

# Chapter 6: Housing Action Plan

## 6.1 Introduction

Section 65583(b)(1) of the California Government Code requires the Housing Element to contain “a statement of goals, quantified objectives, and policies relative to the maintenance, preservation, and development of housing.” This chapter fulfills that requirement. It also includes the State-mandated “Housing Action Plan,” which is comprised of programs to be implemented over the next eight years. Its policies and programs are based on State law and the findings of the previous four chapters and the appendices.

Four goals are presented, corresponding to the following topics:

- Ending and Preventing Homelessness
- Fair Housing
- Habitability and Maintenance
- Expanding Housing Choices for All Residents

As required by law, quantified objectives have been developed for housing production, rehabilitation, and conservation. These are summarized in a table at the end of this chapter. The quantified objectives provide metrics for evaluating the effectiveness of the Element and guidance for allocating resources.

Three types of statements are included in this chapter. The **goals** (paraphrased in the bulleted list above) express broad, long-term statements for desired outcomes. Each goal is followed by multiple policies. The **policies** are intended to guide day to day decisions by the City Council, the Planning and Zoning Commission, Staff, and other City representatives. They are general statements that describe the City’s position on housing issues related to each goal. The programs represent specific commitments the City is making to implement its policies and pursue its goals. Some of the programs are implemented through ongoing practices and procedures, while other require a new commitment of resources or course of action. The link between policies and programs is annotated in the Housing Element by listing the specific policy or policies carried out by each program.

The programs are the most detailed statements in the Housing Element. Each program is accompanied by descriptive text providing context program and additional detail on how it will be carried out. Responsible parties, timelines, and resources are listed for each program. Where appropriate, metrics are identified to measure future success.

## 6.2 Goals

The City's 2023-2031 housing goals are:

### **Goal H-1: HOMELESSNESS**

End and prevent homelessness in San Rafael.

### **Goal H-2: FAIR HOUSING**

Combat housing discrimination, eliminate racial bias, and undo historic patterns of segregation.

### **Goal H-3: HABITABILITY**

Ensure housing habitability and maintenance.

### **Goal H-4: HOUSING CHOICE**

Meet housing needs through a variety of housing choices throughout the City.

## 6.3 Policies

The policies are organized around the four goals listed above

### **Policies to End and Prevent Homelessness**

#### **Policy H-1.1: Collaboration and Coordination**

Work with the County of Marin, local supportive service providers, and housing and social justice organizations to assist persons experiencing homelessness. Collaborate with the County of Marin and other Marin County jurisdictions to address housing issues that cross jurisdictional boundaries and that can be best solved through countywide strategies. Work with jurisdictions beyond Marin County to address regional issues and challenges that require regional or statewide resources.

#### **Policy H-1.2: Transitional and Supportive Housing**

Support permanent supportive housing for those who are unhoused or at risk of losing their housing. Recognize transitional and supportive housing as a residential use rather than as a commercial or institutional use. Such housing shall be subject to the same requirements as other residential uses in the same zoning district. In other words, a single-family home used for transitional housing shall be subject to the same requirements as a single-family home used by a family or individual.

#### **Policy H-1.3: Emergency Shelters**

Allow for emergency shelters in appropriate zoning districts in order to accommodate San Rafael's unsheltered population.

**Policy H-1.4: Prevention**

Prioritize strategies that are proactive and prevent people from experiencing homelessness in the first place.

**Policies to Combat Housing Discrimination, Eliminate Racial Bias, and Undo Historic Patterns of Segregation****Policy H-2.1: Preventing Discrimination**

Prevent housing discrimination on the basis of race, religion, sexual orientation, marital status, ancestry, national origin, color, familial status or disability, gender, gender identity or expression, veteran or military status, genetic information or source of income.

**Policy H-2.2: Inclusive Engagement**

Engage populations whose voices have been underrepresented in public processes because of language, mobility, age, citizenship, economic, and other barriers. When developing housing policies, provide intentional and culturally competent outreach to residents who have not participated in the past.

**Policy H-2.3: Public Information and Education**

Increase community awareness of housing programs and related issues, as well as the roles of the City, County, non-profits, and community-based organizations in providing housing-related services. Ensure that such information is available in multiple languages, is written without jargon, and is accessible to all residents.

**Policy H-2.4: Fair Housing Administration and Enforcement**

Ensure that residents, landlords, tenants, members of protected classes, and residents in underserved communities are fully aware of their rights, obligations, and responsibilities under federal fair housing and civil rights laws.

**Policy H-2.5: Landlord-Tenant Relations**

Assist housing providers and tenants in resolving conflicts, understanding their rights and obligations, and maintaining secure, quality housing. Continue to provide and strengthen anti-discrimination legal assistance and support for tenants facing harassment or eviction.

**Policy H-2.6: Community Partnerships**

Work with community-based organizations, non-profit and for-profit housing developers, and supportive service providers to advocate for and implement programs that will increase housing supply and affordability, improve housing safety and living conditions, and eliminate housing discrimination in San Rafael. Engage San Rafael's business community in developing strategies, innovative approaches, and programs to meet the housing needs of the local workforce.

**Policy H-2.7: Leadership**

Provide countywide and regional leadership on fair housing issues through advocacy, innovation, community engagement, implementation of housing programs, and relationships with other public agencies and housing organizations.

**Policy H-2.8: Fair Housing and Transportation Choice**

Work with local transportation agencies and transit service providers to sustain, and where possible expand, transportation choices for San Rafael residents, particularly lower-income renters who are transit-dependent.

**Policies to Ensure Housing Habitability and Maintenance****Policy H-3.1: Healthy Homes**

Ensure that the design and construction of new or refurbished housing units supports the health and well-being of residents. All residents, regardless of income or ability, should have safe, sanitary housing and healthy living conditions.

**Policy H-3.2: Code Enforcement**

Maintain code enforcement and inspection activities that protect existing housing and ensure corrective rehabilitation for housing that may pose a hazard to occupants. Reduce exposure to indoor air pollutants such as mold, lead, and asbestos through the application of state building standards, code enforcement activities, education, and remediation measures.

**Policy H-3.3: Resilient Housing**

Improve the resilience of housing and residential neighborhoods to the effects of climate change, including sea level rise, increased wildfire risks, extreme heat, and drought. Where housing is proposed in areas subject to sea level rise, include design measures that reduce potential flooding hazards. Evaluate the potential for displacement or loss of affordable or lower cost housing when formulating policies related to sustainability and climate change adaptation planning.

**Policy H-3.4: Reducing Home Energy Costs**

Encourage energy conservation, weatherization, and efficiency to reduce home energy costs. Promote greater awareness of and access to programs offered by energy providers offering reduced rates and financial assistance to lower income households and multi-family housing owners and managers.

**Policy H-3.5: Housing and Greenhouse Gas Emissions**

Design and locate new housing in a way that supports the city's greenhouse gas reduction goals. This includes building new housing near transit and in locations where it is easier to walk to shopping, restaurants, services, work, school, and other destinations. It also includes reducing the use of non-renewable fossil fuels through electrification, decreased natural gas use, energy efficiency, and tree planting.

**Policy H-3.6: Sustainable Design**

Encourage the use of building materials, construction methods, and designs that reduce environmental impacts and the consumption of non-renewable resources.

## **Policies to Meet Housing Needs Through a Variety of Housing Choice Throughout the City**

### **Policy H-4.1: Equitable Distribution of Affordable Housing**

Encourage the creation of affordable housing opportunities in all parts of the city, including areas where such housing does not exist today. Work to reduce concentrated poverty by expanding housing choices in all neighborhoods.

### **Policy H-4.2: Preventing Displacement**

Prevent the displacement of lower income residents due to expiring housing subsidies, rising costs, evictions without cause, conversion of housing units to non-residential use, and other factors that make it difficult for people to stay in San Rafael. Ensure that any housing units occupied by lower income renters are replaced in kind in the event they are demolished and redeveloped, including first right of return to renters who may be displaced.

### **Policy H-4.3: Affordable Housing Requirements**

Require the inclusion of affordable housing units in market-rate housing projects. Ensure that affordable housing requirements are economically viable, do not negatively affect overall housing production, and provide sufficient flexibility for the private sector. When new affordable units are created, pursue deed restriction and affordability terms of at least 55 years so that fewer tenants are at risk of being displaced in any given year.

### **Policy H-4.4: Affordability of Projects on Public Land**

Prioritize the development of affordable housing rather than market rate units on surplus public land. Given the potential for reduced land costs on publicly owned land, such sites present some of the best opportunities in the city for deeply affordable units.

### **Policy H-4.5: Opportunities for Home Ownership**

Recognize home ownership as a tool for creating generational wealth, particularly for members of racial/ ethnic groups that historically faced and continue to face discriminatory lending, appraisal and sales practices. Support home ownership opportunities for low- and moderate-income first-time buyers, including cooperatives, community land trusts, limited equity partnerships, and other innovative forms of ownership that reduce housing costs and create ownership opportunities for lower-income populations.

### **Policy H-4.6: Acquisition and Rehabilitation**

Support efforts by local community-based organizations and other housing organizations to acquire private market rate apartment complexes and convert them to affordable housing using state and federal tax credit programs.

### **Policy H-4.7: Community Benefits**

Advocate for community benefits, including the provision of additional affordable housing units or space for supportive service providers, when approving large projects.

### **Policy H-4.8: Adequately Zoned Sites**

Maintain an adequate supply of land that is planned and zoned to meet the housing needs of all economic segments of the community, consistent with the City's Regional Housing Needs

Allocation. Encourage development at mid to high range of allowable density on multi-family zoned lots. Adopt and implement zoning regulations that support higher-density housing in both multi-family and mixed-use districts, amend development standards and parking requirements that accommodate higher densities for those districts.

#### **Policy H-4.9: Efficient Project Review**

Continue to streamline the approval of new housing and reduce the potential for time delays. The City will work collaboratively with developers, realtors, brokers, builders, businesses, neighborhoods, and housing advocacy groups to evaluate local planning procedures, potential impediments, and ways to improve the efficiency of housing production.

#### **Policy H-4.10: Development Fees**

Ensure that local development and building fees are structured to cover only the cost of the services they require, and do not present an excessive burden on applicants. Explore waivers for qualified lower-income owners seeking permits to repair or maintain their properties to correct health and safety issues or abate nuisance conditions.

#### **Policy H-4.11: Incentives for Affordable Housing**

Incentivize the provision of affordable housing through the City's development regulations and permitting processes, including allowing additional housing units, reduced or deferred fees, and expedited processing where affordable units are included. Provide administrative and technical assistance to affordable housing developers and support the applications of these developers for loans, grants, tax credits, and other financing sources that facilitate affordable housing production.

#### **Policy H-4.12: Affordable by Design**

Support the construction of non-traditional housing types that make housing more affordable and sustainable, including single room occupancy units, especially in Downtown San Rafael and other locations with access to transit and supportive services. In addition, encourage innovative approaches to the financing, design, and construction of housing that increase affordability and the feasibility of lower- and moderate-income and mixed income construction for residents at all stages of their lives.

#### **Policy H-4.13: Efficiently Using the City's Housing Stock**

Encourage and support the more efficient use of existing single-family homes, including shared housing and accessory dwelling units (ADUs). Recognize ADUs as an essential part of the city's housing stock and a sustainable housing option for older adults, students, multi-generational families, caregivers, and small households.

#### **Policy H-4.14: Commercial to Residential Conversion**

Encourage the adaptive reuse of older commercial buildings, including office and retail buildings, for housing.

#### **Policy H-4.15: Housing and Infrastructure**

Coordinate with water, sanitary sewer, and dry utility service providers to ensure that infrastructure is available to support anticipated housing development. The cost of

infrastructure maintenance and improvement should be equitably shared among property owners rather than assigned entirely to new development.

**Policy H-4.16: Housing for Special Needs Groups**

Use incentives, available financial resources, and partnerships with local non-profits to facilitate the development of housing for persons with special needs, including older adults and large families. Encourage housing that meets the needs of San Rafael's older population, particularly affordable units, single-level units, accessible units and affordable care facilities that allow residents to age within the community. Provide sufficient housing choices to meet the needs of larger families, including affordable rental apartments with three or more bedrooms in new multi-family housing development. Encourage multi-generational/ inter-generational housing types to support extended families and housing that can be adopted to serve persons at all stages of their lives.

**Policy H-4.17: Accessible Units**

Require accessible units for persons with disabilities in new development, consistent with State and federal law. Encourage the design of units that can be more easily adapted for access by persons with disabilities, as well as universal design in new housing so that a greater share of units are accessible to all residents.

**Policy H-4.18: Residential Care Facilities**

Support the construction of large and small residential care facilities in all neighborhoods of the city.

## 6.4 Programs

### 6.4.1 Programs to End and Prevent Homelessness in San Rafael

#### Program 1: Housing and Homelessness Division

#### Create a Housing and Homelessness Division within the Community Development Department.

Recognizing the interrelatedness of housing, homelessness, and the need for supportive services, the Division will:

- Recommend policies and programs that are responsive to community needs,
- Pursue funding and grant opportunities,
- Work collaboratively with the County and non-profit sector,
- Provide low interest loans, grants and technical assistance to increase the supply of affordable housing, preserve existing affordable housing, and reduce the number of people experiencing homelessness.

The Division will seek to increase housing resources for San Rafael residents and employers, and to develop and implement effective solutions to homelessness in San Rafael.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• In 2023, hire Assistant Director of Housing and Homelessness to lead the division</li> <li>• In 2023, hire additional staff position to support the work</li> <li>• In 2024, develop mid- to long-range metrics for team success, including a plan for reduction in number of unhoused residents by 50% by 2031, as reported by the annual point-in-time count</li> <li>• Beginning in 2023, meet and consult at least quarterly with the Mental Health Liaison and other key personnel in the San Rafael Police Department to better understand barriers to housing and develop specific policy and program solutions to address them.</li> </ul>
Primary Responsible Departments/Divisions	Community Development, Human Resources, Police Department
Resources	Staff time
Relevant Policies	1.1 Collaboration and Coordination

**Program 2: Relocation Assistance**

**Require rental property owners to provide relocation assistance to low-income tenants in no-fault evictions.**

Section 14.16.279 of the San Rafael Municipal Code requires that demolitions or renovations that displace low-income tenants from their residences must provide relocation assistance to those tenants. Relocation assistance is not available to occupants of illegal units, or tenants who are being temporarily relocated by the property owner with the intent of the tenant returning following the renovation. Eligible tenants receive at least 60 days notice to vacate, including information regarding their eligibility for relocation assistance based on their income. The current relocation allowance is two times monthly rent.

In addition, as of March 2021, the City requires relocation assistance to all tenants in Census Tract 1122.01 (core Canal area) given the designation of this tract as a federal Opportunity Zone. This Census Tract is also an area of concentrated poverty; over 90 percent of its residents are lower income renters. The relocation assistance requirements apply regardless of household income in this zone and include supplements for families with children and elderly or disabled households. Residents evicted “for cause” are not eligible.

To make this policy more comprehensive, the City would like to develop clearer parameters around buyout agreements, meaning an agreement between tenant and landlord to end a tenancy voluntarily in exchange for money or other consideration.

<p>Specific Actions and Timeline</p>	<ul style="list-style-type: none"> <li>• In 2023, develop internal process and train staff across Building, Planning and Housing Divisions to implement the Opportunity Zone Relocation Assistance Ordinance adopted in 2021.</li> <li>• In 2023-2024, evaluate buyout practices and consider adjustments including but not limited to:             <ul style="list-style-type: none"> <li>○ Develop noticing language that property owners are required to use when conducting a buyout to help ensure clear communication and availability of Spanish translation.</li> <li>○ Extend relocation assistance coverage to include buyouts, so that property owners are required to offer the same level of assistance to tenants they are trying to buy out voluntarily as they would for a no-fault eviction.</li> <li>○ Give tenants the right to rescind acceptance of a buyout offer for a specified time period after signing the agreement.</li> </ul> </li> <li>• In 2024, consider expanding the Opportunity Zone Relocation Assistance to other census tracts in the city where the majority of tenants are low income, including 1122.02 (Canal) and 1082 (Terra Linda).</li> </ul>
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	<ul style="list-style-type: none"> <li>• Periodically (at least every three years), evaluate the relocation assistance policies, including the payment amounts required, to determine if they are appropriate based on actual costs, displacement risks, and needs.                             <ul style="list-style-type: none"> <li>○ Analyze multi-family rental property ownership, including larger corporate owners and non-resident investors, to help shape and inform policies.</li> </ul> </li> </ul>
Primary Responsible Departments/Divisions	Community Development / Housing Division
Resources	Staff time, private (for relocation assistance)
Relevant Policies	1.4 Prevention

**Program 3: Extremely Low-Income Housing Resources**

**Expand housing resources and supportive services for extremely low income households.**

Most of the City’s housing programs are targeted toward Very Low-, Low-, and Moderate-Income households. However, because the areawide median income in Marin County is very high (\$166,000 annually for a household of four), the income ranges for these groups often result in inadequate provisions for “extremely low” income households. These households are defined as earning 30 percent or less of areawide median. A household of four earning \$55,900 is considered extremely low income. Housing options for individuals and families with incomes below this threshold are very limited, yet this group faces the largest affordability gap and highest percentage of housing cost burden, eviction, and displacement. Some of these households may be at risk of becoming homeless, while others may be living in overcrowded conditions. The intent of this program is to provide additional resources for extremely low-income households.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• In 2023, research best practices and develop a strategy to create interim housing with a strong service component to assist individuals to take steps towards stable housing</li> <li>• In 2023, identify site for interim housing pilot project, to be completed with State grants in partnership with community partners</li> <li>• In 2024, install interim housing units</li> </ul> <p>By 2031, create housing for an additional 428 extremely low income households (RHNA target) by:</p> <ul style="list-style-type: none"> <li>• Prioritizing City funds for developments that include housing units reserved for those earning 30% of median income as well those earning 50%, 60% and 80% of median income, and especially for those that include a supportive services component</li> </ul>
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	<ul style="list-style-type: none"> <li>Working with housing advocates and community-based organizations, and collaborating with the County and philanthropy to determine the most effective ways to meet the needs of extremely low-income households</li> <li>Working with the faith-based community to deliver housing and emergency services to families and individuals at risk of losing their housing</li> <li>Advocating for an increase in the number of tenant-based Section 8 Housing Choice Vouchers, and vouchers for families, seniors and disabled residents available to persons who live or work in San Rafael and encouraging housing providers, landlords and property managers to proactively participate in the Housing Choice Voucher program.</li> <li>Allowing and promoting housing types that may be more affordable to extremely low-income households, such as SROs, ADUs, tiny homes and manufactured housing.</li> </ul>
Primary Responsible Departments/Divisions	Community Development
Resources	State and Federal Grants, Local Housing Fees, Bond Measures, Private
Relevant Policies	1.1 Collaboration and Coordination, 1.4 Prevention

**Program 4: Funding and Resources to Prevent and Reduce Homelessness**

**Continue to actively seek funding for strategies that prevent homelessness and help San Rafael residents experiencing homelessness in securing a place to live and access to the services they require.**

In collaboration with local nonprofits and the County of Marin, the City’s recent major funding accomplishments include:

- Awarding funding through the City’s Affordable Housing Trust Fund for the conversion of an office building at 3301 Kerner Boulevard into supportive housing through Project HomeKey,
- Awarding funding through the City’s Affordable Housing Trust Fund for the development of a new emergency shelter and transitional housing at 190 Mill Street,
- Securing grant funding (\$522K) for Intensive Case Management to help in housing placement through the State’s Encampment Resolution Fund, and
- Allocating funding (\$260K) to a regional Intensive Case Management effort involving contributions from all the jurisdictions in Marin.

During the height of the COVID-19 pandemic, the City of San Rafael partnered with Caltrans, the County of Marin, CHP, and multiple service organizations to provide enhanced services for individuals experiencing homelessness through the creation of a designated “service support area” (SSA). This designated space provided security, restrooms, handwashing stations, garbage pick-up, regular outreach and service referrals, and other quality of life amenities. It

also allowed for the continuing of work with local partners to identify permanent paths to housing. The SSA location closed in late summer 2022; the lessons learned will inform the Interim Housing Unit project and other City approaches moving forward.

The City will continue to partner with Marin County and local social service and nonprofit organizations to develop compassionate, effective solutions to homelessness and increase housing and supportive service options for its residents. The City is supporting efforts by the County to continue Project HomeKey acquisitions, expand case management and behavioral health services, utilize funding to prevent homelessness through acquisition of existing affordable housing, and provide additional resources to keep residents of San Rafael and Marin County housed.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• In 2023, document learnings from the Downtown Service Support Area for unhoused residents to inform future funding proposals, and long and short-term strategies for temporary housing</li> <li>• By 2031, seek at least one million dollars in funding through grants or other sources for homelessness prevention, including case management and housing</li> </ul>
Primary Responsible Departments/Divisions	Housing & Homelessness Division, County of Marin, non-profits
Resources	State and federal funding, County of Marin
Relevant Policies	1.1 Collaboration and Coordination, 1.2 Transitional and Supportive Housing

**Program 5: Emergency Shelter Capacity**

**Provide emergency shelter capacity sufficient to meet local needs.**

Emergency shelters are permitted with a conditional use permit in several commercial and industrial zoning districts, in the Downtown Mixed Use district, and in the public/quasi-public district. They are permitted “by right” in a geographic area that includes General Commercial and Light Industrial/Office zoned properties in southeast San Rafael (generally south of Bellam and north/east of I-580). Section 14.16.115 of the San Rafael Zoning Code identifies performance standards for shelters in these areas. It also establishes requirements for management plans, including measures to encourage positive relations with neighborhoods and nearby uses, and outreach and communication to neighborhoods. The zoning code differentiates between “temporary” shelters, which may be movable and developed in response to natural disasters and emergencies, and “permanent” shelters which involve greater fixed investments.

As noted above, the City of San Rafael contributed over \$1 million for emergency shelter rooms at 190 Mill Street in addition to permanent supportive housing units incorporated into the same project.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>On an ongoing basis, monitor temporary and permanent shelter capacity in relation to biannual point-in-time count to ensure sufficient shelter capacity to meet the needs of San Rafael’s population.</li> <li>Seek funding to continue to sponsor or assist in the development of emergency shelter facilities, including supporting such facilities through grants or loans to service providers.</li> </ul>
Primary Responsible Departments/Divisions	Community Development
Resources	Staff Time
Relevant Policies	1.3 Emergency Shelters

### 6.4.2 Programs to Combat Housing Discrimination, Eliminate Racial Bias, Undo Historic Patterns of Segregation

#### Program 6: Public Information and Engagement

**Expand awareness of housing laws, programs, and resources provided by the City and by other agencies and organizations through a comprehensive, multi-lingual community outreach and engagement initiative.**

The City will take a more proactive approach to fair housing, including community-wide education on fair housing laws and greater awareness of past lending and real estate practices. An example is the City’s participation in the Marin County Restrictive Covenant project, an effort to inform and educate residents of the history and significance of government policies that were intentionally discriminatory and helped create segregated communities in Marin.

Some examples of policies and programs we intend to highlight include:

- Rent Mediation and Tenant Protection Act of 2019.** Increase awareness of the statewide limits on rent increases instituted by Assembly Bill 1482, as well as the local mediation program for rent increases greater than 5%.
- Source of Income Discrimination.** Educate and engage landlords, property managers, tenants and non-profit organizations on tenants’ rights related to housing vouchers and local and state laws prohibiting source of income discrimination.
- Home Sharing.** Support home sharing as one way to use the existing housing stock more efficiently, create more affordable room rental options, and generate additional income and security for homeowners living alone.

Other topics include tenants’ rights, fair housing, home repair grants, first-time homebuyer opportunities, reduced utility costs for lower income households, housing choice vouchers, local BMR and affordable housing opportunities, code enforcement, and housing assistance, such as emergency loans and grants and credit counseling.

**Cross-Departmental Housing Capacity.** As part of public engagement efforts around housing, housing staff will seek to increase non-housing staff’s basic knowledge and capacity to refer community members to appropriate resources. We will work towards a “no-wrong-door” practice so that a community member who interfaces with any City department is smoothly referred to housing staff or appropriate nonprofit partners. Training will include topics such as: accessing legal assistance for renters, filing a complaint with code enforcement, and resources for community members who are unhoused.

<p>Specific Actions and Timeline</p>	<ul style="list-style-type: none"> <li>• Annually, update the Division’s existing <b>resource handout</b> in Spanish and English that includes community services such as legal assistance for renters and rental assistance. Make additions based on frequent inquiries.</li> <li>• Annually, attend at least 6 <b>community events</b> (e.g., farmers markets, recreational events, City-sponsored fairs and festivals). Prioritize events with residents who may be in the greatest need of housing-related services.</li> <li>• In 2023, revise City “<b>Notice of Tenant Rights</b>” that landlords are required to provide to new tenants as part of the City’s mandatory mediation program. In addition to describing how to request mediation, expand notice to include information on allowable rent increases, just cause for eviction regulations, and links to fair housing and civil rights resources.</li> <li>• Beginning in 2023, work with FHANC to co-sponsor <b>Fair Housing Workshops</b>. Expand fair housing outreach to include training and education for Homeowners Associations, neighborhood groups, civic groups, realtors, brokers, City staff, and other groups that have historically not received this training.</li> <li>• In 2023, <b>present “Housing 101” during CDD staff meeting</b>, inviting front/desk reception staff from City Manager’s Office and other departments to attend.</li> <li>• In 2023, gauge interest from field staff in Library and Recreation, Police and Fire, Public Works in <b>wallet insert</b> on housing/homelessness basic referral guidance. Ask other departments what info would be most helpful, what are the frequently asked questions.</li> <li>• At least annually, post written information on tenants’ rights and fair housing law, including agencies and service providers, in English and Spanish at various places such as City Hall, public libraries, community centers, and multi-family housing developments. Share written materials with community-based organizations to extend the City’s reach.</li> </ul>
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	<p><b>Website</b></p> <ul style="list-style-type: none"> <li>• In 2023, expand website resources related to fair housing and tenant rights. Seek to make webpages more readable and engaging by reducing text, simplifying language and, when possible, using other communication tools such as “how to” videos and infographics,</li> <li>• In 2023, better articulate on the City website what housing services the City provides to help community members understand how housing services are delivered and what resources they may access.</li> <li>• In 2023, provide links on the City website to <b>home sharing</b> service providers and encourage residents to participate. Explore providing a method for sharing the information as part of City business licenses.</li> </ul>
Primary Responsible Departments/Divisions	Community Development / Housing Division
Resources	Staff time, CDBG
Relevant Policies	2.2 Inclusive Engagement, 2.3 Public Information and Education, 2.4 Fair Housing Administration and Enforcement

**Program 7: Fair Housing Program Administration**

**As part of the Cooperative Agreement with the County on CDBG funding, direct a portion of the City’s allocation to a local fair housing assistance program.**

San Rafael currently provides funding to Fair Housing Advocates of Northern California (FHANC) to support comprehensive fair housing counseling, complaint investigation, and assistance in filing housing discrimination complaints. FHANC offers workshops to tenants on their rights and responsibilities under fair housing law. They provide specialized resources for people with disabilities, seniors, LGBTQ residents, victims of domestic violence, Section 8 voucher holders, and non-English speaking residents. FHANC works with other Marin County service providers to conduct outreach, provide fair housing audits, and assist tenants in completing necessary forms and finding legal representation. FHANC’s most recent Fair Housing Audit of North Bay jurisdictions (August 2022) found that discrimination against people of color in Marin County is still significant.

Specific Actions and Timeline	On an ongoing basis, continue to direct CDBG funds to administer a fair housing program, including counseling, complaint investigation, technical assistance, enforcement, and testing.
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Primary Responsible Departments/Divisions	Community Development Department, Non-Profit Service Provider
Resources	CDBG
Relevant Policies	2.4 Fair Housing Administration and Enforcement

**Program 8: Affirmative Marketing of Housing Opportunities**

**Affirmatively market local affordable housing opportunities to include groups that have historically been disadvantaged in the local housing market.**

An affirmative marketing plan includes proactive measures aimed at reversing historical trends and discriminatory patterns in the housing market. This includes targeting specific groups who have been under-served by the current housing market. It also includes making a good faith effort to inform these groups of local affordable housing opportunities. This can be done through advertising (including advertising in Spanish), marketing, and developing media that can be distributed to these groups. HUD has developed specific guidelines for affirmative marketing. Affirmative marketing should be used for local below market rate (BMR) for-sale and for-rent units, as well as local senior and affordable housing developments. It reaches those who work in San Rafael as well as those who live here. This program seeks to reduce housing cost burden for minority racial and ethnic groups in San Rafael and to create additional affordable housing opportunities for the local workforce.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• Whenever a Notice of Funding Availability is released for the City’s Affordable Housing Trust Fund, continue to require applicants to submit an Affirmative Action Marketing Plan as part of the application.</li> <li>• For developments receiving awards from the City’s Affordable Housing Trust Fund, continue to require project demographics and affirmative marketing plans as part of annual reporting.</li> <li>• In 2023, identify a contractor to administer the BMR rental program with expertise in affirmative marketing who can support marketing of inclusionary housing units in market-rate developments, including in Spanish.</li> </ul>
Primary Responsible Departments/Divisions	Community Development Department: Housing Division
Resources	Staff time
Relevant Policies	2.1 Preventing Discrimination

**Program 9: Latinx Community Capacity Building and Engagement**  
**Undertake a capacity-building and educational program designed to increase understanding of the housing system by the City’s Latinx community.**

The intent of this program is to convene a series of Spanish-language meetings/workshops that engage representatives of the City’s Latinx community in conversations about housing needs, resources, plans, and priorities, and to develop an ongoing relationship between the City and community-based organizations. These workshops are part of a larger effort to equitably allocate the City’s resources and improve access to safe, affordable housing among residents who may be unaware of existing resources today. The workshops will build on previous sessions that were well-received.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• In 2023-2024, complete series of six capacity-building meetings on housing.</li> <li>• In 2023-2024, develop strategies to sustain momentum and communication on an ongoing basis.</li> <li>• Incorporate what City staff learns about housing needs and community engagement into City policies and practices.</li> </ul>
Primary Responsible Departments/Divisions	Community Development: Housing Division
Resources	General Plan Implementation Fee
Relevant Policies	2.2 Inclusive Engagement

**Program 10: Interjurisdictional Housing Activities**  
**Collaborate with Marin County, cities and towns to address regional planning and housing issues. Remain open to alignment when in service to increasing housing supply and furthering fair housing.**

The City has long participated in housing collaboration with the County and other cities and towns, and in 2019, City staff joined a countywide working group of Planning Directors and planning staff to encourage interjurisdictional collaboration on housing issues and solutions, with a specific focus on responding to new state legislation to streamline housing developments. The working group established common goals and coordinated on housing legislation, planning, production, and preservation of existing affordability. The working group meets once monthly and has evolved from briefings and discussions regarding state housing legislation into collaboration on projects to facilitate the development of more housing in Marin County. The group received funds from ABAG to work collaboratively on shared Housing Element deliverables including translation dollars, Affirmatively Furthering Fair Housing products, visualizations, and a countywide website.

The City intends to expand and strengthen coordination with the County and other cities and towns on housing policy and funding, with the goal of increasing affordable housing countywide.

<p>Specific Actions and Timeline</p>	<ul style="list-style-type: none"> <li>• Continue to prioritize staff attendance at interjurisdictional collaboration meetings on an ongoing basis.</li> <li>• In 2023, develop more consistent fees to encourage and facilitate more affordable housing as part of new market rate developments and increase funding for affordable housing.</li> <li>• Hold a public hearing annually to report on progress to the City Council and report to the State through the Annual Progress Report (Program 23).</li> <li>• Collaborate on 2023-2031 Housing Element program implementation, especially programs related to Affirmatively Furthering Fair Housing and tenant protections, including by developing shared ordinance templates and conducting shared outreach and community engagement.</li> <li>• Continue to collaborate as part of the Marin County entitlement community on using Community Development Block Grant CDBG funds to fund affordable housing and leverage other State and Federal Sources.</li> <li>• Continue to collaborate as an entitlement community to use Permanent Local Housing Allocation (PLHA) funds on housing-related projects and programs that assist in addressing the unmet housing needs of our local communities.</li> <li>• Actively participate and support the efforts of BAHFA to raise funds to help address affordable housing and housing stability.</li> <li>• By 2029, develop a deeper and more formalized collaboration on the next Housing Element, such as through:             <ul style="list-style-type: none"> <li>○ Combined outreach and engagement efforts</li> <li>○ Hiring of shared consultants</li> <li>○ Shared Housing Element components</li> <li>○ A subregional approach to meeting the Regional Housing Need Allocation in the next cycle</li> </ul> </li> </ul>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development Department: Housing Division</p>
<p>Resources</p>	<p>Staff time, CDBG, PLHA</p>
<p>Relevant Policies</p>	<p>2.7 Leadership</p>

**Program 11: Just Cause for Eviction**

**Maintain and monitor effectiveness of local just cause for eviction regulations.**

Just Cause Eviction policies are intended to provide stability for households who rent by regulating the grounds for eviction, typically by prohibiting termination of a residential tenancy without an express and valid reason. These policies promote greater awareness of the rights and responsibilities of landlords and tenants and provide a clear and transparent process for evictions and lease terminations, particularly when rental agreements do not exist or lack specificity. Just Cause ordinances typically identify acceptable reasons that a landlord may terminate a tenancy “for cause” (e.g., failure to pay rent, nuisance behavior, etc.) as well as other reasons a landlord may terminate a tenancy (e.g., landlord is moving back into the unit, substantial remodels, unit removed from market). Just Cause ordinances retain the rights of landlords to terminate a lease for valid reasons but also help to prevent eviction of responsible tenants, providing them with greater security and stability.

San Rafael adopted a Just Cause Ordinance in 2019. Later that year, the State adopted Just Cause regulations through AB 1482, but the City’s ordinance is broader than the State’s. State exemptions include single family homes, ADUs, duplexes in owner-occupied units, and units less than 15 years old. The City’s ordinance limits “no fault” evictions to demolition of the unit, permanent removal for rental use, landlord move-in (including family member) for at least a year, substantial rehabilitation for health and safety concerns, and tenant refusal to execute a lease. For units being permanently removed from the market, a 120-day notice to tenants is required. The City will work with tenants and landlords to ensure that no-fault just causes are not abused.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• At least annually, meet with tenant advocacy organizations to understand issues and gaps. Maintain an open channel of communication.</li> <li>• Periodically (at least every three years), review and revise regulations as needed to ensure that they are achieving desired outcomes.</li> <li>• Work with landlords to provide support for tenants in cases of “no fault” evictions, including through the City’s relocation assistance requirements (Program 2).</li> </ul>
Primary Responsible Departments/Divisions	Community Development Department: Housing Division
Resources	Staff time
Relevant Policies	1.4 Prevention, 2.5 Landlord-Tenant Relations, 4.2 Preventing Displacement

**Program 12: Tenant Protection Measures****Evaluate existing and additional measures to protect tenants from eviction or the loss of housing due to economic or other factors.**

Input received during the Housing Element Update indicated pervasive concerns about housing security among tenants, particularly in the Canal community. The 2023-2031 Housing Needs Assessment found that 29 percent of the city's renters pay more than half of their incomes on housing. Among Latino households, that figure is 40 percent.

Some of the feedback regarding housing security and tenant protections surfaced through the Canal Policy Working Group. This working group of City and County officials, staff and local nonprofit leaders was formulated during the COVID-19 pandemic to advance a coordinated response in the Canal neighborhood, which was disproportionately impacted by the pandemic. Following crisis response, the group continued to meet approximately monthly to discuss key issues affecting the Canal neighborhood. Housing has been the foremost topic. This group initiated the rent freeze adopted in the Canal neighborhood during the pandemic and continues to identify tenant protection issues and opportunities.

Community-based organizations, workshop attendees, and those submitting comments online have asked that the City consider:

- Further limits on allowable rent increases,
- A more objective definition of what constitutes a “nuisance” (for evictions with cause),
- Measures to protect tenants from harassment by landlords,
- Stronger protection for tenants if they deduct necessary repairs from rent,
- A Tenant Commission, similar to other City Committees and Commissions,
- Eliminating the use of criminal history to deny someone access to rental housing
- Requiring a 7-day warning letter prior to issuing a 3-day notice to pay or quit
- Disallowing evictions due to sublets in cases where the tenant requested permission per the lease agreement and the number of occupants did not exceed allowable limits
- Disallowing evictions when additional family members move into a unit, so long as the number of occupants does not exceed allowable limits,
- The needs of subletters or tenants who may not be named on lease agreements,
- Anti-retaliation measures, in cases where tenants have filed a complaint,
- Right to Counsel provisions, which provide legal assistance and support to lower-income tenants facing eviction. Such a program would be administered through a contract with a local fair housing or legal non-profit and would assist tenants with eviction defense services,
- Elimination of blanket “no pet” clauses from landlords and support of pet-friendly housing.

A mandatory rental registry was also requested, including penalties for landlords who do not register. While the City currently does not have capacity to administer a rental registry, the City would strongly consider participation in a rental registry administered by the County, building on the City and County's successful collaboration on other housing efforts.

Many of the suggested measures would have financial implications for landlords and potentially impact the profitability of rental housing. As such, the City will consult with landlords and property owners as well as tenants and tenant groups as these proposals are evaluated. A balanced dialogue on the items listed above is important to arrive at workable solutions that consider potential costs to impacted property owners as well as the needs of tenants. The City will continue to develop positive relationships with housing providers and ensure that the perspectives of landlords and tenants are both considered as programs are developed.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• In 2023, convene stakeholders to review and provide input on existing and additional renter protection measures.</li> <li>• Review existing tenant protection measures, including as a way to inform additional tenant protection measures needed.                         <ul style="list-style-type: none"> <li>○ For example, request data from the County on the number of rent mediation cases and their outcomes. Based on evaluation, identify ways to improve the mandatory mediation program.</li> </ul> </li> <li>• In 2024, provide recommendations for consideration by the City Council.</li> </ul>
Primary Responsible Departments/Divisions	Community Development Department: Housing Division
Resources	Staff time
Relevant Policies	1.4 Prevention, 2.5 Landlord-Tenant Relations, 4.2 Preventing Displacement

### 6.4.3 Programs to Ensure Habitability and Maintenance

#### Program 13: Periodic Housing Inspection Program

**Continue and strengthen the Periodic Housing Inspection Program to ensure the safety and habitability of the rental housing stock.**

The Periodic Housing Inspection Program ensures that all residential rental properties with three or more units are safe and habitable and free of deterioration and blight. The program includes rotating inspections of rental housing units at least once every five years, with written notice provided to owners before each inspection. Code enforcement officers visit the property, conduct a thorough exterior and interior inspection, and advise the owner of any corrective actions that need to be taken. The inspectors look for unsanitary conditions, poor maintenance, deteriorated or defective features, lack of required light and ventilation, plumbing and electrical systems, as well as basic safety features (smoke detectors, etc.) Building owners are provided with an initial notice to take corrective action and code enforcement officers follow up to monitor progress. Failure to correct issues identified during inspection can result in fines and legal action.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• Continue to inspect each rental unit in San Rafael at least once every 5 years (applies to buildings with 3 units or more).</li> <li>• In 2023, Code Enforcement and Housing Divisions begin meeting at least quarterly to share information and review data.</li> <li>• In 2024, increase the frequency of inspections for properties that have more than one reported and verified violation in a year.</li> <li>• By 2025, evaluate program efficiency and effectiveness and develop recommendations.</li> </ul>
Primary Responsible Departments/Divisions	Community Development Department: Housing and Code Enforcement Divisions
Resources	Fee-supported
Relevant Policies	3.1 Healthy Homes, 3.2 Code Enforcement

**Program 14: Code Enforcement Program**

**Provide effective code enforcement efforts in all neighborhoods to abate unsafe or unsanitary conditions. Organize service delivery around principles of equity and inclusion.**

San Rafael’s Code Enforcement Division works with the Building Division, the Fire Department, and other City departments to protect the health and safety of residents. The Division investigates violations of City and State codes and responds to complaints. Situations that pose a serious risk to health and safety receive top priority. Code Enforcement also identifies housing units created without permits or occupied in violation of San Rafael’s ordinances. Wherever feasible, the Division works to legalize these units and abate violations. The Code Enforcement and Building Divisions also provide information to the community in multiple languages, advising residents of who to contact if they wish to report potential violations.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• Starting in 2023, respond within two business days of receiving a complaint from a landlord or tenant. If necessary, schedule a site visit within two business days.</li> <li>• On an ongoing basis, seek to maintain staff in the Code Enforcement Division who speak Spanish, and support efforts by existing staff to learn Spanish.</li> <li>• By 2024, post information in English and Spanish in libraries and other public places, especially in the City’s lowest income census tracts, about how to reach Code Enforcement and the services they provide.</li> <li>• Consider feasibility of piloting weekly walk-in hours in the Canal, possibly at nonprofit partners’ existing walk-in</li> </ul>
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	<p>services, so that tenants can easily access code enforcement officers in-person to inquire about potential violations.</p> <ul style="list-style-type: none"> <li>As part of quarterly Housing/Code Enforcement meetings, track and analyze the relationship between the abatement of violations and increased housing cost burdens, displacement of lower-income households, and co-develop prevention strategies.</li> </ul>
Primary Responsible Departments/Divisions	Community Development (Code Enforcement, Building), Fire Department
Resources	Fee-supported
Relevant Policies	3.1 Health Homes, 3.2 Code Enforcement

**Program 15: Residential Building Record (RBR) Program**

**Continue residential building inspections at the time of sale to ensure the safety and habitability of units.**

The RBR inspection is a local building permit records check and physical inspection that occurs when residential properties in San Rafael are sold. The City prepares a Residential Resale Report which lists all building permits on the property, any unpermitted construction, and any construction-related code enforcement issues. The purpose of the inspection is to verify that modifications are in conformance with State and local building codes and zoning ordinances, code enforcement actions, and were built with permits. Corrective action is prescribed as needed for unpermitted construction.

Specific Actions and Timeline	Continue residential building inspections at the time of sale to ensure the safety and habitability of units.
Primary Responsible Departments/Divisions	Community Development Department: Code Enforcement and Building Divisions
Resources	Fee-supported
Relevant Policies	3.1 Healthy Homes, 3.2 Code Enforcement

**Program 16: Increasing Equity in Home Maintenance**

**Support lower income households in maintaining their homes and increase their ability to participate in and reap the benefits of housing sustainability initiatives.**

(A) **Residential Rehabilitation Loan Program.** The City has a Cooperative Agreement with the County of Marin to direct a portion of the City’s Community Development Block Grant (CDBG) funds to a designated contractor to provide property improvement loans and technical assistance to very low-income homeowners to make basic repairs and improvements to their homes. This program serves 12-15 homeowners annually, countywide. Last year, four of the 13 loan recipients were from San Rafael.

Specific Actions and Timeline	<p>Annually:</p> <ul style="list-style-type: none"> <li>• Through the CDBG funding allocation process, continue to provide low-interest loans and technical assistance to qualified very low-income homeowners to make basic repairs, correct substandard conditions, and eliminate hazards around the home</li> <li>• Continue to advertise funding opportunities through City communication channels</li> <li>• In 2023 and annually thereafter, notify community-based organizations, including those representing non-English speaking residents, and request that they promote the availability of these funds</li> <li>• Seek additional resources to supplement the funds available through CDBG</li> </ul>
Primary Responsible Departments/Divisions	Community Development Department: Housing Division
Resources	Community Development Block Grant Note: Participation in the program is contingent upon HUD funding, which varies from year to year.
Relevant Policies	3.1 Healthy Homes

(B) **Reducing Energy-Related Expenses.** San Rafael adopted its most recent Climate Change Action Plan (CCAP) in 2019. The Plan’s horizon year of 2030 aligns closely with the Housing Element horizon of 2031. Measures in the CCAP seek to reduce housing-related greenhouse gas emissions through energy efficiency upgrades (weatherization, replacing of inefficient appliances, green building techniques and materials, cool roofs and pavement, etc.), increased use of renewable energy (particularly solar power), and electrification of building systems and appliances to reduce the use of natural gas. In implementing CCAP measures, the City will seek to:

- reduce household energy costs, providing more disposable income for housing,
- minimize the burden of energy upgrades, particularly for lower income households,
- improve health by reducing the use of natural gas in households, and

- increase access to the benefits of new technologies, such as electric appliances and at-home charging for electric vehicles.

<p>Specific Actions and Timeline</p>	<ul style="list-style-type: none"> <li>• Develop REACH codes for electrification that minimize burden on lower income households</li> <li>• Continue participation in programs that reduce the costs of improvements for lower income homeowners, and multifamily property owners and renters, such as free energy audits and government and utility rebates.</li> <li>• Accelerate installation of residential solar energy systems, including through financing and loan programs such as Property Assessed Clean Energy (PACE) and California Hub for Energy Efficiency Financing (CHEEF).</li> <li>• Encourage the participation of lower-income owners and renters in programs that reduce home energy costs for lower income customers, including programs developed by Pacific Gas &amp; Electric (PG&amp;E) and Marin Clean Energy (MCE).             <ul style="list-style-type: none"> <li>○ By 2024, develop an informational flyer and post in libraries, recreation centers, and in multifamily apartment buildings annually.</li> <li>○ By 2024, Sustainability Division and Community Development Department partner to train staff on available programs.</li> </ul> </li> <li>• Consider establishment of low interest loans and/or fee waivers</li> </ul>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development Department, Sustainability Division, Building Division</p>
<p>Resources</p>	<p>Community Development Block Grant, private sector, grants, rebates, tax credits</p>
<p>Relevant Policies</p>	<p>3.4 Reducing Home Energy Costs, 3.5 Housing and Greenhouse Gas Emissions, 3.6 Sustainable Design</p>

### 6.4.4 Programs to Meet Housing Needs Through Expanded Housing Choice

#### Program 17: Funding for Affordable Housing

**Increase funding for affordable housing through the City’s Affordable Housing Trust Fund and other sources.**

The City collects “linkage” fees from non-residential development and in-lieu fees from residential development in a fund used to increase the supply of affordable housing in the city. The funds are typically used to leverage outside funds to maximize the number and affordability of units provided. Priority for funding through the Affordable Housing Trust Fund is for new construction of affordable housing. However, funding may also include acquisition and rehabilitation of existing affordable housing on a case-by-case basis. Pursuant to State Law, the City dedicates a portion of its in-lieu fees to housing for extremely low- and very low-income households.

In 2022, the City awarded \$2.6 million from its Affordable Housing Trust Fund to fund four affordable housing projects. The prior year, the City awarded \$1.6 million from the Trust Fund for affordable family rental housing. The City will continue to issue Notices of Funding Availability (NOFAs) as the Trust Fund is replenished to give service providers and local non-profits the opportunity to apply for funds supporting affordable housing development or housing services.

<p>Specific Actions and Timeline</p>	<p><b>Preservation</b></p> <ul style="list-style-type: none"> <li>• In 2023, support local application for ABAG Bay Area Housing Finance Agency’s Preservation Pilot Funding.</li> <li>• In 2024, identify ways to strengthen the City’s ability to respond quickly to preservation/rehabilitation opportunities in the housing market.</li> </ul> <p><b>Affordable Housing Trust Fund</b></p> <ul style="list-style-type: none"> <li>• By 2031, issue at least four NOFAs from the Affordable Housing Trust Fund totaling at least \$2 million.</li> <li>• By 2031, contribute local funding towards at least 150 units of housing for lower income households.</li> </ul> <p><b>Federal CDBG and HOME Funding</b></p> <ul style="list-style-type: none"> <li>• Identify San Rafael projects, especially multi-family housing projects and housing projects in the Canal neighborhood, that align well with funding priorities for federal CDBG and HOME programs and encourage developers to apply through the County-issued NOFA process.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Coordinate with the County to strategically leverage dollars and to ensure logical timing across funding opportunities.</li> </ul> <p>Additional Sources</p> <ul style="list-style-type: none"> <li>• Work with community-based organizations, the County of Marin, philanthropy, and other jurisdictions to identify and pursue funds for affordable housing. By 2031, secure grants totaling at least \$500,000 for housing-related services.</li> <li>• Encourage cooperative and joint ventures between property owners, developers, and nonprofits by coordinating applications for State and federal grants and subsidies as well as providing technical assistance and processing for funding applications.</li> <li>• When appropriate, prepare letters of support and serve as a co-applicant for project funding.</li> <li>• Explore potential additional sources of revenue, such as a dedicated percentage of the Transient Occupancy Tax, in the event future assessment districts are created, regional sales tax measures, and a vacancy tax.</li> </ul>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development/ Housing Division</p>
<p>Resources</p>	<p>General Fund (regular staff function)                  Affordable Housing Trust Fund, including affordable housing in-lieu fees and commercial linkage fees                  Collaborations with County and local philanthropy</p>
<p>Relevant Policies</p>	<p>2.6 Community Partnerships, 4.6 Acquisition and Rehabilitation</p>

**Program 18: Affordable Housing Requirements for Residential and Commercial Development**

**Maintain affordable housing requirements for market-rate residential and commercial developments. Monitor the policy’s effectiveness and periodically revise to reflect changing housing market conditions.**

San Rafael has had an affordable housing ordinance since 1986. The Ordinance requires market-rate projects to set aside a percentage of housing units as affordable (below market rate or “BMR”), pay an in-lieu fee, or donate land to the City. In 2021, the City Council adopted revisions to the ordinance as part of a larger effort to remove barriers to housing production. With the 2021 amendments, the affordability percentage requirements were reduced from 20 percent to 10 percent and additional flexibility was provided to meet the requirement, with the goal of increasing the volume of projects proposed and completed.

At the time of the reduction, the City agreed to revisit the ordinance in three years to evaluate the success of the changes in increasing housing production, increased funding into the affordable housing trust fund and to determine whether further adjustments are needed. The economic impact of the BMR percentage is sensitive to changes in market demand as well as factors such as construction costs and labor, so periodic re-evaluations are important.

The City also charges a commercial linkage fee, which is a type of impact fee that charges new commercial development for its role in creating new demand for affordable housing for new worker households.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• In 2023, adopt updated commercial linkage fees that align with other jurisdictions in the County.</li> <li>• By 2024, evaluate the success of the policy changes for residential projects and propose adjustments as needed.</li> <li>• By 2031, produce at least 320 BMR units (10% of RHNA) through the inclusion of affordable units in market-rate projects.</li> </ul>
Primary Responsible Departments/Divisions	Community Development
Resources	Staff time
Relevant Policies	4.1 Equitable Distribution of Affordable Housing, 4.3 Affordable Housing Requirements

**Program 19: Pro-Housing City Designation**

**Apply for designation as a “Pro-Housing City” by the State of California.**

The State Department of Housing and Community Development (HCD) recently created the “Pro-Housing Designation” to give certain jurisdictions an edge when it comes to applying and competing for affordable housing funding. These cities get “bonus points” when applying for Affordable Housing and Sustainable Communities grants, Infill Infrastructure Grants, and Transformative Climate Communities grants, among others. Eligible jurisdictions must score at least one point in four categories, including zoning and land use, accelerating production, reducing construction and development costs, and providing financial subsidies.

The City is committed to meeting the housing needs of its residents, affirmatively furthering fair housing, and overcoming the obstacles that have impeded housing development in the past. The City is one of only two Marin County jurisdictions that did not appeal its RHNA and recently adopted a General Plan enabling more than 4,400 units of new housing.

Specific Actions and Timeline	In 2023, apply for HCD’s Pro-Housing City designation and associated financial benefits.
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Primary Responsible Departments/Divisions	Community Development
Resources	Staff time
Relevant Policies	2.7 Leadership

**Program 20: Air Rights Strategic Plan**

**Develop an official City process for developing housing in air rights on municipally-owned sites, including Downtown municipal parking lots. The process should support and promote public-private partnership opportunities that result in new housing on these sites.**

In 2019, the City completed a study of opportunities for air rights development in Downtown San Rafael. The specific focus was the feasibility of public private partnerships to enable the development of multi-story housing with ground level municipal parking on surface parking lots owned and operated by the City of San Rafael. The idea is to find partnership opportunities that retain or expand Downtown’s parking inventory, while making more efficient use of the air rights above these lots. Seven City-owned sites were studied, including six parking lots and a former temporary fire station.

The study assumed 100% affordable housing on each site, with land deeded to the developer at no cost. Housing was determined to be economically viable on all sites. In 2021, the City adopted a Downtown Precise Plan that eliminated caps on density in the downtown in an effort to remove barriers to housing production. With the completion of the DPP, the potential for housing yields on sites within the downtown are higher and housing should be even more viable.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• By 2029, prepare a Downtown Air Rights Strategic Plan that prioritizes housing for extremely low income and special needs households, and partner with non-profits and affordable housing developers to determine how to maximize the benefits for San Rafael community members.</li> <li>• In 2030, reach out to the owners of large private parking lots in Downtown who may be interested in joint development to explore opportunities to produce housing, commercial space, civic facilities, and/or privately owned parking available for public use.</li> </ul>
Primary Responsible Departments/Divisions	Community Development/ City Manager
Resources	Staff time/grants
Relevant Policies	2.6 Community Partnerships, 4.4 Affordability of Projects on Public Land

**Program 21: Precise Plan for North San Rafael**

**Prepare a Precise Plan (or equivalent planning document) for the North San Rafael Priority Development Area (PDA).**

The Civic Center SMART station area and adjacent Northgate commercial district in North San Rafael was designated as a PDA in 2020, making it eligible for planning grants and other funds that facilitate urban infill development. The area has substantial housing potential. In North San Rafael, more than 1,300 units of housing are already planned at Northgate Mall alone. This area would benefit from additional planning to ensure that transportation, infrastructure, parks, and the public realm are improved as development takes place. Zoning regulations that are tailored to local conditions, limitations, and development opportunities would also be beneficial.

While this program calls for a Precise Plan, other types of planning tools could be considered. For example, an Area Plan or Specific Plan might include similar content and address the same issues. The plan should include parcel-level guidance on land use and development standards, with environmental review done as necessary to address the cumulative impacts of development in each area.

Specific Actions and Timeline	By 2027, adopt completed plan, regulatory framework, and environmental document.
Primary Responsible Departments/Divisions	Community Development
Resources	OBAG grants / State planning grants
Relevant Policies	2.8 Fair Housing and Transportation Choice, 4.15 Housing and Infrastructure

**Program 22: Precise Plan for Southeast San Rafael**

**Prepare a Precise Plan (or an equivalent planning document) for the Southeast San Rafael Priority Development Area (PDA).**

Southeast San Rafael, including the Canal neighborhood, was designated as a PDA in 2020, making it eligible for planning grants and other funds that facilitate urban infill development. The area has substantial housing potential. In Southeast San Rafael, there is a need for multi-family housing rehabilitation, as well as resiliency measures related to sea level rise. This area would benefit from additional planning to ensure that transportation, infrastructure, parks, and the public realm are improved as development takes place. Zoning regulations that are tailored to local conditions, limitations, and development opportunities would also be beneficial.

While this program calls for a Precise Plan, other types of planning tools could be considered. For example, an Area Plan or Specific Plan might include similar content and address the same issues. The plan should include parcel-level guidance on land use and development standards, with environmental review done as necessary to address the cumulative impacts of development in each area.

Specific Actions and Timeline	By 2027, adopt completed plan, regulatory framework, and environmental document.
Primary Responsible Departments/Divisions	Community Development
Resources	OBAG grants / State planning grants
Relevant Policies	2.8 Fair Housing and Transportation Choice, 3.3 Resilient Housing, 4.15 Housing and Infrastructure

**Program 23: Accountability Reporting**

**Provide periodic updates on progress toward Housing Element implementation and other City Council and community housing priorities.**

This includes the Annual Progress Report (APR), which is required to be submitted to the State of California by April 1<sup>st</sup> of each year. The APR follows a prescribed format and uses spreadsheets and data required by HCD. The report documents the city’s annual residential building activity, including units completed, permitted, and entitled. It includes an update on the progress made toward meeting the Regional Housing Needs Allocation (RHNA), including the number of units that are affordable to lower- and moderate-income households. The APR also identifies the implementation status of each Housing Element program. APRs are presented to the City Council prior to submittal to the State.

Specific Actions and Timeline	<p>By April 1<sup>st</sup> of each year:</p> <ul style="list-style-type: none"> <li>• Provide a comprehensive update on housing to the City Council, including progress on implementing recommendations to streamline the planning and building processes and remove barriers to housing development in the city.</li> <li>• Submit Annual Progress Report to the State</li> </ul> <p>Following the City Council’s acceptance of the report, post on the City website and distribute via email to community members.</p>
Primary Responsible Departments/Divisions	Community Development
Resources	General Fund (regular staff function)
Relevant Policies	2.3 Public Information and Education

**Program 24: Monitoring and Marketing of Housing Opportunity Sites**

**Maintain capacity to meet the RHNA at all times during the 2023-2031 planning period and add new sites as opportunities arise. Make the list of housing opportunity sites (Appendix B) available to prospective developers and the public.**

Senate Bill 166 (sometimes called the “no net loss” law) was passed in 2017 and applies to the site inventories in each jurisdiction’s housing element. Each city or county is required to maintain the capacity to meet the RHNA at all times during the planning period. If a city approves market-rate housing or non-residential development on a site that is designated in the Housing Element for lower income housing, it must show that the remaining sites still have the capacity to meet the lower-income RHNA. If they do not, the city must identify a replacement site. In response to this requirement, HCD requires that cities include a “buffer” of lower income sites. This provides each jurisdiction with more flexibility in meeting its housing targets.

Additionally, this program is meant to generate interest among housing developers and help achieve the RHNA goal of 3,220 housing units by 2031 by marketing San Rafael as a city that genuinely values investment in housing and supports projects consistent with its housing goals and policies.

<p>Specific Actions and Timeline</p>	<ul style="list-style-type: none"> <li>• In 2024, consider more dynamic ways to present Housing Opportunity Sites to the public online, such as by making the GIS map layer available. Determine the feasibility of maintaining information on other development opportunities and major real estate transactions, including properties that become available for sale.</li> <li>• Continue to update webpage with current information on major planning and development projects status in the development pipeline.</li> <li>• In 2025, develop fact sheets to make it easy for developers to get information on development parameters.</li> <li>• On an ongoing basis through 2031, monitor housing sites to ensure continuous capacity to meet the RHNA.</li> <li>• On an ongoing basis through 2031, use housing site list as a marketing and informational tool when meeting with prospective residential developers.</li> <li>• Work with property owners, business organizations, and other stakeholders to proactively attract housing, and to facilitate projects where affordable units are viable.</li> </ul>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development – Planning Division, Economic Development, Digital Service and Open Government (GIS support)</p>
<p>Resources</p>	<p>Staff Time</p>
<p>Relevant Policies</p>	<p>2.6 Community Partnerships, 4.8 Adequately Zoned Sites</p>

**Program 25: By Right Development Along Commercial Corridors**

**Develop a list of sites located along commercial corridors that could be prime for by right development under Assembly Bill 2011 (AB 2011).**

AB 2011 allows for ministerial, by-right approval for affordable housing on commercially-zoned lands, and also allows such approvals for mixed-income housing along commercial corridors, as long as the projects meet specified affordability, labor, and environmental criteria. San Rafael has a number of streets with such opportunities, including Lincoln Avenue, 4<sup>th</sup> Street (Miracle Mile), and Redwood Highway. Several Housing Opportunity Sites are located along these corridors.

Specific Actions and Timeline	In 2025, identify and publish list of commercial corridors and sites located along commercial corridors that could be prime for by right development under AB2011. Contact property owners to advise them of the opportunity and provide technical assistance to those interested.  By 2031, construct at least 100 units on corridor sites.
Primary Responsible Departments/Divisions	Community Development
Resources	Staff Time
Relevant Policies	4.14 Commercial to Residential Conversion

**Program 26: Objective Design Standards for Multi-Family Housing**

**Adopt objective design and development standards (ODDS) to expedite project approvals for all “by right” multifamily housing projects.**

The City has already adopted ODDS for Downtown San Rafael through the Precise Plan and Form-Based Code. It is in the process of developing standards for multi-family zones and will adapt these standards to apply to “by right” multi-family and mixed-use development in commercial zones. Once in place, the standards will be consistently applied to future “by right” projects.

Specific Actions and Timeline	In 2023, adopt objective design and development standards.
Primary Responsible Departments/Divisions	Community Development Department – Planning Division
Resources	SB2 and other planning grants
Relevant Policies	4.9 Efficient Project Review, 4.14 Commercial to Residential Conversion

**Program 27: Accessory Dwelling Units (ADUs)  
Expand resources and reduce barriers for the construction of ADUs and Junior ADUs (JADUs) in San Rafael neighborhoods.**

ADUs have the potential to affirmatively further fair housing by creating “affordable by design” rental housing opportunities in single family neighborhoods and areas that would otherwise be unaffordable to lower income households. They provide a supplemental source of income for homeowners, opportunities for multi-generational families, and a housing option for seniors, young adults, and small households.

State laws have removed many of the regulatory barriers to ADU construction, making them much more viable than they once were. Since State laws were changed in 2017, San Rafael has seen a 500 percent increase in annual ADU production. The City is projecting 25 ADUs a year through 2031 and will work to exceed this projection. Based on ABAG rent survey data, as many as 80 percent of these units could be affordable to lower and moderate income households by virtue of their relatively small size and modest construction costs, relative to new multi-family housing.

Specific Actions and Timeline	<p>Create (or legalize) at least 25 ADUs a year through 2031, or 200 over the planning period, by:</p> <ul style="list-style-type: none"> <li>• Providing expanded resources on ADUs on the City’s website in 2024. This information could include links to ADU design and construction “handbooks,” how-to guidelines for those seeking to add an ADU, as well as information on potential financial resources.</li> <li>• Conducting survey of ADU owners in 2026 to determine how the units are being used, including the rents being charged and incomes of the occupants. Use data from these surveys to inform policies or strategies that encourage ADUs to be used as active long-term rentals.</li> <li>• Considering incentives such as fee waivers or tax abatements for owners who agree to rent their ADUs to qualifying lower income households.</li> <li>• Considering grant funding to help homeowners add ADUs with a deed restriction that limits occupancy to a lower income tenant.</li> </ul>
Primary Responsible Departments/Divisions	Community Development
Resources	Permitting fees
Relevant Policies	4.11 Incentives for Affordable Housing, 4.12 Affordable by Design, 4.13 Efficiently Using the City’s Housing Stock

**Program 28: Lot Splits and Duplexes**

**Implement Senate Bill 9 (SB 9) regulations and update the website with information to support property owners pursuing lot splits and duplexes on qualifying single-family lots.**

SB 9 (2021) allows homeowners with properties meeting certain criteria to divide their property into two lots. These two lots can potentially each support two housing units, for a total of four units. The process is ministerial, meaning the lot split or additional unit can bypass the Planning Commission and be approved by staff, provided it complies with objective design and development standards. San Rafael adopted SB 9 standards consistent with State law in 2022.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• In 2023, update website with information on SB9.</li> <li>• In 2024, provide expanded FAQs/how-to guide and fact sheets to explain SB 9, address neighborhood concerns, and identify various scenarios for adding housing units that are consistent with the newly adopted standards.</li> <li>• Track data on the number of SB 9 applications and the number of units created through these applications.</li> </ul>
Primary Responsible Departments/Divisions	Community Development
Resources	Staff time, application fees
Relevant Policies	4.9 Efficient Project Review

**Program 29: Housing on Institutional and Religious Properties**

**Support housing development on institutional and religious properties.**

Schools and universities provide some of the best opportunities for affordable housing in the city. Surplus public school land may be offered at a reduced cost, enabling housing to be produced more affordably. The San Rafael housing opportunity site inventory includes at least two such properties, representing portions of the San Rafael/Madrone High School campus and the Glenwood Elementary campus. These sites provide opportunities for teacher housing, or other school staff housing. Dominican University could also be a potential partner in the development of housing for faculty, staff, and students, either on or off campus.

In addition, AB 1851, approved in 2020, encourages religious institutions to pursue housing development by allowing these institutions to eliminate up to 50% of their parking spaces to make way for housing. Cities may not require the churches to replace that parking. There are a number of churches in San Rafael with large parking lots; several have been identified as housing opportunities.

Specific Actions and Timeline	By 2031, develop at least 100 multi-family housing units on institution-owned (school, university, religious institution) properties by:
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	<ul style="list-style-type: none"> <li>• Conducting outreach in 2024 to schools, universities, and religious institutions with significant land assets to advise them of housing opportunities.</li> <li>• Providing technical support to those owners who are interested in developing housing, including connections to potential non-profit development partners.</li> <li>• Aligning codes with state legislation related to housing development on property of religious institutions.</li> </ul>
Primary Responsible Departments/Divisions	Community Development, School District, Institutions
Resources	Staff Time/ Private Investment/ Grants/ Non-profits
Relevant Policies	2.6 Community Partnerships

**Program 30: Conversion of Residential and Non-Residential**  
**Discourage conversion of residential units to non-residential uses, and limit loss of rental housing stock. Encourage conversion from commercial/office space back to residential use.**

Over time, some homes in San Rafael, particularly near the Downtown area, were converted into commercial and office space. The City will identify ways to reduce governmental barriers if opportunities arise to convert these back to residential use and increase housing supply. At the same time, the City will explore ways to disincentivize loss of residential stock due to conversion.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• Maintain condominium conversion regulations that prohibit the loss of rental housing stock when the vacancy rate is below 5.0 percent.</li> <li>• In 2026, evaluate and update local zoning regulations as needed to ensure that existing residential units are protected from conversion to non-residential uses, or changes that would result in a net loss of units. Consider requiring payment of in-lieu fees for conversion of residential units to non-residential uses, with the in-lieu fees funding replacement of rental units.</li> <li>• In 2026, consider ways to reduce fee burden and streamline the process for property owners seeking to convert non-residential back to its original use as housing.</li> </ul>
Primary Responsible Departments/Divisions	Community Development
Resources	Staff time
Relevant Policies	4.14 Commercial to Residential Conversion

**Program 31: Preservation of At-Risk Housing**

**Protect affordable housing options, including affordable housing units in subsidized projects that are at risk of reverting to market rate rents during the planning period.**

Affordable housing units are typically subject to regulatory agreements that dictate maximum rents and occupant incomes for a fixed period of time. These terms are typically 45 to 55 years, but in the past, they were as short as 20 years. Expiration of subsidy agreements creates the risk that tenants will be displaced as the rents revert to market rates. This program seeks to conserve all lower-income rental units as affordable.

Additionally, San Rafael has several mobile home parks, including the RV Park of San Rafael and the 400-unit Contempo Mobile Home Park in North San Rafael. Mobile homes are an affordable housing resource, including for lower income households and older adults.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• For affordable units owned and operated by non-profit organizations, monitor potential affordability expirations, and contact the property owners within two years of the expiration date to address any future loss of funding that may put these units at risk.</li> <li>• Explore ways to ensure continued affordability for BMR units in market-rate developments.</li> <li>• Maintain rent stabilization regulations for mobile home parks.</li> <li>• Monitor the status of mobile home parks. In the event of a sale, alert nonprofit partners who may be interested in purchasing. In the event of a conversion, ensure the owners adhere to requirements for mobile home park closure.</li> </ul>
Primary Responsible Departments/Divisions	Community Development – Housing Division
Resources	State funding and City in-lieu housing funds
Relevant Policies	1.4 Prevention, 4.2 Preventing Displacement, 2.6 Community Partnerships

**Program 32: Monitoring the Status of BMR Units**

**Monitor the status of affordable units created through local inclusionary housing requirements to ensure that they are occupied by qualifying households and rented or sold at affordable rates.**

City inclusionary requirements have resulted in a portfolio of scattered site rental and ownership units with affordability limitations in San Rafael. Under City ordinance, these units are deed restricted to qualifying lower and moderate-income households, including limits on resale prices for homeowners. Compliance is monitored through annual income and rent certificates from property owners. The City currently has an Agreement with Marin Housing Authority to administer the BMR ownership program.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>Continue agreement with Marin Housing Authority for monitoring of BMR ownership units.</li> <li>In 2023, identify a service provider to monitor BMR rental units.</li> <li>Meet with service providers at least every 6 months for updates on BMR portfolio.</li> </ul>
Primary Responsible Departments/Divisions	Community Development – Housing Division
Resources	Housing fees and Housing Trust Fund
Relevant Policies	4.1 Equitable Distribution of Affordable Housing, 4.3 Affordable Housing Requirements, 4.5 Opportunities for Home Ownership

**Program 33: Housing Resources for Older Adults**

**Begin to implement Age-Friendly San Rafael Strategic Plan recommendations.**

There are more than 11,300 San Rafael residents over 65, representing nearly 20 percent of the population. The Age Friendly San Rafael Strategic Plan (2020) identified housing as a significant challenge facing older adults. The Plan found that existing homes in the city no longer met the needs of many residents, that most assisted living and residential care facilities are not affordable, and that there is a shortage of affordable housing for seniors in the city. The strategic plan recommended simplifying the permitting process and cost of retrofitting homes, making assisted living and residential care facilities more affordable, and building more affordable housing that is specifically intended for older adults. In this cycle, the City will focus on simplifying the permitting process and cost of retrofitting homes to meet the needs of older adults.

<p>Specific Actions and Timeline</p>	<ul style="list-style-type: none"> <li>• In 2025, simplify the permitting process and cost of retrofitting homes to meet the needs of older adults:                             <ul style="list-style-type: none"> <li>○ Evaluate the feasibility of fee reductions or waivers for lower income seniors seeking to make age-in-place retrofits.</li> <li>○ Provide additional information and resources for residents wishing to age in place.</li> </ul> </li> <li>• Consider amending affordable housing provisions by 2024 to treat assisted living as a residential use rather than a commercial use so that the City’s affordable housing requirements may be applied.</li> <li>• Work with the nonprofit sector to increase the number of permanently affordable senior housing units and affordable assisted living facilities by 2031, including through completion of the Vivalon Healthy Aging Campus and housing by 2024.</li> <li>• Continue to assist older residents who wish to remain independent in their homes by offering Police and Fire Department wellness checks, recreational programming and social activities, and links to transportation, parks, shopping, health care, and other resources that make it easier to age in community.</li> </ul>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development</p>
<p>Resources</p>	<p>Staff time, grants, nonprofit partnerships</p>
<p>Relevant Policies</p>	<p>4.16 Housing for Special Needs Groups</p>

**Program 34: Adaptable and Accessible Housing**

**Create additional housing resources for persons with disabilities, including developmental disabilities.**

The Census reports that nearly 5,000 San Rafael residents have one or more disabilities. Persons with developmental disabilities have unique housing and supportive service needs. The Golden Gate Regional Center (GGRC) currently provides services to approximately 180 children and 320 adults in San Rafael with developmental disabilities. GGRC has identified the need for additional group homes, apartments with supportive services, and similar forms of supportive housing and congregate care to meet current and future needs.

<p>Specific Actions and Timeline</p>	<ul style="list-style-type: none"> <li>• Beginning in 2023, meet and consult with disability advocates and service providers annually to identify the design features, services, and amenities needed to enhance accessibility and visitability. Pursue ways to add these features to existing housing, so that the existing building stock can become more accessible.</li> </ul>
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	<ul style="list-style-type: none"> <li>• In 2024, determine feasibility of a Universal Design Ordinance that increases the number of units that are adaptable or accessible to persons with disabilities.</li> <li>• In 2024, consider an amendment to the City’s Affordable Housing Requirements that requires affordable housing units to comply with universal design. Consider requiring that a percentage of units in new development be adaptable for persons with disabilities.</li> <li>• Implement Reasonable Accommodation (Chapter 14.26)</li> <li>• Work with the GGRC to ensure that San Rafael residents are aware of housing resources for persons with developmental disabilities, and to increase housing resources in the future.</li> <li>• Achieve 100% compliance with all State laws regarding accessibility</li> </ul>
Primary Responsible Departments/Divisions	Community Development/ Building and Housing Divisions
Resources	Staff time, grants
Relevant Policies	4.17 Accessible Units

**Program 35: Residential Care Facilities**

**Facilitate the development of large and small residential care facilities in San Rafael.**

Consistent with State law, the City’s zoning regulations differentiate between “large” residential care facilities, which serve seven or more clients, and “small” residential care facilities, which serve six or fewer clients. Both types of facilities provide 24-hour medical care for individuals in need of personal services, supervision, or assistance to sustain their daily living. Both types of facilities are permitted in all residential and commercial zoning districts. Large facilities require a use permit unless they serve persons with disabilities, in which case they are permitted by right. The City strives to avoid the overconcentration of care facilities in individual neighborhoods and to support responsible management of care facilities by their operators.

Specific Actions and Timeline	By 2028, consider adopting performance standards for large facilities and by-right approval process for higher-density zones so that it can streamline permitting in higher-density zoning districts.
Primary Responsible Departments/Divisions	Community Development
Resources	Staff Time
Relevant Policies	4.18 Residential Care Facilities

**Program 36: Affordable Housing for Large Families**

**Creative incentives that result in a larger percentage of apartments that are three bedrooms or more in affordable housing developments.**

Relative to other Marin County cities, San Rafael has a high percentage of lower-income families with five or more people (“large households”). Data from HUD indicates that 57 percent of San Rafael’s large households earned less than 50 percent of the areawide median income. Some of these families live in overcrowded rental apartment conditions. Most of the apartments in the city are one- or two-bedrooms. Where they exist, three-bedroom apartments are often unaffordable. This program is intended to increase the production of affordable three-bedroom apartments.

Specific Actions and Timeline	<p>Develop at least 150 three-bedroom apartments that are affordable to low- and very low-income households (roughly 10 percent of the lower income RHNA):</p> <ul style="list-style-type: none"> <li>• By 2024, research and consider incentives for three-bedroom affordable rental units in new construction. For example:                             <ul style="list-style-type: none"> <li>○ Allow a density bonus beyond that offered by the State for projects in which 15 percent of the affordable units have three bedrooms or more.</li> <li>○ Provide the option of calculating the inclusionary housing requirement based on the number of bedrooms rather than the number of units.</li> </ul> </li> <li>• Express preference for housing units designed for larger families (including family-friendly amenities such as on-site childcare) when considering proposals for projects that are 100 percent affordable.</li> </ul>
Primary Responsible Departments/Divisions	Community Development
Resources	State and Federal Grants, Local Housing Fees, Bond Measures, Private
Relevant Policies	4.16 Housing for Special Needs Groups

**Program 37: Review of Development Fees and Waiver/Deferral Policies**

**Review and update the master fee schedule periodically to reflect the costs of delivering City services and to reduce fee burdens for affordable housing projects, where possible.**

San Rafael updates its master fee schedule approximately every three years. Fees are adjusted in response to the consumer price index, building valuation data, infrastructure costs, and other factors that affect the cost of services. Impact fees, covering such services as parks, schools, and transportation, represent a particularly large share of total fees. These fees are essential to

cover infrastructure costs, but they may also be a financial constraint to development. The City adopted a fee waiver policy (Resolution 11025) in 2016, clarifying its position on the waiver of fees for affordable housing. The policy allows waivers for planning and building fees but restricts them for impact fees due to the lack of alternative funding sources. State law pre-empts the City from collecting impact fees on most ADUs.

Specific Actions and Timeline	Evaluate the costs and benefits of fee waivers, fee deferrals, and other strategies to reduce permitting costs for affordable housing. Develop a revised fee policy in 2025.
Primary Responsible Departments/Divisions	Community Development, Finance, City Manager
Resources	Staff time
Relevant Policies	4.10 Development Fees

**Program 38: Follow-Up to Developer Forums**

**In response to feedback received during past developer and community forums, provide an update on the changes made to reduce costs, time delays, and other barriers to housing development. Measure the success of these changes.**

In 2018-2020, the City convened meetings and workshops to assess its development procedures, approval processes, fees, and regulations. These meetings were principally geared toward the development, housing, and real estate sectors but also included neighborhoods, civic groups, and the public. These meetings with the development community led to revisions to the Inclusionary Zoning ordinance, Design Review procedure, and project approval process.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• Measure success of changes made in response to feedback received from developer forums and provide an update to City Council and the public.</li> <li>• Participate in future cross-jurisdictional forums and workshops with developers.</li> </ul>
Primary Responsible Departments/Divisions	Community Development, Economic Development
Resources	Staff time
Relevant Policies	2.6 Community Partnerships, 4.9 Efficient Project Review

**Program 39: Incentives for Lot Consolidation**

**Develop tools to facilitate the consolidation of small lots into larger, more developable sites, especially in Downtown San Rafael, including a voluntary merger process that allows two parcels to be combined into a single parcel, consistent with the Subdivision Map Act.**

Existing parcel and ownership patterns are a constraint to multi-family and mixed-use development in Downtown San Rafael. While zoning may support high-density development, most Downtown sites are smaller than 1/2 acre (the benchmark used by the State to identify a suitable housing site). Some of the sites identified in this Element are comprised of multiple adjoining parcels in separate ownership. In the absence of a redevelopment agency, there is no mechanism to aggregate these sites into more viable development parcels. As a result, the City must pursue strategies to encourage land assembly. One of those strategies is a voluntary merger process, potentially including incentives for property owners.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• By 2026, facilitate lot consolidation efforts by expediting and reducing the cost of mergers, working to create shared parking agreements or parking reduction opportunities, and developing incentives for consolidation. Consider applying reduced fees to mergers that would result in affordable housing development.</li> <li>• In 2027, conduct outreach and education to property owners, brokers, developers, businesses, business organizations, and other stakeholders to identify lot consolidation opportunities.</li> <li>• As appropriate, network and connect interested property owners with prospective developers, advertise lot consolidation opportunities, and bring together adjacent property owners to discuss site development potential. This could include convening a Downtown developer forum.</li> </ul>
Primary Responsible Departments/Divisions	Community Development/ Economic Development/ City Manager
Resources	Staff time
Relevant Policies	2.6 Community Partnerships

**Program 40: Affordable Housing Incentives**

**Implement State and local density bonus programs, including allowances for additional height and concessions and waivers to development standards for projects with affordable housing.**

California Government Code Section 65915-65918 establishes requirements granting density bonuses for projects that include deed-restricted affordable housing units. The amount of the

bonus depends on the percentage of units in the project that are affordable as well the level of affordability. Density bonus law also requires the City to grant concessions and waivers to projects when the reconfigured project (with additional units) cannot be accommodated under existing zoning standards. These concessions and waivers typically include increased height, reduced setback, and reduced parking, among others.

San Rafael has a long history of using local height bonuses as a way of incentivizing affordable housing and other community benefits. The Downtown Precise Plan allows up to two stories of additional height for qualifying projects, while the City’s General Plan allows one- to two-stories of additional height in various locations. Changes to State law in 2020 (AB 2345) have made State density bonuses more generous, to the point where most multi-family and mixed-use projects are taking advantage of those bonuses.

This program supports continuation of density bonuses, as well as future efforts to develop local bonuses that complement those required by the State. Local bonuses can create greater predictability for property owners and the community and help facilitate housing types and amenities that reflect community needs.

<p>Specific Actions and Timeline</p>	<p>Increase use of density bonuses to produce affordable housing by:</p> <ul style="list-style-type: none"> <li>• By 2024, develop and post on website a “how to” guide for developers calculating density bonuses in the Downtown Precise Plan area. Because the Precise Plan does not regulate density or floor area ratio, bonuses are calculated based on the allowable building envelope on a given site (typically defined by building height, setbacks, and stepbacks). Graphically explain this using case studies or hypothetical examples.</li> <li>• By 2024, prepare and post on website FAQs and additional information for the public on how density bonuses work, what bonuses are required by State law, and how concessions and waivers are awarded.</li> <li>• Proactively notify developers and property owners that they are entitled to density bonuses and incentives.</li> </ul>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development – Planning Division</p>
<p>Resources</p>	<p>Staff time</p>
<p>Relevant Policies</p>	<p>4.7 Community Benefits, 4.11 Incentives for Affordable Housing</p>

**Program 41: Water and Sewer Priority**

**Establish written procedures so that projects with affordable housing units are granted priority for water and sewer connections in the event of future service limitations.**

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• In 2023, provide an electronic copy of the Housing Element to Marin Municipal Water, the Las Gallinas Valley Sanitary District, the San Rafael Sanitation District, and the Central Marin Sanitation Agency upon adoption, as required by Government Code 65589.7.</li> <li>• In 2024, adopt a policy resolution recommending that housing that is affordable to low- and very low-income households or possibly all residential projects receive priority for new water and sewer connections if there are limits placed on new water and sewer connections in the future.</li> </ul>
Primary Responsible Departments/Divisions	Community Development/ Public Works
Resources	Staff time
Relevant Policies	4.15 Housing and Infrastructure

**Program 42: Streamlining of Development Approval**

**Implement measures to streamline the development approval process and reduce the time required between project proposal and project entitlement.**

In 2019, City staff convened a series of workshops with the local real estate and development communities to identify potential barriers to housing development in San Rafael. The length of time and number of studies required for project entitlement was frequently mentioned as an obstacle. As a result, the City committed to reducing development costs and streamlining development approval, including the pre-application process, CEQA, technical studies, and design review.

- a. **CEQA.** The use of CEQA exemptions (15332) can significantly reduce the processing cost for developers/applicants and eliminate CEQA-prescribed steps that may extend the approval time for projects by several months. Several projects have recently benefited from this exemption, which may be used because the projects were included in General Plan buildout assumptions and are subject to mitigation measures that have already been prescribed through that process.
- b. **Technical Studies.** The City requires supporting technical studies with many new development applications, including geotechnical reports, biologic resource reports, traffic and parking studies, historic analyses, and drainage reports. These requirements may add thousands of dollars to the cost of development. While some of these studies are essential for project safety and environmental quality, others may include information that can be more efficiently addressed through cumulative area-wide analyses that cover multiple

potential projects at one time. An example is the areawide survey of historic resources done as part of the Downtown Precise Plan, or an areawide traffic study that considers the total potential development on multiple sites. In the latter case, a focused site-specific local traffic analysis may be used when a project is proposed, rather than modeling of the regional network. The intent is to reduce the number of technical studies for projects that are already covered by the General Plan and/or other plan analyses.

- c. **Design Review.** The City recently modified the sequence of Design Review Board and Planning Commission meetings so that key issues are first considered by the Planning Commission rather than in a preliminary DRB meeting. In 2022, the City Council adopted a streamlined review for certain types of multi-family residential project. Multi-family projects of 10 units or less will be reviewed concurrently by appointed Design Review Board members and the Planning Commission during the public hearing on the project. This process eliminates at least one hearing date and saves approximately 3-4 months from the review process. This change has been adopted as a pilot that could be extended to other larger projects if successful.
- d. **By Right Approval for Qualifying Projects on Housing Element “carry over” sites.** State law requires the city to allow “by right” approval to projects meeting certain criteria when they are proposed on sites in this Housing Element that are being carried forward from the 2015-2023 Housing Element. To qualify, the project must set aside at least 20% of the units as affordable. Several sites in this Element qualify. A pathway to by right approval has already been created in the Downtown Precise Plan area and is currently being established for multi-family zoning districts.

In addition to the measures listed above, the City has adopted a “by right” approval process for multi-family housing (Chapter 14.16.245) meeting specific criteria. Qualifying residential projects must: a) comply with a list of objective planning standards; b) meet specific levels of affordable housing; and c) be subject to a commitment to specific hiring (skilled and trained workforce) and prevailing wage requirements.

*See also Program 26 on Objective Development and Design Standards*

<p>Specific Actions and Timeline</p>	<ul style="list-style-type: none"> <li>• Continue to allow for informal review of projects by the Development Coordinating Committee.</li> <li>• Continue to allow for verbal comments from staff rather than a written report.</li> <li>• Continue to reduce or eliminate the fee for discussing concept plans with staff in advance of a formal application.</li> <li>• Continue to pursue categorical exemptions and other CEQA exemptions for small and mid-sized urban infill projects that are consistent with the San Rafael General Plan.</li> <li>• When appropriate, conduct cumulative area-wide analyses that cover multiple potential projects at one time, rather than requiring individual technical studies.</li> <li>• By 2025, evaluate the effectiveness of recent changes to Design Review.</li> <li>• Evaluate current improvement requirements related to undergrounding of overhead electrical lines to ensure that these requirements are not placing an undue burden on small projects. Identify as needed potential ways to reduce or defer these costs or require them only within undergrounding districts.</li> <li>• Publicize Housing Element “carry over” sites as opportunities (see Program X: Monitoring and Marketing of Housing Opportunity Sites)</li> <li>• By 2024, evaluate a “by right” overlay for affordable housing.</li> </ul>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development</p>
<p>Resources</p>	<p>Staff time, SB2 grant funding</p>
<p>Relevant Policies</p>	<p>4.9 Efficient Project Review</p>

**Program 43: Zoning Text and Map Revisions****Complete strategic revisions to the San Rafael Zoning Ordinance to better achieve Housing Element objectives.**

This program encompasses a series of amendments to Title 14 of the Municipal Code (zoning) to facilitate achievement of the RHNA targets and implement other housing goals and policies established by this element. A review of each measure is provided below:

- **Pursue a future General Plan and zoning text amendment to increase Neighborhood Commercial densities to 43.5 units per acre.** Most of San Rafael’s commercial zoning districts (GC, O, C/O, R/O, FBWC) allow residential development up to a density of one unit per 1,000 square feet of lot area (equivalent to 43.5 units per acre). The exception is the NC zone, which only allows 1 unit per 1,800 square feet (24.2 units per acre). Some of the NC zones contain aging neighborhood shopping centers with high vacancy rates or uses that no longer serve the adjacent neighborhoods. The 24 unit/acre density is low and may be a disincentive to building housing in these centers. This action would increase the density to one unit per 1,000 SF, which is equivalent to the other mixed-use zones in the city.
- **Increase allowable building heights in the GC zone for residential/mixed use.** The existing building height limit in the General Commercial zoning district is 36 feet, which roughly corresponds to three-story construction. The allowable density is 43.5 units per acre. In a mixed use format, the existing height limit only accommodates two stories of housing over ground floor commercial, and makes podium parking difficult. Increasing the height limit would facilitate four-story construction in this zoning district, removing a zoning impediment. This action will also require amending the General Plan Land Use Element, which includes a citywide map showing height limits. The zoning amendment would limit the height increase to projects that include housing.
- **Modified setbacks, height, and lot coverage in O zoning district.** A number of housing opportunity sites are in the Office (“O”) zoning district. This zone has a front setback requirement of 20 feet and a rear setback requirement of 20 feet. Side setbacks vary from 6 to 10 feet. The other commercial zoning districts do not require setbacks. The Office zoning district also has a lot coverage maximum of 40 percent. The other commercial zoning districts have no lot coverage limits. The O standards were designed for suburban office parks with large parking lots and landscaped setbacks. This zoning amendment would establish exceptions to the standards for multi-family residential projects, including reduced setbacks, higher lot coverage, and taller building heights.
- **Allow Low Barrier Navigation Centers in mixed use zones.** This action is mandated by State law (AB 101). LBNCs are low-barrier, temporary service-enriched shelters that help homeless individuals and families quickly obtain permanent shelter. State law now requires local jurisdictions to allow LBNCs as a permitted use in certain zoning districts, provided they meet specific criteria. These criteria include such features as allowing pets, providing privacy, giving residents the ability to store possessions, use of a coordinated entry system, and providing access to permanent housing. They must be allowed by right in mixed use and nonresidential zoning districts where multi-family housing is permitted.

- **Consider using FAR in lieu of density in commercial zones outside of Downtown.** The City will explore the potential use of Floor Area Ratio (FAR) or height rather than density as a metric for regulating residential development in commercial zoning districts outside of Downtown San Rafael. The use of FAR or height rather than density would enable a more diverse mix of housing sizes, including smaller units that tend to be disincentivized by a density standard.
- **Amend the zoning regulations for medium-density residential (MR) and high-density residential (HR) districts.** The purpose of these amendments is to allow new development in these districts that is aligned with the full range of the density for the Medium and High Density Residential General Plan categories. Currently there are multiple zoning districts in each of these General Plan categories. Some of these zoning districts have maximum densities that are considerably lower than the corresponding General Plan categories. For example, the HR-1.8 district allows a maximum of 24.2 units per acre, while the High Density Residential General Plan category allows up to 43.5 units per acre. Consistent with SB 330, the City should allow development at the top of the General Plan density ranges in these districts.

Specific Actions and Timeline	By 2025, complete recommended zoning changes that facilitate the full range of General Plan densities.
Primary Responsible Departments/Divisions	Community Development/ Planning Division
Resources	Staff time
Relevant Policies	4.8 Adequately Zoned Sites

**Program 44: Revisions to Parking Standards**

**Complete an evaluation of residential off-street parking standards to reduce parking as a housing development expense. This should include the removal of minimum parking standards within one-half mile of SMART stations and high-frequency bus corridors.<sup>1</sup>**

Parking is a significant development cost and may add to the cost of housing. San Rafael has modified its parking standards over time to ensure that they support other City goals, such as increasing transit use and walkability, and making housing more affordable. Much of Downtown San Rafael is served by a parking district that provides shared parking serving multiple users rather than individual lots on each parcel. The purpose of this program is to identify further strategies to manage residential parking demand, avoid “excess” or unused parking, and “unbundle” parking from the cost of renting or owning a housing unit.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• By 2023, modify zoning code to comply with state requirements.</li> <li>• Convene one or more meetings with Transportation Authority of Marin and Marin Transit to identify public transportation improvements in the Canal area, Downtown, and Northgate areas.</li> <li>• Consider allowances for parking reductions for residential and mixed projects that incorporate transportation demand management (TDM) measures such as shared vehicles, e-bikes, transit passes, and parking lifts. Consider eliminating minimum parking requirements within ½ mile of SMART stations and high-frequency bus corridors. In some locations, such as Downtown San Rafael, consider establishing parking “maximums” where there are other travel options available.</li> </ul>
Primary Responsible Departments/Divisions	Community Development
Resources	Staff time
Relevant Policies	2.8 Fair Housing and Transportation Choice, 4.8 Adequately Zoned Sites

<sup>1</sup> Transit with bus service at least every 15 minutes during the peak hour.

## 6.5 Quantified Objectives and AFFH

*Editor's Note: This section will be added shortly.*

