable units. Nonetheless, the State still requires estimates of “realistic” capacity that are lower than the maximum. This recognizes that many of the housing sites are in zones that also allow commercial uses, and there is a possibility that non-housing uses may develop on such sites during the planning period.

### **G. Special Considerations for Non-Vacant Sites**

If a Housing Element relies on non-vacant sites to accommodate 50 percent or more of its RHNA for lower income households, then the jurisdiction is required to provide “substantial evidence” for each non-vacant site that shows it will be available for housing during the planning period. A city cannot simply list an occupied office building as a housing site and declare that because of low demand for office space, it will redevelop. Examples of substantial evidence include expiring leases, dilapidated structure conditions, and a letter from the owner indicating they are interested in residential development. The City also needs to demonstrate a track record showing that similar properties have recently been redeveloped with housing. It must also cite what steps are being taken to incentivize or streamline housing on these sites, potentially including financial assistance and relief from development standards.

### **H. Status of 2015 Housing Sites**

Attachment A to this staff report is the site inventory from 2015. Although the RHNA was only 1,007 units in 2015, the Element identified the capacity for 2,415 units. This represented a buffer of 140 percent. Some of the sites in the 2015 inventory were carried forward from the 4<sup>th</sup> Cycle (2007-2014) Housing Element, when the RHNA was 1,403 units.

The 2015 inventory included 172 units in the development “pipeline,” 60 projected Accessory Dwelling Units (7-8 per year), 429 units on residentially zoned sites, and 1,754 units on commercial/mixed use sites. Only a small part of the capacity identified in 2015 was actually used. According to the City’s 2020 Annual Housing Progress Report (completed in April 2021), the City permitted 324 housing units between January 1, 2015 and December 31, 2020. Some of these units were built on sites identified in the 2015-2023 Housing Element but many were not.

Most of the sites identified in the 2015-2023 Element will be carried forward to 2023-2031. Staff is seeking feedback from the Working Group on whether these sites are still realistic, and if any should be removed from the inventory.

## DISCUSSION QUESTIONS

The following questions are provided for Working Group discussion:

1. How can the City ensure that sites are distributed equitably around the City and meet the mandate to “affirmatively further fair housing”?
2. What steps can the City take to support the reuse of non-vacant sites with housing?
3. How should the City balance the need for housing with the need to mitigate (and avoid areas with) natural hazards such as sea level rise and wildfire?
4. How can the City more accurately identify sites likely to develop with housing in the next eight years?
5. Should any of the 2015 Housing Element Inventory be dropped from consideration (other than those that have already been developed)? Are there any specific sites or types of sites that Working Group members feel should be added to the inventory?

# ATTACHMENT 3:

## SITES INVENTORY FROM 2015 HOUSING ELEMENT

**NOTE TO WORKING GROUP: THIS IS THE SITES INVENTORY FROM THE 2015 HOUSING ELEMENT, PREPARED EIGHT YEARS AGO. IT IS CURRENTLY BEING UPDATED.**

Potential for new housing exists throughout San Rafael. This section provides an overview of the methodology used to identify housing opportunity sites and estimate residential capacity on those sites. Included are tables showing and explaining residential capacity assumptions for each site. The San Rafael Housing Element identifies opportunities for new housing in residential and mixed use districts and examines second unit development.

The methodology for meeting the City's Regional Housing Needs Allocation (RHNA) employs a balanced approach utilizing the full range of options allowed under State Housing Element law. HCD recommends that jurisdictions provide extra capacity in their site inventory to offset sites that may be developed at lower densities, and therefore a "buffer" is provided above the required RHNA. San Rafael's sites strategy includes housing units built or issued building permits during the planning period, accessory dwelling units and potential housing units on vacant and under-utilized parcels.

### A. SITE INVENTORY AND CAPACITY ANALYSIS

#### 1. Summary of Sites to Meet RHNA

San Rafael has developed a thorough and realistic approach to identifying sites suitable for development during the planning period. Through this site analysis, the City is able to demonstrate sufficient site capacity zoned at appropriate densities to accommodate its RHNA for both the prior and current planning periods.

The inventory of opportunity sites, which consists of residential and mixed use sites, has a capacity of 2,183 units. Sites entitled or under construction feature 172 units. Finally, projected second units and junior second units account of 60 units, creating a total unit capacity of 2,415 units.

As summarized in Table B3.1, sites and projects have been identified that are suitable to accommodate 409 units affordable to very low income households, 422 units affordable to low income households, 388 units affordable to moderate income households and 1,196 units affordable to above moderate income households.

**Table B3.1: Potential for Sites to Accommodate Housing Units for 2015-2023**

Income Levels	Very Low	Low	Moderate	Above Moderate	TOTALS
<b>RHNA TARGETS</b>	240	148	181	438	<b>1,007</b>
<b>Total Opportunity Site Capacity</b>	377	377	377	1052	<b>2,183</b>
Residential*	46	46	46	291	429
Mixed Use*	331	331	331	761	1,754
Entitled/Under-Construction	2	15	11	144	172
Second Units	20	20	0	0	40
Junior Second Units	10	10	0	0	20
Total Unit Capacity (Equals sum of Total Opportunity Site Capacity; Entitled/Under Construction; Second Units; and Junior Second Units)	409	422	388	1,196	2,415
Total Unit Capacity Over RHNA Target	169	274	207	758	1,408

\*Projected very low, low, and moderate income units are estimated as 20 percent of the total units where the default density (zoned at 30 or more units per acre) can be applied. Section B3.6 Zoning to Accommodate Lower Income Households lists the sites and number of units on sites with densities of 30+ units per acre that can accommodate at least 20 units on site.

The methodologies for selected sites and estimated capacity are described in the following sections. In summary, housing capacity in residential districts estimates are based on the allowed residential density and the average density from past development. For mixed use sites, housing capacity estimates are based on lot size and the average density from past development.



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**2. Residential Projects with Entitlements or Under Construction**

Residential projects under construction or with development entitlements with occupancy post January 1, 2014 are credited towards the City's RHNA for 2015-2023. In total, 172 units will be added during the planning period. Table B3.2 provides the breakdown by income level in each of these projects. Units identified as affordable to very low, low or moderate income households have been provided either through the density bonus or the City's inclusionary housing program, and maintain deed restrictions to ensure long term affordability.

**Table B3.2: Residential Projects with Entitlements or Under Construction**

Address	General Plan	Zoning	Market Rate Units	Mod	Low	Very Low	Site Description
Sites Identified in the Previous Housing Element Entitled or Under Construction							
1144 Mission Ave.	HDR	HR2	3				Under construction
1867 Lincoln Ave.	HDR	HR1.8	14			2	Under construction
1203-1211 Lincoln Ave.	HDR	HR1	30	2	4		Entitled
110 Loch Lomond Dr.	NC	PD	64	9	8		Entitled
6 Live Oak, 9 Live Oak	HRR	PD (1729)	2				Entitled
21 G St.	HDR	HR1	7	-	1	-	Entitled
Subtotal			146				
Other Residential Entitled or Under Construction							
220 Canal St.	MFR	HR1	1	-	-	-	Construction recently completed
19 Mountain View Rd.	SFR	R10	1	-	-	-	Construction recently completed
69 Graceland St.	SFR	R10	1	-	-	-	Under construction
16 E Crescent St.	MFR	MR3	1	-	-	-	Under construction (add a 3 <sup>rd</sup> unit to existing 2 unit site)
10 Lindenwood St.	SFR	R20-H	1	-	-	-	Under construction
46 Scenic Ave.	SFR	DR	1	-	-	-	Under construction
524 Mission Ave.	MFR	MR2.5	13	-	2	-	Entitled
207 Chula Vista St.	SFR	R10	1	-	-	-	Entitled
31 Gold Hill Grade St.	SFR	R1a-H	1	-	-	-	Entitled
51 El Camino Ave.	SFR	DR	1	-	-	-	Entitled
1850 Pt San Pedro Rd.	SFR	R1a-H	2	-	-	-	Entitled (1 main and 1 second unit)
Subtotal			26				
Total Projects Entitled or Under Construction			172				

Source: City of San Rafael Community Development Department, 2014

**3. Residential District Sites**

San Rafael’s Housing Opportunity Site Inventory below includes residential-zoned sites in San Rafael without existing structures, and able to support at least three housing units. Nearly all of the parcels in the city’s residential zoning districts have been developed. In the 2009-2014 Housing Element, the City zoned for 520 units on residential sites – for a total inventory of 2,520 units when combined with mixed use sites that can accommodate residential. With the excess capacity established in the prior Housing Element, the City is able to carry over the majority of these residential sites into the 2015-2023 Housing Opportunity Sites Inventory. There are 12 sites zoned for residential development that remain vacant. Five residential sites are underutilized. The underutilized sites are largely zoned for high density residential development and present opportunities to accommodate a larger number of units than vacant residential sites. The unit capacity for residential development is shown below:

- Twelve sites are vacant and available for development. The realistic capacity is 200 units (see Table B3.3).
- Five sites are underutilized and available for development. The realistic capacity is 229 units

**Table B3.3: Total Unit Capacity of Residential Sites**

	<b>Max Zoning Capacity</b>	<b>Realistic Potential</b>
Vacant Available	248	200
Underutilized Available	256	229
<b>Total</b>	<b>504</b>	<b>429</b>

The Table B3.4 below demonstrates San Rafael’s track record of approving residential-only housing development. The data includes all multi-unit projects approved of three or more units. The ‘maximum potential units’ is the number of units allowed per the zoning district. For sites zoned ‘Planned Development,’ the General Plan maximum density was used. In some cases, the ‘approved units’ are higher than the ‘maximum potential units’ because of a density bonus; these sites are conservatively considered to have reached 100% of their zoning potential. In the inventory for sites which are vacant and without approvals or under review, the ‘total realistic units’ is calculated using the 83% average potential achieved.

**Table B3.4: Historic Approvals of Sites Zoned Residential, 2000 – 2014**

Address	Maximum Potential Units	Approved Units	% Approved of Maximum Potential
111 Merrydale Rd.	31	56	100%
440 Canal St.	5	3	60%
Marin Lofts, 50 Cresta Dr.	32	15	47%
157 Woodland Ave.	17	10	59%
Northview (Sterling Way)	28	28	100%
262-268 Channing Way	8	4	50%
119 Laurel Place	5	3	60%
110 North Ave.	49	50	100%
Redwood Village	102	134	100%
1203-1211 Lincoln Ave.	30	36	100%
1867 Lincoln Ave.	12	16	100%
524 Mission Ave.	13	15	100%
Live Oak	5	5	100%
1515 Lincoln Ave.	30	24	80%
56 San Pablo Ave.	3	3	100%
21 G St.	13	8	62%
1203-1211 Lincoln Ave.	30	36	100%
1144 Mission Ave.	4	3	75%
1867 Lincoln Ave.	21	16	76%
6-18 Live Oak Way	2	2	100%
<b>Average potential achieved</b>			<b>83%</b>

Source: City of San Rafael Community Development Department 2000-2014

For the residential sites in Table B3.5 and Table B3.6 below, the following assumptions are made:

- For projects already approved or proposed, realistic units are determined by the project proposal.
- Vacant sites without existing structure are currently zoned to accommodate housing, and able to support at least three housing units.
- Sites suitable for redevelopment are currently zoned to accommodate housing, and able to support at least fifteen housing units.
- The maximum dwelling units per acre is the net allowable density described per zoning district in the San Rafael zoning ordinance. For areas zoned PD (Planned Development) the General Plan gross density is used.
- For sites not already approved or under review, Realistic Capacity is derived from historical approval trends from 2000 to 2010, which show that since 2000 the City has approved residential development at 83% of the maximum allowable density, as described above.
- Sites identified as eligible for tax credit financing allow for greater than 36 units and scored more than 15 points using current tax credit competitive scoring guidelines in an analysis conducted by Non Profit Housing and Green Info.
- Constraints list any known conditions that might act as a deterrent to developing new housing. All sites have ready access to necessary utilities and infrastructure unless otherwise noted. Commonly listed constraints include:
  - Hillside - any site that contains an average slope of 25% or greater.

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- Historic - any site listed on San Rafael's Historic/ Architectural Survey.
- CUP required - Conditional Use Permit Required to build housing (requires Planning Commission approval).
- Biological - signifies that biological mitigation would need to occur in order to build housing.
- Traffic - lack of available traffic capacity could trigger the need for an Environmental Impact Report (EIR).
- Wooded - means there are a significant amount of trees on site that could cause environmental mitigation and/or difficulties with site grading.
- Access- means a road would have to be developed or improved.
- Geologic - signifies sites expecting to require a significant amount of engineering work due to unsuitable terrain to make the site suitable for housing development.

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**Table B3.5: Vacant Residential Sites Available for Development**

APN	Address	General Plan	Zoning	Density	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
Vacant Sites Available for Development									
011-193-06	1628 Fifth Ave.	HDR	HR1.5	29	0.3	9	7	Vacant	None
009-330-01	104 Windward Way	MDR	MR2	21	2.3	48	42	Vacant. Former San Rafael Sanitation District Site	Traffic capacity; geotech
013-101-07	225 Picnic Ave.	MDR	MR3	15	3	45	39	Vacant. Ready access to all essential public facilities and services.	Hillside
185-020-02	Glenwood School (Vacant Lot)	LDR	R7.5	5	9	45	26	Vacant. Level lot adjacent to Glenwood School. Unit estimate based on CEQA constraints.	Limited access; wetlands; archaeology
011-031-07, 011-031-43 to 011-031-50	Coleman Dr.	LDR	R10	4	2.1	9	9	Vacant. Nine single-family homes on nine lots.	Hillside; wooded; access
011-022-02 to 011-022-27	Fair Dr.	LDR	R5/R7.5/R10	2	5.3	10	6	Vacant. Owners have indicated an interest to develop.	Hillside; wooded; access; parcels under separate ownership

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APN	Address	General Plan	Zoning	Density	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
016-213-12	Point San Pedro Rd.	LDR	PD	3	6.2	18	9	Vacant hillside site that was part of a larger subdivision but never developed. There have been 2 different applications for development of 6- 9 units on this site, but due to economy, were not pursued through completion.	Hillside; traffic; drainage; geotech; wooded. Requires master plan.
015-163-03	Dominican University	Hillside Residential	PD	2	18.7	37	32	Dominican University has indicated an interest in building affordable staff housing.	Requires master plan
165-240-02 to 165-240-05	Jaleh Estates	Hillside Residential	PD	1	6	4	4	Vacant. Four single-family homes on four lots.	Hillside; wooded; access; Requires master plan.
015-250-44	Dominican University (end of Dominican Dr.)	Hillside Residential	PD-H	0.5	18	9	8	Vacant	Hillside; Requires master plan.
165-220-06, 165-220-07	End of Los Gamos Dr.	Hillside Residential Resource	PD-H	0.3	11	3	3	Vacant. Parcel -06 is approximately three acres, with potential for one unit. Parcel - 07 is approximately eight acres with potential for two units. Lots are under same ownership.	Hillside; geotech; site access; Requires master plan.

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APN	Address	General Plan	Zoning	Density	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
155-101-03, 155-101-04	280 Channing Way	LDR, Hillside Residential	PD	2	6.6	11	15*	Vacant hillside site and never developed. There have been preliminary inquiries for development, but no formal applications submitted to city.	Hillside; traffic; drainage; geotech; wooded; Requires master plan.
<b>Total Vacant Residential</b>							<b>200</b>		

\*Sites identified with an “ \* “ have pending projects or have garnered development interests. Densities are based on the number of units proposed.

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Table B3.6: Residential Sites Underutilized Available for Development

APN	Address	General Plan	Zoning	Density	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
Underutilized Sites Available for Development									
011-141-46	Lincoln Hill Community Church 1411 Lincoln Ave	HDR	HR1	43	1.4	60	52	Underutilized. Owned by non-profit; surrounded by residential. The only structure on the parcel is a church, occupying just 14% of total lot area. Eligible for Tax Credit Financing.	Partial hillside
011-245-38	220 Shaver St	HDR	HR1	43	0.9	39	33	Underutilized. On residential street; potential for residential use if disbanded. Tax Credit Financing.	Utility Service
011-076-11	Villa Inn & Restaurant 1600 Lincoln Ave	HDR	HR1	43	1.2	51	44	Underutilized. Level, near public transit and freeway; surrounded by residential use. Had proposal for housing in early 2000s.	Currently generating Transient Occupancy Tax for City.
011-131-04	Elks Club 1312 Mission Ave	HR	PD	43	10.5	80	67	Large site currently developed with a few buildings used as a private club (Elks Club). Site is a hillside, with a large bowl area that is used as surface parking that could accommodate development. A proposal for 67 units was submitted and under review by the City until the member of the club terminated the lease option with the development for their own reasons.	Hillside; historic; biological; geotech. Requires master plan.



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APN	Address	General Plan	Zoning	Density	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
011-064-06	Colonial Motel 1735 Lincoln Ave	HDR	HR1	43	0.6	26	33*	Underutilized site currently developed with a one story motel, containing 20 motel units. Site is small, but has a graded portion of the site that could accommodate development.	None
<b>Total Underutilized Residential</b>							<b>229</b>		

\*Sites identified with an “ \* ” have pending projects or have garnered development interests. Densities are based on the number of units proposed.



**4. Mixed Use and Commercial Districts**

The City of San Rafael identified mixed use zoning districts as areas with the greatest potential for new units and a record of accomplishment of units being built. Mixed use districts are located in commercial areas throughout the city. In the 2009-2014 Housing Element, the City zoned for 2,000 units on mixed use sites – for a total of 2,520 units when combined with sites in the residentially-zoned areas. With the excess capacity established in the prior Housing Element, the City is able to carry over the majority of these mixed use sites and add several new sites into the 2015-2023 Housing Opportunity Sites Inventory.

Opportunity sites were identified using the City’s database of parcels. This analysis did not identify all underutilized sites with redevelopment potential; it identified the sites considered most likely to redevelop based on community input, General Plan land use policy direction, past trends, and/or expressed development interest. Many of the sites are developed with one-story single-use commercial structures with surface parking lots. The majority of the zoning districts allow three stories, and up to six stories in parts of Downtown. Additionally, the mixed use zoning districts allow mixed use development, which generally provide more potential revenue than commercial-only buildings. Therefore, many commercial sites are underutilized compared to allowable building sizes and uses. The unit capacity of mixed use sites is shown below:

**Table B3.7: Total Unit Capacity of Mixed Use Sites**

	<b>Max Zoning Capacity</b>	<b>Realistic Potential</b>
Vacant Available	169	160
Underutilized Available	2,946	1,594
<b>Total</b>	<b>3,115</b>	<b>1,754</b>

Source: City of San Rafael Community Development Department

In general, and depending on the type of use, the value of the land will be greater than the value of the older single-story building on the land. When land values are greater than the value of existing development there is an incentive to redevelop the land with more valuable buildings and uses.

Opportunity sites in the mixed use districts are more likely to redevelop with mixed use or residential-only buildings, rather than commercial-only building for several reasons:

- The majority of recent redevelopment for commercial uses has been new buildings with residential uses above ground floor commercial, or in the most recent housing project, a residential-only building in the Office District. This is due to market conditions where there is a high commercial vacancy rate. For the timeframe of the Housing Element, residential is forecast to offer a higher return than office use. Residential and retail uses command a higher rent than office uses, therefore there is a strong economic incentive to build a mixed use building with residential units over a retail space.
- The San Rafael zoning ordinance favors mixed use buildings over exclusively residential or commercial buildings by allowing shared parking, and
- San Rafael has no restrictions that pro-rate residential development against a site’s commercial development potential, thereby encouraging the maximum amount of density possible.

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The exhibit below demonstrates San Rafael’s track record of approving mixed use housing development. The data includes all multi-unit projects approved of three or more units. The maximum potential units is the number of units allowed per the zoning district. For sites zoned ‘Planned Development,’ the General Plan maximum density was used. The ‘approved units’ in some cases is higher than the ‘maximum potential units’ because of a density bonus. For development approved with a density bonus, the site was conservatively considered to have reached 100% of its zoning potential. In the inventory, for sites which are without approvals or under review, the ‘total realistic units’ is calculated using the 92% average potential achieved.

In addition, as shown in Table B3.8 below, residential development on sites zoned for mixed use typically surpasses the district’s zoning. In all but three projects was the density below the maximum allowed.

**Table B3.8: Historic Approvals of Mixed Use Sites, 2000 – 2014**

Address	Maximum Potential Units	Approved Units	% Approved of Maximum Potential
729 Fourth Street	28	30	100%
Rafael Town Center	94	11	100%
Albert Lofts, 931 Second (residential-only) (1)	92	11	100%
Edge Hill Village, Dominican University (residential-only)	96	54	56%
515 Northgate Dr. (residential-only) (1)	63	12	100%
33 San Pablo (residential-only) (1)	81	82	100%
522 Third St.	3	3	100%
<b>Average potential achieved</b>			<b>93%</b>

Source: City of San Rafael Community Development Department

(1) Sites zoned for mixed use, developed with a residential-only project.

Nearly all of the parcels in the city’s mixed use zoning districts have been developed. There are an estimated five sites zoned for mixed use development that remain vacant.

As can be seen in Table B3.9 below, the identified housing sites make up only a small portion of the total available acreage for residential development in the mixed use zoning districts. As noted above, the zoning regulations, which do not prorate residential development against commercial development, are an incentive to building housing on a mixed use zoned site. Even with development of all housing sites below, there remains over 86 percent of commercially-zoned property available for commercial redevelopment to meet community needs.

**Table B3.9: Available Acreage for Nonresidential Development in Mixed Use Districts**

Zoning	Residential Development	Acres, Citywide	Acres, Housing Opportunity Sites	% Available for Nonresidential Development
C/O	Residential as part of a mixed use project	30	1.6	93%
GC	Residential as part of a mixed use project	206	45.5	78%
HO	Residential as part of a mixed use project	6	0.3	95%
M	Residential as part of a mixed use project	93	2.2	98%
NC	Residential as part of a mixed use project	38	2.4	94%
O	Residential-only allowed	196	31.6	84%
CSMU 2/3 MU	Residential as part of a mixed use project Residential-only allowed	37	2.5	93%
WEV	Residential-only allowed	12	2.3	81%
	<b>TOTAL (1)</b>	618	88.4	86%

Source: City of San Rafael Community Development Department

(1) P/QP is not included in the total because much of the district’s 940 acres is not available for housing. Note: Loch Lomond Marina project is not included as it is on a site with multiple land use districts.

For the mixed use sites in Table B3.10 and Table B3.11 below, the following criteria was used:

- Currently zoned to accommodate housing.
- At least 0.5 acre in size, or where an application has been received for a smaller site
- Accommodated at least 20 units per site, or under public ownership.
- For projects already approved or proposed, realistic units are determined by the project proposal.
- Contained older buildings with suburban design of single-story buildings and surface parking lots. Existing underutilized property are assumed to redevelop with the outdated buildings replaced.
- The maximum dwelling units per acre is the net allowable density described per zone in the San Rafael zoning ordinance.
- For sites not already approved or under review, Realistic Capacity is derived from historical approval trends from 2000 to 2013, which show that since 2000 the City has approved residential development at 93% of the maximum allowable density, as described above.
- Sites identified with an “ \* “ have pending projects or have garnered development interests. Densities are based on the number of units being proposed.
- Sites identified as eligible for tax credit financing allow for greater than 36 units and scored more than 15 points using current tax credit competitive scoring guidelines in an analysis conducted by Non Profit Housing and Green Info.
- Sites identified as “PDA” are located within a Priority Development Area, an area designated by the Association of Bay Area Governments (ABAG) as supportive of sustainable

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development that will contribute to the reduction of greenhouse gases. ABAG anticipates that PDA development will receive regulatory streamlining, and that PDAs will receive funding to assist with needed infrastructure improvements to support the new housing. San Rafael has a PDA extending a ½ mile radius around the Downtown SMART station.

- Constraints list any known conditions that might act as a deterrent to developing new housing. All sites have ready access to necessary utilities and infrastructure unless otherwise noted. Commonly listed constraints include:
  - Hillside - any site that contains an average slope of 25% or greater.
  - Historic - any site listed on San Rafael's Historic/ Architectural Survey.
  - CUP required - Conditional Use Permit Required to build housing (requires Planning Commission approval).
  - Biological - signifies that biological mitigation would need to occur in order to build housing.
  - Traffic - lack of available traffic capacity could trigger the need for an Environmental Impact Report (EIR).
  - Wooded - means there are a significant amount of trees on site that could cause environmental mitigation and/or difficulties with site grading.
  - Access- means a road would have to be developed or improved.
  - Geologic - signifies sites expecting to require a significant amount of engineering work due to unsuitable terrain to make the site suitable for housing development.

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**Table B3.10: Vacant Mixed Use Sites Available for Development**

APN	Address	General Plan	Zoning	Density (u/a)	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
Vacant Sites Available for Development									
011-275-13	901 Tamalpais/ 706 3 <sup>rd</sup> St.	Heatherton Office	HO	72	0.311	23	30*	Vacant site that used to host a two story restaurant, that was demolished in mid-2000's. Site is one block from downtown transit center and has received interest in a variety of development, including retail, banks, and housing. Site has one of the most development potential of all zoning classifications in the city.	Parking, access; traffic capacity
011-263-22	Third St. & Lootens	Second/Third Mixed Use	2/3 MUE	72	0.8	60	51	Vacant; no structures, level site; in Downtown; suitable for mixed use. Within ¼ mile of transit, market, and services. Eligible for tax credit financing.	Traffic capacity
009-191-09	Former Dodge/Chrysler Dealership 1075 Francisco Blvd. East	General Commercial	GC	43	1.59	68	63	Vacant. Former auto dealership Housing developers have expressed interest in site; Eligible for Tax Credit Financing.	Traffic Capacity; noise; air quality
011-162-17	Menzes Parking Lot 1429 Mission Ave.	Public- Quasi-Public	P/QP	24	0.8	18	16	Vacant. Surface parking lot; no structures. City ownership.	Loss of city parking
<b>Total Vacant Mixed Use</b>							<b>160</b>		

\*Sites identified with an “ \* “ have pending projects or have garnered development interests. Densities are based on the number of units proposed.

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**Table B3.11: Underutilized Mixed Use Sites Available for Development**

APN	Address	General Plan	Zoning	Density (u/a)	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
Underutilized Sites Available for Development									
011-256-12 011-256-14 011-256-15 011-256-32	809/815 B St.	Second/Third Mixed Use	CSMU/MUW	72	0.5	36	33	Under review since 2005 in various forms. There is a current application filed and under review. An EIR is needed since the project involves the demolition of a historic resource. Will not be built until 2016 at the earliest.	Historic Preservation
011-277-01	930 Tamalpais (Whistlestop)	Hetherton Office	HO	62	0.35	25	30*	Whistlestop is considering applying to tear down existing senior center and building new senior center with 50 senior age restricted units above. Site is right next to the SMART rail station in downtown San Rafael. No formal application has yet been submitted.	Traffic capacity; parking
011-263-21	First Federal 1030 Third St.	Second/Third Mixed Use	CSMU	72	0.7	50	43	Underutilized. Level site, suitable for mixed use, close to transit. Eligible for tax credit level parking structure. PDA site.	None
011-278-01	898 Lincoln Ave.	Second/Third Mixed Use	2/3 MUE	72	0.5	36	31	Underutilized. Level site, suitable for mixed use. Single-story/surface parking. One block from transit station. Eligible for tax-credit financing.	Parking (outside of downtown parking district)



**APPENDIX B: 2015-2023 HOUSING ELEMENT BACKGROUND REPORT**

APN	Address	General Plan	Zoning	Density (u/a)	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
011-192-07	1700 4th St.	West End Village	WEV	32	0.17	7	10*	Site is currently underdeveloped, with a one story restaurant. Site is flat and has the ability to be developed with a mixed use project.	None
010-291-49	1826 4 <sup>th</sup> St.	West End Village	WEV	43	0.5	22	20	Underutilized. Single story building. Built in 1925, currently unoccupied, former retail use.	Narrow site
011-231-16	1800 2 <sup>nd</sup> St.	West End Village	WEV	43	0.6	26	24	Underutilized. Site consists of one single-story building and parking lot. Former retail use. Eligible for Tax Credit Financing.	None
011-231-21	1801 4th St.	West End Village	WEV	43	1.1	47	43	Underutilized. Site consists of one single-story building and parking lot. Former retail use. Eligible for Tax Credit Financing.	None
175-250-14	Northgate 3 400 Las Gallinas Ave.	General Commercial	GC	43	5.5	237	203	Underutilized. Single-story shopping center with large surface parking lot, built in 1968. Within ½ mile of planned SMART station. Eligible for tax credit financing.	Freeway noise; air quality
175-060-60, 175-060-67	Northgate Mall 1500 Northgate Mall	General Commercial	GC	43	31	1,333	200	Underutilized. Unit potential based on General Plan 2020 site estimate. Commitment to potential housing scenarios (rezoning not required). Eligible for Tax Credit Financing.	Cross Easements
018-051-20	Marin Square 55 Bellam Blvd.	General Commercial	GC	43	6.2	267	202	Underutilized. One-story mostly large surface parking lot.	Traffic; access

**APPENDIX B: 2015-2023 HOUSING ELEMENT BACKGROUND REPORT**

APN	Address	General Plan	Zoning	Density (u/a)	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
179-064-01	Hudson Street Design (Former Bruener's Furniture Store) 3773 Redwood Hwy.	General Commercial	GC	43	1.2	52	45	Underutilized. Large single-story retail with large surface parking lot, within a half mile of the future Civic Center SMART rail station and within ¼ mile of neighborhood market.	Freeway noise; air quality
155-141-28 155-141-29 155-141-30 155-141-31	Margarita Plaza Office - 12 Mitchell Blvd.	Office	O	43	3.6	155	133	Underutilized. Currently a single story office building on three parcels, constructed in 1966 on a level site with freeway access. Parcels under same ownership; lot -31 is parking for the building on parcels -28 to -30.	Freeway noise; air quality
155-141-26	La Plaza Office - 4340 Redwood Hwy.	Office	O	43	5.1	219	189	Underutilized. Single story level site with freeway access.	Freeway noise; air quality
175-060-32	555 Northgate Dr.	Office	O	43	2.2	95	81	Underutilized. Level site, close to Civic Center SMART station.	None
175-321-34	820 Las Gallinas Ave.	Office	O	43	1.0	43	37	Underutilized. Level site, only 25% developed. Across from residential. Adjacent to Safeway, major transit stop. Eligible for Tax Credit Financing.	None
175-331-13	670 Las Gallinas Ave.	Office	O	43	0.6	26	24	Underutilized. One-Story building and adjacent parking. Eligible for Tax Credit Financing.	Freeway noise
175-331-20	550 Las Gallinas Ave.	Office	O	43	0.57	25	23	Underutilized. One-story building and adjacent parking. Eligible for Tax Credit Financing.	Freeway noise

**APPENDIX B: 2015-2023 HOUSING ELEMENT BACKGROUND REPORT**

APN	Address	General Plan	Zoning	Density (u/a)	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units	Site Description	Constraints
175-331-21	550 Las Gallinas Ave.	Office	O	43	0.58	25	23	Underutilized. One-story building and adjacent parking. Eligible for Tax Credit Financing.	Freeway noise
175-331-24	600 Las Gallinas Ave.	Office	O	43	1.3	56	52	Underutilized. One-story building and adjacent parking. Eligible for Tax Credit Financing.	Freeway noise
010-277-12	2114 4 <sup>th</sup> St.	Retail Office	C/O	43	0.6	26	24	Underutilized. Level site. One story fast food restaurant with surface parking. Eligible for Tax Credit Financing.	Traffic
014-092-26	Salvation Army 350 4 <sup>th</sup> St.	Retail Office	C/O	43	1.0	47	41	Underutilized. Owned by a non-profit; level lot, near transit. Eligible for Tax Credit Financing. PDA site.	Traffic
008-092-02	Country Club Bowl 145 Belvedere St.	Neighborhood Commercial	NC	24	2.4	58	53	Significant amount of pavement and surface parking area. One story; built in 1959.	Traffic
014-12-28	Harbor Center 555 Francisco Blvd. East	Marine	M-C	15	2.2	33	30	Underutilized. One story shopping center. Level lot with Canal frontage	Freeway noise; air quality; flood zone
<b>Total Underutilized Mixed Use</b>							<b>1,594</b>		

\*Sites identified with an “ \* “ have pending projects or have garnered development interests. Densities are based on the number of units proposed.



5. Housing Opportunity Sites Map.

Figure B3.1: Housing Opportunity Sites Map (Overview)

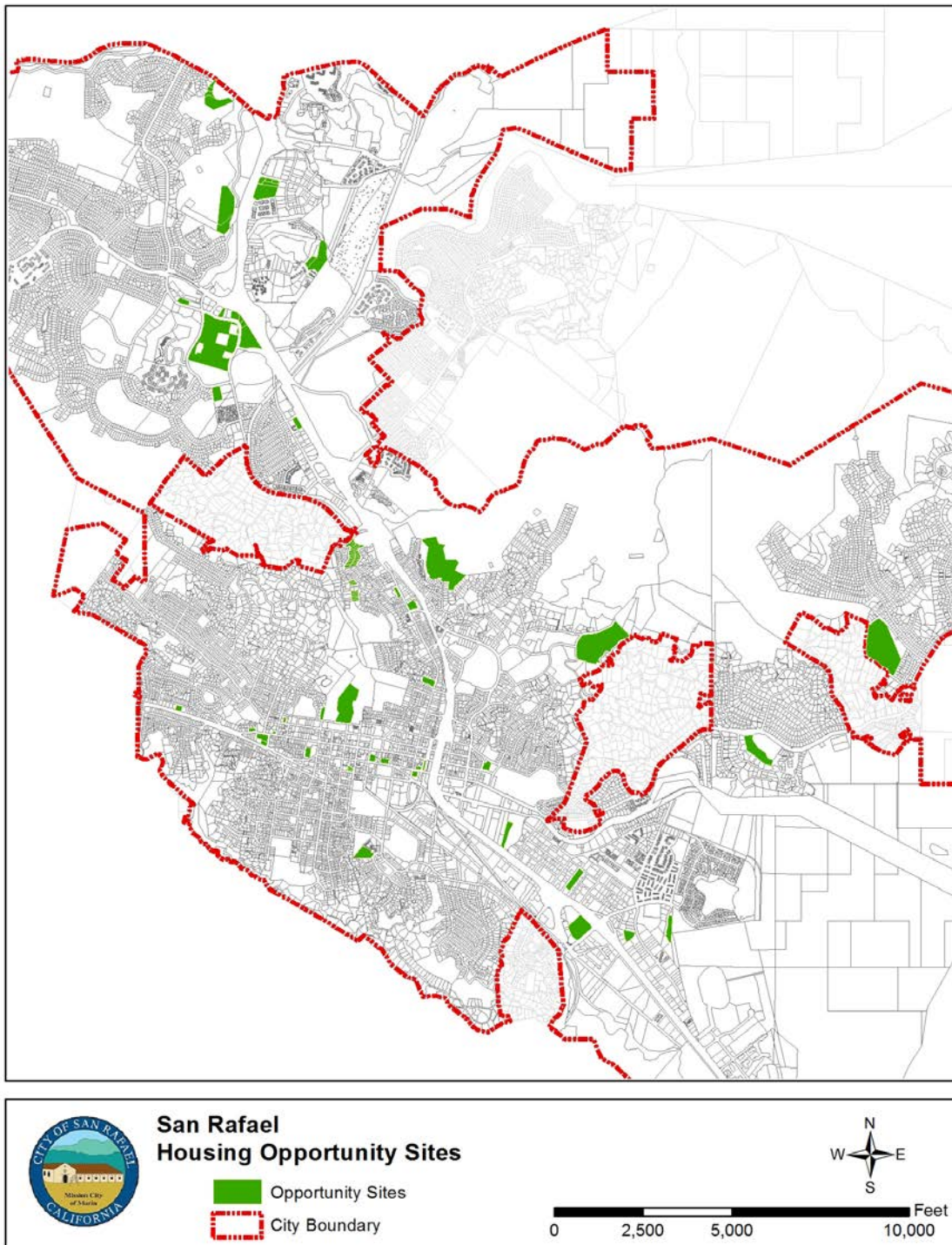




Figure B3.2: Housing Opportunity Sites Map (North)

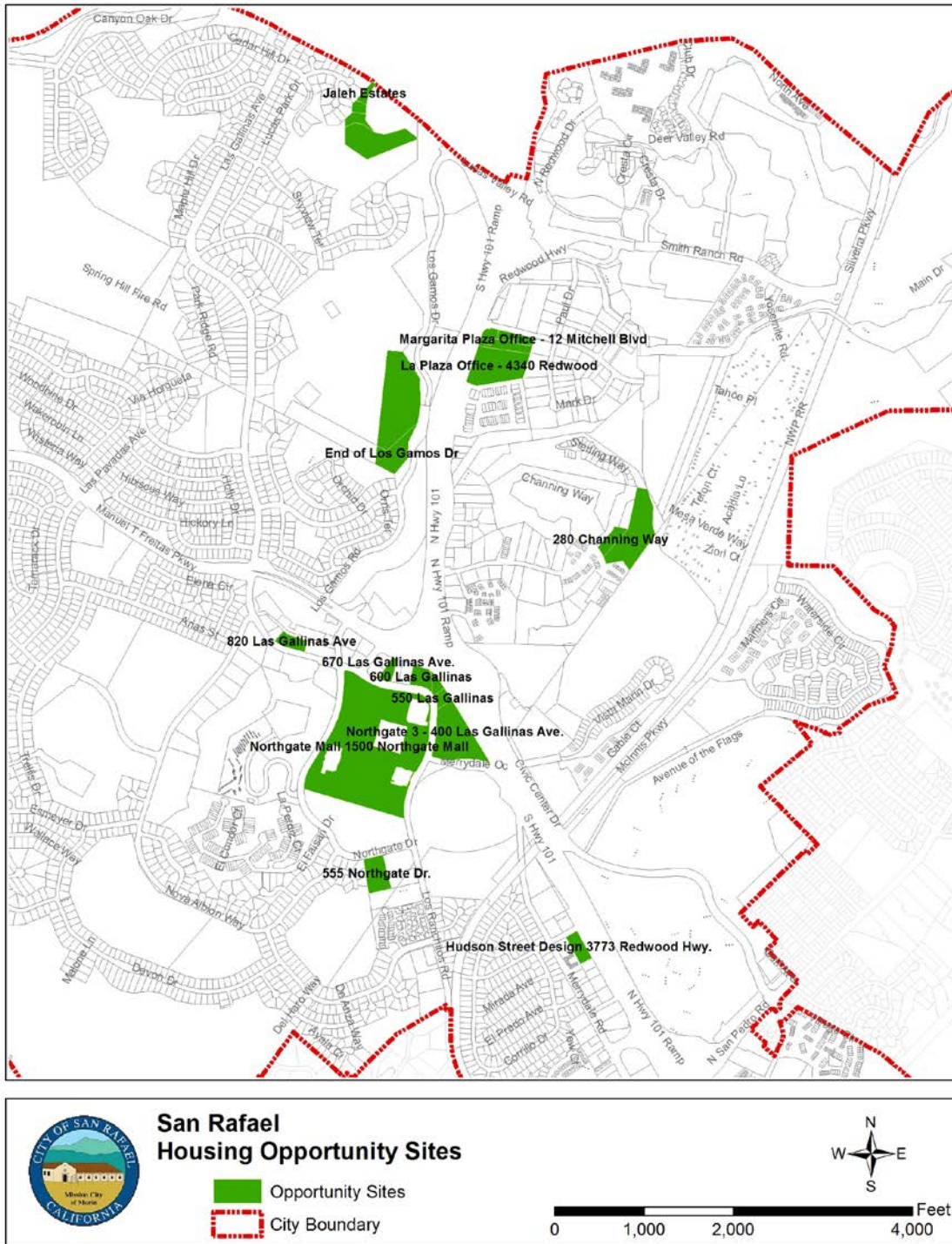


Figure B3.3: Housing Opportunity Sites Map (West)

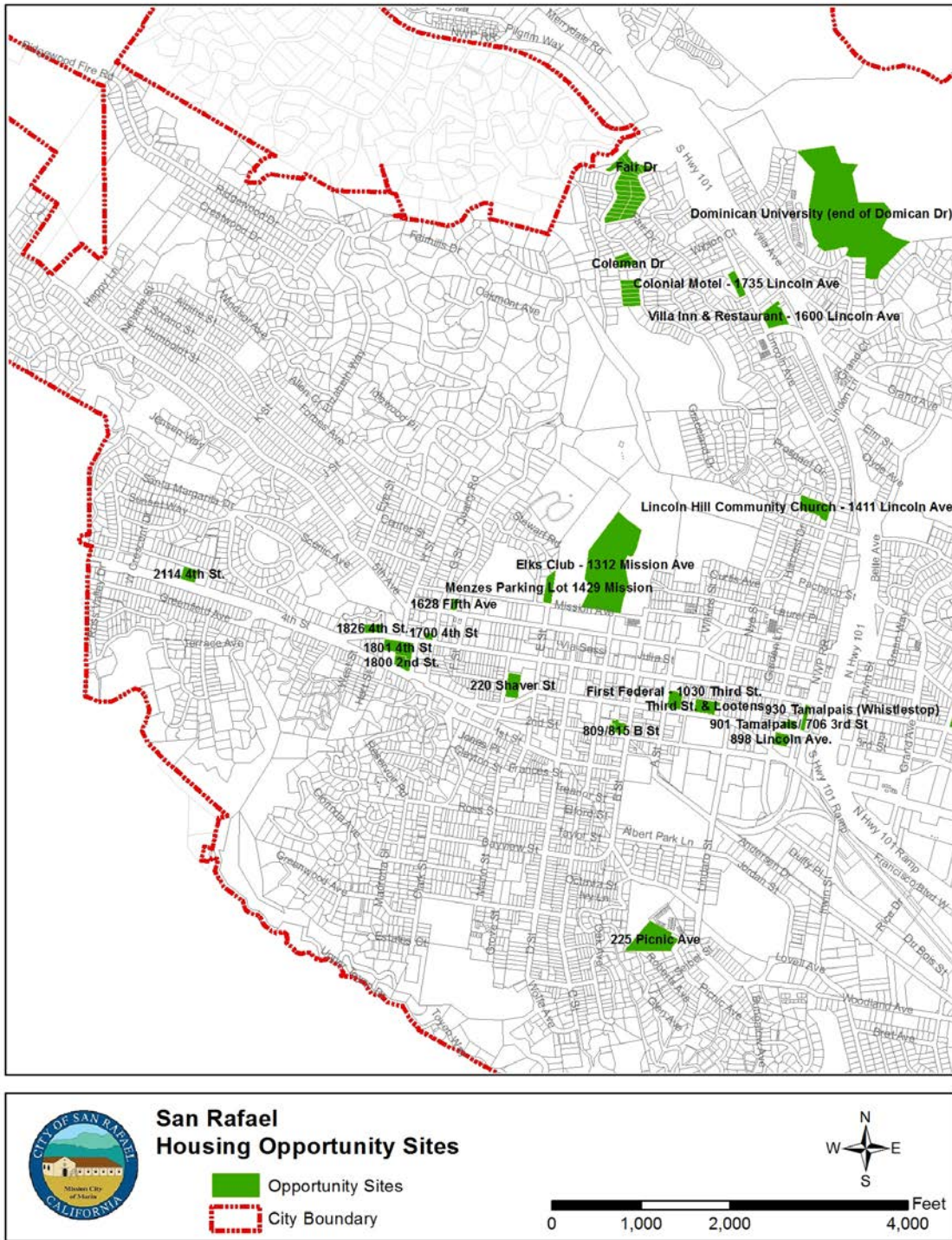




Figure B3.4: Housing Opportunity Sites Map (East)

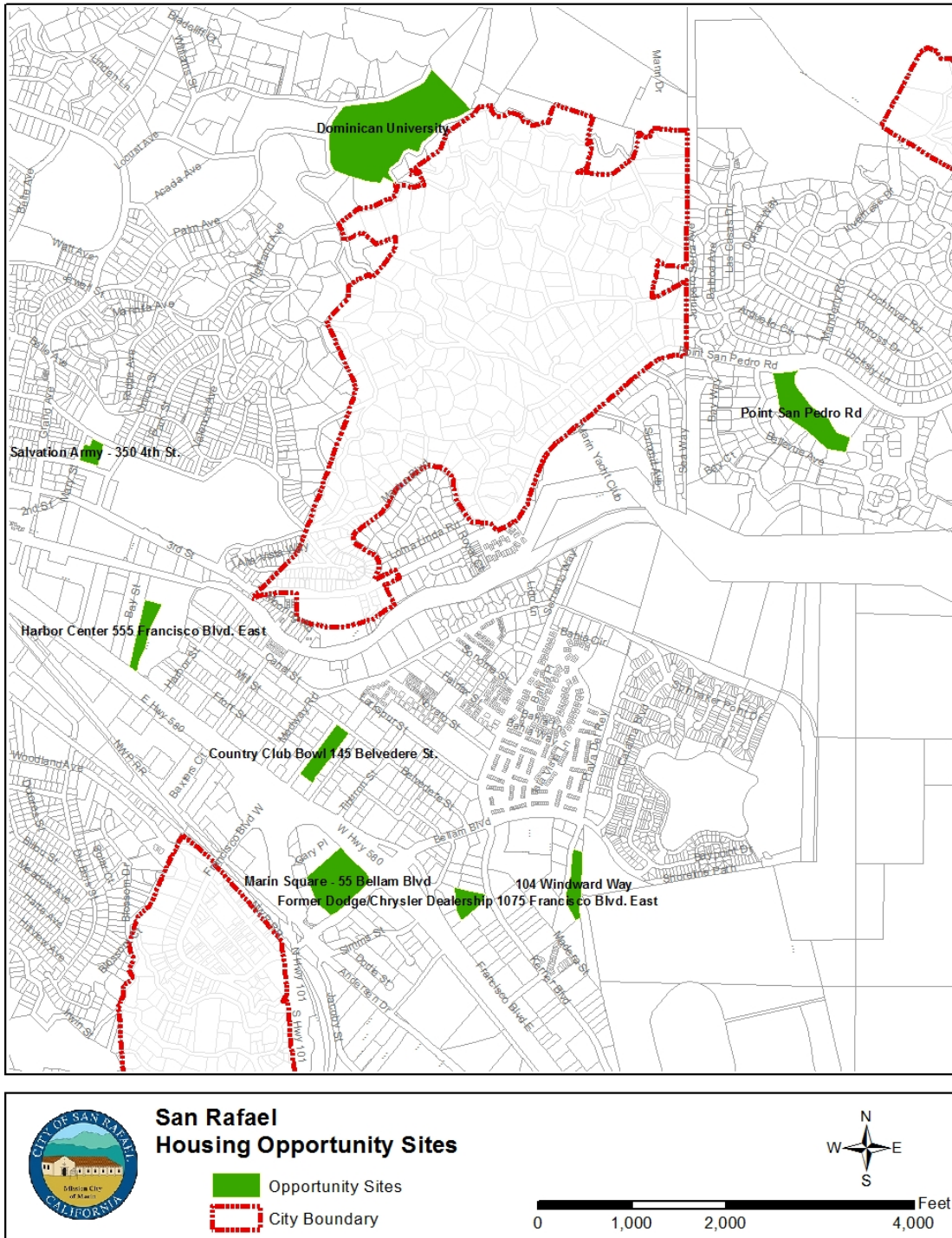
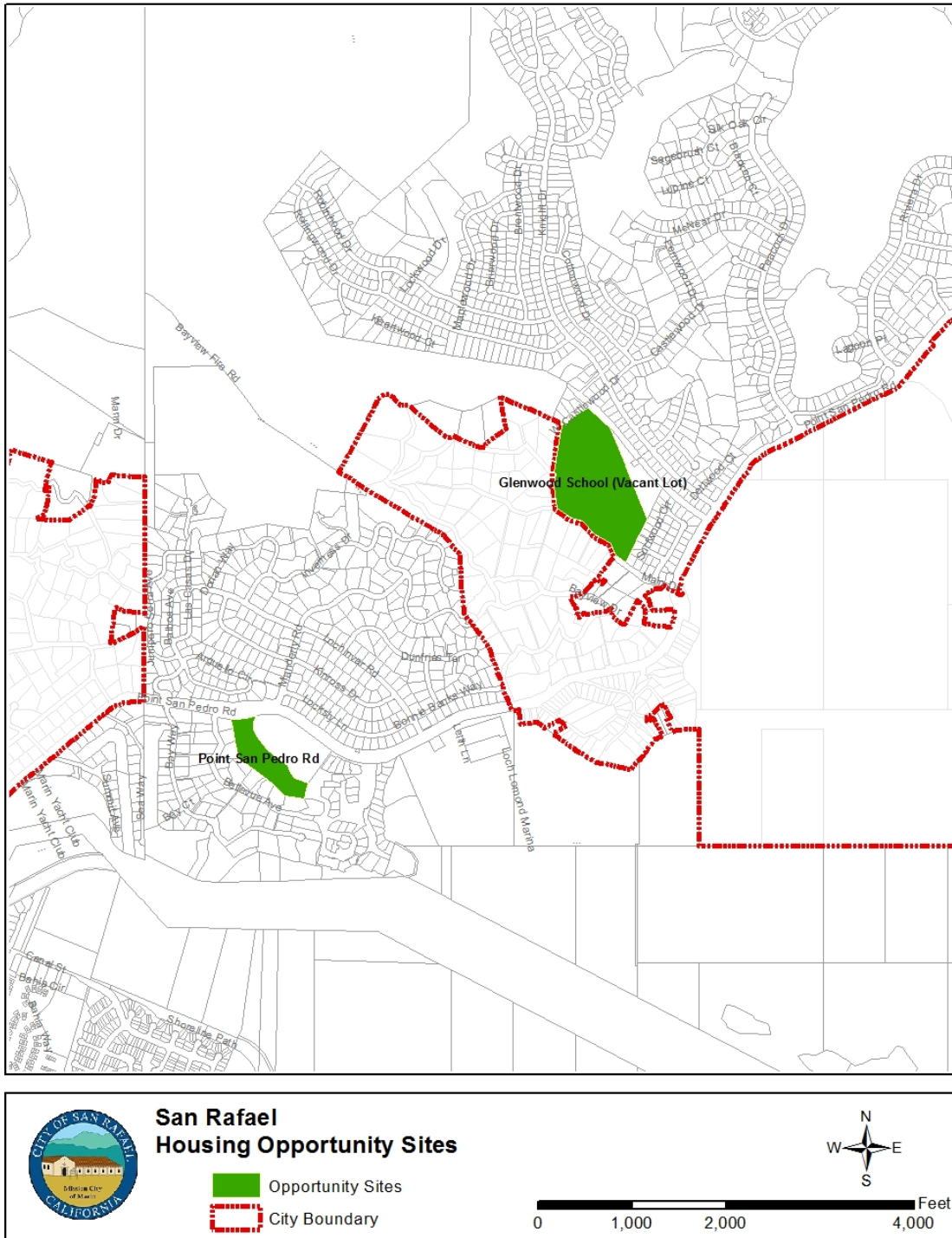




Figure B3.5: Housing Opportunity Sites Map (North-East)



**6. Zoning to Accommodate Housing Lower Income Households**

State law requires cities to demonstrate that sites in their land inventory can accommodate some portion of their share of units for lower income households. California Government Code Section 65583.2(c) establishes minimum or “default” densities that are deemed appropriate to accommodate housing for lower income households. This is based on the recognition that higher densities provide the potential for lower construction costs through economies of scale and reduced per-unit land cost, which can then lower the rental or sale price of the units. For San Rafael, the default density according to state law is a least 30 units per acre based on Government Code Section 65583.2(c)(3)(B)(iv).

Examples of projects developed at 30 units or more per acre, with affordability levels, include the following:

**Table B3.12: Residential Development at 30+ Units/Acre, 1992 – 2013**

Project Name, Location or Name	APN	Very Low Income	Low Income	Moderate Income	Market Rate at/or above 30 units/acre	TOTAL	Net Density	Note
Centertown 815 C St.	011-254-19	12	29	19	19	60	71	62% density bonus
Clocktower 729 Lincoln at Fourth St.	011-275-01		3	2	25	30	44	Mixed use project
Boyd Court 1115 B St.	011-300-01 to 25		2	5	18	25	69	25% density bonus
Rafael Town Cntr 998 Fourth and Court Streets	011-222-04		19	19	75	113	164	12’ height bonus 66% density
Lone Palm Apts. 840 C St.	011-256-35	24	12	12	12	60	61	40% density bonus
Albert Lofts 931 Second St.	013-012-33			17	94	111	76	Mixed use project
Muir Terrace 1110-1126 Mission Ave.	011-310-01 to -13		1		12	13	43	Tandem parking
33 San Pablo Ave.		0	8	8	66	82		

Source: Community Development Department, 2014

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San Rafael’s RHNA requirement for very-low to moderate income households is 569 units. The total housing opportunity sites available for development zoned at 30+ units/acre, with the potential for projects of 20 or more units on the site, is 1,884 units. Therefore, San Rafael has identified sufficient sites at densities above the default density to accommodate the RHNA requirement for housing for lower-income households.

The five residential sites with densities of 30 or more units per acre, with the potential for projects of 20 or more units on site, have a total realistic zoning capacity of 229 units. Although the maximum zoning capacity is over 600 units when multiplying the density by lot size, a more realistic expectation is 229 units because of site constraints. In particular, the Elks Club site (1312 Mission Ave) is largely restricted by steep slopes and previous applications to develop on the site have suggested that 67 units is a reasonable figure. Table B3.13 shows the realistic potential units of available sites with densities over 30 units per acre.

**Table B3.13: Vacant or Underutilized Residential Sites at 30+ Units per Acre Available for Development**

Address	Zoning	Density	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units
Elks Club – 1312 Mission Ave.	HR	43	10.5	80	67
Lincoln Hill Community Church - 1411 Lincoln Ave.	HR1	43	1.4	60	52
220 Shaver St.	HR1	43	0.9	39	33
Villa Inn & Restaurant - 1600 Lincoln Ave.	HR1	43	1.2	51	44
Colonial Motel - 1735 Lincoln Ave.	HR1	43	0.6	26	33
			Total	256	229

Source: City of San Rafael Community Development Department, 2014

The 25 mixed use sites with densities of 30 or more units per acre, with the potential for projects of 20 or more units on site, have the potential for a large number of affordable units. The total realistic capacity of these sites is 1,655. Among the larger sites are Northgate 3 (400 Las Gallinas), Northgate Mall, Marin Square and La Plaza Office. Table B3.14 lists these vacant or underutilized mixed use sites.

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**Table B3.14: Vacant or Underutilized Mixed Use Sites at 30+ Units per Acre Available for Development**

Address	Zoning	Density	Lot Size (acres)	Max Zoning Capacity	Total Realistic Potential Units
901 Tamalpais/ 706 3 <sup>rd</sup> St.	HO	72	0.311	22	30*
Third St. & Lootens	2/3 MUE	72	0.8	60	51
Former Dodge/Chrysler Dealership 1075 Francisco Blvd. East	GC	43	1.59	68	63
809/815 B St.	CSMU/ MUW	72	0.5	36	33
930 Tamalpais Ave. (Whistlestop)	HD	62	0.35	25	30*
First Federal - 1030 Third St.	CSMU	72	0.7	50	43
898 Lincoln Ave.	2/3 MUE	72	0.5	36	31
1700 4 <sup>th</sup> St.	WEV	32	0.17	7	10*
1826 4 <sup>th</sup> St.	WEV	43	0.5	22	20
1800 2 <sup>nd</sup> St.	WEV	43	0.6	26	24
1801 4 <sup>th</sup> St.	WEV	43	1.1	47	43
Northgate 3 - 400 Las Gallinas Ave.	GC	43	5.5	237	203
Northgate Mall 1500 Northgate Mall	GC	43	31	1,333	200
Marin Square - 55 Bellam Blvd.	GC	43	6.2	267	202
Hudson Street Design - 3773 Redwood Hwy.	GC	43	1.2	52	45
Margarita Plaza - 12 Mitchell Blvd.	O	43	3.6	155	133
La Plaza Office - 4340 Redwood Hwy.	O	43	5.1	219	189
555 Northgate Dr.	O	43	2.2	95	81
820 Las Gallinas Ave.	O	43	1	43	37
670 Las Gallinas Ave.	O	43	0.6	26	24
550 Las Gallinas Ave.	O	43	0.57	25	23
550 Las Gallinas Ave.	O	43	0.58	25	23
600 Las Gallinas Ave.	O	43	1.3	56	52
2114 4 <sup>th</sup> St.	C/O	43	0.6	26	24
Salvation Army - 350 4th St.	C/O	43	1	43	41
Total				3,001	1,655

Source: City of San Rafael Community Development Department, 2014

\*Sites identified with an “ \* ” have pending projects or have garnered development interests. Densities are based on the number of units being proposed.

One incentive that the City offers to encourage affordable housing is to allow developments that meet affordability criteria to develop at higher densities (“density bonus”). Projects that receive such density bonuses must guarantee units at below market rate prices for a specified period of time. This allows cost items such as land, site design, and long-term management and maintenance costs to be shared across a larger number of units, thereby bringing down the per-unit cost, and making it easier to achieve affordability goals. San Rafael requires that projects of 20 or more units provide inclusionary units. Thus, projects of 20 units or more automatically qualify for San Rafael’s density bonus ordinance which provides for reduced parking standards, a height bonus, or other regulatory assistance.

**7. Second Dwelling Units**

Second units are “accessory” or subordinate to a main single-family dwelling unit developed on a lot or parcel. San Rafael allows “second dwelling units” with ministerial approval (“by-right”), or with a use permit for certain designs, in all residential districts. There are approximately 11,000 single-family homes in San Rafael. Approximately 9,000 of these homes were located on lots of at least 5,000 square feet, the minimum lot size requirement to establish a second unit. Because second units are added to already existing single-family homes, they have ready access to all essential public facilities and services. Unit sizes have ranged from 340 to 1,000 square feet, with an average size of 600 square feet. Sixty-five second units have been approved between 2000 and 2013. Of these units, thirty-four were approved during the previous RHNA period, as shown in Table B3.15.

**Table B3.15: Second Unit Approval 2007-2013**

	<b>Total Number of Second Units</b>
2007	5
2008	6
2009	5
2010	7
2011	5
2012	5
2013	1
<b>Total</b>	<b>34</b>

Source: City of San Rafael Community Development Department, December 2013