



**Planning Commission
Regular Meeting**

**Tuesday, February 15, 2022, 7:00 P.M.
AGENDA**

Virtual Meeting

**Watch on Webinar: <https://tinyurl.com/pc-2022-02-15>
Watch on YouTube: <http://www.youtube.com/cityofsanrafael>**

Telephone: (669) 900-9128

Meeting ID: 863 1489 9286#

One Tap Mobile: US: +16699009128,,86314899286#

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.

How to participate in the meeting:

- **Submit public comments in writing. Correspondence received by 10:00 p.m. on Tuesday the week before the meeting will be provided with the agenda materials provided to the Commission.** Correspondence received after this deadline but by 12:00 p.m. the day before the hearing will be conveyed to the Commission as a supplement. Correspondence received after this deadline will not be distributed to the Commission but will be saved in the project administrative record. Send correspondence to the project planner or to PlanningPublicComment@cityofsanrafael.org; or send in writing to Planning Division, CDD; 1400 5th Ave. 3rd Fl.; San Rafael, CA 94901.
- Join the Zoom webinar and use the 'raise hand' feature to provide verbal public comment.
- Dial-in to Zoom's telephone number using the meeting ID and provide verbal public comment.

Any member of the public who needs accommodations should contact the City Clerk (email city.clerk@cityofsanrafael.org or phone at 415-485-3066) who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

Members of the public may speak on Agenda items.

CALL TO ORDER

RECORDING OF MEMBERS PRESENT AND ABSENT

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

PUBLIC NOTIFICATION OF MEETING PROCEDURES

ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are limited to three minutes per person and may be on anything within the subject matter jurisdiction of the body. Remarks on non-agenda items will be heard first, remarks on agenda items will be heard at the time the item is discussed.

CONSENT CALENDAR

The Consent Calendar allows the Commission to take action, without discussion, on Agenda items for which there are no persons present who wish to speak, and no Commission members who wish to discuss.

1. Approval of the Planning Commission Meeting Minutes of January 25, 2022

Recommended Action – Approve minutes as submitted

ACTION ITEMS

2. Progress Report on the San Rafael 2023-2031 Housing Element Update

Progress report and update on the 2023-2031 Housing Element will be presented to the Planning Commission. This will include the Evaluation of the Prior Element and a summary of the Housing Needs Assessment. The report will also recap initial and upcoming community engagement activities, as the Housing Sites Inventory task, which is about to begin. Case Nos.: GPA16-001 & P16-013

Project Planner: Barry Miller barry.miller@cityofsanrafael.org

Recommended Action – Consider public comment, discuss relevant housing-related issues, and accept the informational report

DIRECTOR'S REPORT

COMMISSION COMMUNICATION

ADJOURNMENT

Any records relating to an agenda item, received by a majority or more of the Commission less than 72 hours before the meeting, shall be available for inspection online. Sign Language interpreters may be requested by calling (415) 485-3066 (voice), emailing city.clerk@cityofsanrafael.org or using the California Telecommunications Relay Service by dialing "711", at least 72 hours in advance of the meeting. Copies of documents are available in accessible formats upon request.

The Planning Commission will take up no new business after 11:00 p.m. at regularly scheduled meetings. This shall be interpreted to mean that no agenda item or other business will be discussed or acted upon after the agenda item under consideration at 11:00 p.m. The Commission may suspend this rule to discuss and/or act upon any additional agenda item(s) deemed appropriate by a unanimous vote of the members present. Appeal rights: any person may file an appeal of the Planning Commission's action on agenda items within five business days (normally 5:00 p.m. on the following Tuesday) and within 10 calendar days of an action on a subdivision. An appeal letter shall be filed with the City Clerk, along with an appeal fee of \$350 (for non-applicants) or a \$4,476 deposit (for applicants) made payable to the City of San Rafael, and shall set forth the basis for appeal. There is a \$50.00 additional charge for request for continuation of an appeal by appellant.



**Planning Commission
Regular Meeting**

**Tuesday, January 25, 2022, 7:00 P.M.
MINUTES**

Virtual Meeting

**Watch on Webinar: <https://tinyurl.com/pc-2022-01-25>
Watch on YouTube: <http://www.youtube.com/cityofsanrafael>**

Telephone: (669) 900-9128

Meeting ID: 858-4988-7189#

One Tap Mobile: US: +16699009128,,85849887189#

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Present: Chair Previtali
Commissioner Harris
Commissioner Haveman
Commissioner Mercado
Commissioner Samudzi

Absent: Vice Chair Saude

Also Present: Leslie Mendez, Planning Manager
Jeff Ballantine, Senior Planner
Alicia Giudice, Community Development Director
Jacob Noonan, Housing Program Manager

CALL TO ORDER

Chair Previtali called the meeting to order at 7:00 p.m. He then invited Planning Manager Leslie Mendez to call the roll. All commissioners were present, except for Vice Chair Saude.

APPROVAL OR REVISION OF ORDER OF AGENDA ITEMS

None

PUBLIC NOTIFICATION OF MEETING PROCEDURES

Chair Previtali invited Planning Manager Leslie Mendez who informed the community the meeting would be streamed live to YouTube and members of the public would provide public comment either on the telephone or through Zoom. She explained the process for community participation on the telephone and Zoom.

Chair Previtali reviewed the procedures for the meeting.

ORAL COMMUNICATIONS FROM THE PUBLIC

None

CONSENT CALENDAR

Chair Previtali invited public comment; however, there was none.

Commissioner Haveman moved and Commissioner Samudzi seconded to approve the Consent Calendar.

1. Approval of the Planning Commission Meeting Minutes of January 11, 2022

Approved minutes as submitted

AYES: Commissioners: Harris, Haveman, Mercado, Samudzi & Chair Previtali

NOES: Commissioners: None

ABSENT: Commissioners: Saude

ABSTAIN: Commissioners: None

Motion carried 5-0

ACTION ITEMS

2. 1007, 1020, & 1030 Northgate Drive (“Northgate Walk”)

To modify Environmental and Design Review Permit (ED16-038), Use Permit (UP16-018), and Vesting Tentative Map (S16-001) to reduce the number of required affordable housing units from 28 to 14 in a 136-unit residential development pursuant to SRMC Section 14.16.030

Project Planner: Jeff Ballantine jeff.ballantine@cityofsanrafael.org

Leslie Mendez, Planning Manager introduced Jeff Ballantine, Senior Planner who presented the Staff Report.

Applicant Team gave a presentation.

Staff and Applicant Team responded to questions from the Commissioners.

Chair Previtali invited public comment.

Speaker: Kate Powers

Staff and Applicant Team responded to public comment.

Staff responded to further questions from the Commissioners.

Commissioner Samudzi moved and Commissioner Haveman seconded to adopt the resolution.

Commissioners provided comments.

AYES: Commissioners: Harris, Haveman, Mercado, Samudzi & Chair Previtali

NOES: Commissioners: None

ABSENT: Commissioners: Saude

ABSTAIN: Commissioners: None

Motion carried 5-0

RESOLUTION 22-04 - RESOLUTION OF THE SAN RAFAEL PLANNING COMMISSION MODIFYING CONDITIONS OF APPROVAL OF ENVIRONMENTAL AND DESIGN REVIEW (ED16-038), USE PERMIT (UP16-018) AND VESTING TENTATIVE MAP (S16-001) TO ALLOW FULFILLMENT OF THE AFFORDABLE HOUSING REQUIREMENT IN ACCORDANCE WITH CITY COUNCIL RESOLUTION 14890. THE PROJECT IS LOCATED AT 1007, 1020 AND 1030 NORTHGATE DR. (FORMERLY 1005 AND 1010 NORTHGATE DR.; APNS: 178-240-17 & -21)

3. Design Review Advisory Committee (DRAC) 1-Year Pilot Program

Resolution Recommending to the City Council Adoption of an Ordinance Amending the Zoning Code to Establish the Design Review Advisory Committee (DRAC); and

Adoption of a Resolution to Establish a 1-year DRAC Pilot Program

Project Planner: Jacob Noonan jacob.noonan@cityofsanrafael.org

Project Planner: Alicia Giudice alicia.giudice@cityofsanrafael.org

Recommended Action – Adopt the resolution

Leslie Mendez, Planning Manager introduced Jacob Noonan, Housing Program Manager and Alicia Giudice, Community Development Director who presented the Staff Report.

Staff responded to questions from the Commissioners.

Chair Previtali invited public comment.

Speakers: Kate Powers, Victoria DeWitt, Shirley Fischer

Staff responded to public comment.

Commissioners provided comments.

Staff responded to further questions from the Commissioners.

Commissioner Mercado moved and Commissioner Harris seconded to adopt the resolution.

AYES: Commissioners: Harris, Haveman, Mercado, Samudzi & Chair Previtali

NOES: Commissioners: None

ABSENT: Commissioners: Saude

ABSTAIN: Commissioners: None

Motion carried 5-0

RESOLUTION 22-05 – RESOLUTION OF THE CITY OF SAN RAFAEL PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE OF THE CITY OF SAN RAFAEL AMENDING TITLE 14.25.070 (DESIGN REVIEW BOARD) TO ESTABLISH THE DESIGN REVIEW ADVOSORY COMMITTEE (DRAC); AND ADOPTION OF A RESOLUTION OF THE CITY OF SAN RAFAEL TO ESTABLISH A 1-YEAR DRAC PILOT PROGRAM (P22-01)

DIRECTOR'S REPORT

Planning Manager reported on the following items:

- Los Gamos Project, which Planning Commission saw and recommended on December 14 will go to the City Council on February 7
- Planning Commission will have one meeting in February (February 15), with one item currently scheduled (Update to the Housing Element)

COMMISSION COMMUNICATION

- Chair Previtali gave an update on the Housing Element Working Group.

ADJOURNMENT

Chair Previtali adjourned the meeting at 8:35 p.m.

LINDSAY LARA, City Clerk

APPROVED THIS ____ DAY OF _____, 2022

JON PREVITALI, Chair



SAN RAFAEL
THE CITY WITH A MISSION

Meeting Date: February 15, 2022
Agenda Item: 2
Case Numbers: GPA16-001 & P16-13
Project Planner: Barry Miller
barry.miller@cityofsanrafael.org
(415) 485-3423

REPORT TO PLANNING COMMISSION

SUBJECT: Progress Report on the San Rafael 2023-2031 Housing Element Update. A progress report and update on the 2023-2031 Housing Element will be presented to the Planning Commission. This will include the Evaluation of the Prior Element and a summary of the Housing Needs Assessment. The report will also recap initial and upcoming community engagement activities, as the Housing Sites Inventory task, which is about to begin. Case Nos.: GPA16-001 & P16-013.

EXECUTIVE SUMMARY

The City is in the process of updating the Housing Element of the San Rafael General Plan. The update is mandated by State law for all 101 cities and nine counties in the San Francisco Bay Area. Revised elements must be adopted by January 31, 2023. The Housing Element covers an eight-year time period; the adopted Housing Element covers 2015-2023 and the new Element will cover 2023-2031. The Housing Element is the City's plan for conserving and maintaining its housing supply, removing regulatory barriers to housing production, and meeting the housing needs of all residents, including lower-income households and persons with special needs.

Later in 2022, the Planning Commission will hold public hearings on the Draft Housing Element and make recommendations to the City Council on the Element and a supporting environmental review document. The purpose of the February 15 meeting is to provide a progress report, an overview of upcoming tasks, and the timeline for the remainder of 2022. This is also an opportunity for public comment and Commissioner discussion of housing issues and potential future housing policies and programs.

RECOMMENDATION

It is recommended that the Planning Commission consider public comment, discuss relevant housing-related issues, and accept the informational report.

PROJECT BACKGROUND

Overview

Every city and county in California is required to adopt a housing element as part of its general plan. The housing element is the only part of the general plan that must be submitted to the State for certification, a process that is performed by the State Department of Housing and Community

Development (HCD). Cities without certified housing elements face adverse consequences, including limited access to State funding and vulnerability to lawsuits and financial penalties. To avoid such consequences, HCD must make a formal determination that each housing element complies with Government Code requirements, including demonstration that each city and county is accommodating its “fair share” of the region’s housing needs and is “affirmatively furthering fair housing.”

San Rafael’s current [Housing Element](#) was adopted on January 5, 2015 and was certified by the State on January 23, 2015. The planning period covered by that Housing Element is January 31, 2015 through January 31, 2023. The next Housing Element is due on January 31, 2023 and will cover the planning period from January 31, 2023 through January 31, 2031. To ensure sufficient time for data collection and analysis, community engagement, public hearings, responses to State comments, and environmental review, the City initiated the update process in September 2021. The timeline allows roughly 10 months to develop a Draft Housing Element and another seven months to go through an iterative process with State reviewers, the Planning Commission, the City Council, and the community to revise, finalize, and adopt the Draft Housing Element.

The contents of the Housing Element are specified by State law. HCD has developed guidelines for local governments that list the data to be collected and analyzed, the research questions that must be answered, and the standards that must be met. For example, cities must demonstrate that they are planning for a “wide variety of housing types.” This requires more than an aspirational statement—the City must show (and quantify) that it allows multi-family housing in specific density ranges, allows for emergency shelter “by right” in at least one zoning district, allows mobile and manufactured homes, does not apply special rules for transitional and supportive housing, and has adopted specific zoning requirements and densities that support its policy goals.

The requirements have become more rigorous over time. The policy and program requirements also have become more demanding. In response to the statewide housing crisis, dozens of housing bills have been approved by the legislature in the last few years. Some have included specific policy and program requirements for Housing Elements.

Regional Housing Needs Allocation

The driving force behind each community’s Housing Element is the Regional Housing Needs Allocation (RHNA). The RHNA process has been in effect since 1969, when the State legislature mandated that all communities do their “fair share” to meet California’s housing needs. The process has evolved over the last 50 years, with an increasing focus on factors such as equity and sustainability.

The RHNA process begins at the state level. California HCD determines the projected housing need over an eight-year period for each region in California, including the nine-county Bay Area. The need for each region is broken down into four income categories—very low, low, moderate, and above moderate—ensuring that housing is constructed for persons of all economic means. It is then up to the Association of Bay Area Governments (ABAG) in its capacity as the regional Council of Governments to disaggregate the RHNA to the nine counties and 101 cities that comprise the Bay Area.

Ultimately, each city and county is assigned a specific number of units for which it must plan. The city/county itself does not construct the units, as this is beyond the financial capacity and traditional role of most local governments. However, local jurisdictions must zone a sufficient amount of land to allow for construction of the allocated units by the private and non-profit sectors. Additionally, local jurisdictions must demonstrate that progress is being made toward meeting their allocation. Cities and counties that are not demonstrating progress toward RHNA requirements must streamline housing developments that include specified percentages of affordable housing and are encouraged to

undertake programs to facilitate housing development. Finally, jurisdictions must demonstrate that their plan for accommodating the RHNA does not concentrate low-income housing in particular areas and supports broader goals to end segregation and promote fair housing practices.

On June 9, 2020, HCD notified ABAG that the regional housing need for the 2023-2031 period was 441,176 units. The assignment is 2.34 times higher than the need identified for the 2015-2023 period, which was 187,990 units. The increase reflects the prolonged and sustained effects of Bay Area jobs growing at a faster rate than housing for the last eight years, and the growing affordability gap among Bay Area households. It also reflects changes to the methodology that allow the State to consider existing unmet needs, as well as anticipated future needs for the next eight years.

During Fall 2020, the 441,176 units were allocated to cities and counties with the guidance of a 37-member “Housing Methodology Committee” (HMC) comprised of local government staff, local elected officials, and stakeholders from jurisdictions around the region. The HMC provided direction on weighting factors so that housing could be directed in a way that achieved regional goals such as equity, mobility, jobs-housing balance, and sustainability. This process continued for several months. The methodology was finalized by ABAG in January 2021 and approved by the State in April 2021. The Draft jurisdiction-level RHNA allocations were approved in May 2021.

San Rafael’s allocation for the upcoming period (2023-2031) is 3,220 units. This represents a 220 percent increase over the 2015-2023 allocation of 1,007 units. Marin County, including the unincorporated areas and the 11 cities, saw much steeper rates of increase. The countywide RHNA was 2,298 units in the last cycle and is 14,405 units in the current cycle, an increase of 526 percent. The cities of Mill Valley, San Anselmo, Larkspur, Corte Madera, Fairfax, and Sausalito all saw increases of over 600 percent. However, in terms of sheer numbers, San Rafael’s increase is the largest among the 11 Marin cities.

ABAG provided an opportunity for cities and counties to appeal their allocations. Nine of the 11 Marin County cities, plus the County of Marin, filed appeals in July 2021. The cities of Novato and San Rafael did not file appeals. Outside of Marin County, another 18 Bay Area jurisdictions also appealed their allocations.

ABAG conducted hearings on the appeals in September and October. The appeals from all nine Marin County cities and the County of Marin were denied. Only one of the 29 appeals was approved, based on a technicality that resulted in units being moved from unincorporated Contra Costa County to the City of Pittsburg. The RHNA was finalized by ABAG in December 2021.

ABAG disaggregates the RHNA into four income categories. San Rafael’s 3,220-unit allocation by income level is shown below. The allocation for 2015-2023 is provided for comparison. The percentage of need associated with low and very low income households has increased from 38.5% of the total in the current cycle to 41.9% in the upcoming cycle.

Housing Element Assignments for RHNA Cycles 5 and 6

Income Level	2015-2023	Percent of total	2023-2031	Percent of total
Very Low	240	23.8%	857	26.6%
Low	148	14.7%	492	15.3%
Moderate	181	18.0%	521	16.2%
Above Moderate	438	43.5%	1,350	41.9%
TOTAL	1,007	100.0%	3,220	100.0%

As a benchmark, a household of four earning less than \$91,350 in Marin County is considered “very low income” and a household of four earning between \$91,350 and \$146,350 is considered “low” income. These income thresholds are used by the state to determine eligibility for various state and federal housing assistance programs. The income ranges follow a sliding scale based on the number of people in each household.

In general, the “above moderate” income units correspond to market-rate single family homes, townhomes, and condominiums. “Moderate income” units typically include market-rate rental apartments. “Low income” units include a mix of units that are “affordable by design” such as accessory dwelling units (ADUs) and units that are income restricted and subsidized. “Very low” income units are typically subsidized. A subset of very low income units serves extremely low income residents and includes single room occupancy hotels (SROs), emergency shelter, and transitional and supportive housing.

The addition of 3,220 housing units would represent a roughly 13 percent increase in the total number of housing units in San Rafael. It would require the construction of roughly 400 units a year, which is a much higher rate of construction than San Rafael has seen in the last 20 years. While current State law does not penalize the City if the target is not met, there is increasing pressure from the State to achieve more rapid housing construction at all price points. There are also new requirements requiring each city to demonstrate good faith efforts to produce housing equitability and for all income groups.

Content of the Housing Element

The existing (2015-2023) San Rafael Housing Element is formatted as two documents—a policy document (roughly 30 pages) and a technical appendix (roughly 175 pages). This format allows the policy document to be formatted as a “chapter” of the 2040 General Plan, while the technical appendix stands on its own as a supporting document for State reviewers. State requirements make this chapter much longer than any other part of the general plan and necessitate the “split” format.

Almost every housing element in California includes the basic components listed below. San Rafael’s work program for the Update follows this outline, with tasks corresponding to each chapter, plus a task for community engagement and another task for adoption.

1. **Evaluation of Accomplishments.** The Government Code requires every housing element to include an evaluation of the policies and programs in the previous Element, including how effectively the existing element is working. The evaluation includes recommendations on whether existing policies and programs should be revised or deleted and suggests possible new policies and programs.
2. **Needs Assessment.** This chapter provides detailed tables and narrative on each community’s demographics, including age, household size, household type, persons with disabilities, unhoused residents, housing costs, employment and income, and percent of income spent on housing. It also includes detailed information on housing stock, including rate of construction (units per year), housing type and tenure (rent/own), housing age and condition, and code enforcement issues. The contents of this section are prescribed by State law.
3. **Housing Constraints.** This section evaluates governmental and non-governmental constraints to housing production. This includes zoning and land use regulations, building codes, and requirements for particular housing types, such as emergency shelter, Accessory Dwelling Units (ADUs), and transitional housing. It also includes local fees, permitting costs, processing time, and special requirements such as inclusionary zoning. Non-governmental constraints include land and

construction costs, financing availability, community opposition, and similar factors. San Rafael has researched these issues extensively in the last few years and will build on the feedback provided by the development community and others in its upcoming analysis.

4. **Sites Inventory.** Every city and county must show that it has adequate land capacity to meet its RHNA by presenting a detailed inventory of potential housing sites. Eligible sites include approved development projects, vacant sites that are zoned for housing or mixed-use development, and underutilized sites where housing is a permitted use. The State has provided detailed guidance as to what constitutes an “underutilized site”, and what may or may not be counted. In addition, cities must show that they can accommodate not only their total RHNA, but the specific allocations for low and very low-income units. This requires zoning for multi-family development as well as single family homes.
5. **Housing Resources.** This section evaluates the resources available to support affordable housing production, including financial resources and administrative resources. It also describes energy conservation programs.
6. **Goals, Policies, and Programs.** Like the other elements of the General Plan, the Housing Element includes goals, policies, and programs addressing housing issues and topics. State law requires considerable detail in the description of housing programs, including information on timing, resources, responsible parties, and metrics for evaluating progress. Quantified objectives must be included for housing production, conservation, and rehabilitation.

Since adoption of the 2015 San Rafael Housing Element, the State has approved legislation requiring a detailed evaluation (with tables and maps) showing fair housing, income inequality, and segregation patterns in each community (AB 686). This includes a requirement that housing sites be distributed in a way that deconcentrates poverty and fosters integration. This analysis (referred to as the “Affirmatively Furthering Fair Housing” or AFFH analysis) is typically presented as an appendix to the Housing Element and is typically 50-100 pages in length.

Community Engagement Program

State law requires a robust community engagement program for housing element updates, with a focus on lower income and special needs populations that have historically been under-represented in local planning processes. Recent legislation to “Affirmatively Further Fair Housing” was aimed in part at making it easier for lower income and non-English speaking residents to participate, so that housing policies and programs are reflective of the needs of those facing housing challenges. These requirements are particularly relevant in San Rafael given local demographics and historic land use and development patterns. In 2021, the City adopted an Equity, Diversity, and Inclusion Element as part of General Plan 2040. This further underscores the City’s commitment to be more inclusive in its planning, outreach, and service delivery.

Over the coming months, the City will be working with residents, businesses, stakeholder groups, housing service providers, and community-based organizations to solicit input on housing issues. Key components of the engagement program include:

- An introductory workshop on Zoom was convened in November 2021. The Housing Element was described and participants were invited to comment on housing issues. The workshop included simultaneous interpretation in Spanish and Vietnamese. About 35 people participated.

- A survey on housing issues, challenges, and opportunities in the City. The survey has been designed and tested and is about to be launched in English, Spanish, Chinese, and Vietnamese. It is primarily an electronic survey but paper copies will be available.
- Monthly meetings of a 13-member Housing Element Working Group appointed by the City Council. The working group includes representatives from various groups, including neighborhoods, environmental advocates, older adults, the business community, tenants, housing advocates, affordable housing developers, for-profit housing developers, fair housing advocates, the Latino community, and unhoused residents. A representative of the Planning Commission serves on the Working Group. The group has had two meetings to date, with five more scheduled.
- Presentations to community groups and organizations. Several meetings have occurred to date, including the Federation of San Rafael Neighborhoods and the League of Women Voters.
- One or more “focus groups” in which different stakeholder groups participate, such as developers/brokers, supportive service providers, and tenants.
- A community workshop focused on housing sites and potential zoning modifications.
- Community empowerment workshops and/or capacity-building meetings, to be held in Spanish and designed to provide the context for housing policy to neighborhood leaders, help the community understand and access housing programs and services, and design policies and programs for the future.
- Community conversations, including at least one session in Spanish. These would be facilitated discussions of housing issues with the community.
- As resources and staff time allow, staff is also exploring the use of housing newsletters, affordable housing tours, educational programs, and additional listening sessions to engage the community. Some of these activities will occur after the housing element is drafted and may be implemented as part of ongoing efforts to achieve more inclusive public engagement during the eight-year planning period.

ANALYSIS

Evaluation of the Prior Element

As noted earlier, the Government Code requires that every housing element include an evaluation of the community’s progress toward implementing its adopted housing policies and programs. This was completed in December 2021 and discussed by the Housing Element Working Group at its January 2022 meeting. It is referenced as Attachment 1 to this Planning Commission Report, with a hyperlink to the document.

The evaluation is formatted as a matrix. Column 1 indicates the goal, policy, or program number. Column 2 indicates the goal, policy, or program text, exactly as it appears in the adopted Housing Element. There are two goals, 19 policies, and 49 programs in the existing Element. Column 3 indicates staff’s evaluation of each goal, policy, or program, as well as information on the City’s progress and activities related to the topic. This includes guidance as to whether the goal, policy, or program should be retained, and where new goals, policies, and programs may be needed. A fourth column was provided in the matrix for comments from the Working Group. Commissioners may also provide their feedback.

Staff is recommending revisions to the goals and policies so they are more responsive to local housing issues and do not repeat policies that appear elsewhere in the General Plan. The number of goals will likely be expanded, with greater attention given to equity and fair housing, and the overarching goals of housing production and preservation. In addition, many of the housing programs will need to be

updated. New programs will be needed to comply with State laws, and to reflect the findings of the Needs Assessment and the Constraints Analysis.

Needs Assessment

The Housing Needs Assessment is based on an analysis of data from the US Census, the Department of Finance, ABAG/MTC, the Employment Development Department, the County of Marin, the City of San Rafael, other government sources, and various private industry sources. It includes an assessment of trends in population, age, race/ethnicity, language, household size, household composition, income, employment, tenure, percent of income spent on housing, and characteristics of the housing stock. It also addresses the special needs of seniors, persons with disabilities, unhoused residents, single parents, large families, extremely low income residents, and others with special needs.

Some of the major findings of the Assessment are highlighted below:

- The city's population was 61,271 based on the 2020 Census, an increase of 6.1% since 2010. San Rafael represented 36% of Marin County's population growth between 2010 and 2020.
- The median age increased from 40.2 in 2010 to 41.1 in 2020. The aging of the adult population was counter-balanced by substantial growth in the youth population. The number of school age children increased by nearly 1,892 over the decade. At the same time, the number of persons over 65 increased by 2,179. Population decreased in all other age cohorts. The greatest decrease was in the number of young adults (25-44), which dropped by 1,815 residents.
- San Rafael has become more racially and ethnically diverse in the last 10 years. Census data indicates that the population identifying as "White" declined from 70.6% in 2010 to 54.6% in 2020. The percentage identifying as "Other" increased from 14.8% to 20.8% and the percentage identifying as multi-racial increased from 5.1% to 12.4%. Much of this shift is due to changes in Census methodology, resulting in Latino residents selecting options other than "White" in the 2020 Census. For the same reason, the percentage of residents identifying as "Native American" increased from 1.2% to 3.7% over the decade.
- Roughly 2% of the city's residents are African-American and 7% are Asian or Pacific Islander.
- Latino residents represented 30% of the city's population in 2010 and 34.3% in 2020.
- About 25% of the city's residents speak Spanish at home. Of this total, about half are bilingual and speak English "very well" and about half speak English "not well" or "not at all."
- Nearly half of the city's children (5-18) are bilingual, speaking English "well" or "very well" while also speaking a second language at home.
- Among the city's foreign-born residents, 20% entered the US after 2010 and 29% entered between 2000 and 2009.
- Among those with limited English in San Rafael, 85% speak Spanish. Chinese is the second most common non-English language spoken, followed by Vietnamese.
- Marin County as a whole gained 23,200 jobs between 2010 and 2019 and added just 1,300 housing units—a ratio of 18:1.
- There are 31,200 San Rafael residents in the labor force and about 39,000 jobs located in the city. The city is a regional employment center and is the location of 35% of all jobs in Marin County.

- Only 27% of those working in San Rafael also live in San Rafael. About 30% commute in from elsewhere in Marin, 21% commute in from other North Bay counties, and 14% commute in from the East Bay.
- One in every three San Rafael households is a single person living alone.
- About 29% of the city's households have children under 18 living at home.
- 50% of the city's households are homeowners and 50% are renters. The percentage of renters has been trending upward, from 46% in 2000 to 48% in 2010 and 50% today.
- Renters in San Rafael are more likely to be younger, non-White, and lower-income than the population at large. The home ownership rate in the city is 61% for White, Non-Hispanic households, 55% for Asian households, 14% for Latino households, and 13% percent for African-American households. The gap is significantly larger in San Rafael than in the State as a whole.
- Among householders under 45 years old, only 24% are owners. Among householders over 54 years old, 66% are owners.
- San Rafael homeowners have a median annual income of \$141,212. The city's renters have a median annual income of \$61,595.
- Data from the US Department of Housing and Urban Development (HUD) indicates that 47% of San Rafael's households meet the definition of "lower income," as defined for Marin County. This includes more than 4,000 households earning less than 30% of the County median income, more than 3,000 households earning 30-50% of the County median income, and more than 3,500 households earning 50-80% of the County median income.
- The city added 575 households between 2010 and 2020. The 2020 Census indicates the city added 491 housing units over the decade. City records indicate the actual increase was smaller.
- The mean number of persons per household in San Rafael was 2.55 in 2010. This compares to 2.44 in 2010, 2.42 in 2000, and 2.31 in 1990. Larger average household sizes are an indicator of the growing number of children in the city, as well as households doubling up and a larger number of adult children living at home.
- Households spending more than 30% of their incomes on housing are considered by the state to be "cost-burdened." In 2020, this applied to 32% of the city's homeowners and 55% of its renters.
- Households in San Rafael were more likely to be cost-burdened than in the Bay Area as a whole.
- Among racial/ethnic groups, cost burdens were highest for Latino households, with 60% experiencing a cost-burden. Census data indicates that nearly 40% of the city's Latino households spend more than half of their household incomes on housing costs.
- Overcrowding, which is defined by the Census as more than one person per room, has increased since 2010. In 2010, 6.1% of all households in the city lived in housing units meeting this definition. By 2020, this had increased to 10.9%. All of the increase over the decade was associated with rental units—the percentage of overcrowded owner-occupied units actually *declined* between 2010 and 2020.
- Census data indicates that 50.9% of all Latino households in San Rafael experience overcrowded conditions, compared to 1.3% among White, non-Latino households.

Additional findings of the Needs Assessment are pending and will be reported out at the Planning

Commission meeting on February 15. This includes the evaluation of special housing needs and additional information on the city's housing stock and housing trends.

Sites Inventory

The City has begun the task of compiling its list of housing opportunity sites. Although the RHNA allocations were not finalized until 2021, the City anticipated its high assignment and structured its recent General Plan Update to create capacity to meet its needs. General Plan 2040 identified sites for 4,050 additional housing units in the city.¹ These sites include approved (but not yet built) development projects, vacant land zoned for housing and mixed use development, and underutilized sites with conditions that are favorable for housing construction.

Roughly half of this potential is associated with sites in the Downtown Precise Plan area. Other opportunities include Northgate Mall, the Marin Square Shopping Center, the Elks Club, several properties on Lincoln Avenue, a number of properties owned by the San Rafael City Schools, and several office buildings with high vacancy rates. In addition, the City will consider changes to existing zoning that make housing more feasible on sites that have not previously been identified. This could include neighborhood commercial sites and office sites. The City will also be considering the potential for accessory dwelling units to meet a portion of the RHNA.

At this time, the City does not anticipate major General Plan Amendments or rezoning actions to meet the RHNA. However, limited changes may be considered in order to ensure that existing sites meet HCD's criteria for what constitutes an opportunity site. The State has adopted specific pre-requisites for "carrying over" sites from previous Housing Elements and requires additional data and justification for counting non-vacant sites, sites smaller than ½ acre, and sites that are larger than 10 acres. These requirements could result in some of the City's sites being deemed ineligible by HCD. New housing sites could also be identified as a result of revisions to zoning regulations—for example, by increasing the density allowed in certain commercial or office districts to the point where housing becomes more economically viable.

Staff anticipates a future meeting with the Planning Commission to discuss the sites inventory and potential amendments to the Zoning Code.

Schedule

As noted in earlier in this report, the Housing Element must be adopted by January 15, 2023. However, preparation of this document requires an intermediate step in which HCD reviews a "working draft" prior to the adoption hearings. This allows HCD to provide comments to the City that can be addressed before adoption. Therefore, staff is working to develop a Working Draft Housing Element by the end of May 2022. This document would be reviewed by the Planning Commission and City Council and submitted to the State as a working draft by the end of June 2022.

HCD comments on the working draft would be received in September 2022. At this point, staff will revise the document and work iteratively with HCD to make sure all objections are addressed. The revised document will be brought back to the Planning Commission for a recommendation in December 2022. It will then be presented to the City Council for adoption in January 2023 and submitted to the state prior to the deadline. The State has 60 days to issue a compliance determination.

In the event the City is found non-compliant, it will work with HCD to address any outstanding objections as soon as possible and return to the Commission and Council for supplemental changes. In previous cycles, this was rarely required---particularly because HCD reviews a Working Draft prior to

¹ Excludes roughly 400 units outside the City limits but within the sphere of influence. The City's housing plans do not cover the unincorporated sphere (Santa Venetia, Marinwood, etc.).

adoption. However, other regions of California on an earlier review cycle than the Bay Area are experiencing exceptionally high rates of non-compliance. For example, the deadline for adoption of Housing Elements in the Southern California Association of Governments region was October 15, 2021. There are 191 cities and six counties in that region (197 jurisdictions in total). As of February 4, 2022—nearly four months past the deadline—only two jurisdictions have been deemed compliant. Another 49 have adopted their elements and are awaiting determination letters from HCD. Another 126 cities are still working with HCD on revisions to their Working Drafts. Another 14 cities have yet to submit anything to HCD.

ENVIRONMENTAL REVIEW

As a General Plan amendment, the Housing Element update is subject to the California Environmental Quality Act (CEQA). Because the City does not anticipate major changes to its Land Use Map, the appropriate form of CEQA review for the Housing Element is an Addendum to the recently certified General Plan EIR.

The Addendum would determine if the findings identified in the General Plan EIR would be changed by the policies and programs in the new Housing Element. In the event the Housing Element proposes substantial changes to the General Plan Map and/or allowable densities, a higher level of CEQA review could be required. As with the General Plan EIR, environmental review will still be required for individual projects proposed after the Element is adopted.

CORRESPONDENCE

No correspondence has been received on this Staff Report.

ATTACHMENTS

While there are no attachments to this Staff report, a hyperlink to the Evaluation of the 2015 Housing Element is provided below.

Attachment 1: [Evaluation of 2015-2023 Housing Element](#)