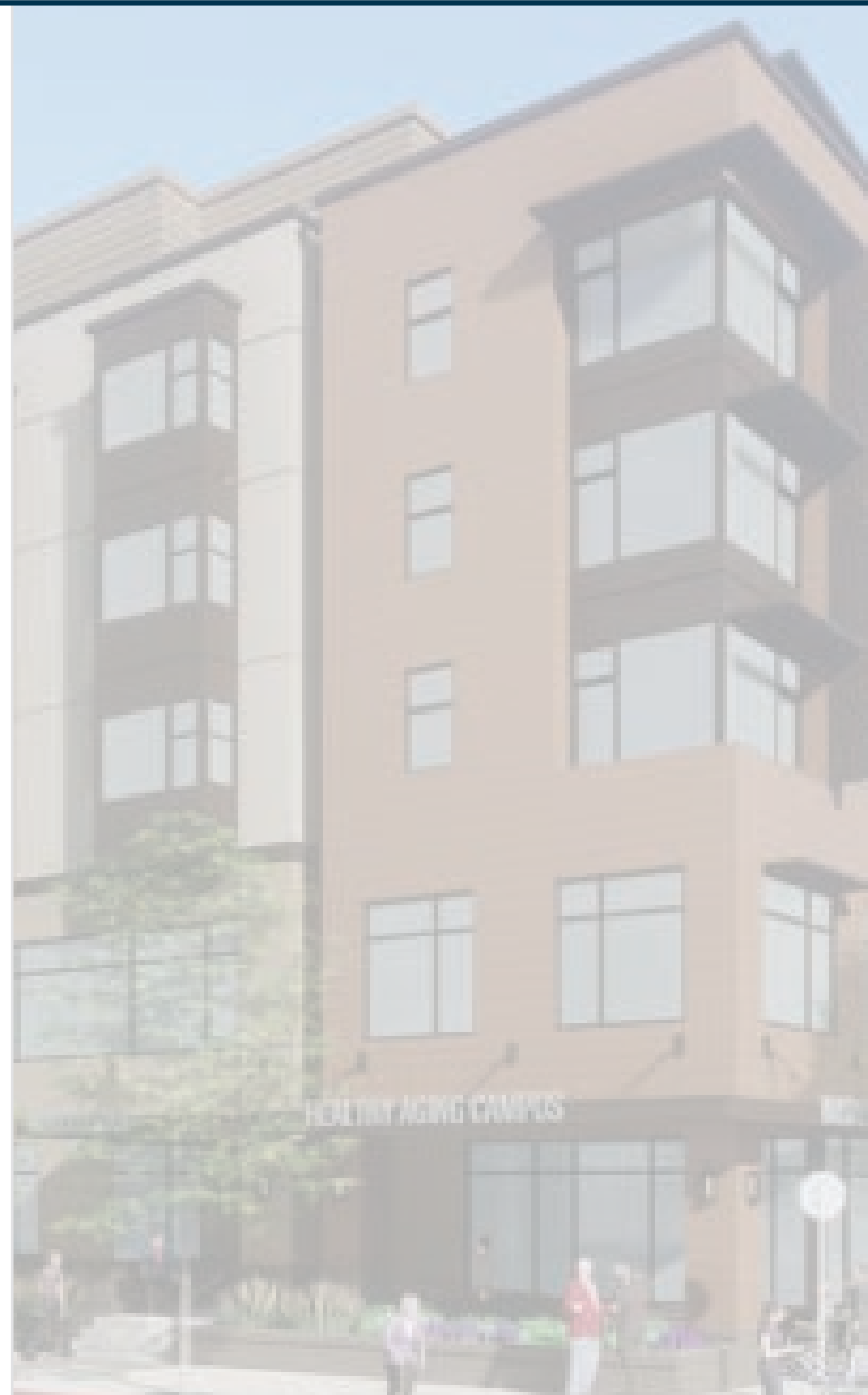




CITY OF SAN RAFAEL

# HOUSING ELEMENT UPDATE

6TH CYCLE 2023-2031 HCD DRAFT NOVEMBER 2022



**LET'S HOUSE  
SAN RAFAEL**

2023-2031 HOUSING ELEMENT UPDATE



MESSAGE TO READERS:

This document is the **HCD Draft Housing Element**. HCD is the California Department of Housing and Community Development, the State agency responsible for reviewing and certifying Housing Elements to ensure that they substantially comply with State law. When adopting a Housing Element, a city must first prepare a “Draft” for review by HCD. Cities may only adopt their Housing Elements after considering HCD’s findings and recommendations.

The City of San Rafael published this draft on November 4, 2022. The City was required by the California Government Code to circulate this Working Draft for a period of 30 days. Public comments were accepted through **December 5, 2022**. A Planning Commission and a City Council meeting were also convened during the 30-day period, providing another opportunity for public comments. On the evening of December 5, the City Council unanimously voted to submit this Draft to HCD for review. The submittal occurred after a mandatory 10-day period (Dec 5-19) during which the City considered public comments and revised the November Draft.

This document was be submitted to the State Department of Housing and Community Development on Tuesday December 20. The State is required to provide comments back to the City within 90 days. Once State comments are received, a revised version of the Plan will be produced with edits responding to these comments. The revised version will be presented to the Planning Commission for a recommendation, and then to the City Council for adoption in 2023. Public comment is invited and encouraged throughout this period.

# City of San Rafael

## **2023-2031 Housing Element**

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*Working Draft for Public Review*

*Initially Published November 4, 2022*

*Revised for State submittal on December 20, 2022*

## Land Acknowledgment

*A Land Acknowledgment is a formal statement that recognizes the history and legacy of colonialism that impacted Indigenous Peoples, their traditional territories, and practices. It is a simple, powerful way of showing respect and a step toward correcting past practices and honoring truth.*

*The place we now call San Rafael is located on the traditional lands of the Coast Miwok people. We acknowledge the Coast Miwok People with respect and reverence. We express our gratitude for their generations of stewardship while not forgetting the colonization of this land.*

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# 1 Introduction

## 1.1 Purpose of the Housing Element

The purpose of the San Rafael 2023-2031 Housing Element is to meet the housing needs of all San Rafael's residents, particularly those with lower-incomes or special housing needs. The Element affirms the City's commitment to increasing housing choices and production, ending homelessness, ensuring the long-term habitability of the existing housing stock, and promoting fair housing and fair housing choice in San Rafael.

State law requires that all cities and counties in California have a compliant Housing Element as part of their General Plan. The Element must analyze housing needs, evaluate factors that could potentially constrain housing production, and identify sites for new residential development. Each city and county must submit their Housing Element to the California Department of Housing and Community Development (HCD) for review and certification to ensure that it meets the minimum requirements under State Housing Element law. The prior Housing Element Update covered the 2015-2023 period, while this Housing Element covers the 2023-2031 period.

The Housing Element reinforces the guiding principles of the 2040 San Rafael General Plan. These principles envision a thriving city in which fewer residents are burdened by high housing costs and challenges such as overcrowding and displacement. This Element lays out the goals, policies, and programs to become a more equitable and inclusive city, and to remove barriers that have created unequal access to housing among certain racial and ethnic groups in the past and present. The other elements of the General Plan support and advance these goals while addressing issues such as climate change, environmental quality, transportation, and economic vitality.

In addition to laying out the City's housing priorities and programs for the next eight years, the Housing Element serves other important purposes. These include:

- A critical evaluation of existing housing programs, with recommendations for improvements and changes to improve effectiveness
- A comprehensive assessment of housing needs and housing conditions
- An inventory of housing resources, including potential sites where new housing can be constructed
- An analysis of housing constraints, such as zoning regulations, permitting processes, fees, and real estate market conditions

The Housing Element is also subject to a State mandate to "affirmatively further fair housing" (AFFH). This mandate affects the data and analysis in the Element, the selection of housing sites, the community process used to create the Element, and its policies and programs. Data and mapping requirements for AFFH are addressed in an Appendix to this Housing Element, but the principle of promoting fair housing is an overarching theme throughout the document.

## 1.2 Location and Context

San Rafael is located in the east central part of Marin County, 18 miles north of Downtown San Francisco and 11 miles from the Golden Gate Bridge. The city is 38 miles south of Santa Rosa, 36 miles southwest of Napa, and 22 miles northwest of Oakland. The Pacific Ocean is approximately 10 miles to the southwest. The city's location is shown in Figure 1-1.

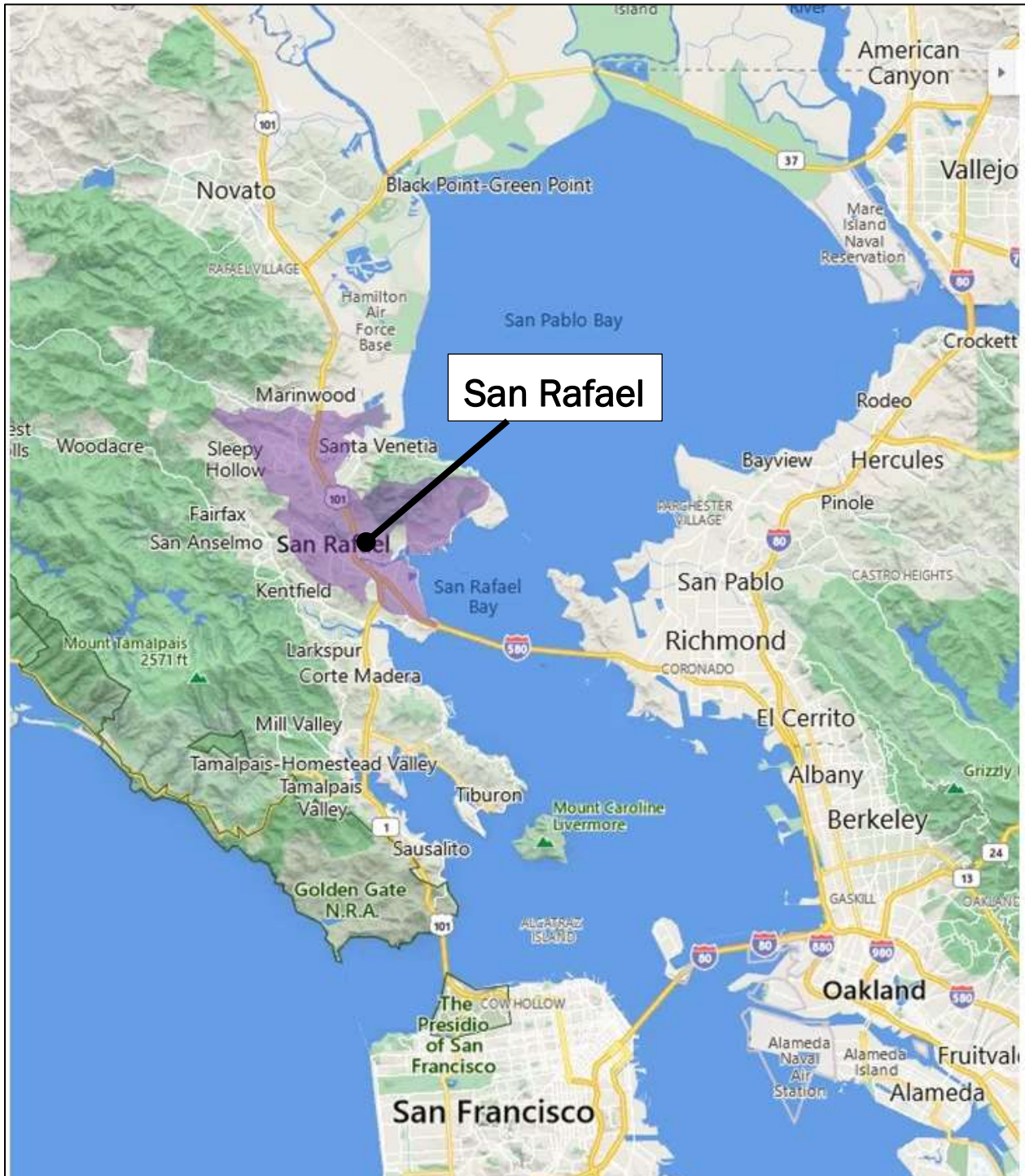
The region surrounding San Rafael—the nine county San Francisco Bay Area—is the fourth largest metropolitan area in the United States. In 2022, its total population was 7.8 million people. San Rafael is part of what is commonly referred to as the “North Bay” sub-region, including the counties of Marin, Sonoma, Napa, and Solano. There are roughly 1.3 million people and 506,000 jobs in the sub-region, with Marin County accounting for about 20 percent of its population and 23 percent of its jobs.

San Rafael has been the largest city in Marin County since its incorporation and the County seat since 1851. In 2020, San Rafael had approximately 60,000 residents and 42,000 jobs. Most of the County's population resides within 10 miles of the city, contributing to its role as the center of Marin's economy. Marin County is renowned as a place of great physical beauty, mild weather, and a high standard of living. The County ranks among the top ten in the United States in median household income.

San Rafael is the most racially, ethnically, and economically diverse city in Marin County. However, its income distribution has become less balanced over time, with growing numbers of residents in poverty and growing numbers of high-income households. In 2018, roughly 14 percent of the city's residents lived below the federal poverty line, up from 10 percent in 2000. Conversely, the percentage of families with household incomes over \$200,000 increased from 15.7 percent in 2010 to 27.7 percent in 2018. The data suggests not only a declining “middle class” but a growing number of residents facing social and economic challenges.

While local developers like Joseph Eichler pioneered fair housing practices in San Rafael during the 1950s and 60s, there were also neighborhoods subject to racial covenants. Black, Asian, and Latino households were excluded from many Marin County neighborhoods until the 1960s, and discriminatory lending practices were common. Institutional racism and the legacy of segregation remain issues today. There continue to be significant disparities between White and Non-White households in the city.

San Rafael's lower income residents are disproportionately Latino and young, with lower levels of educational attainment, higher rates of household overcrowding, and greater dependence on public transportation. Approximately 87 percent of San Rafael's Latino households are renters, compared to 40 percent among Non-Latino White households. Average household size for Latino families was 4.0, compared to 2.2 for White Non-Latino households. Nearly 50 percent of the housing units occupied by Latinos in San Rafael's meet the Census definition of overcrowding. The COVID-19 pandemic had a particularly devastating impact on the Latino community, highlighting the need for additional housing and economic resources, both at the neighborhood and citywide levels. The city also faces the continued challenge of homelessness, with a substantial population of unhoused residents and residents in need of supportive services.



**Figure 1.1: Regional Location**

These factors have changed the way the City of San Rafael approaches the delivery of housing-related services, with increased focus on bilingual outreach, tenant protection, partnerships with non-profits and supportive service providers, and the coordination of housing programs with capital improvements and the delivery of other services. The City is implementing an aligned, coordinated strategy to achieve broader priorities related to equity, inclusion, and overall community resilience. While San Rafael has been a leader in planning for affordable housing in Marin County for the last 40 years, it is accelerating its efforts to engage the entire community in meaningful ways.

### 1.3 Regional Housing Needs Allocation (RHNA)

The Housing Element process starts with the State determining the total need for housing in each region of California over an eight-year period. These estimates are broken down by income categories, with households categorized as very low-income, low-income, moderate-income, or above moderate income. The income limits defining these categories are based on household size and the Areawide Median Income (AMI) in each County or region. Income limits are updated annually by the State.

Regional councils of government across California are responsible for allocating their region's housing needs to individual cities and counties. This process is known as the Regional Housing Needs Allocation (RHNA). In the nine-county San Francisco Bay Area, the Association of Bay Area Governments (ABAG) is responsible the RHNA and is tasked with determining each county and city's "fair share" of the regional total. This determination is made using a formula that considers population size, employment, proximity to transit, and access to resources such as schools, health care, parks, and services. In the most recent allocation, communities considered to be "high resource" areas received larger shares of lower income units as a strategy for improving housing equity across the region.

The total 2023-2031 RHNA for all counties and municipalities in the Bay Area is 441,176 units. This represents a 234 percent increase from the allocation for 2015-2023. Changes in state law and methodology, coupled with years of insufficient housing production, led to significantly higher assignments in this RHNA cycle.

Marin County and its 11 cities and towns received just 3.3 percent of the regional housing assignment, or 14,405 units. San Rafael received the largest allocation in the County, with 3,220 units. The City's allocation is more than three times what it was in 2015-2023. However, it represents just 0.72% (less than one percent) of the regional total and is proportional to San Rafael's share of the region's population. San Rafael's RHNA includes 857 units for very low-income households, 492 units for low-income households, 521 units for moderate-income households, and 1,350 units for above moderate-income households. This is shown in Table 1-1 below.

**Table 1.1: San Rafael's Regional Housing Needs Allocation 2023-2031**

Income Category	RHNA
Very Low (0-50% of AMI*)	857
	(429)
	(428)
Extremely Low (>30% AMI)	
Very Low (30-50% AMI)	
Low (51-80% of AMI)	492
Moderate (81-120% of AMI)	521
Above Moderate (over 120% of AMI)	1,350
<b>TOTAL UNITS</b>	<b>3,220</b>

Source: Association of Bay Area Governments, 2021

## 1.4 Statutory Requirements

### 1.4.1 Requirements for the Housing Element

Section 65583(a) of the California Government Code requires that every housing element include “an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs.” The law requires:

- An analysis of population and employment trends and projections
- An analysis of household characteristics, including overcrowding and cost burdens
- An inventory of land suitable for residential development
- Identification of a zone or zones where emergency shelters are permitted by right
- An analysis of the government and non-governmental constraints on the improvement, maintenance, and development of housing
- An analysis of special housing needs, including those of the elderly, persons with disabilities, large families, farmworkers, female-headed households and persons needing emergency shelter
- An analysis of opportunities for energy conservation
- An analysis of publicly assisted housing development that may convert to non-assisted housing during the planning period

These requirements help provide an understanding of housing needs so that policies and programs can be specifically tailored to reflect local conditions.

### 1.4.2 Consistency with Other General Plan Elements

State law requires that general plans are internally consistent documents. The Government Code (Sec 65583(c)(7)) also requires that when any element of the plan is amended, the jurisdiction must demonstrate that it is consistent, or identify the means by which consistency will be achieved. As such, the update of the San Rafael Housing Element requires an evaluation of consistency with the other elements of the San Rafael General Plan. Policies in other

elements must not conflict with those in the Housing Element, and the designations on the Land Use Map must support the density assumptions and realistic capacity estimates in the Housing Element.

The City of San Rafael completed a comprehensive General Plan update in 2021, moving the time horizon forward from 2020 to 2040. Although the Housing Element was not included in the General Plan Update, much of the policy and program focus was on increasing housing opportunities, accommodating a variety of housing types, and creating a more equitable community. The General Plan anticipated that the City's RHNA for 2023-2031 would be significantly higher than it had been before and is based on a growth forecast of 4,400 new housing units. About half of this projected growth is in Downtown San Rafael, where high density, transit-oriented housing is strongly supported.

Table 1.2 demonstrates the consistency between the Housing Element and other elements of the Plan and summarizes housing-related initiatives in each element. This Housing Element builds on the momentum of General Plan 2040 and embraces its core values. It is intended to work in tandem with the other elements of the Plan to conserve existing housing, accommodate housing growth, and promote fair housing and housing that is accessible to all residents. The Environmental Impact Report (EIR) for General Plan 2040 anticipated the amount and location of growth required to meet the RHNA and provides initial environmental clearance for much of the housing that will be built during the 2023-2031 planning period.

### **1.4.3 HCD Review Process**

The Housing Element is unique among the mandatory elements of the General Plan. A specific process has been established for its adoption, beginning with preparation of a "working draft" for State comment. This working draft was circulated for public comment for 30 days after it was published. This was followed by a 10-day period to consider public comments and make edits prior to transmittal to the State. Once received, the State has 90 days to review the working draft.

HCD may consult with any public agency, group, or person in its review and must consider any third party comments on the draft as they review it. At the end of the 90 days, a formal "findings" letter will be issued by HCD with the results of their review, including revisions that HCD determines are required to meet State law. If the City does not modify its Element to reflect HCD's comments, it must include written findings in its adopting resolution explaining why the changes were not included.

Once the Housing Element is adopted, it is resubmitted to HCD to determine whether it "substantially complies" with State Housing Element Law. HCD has 60 days to make this determination. The City is eligible for certain grants and other funding only if HCD has found that the City's Housing Element is in substantial compliance with State law. Cities determined to be out of compliance are vulnerable to adverse consequences such as fines and penalties.



**Table 1.2: Housing Element Consistency with Other General Plan Elements**

Element	Housing-Related Guidance
Land Use	Includes 2040 Land Use Map identifying where housing may be built and defining allowable densities. Land Use Map provides capacity for 4,400+ housing units, which exceeds RHNA by 38%. Policies in this element strongly support new housing and a mix of housing types, create minimum densities, allow height bonuses for affordable housing, allow housing in all commercial zones, encourage mixed use on older commercial properties, encourage senior and special needs housing, promote ADUs and innovative housing types, and support conservation of existing housing throughout the City.
Neighborhoods	Provides neighborhood-specific guidance for new housing, with specific mention of housing opportunity sites in many areas, especially Downtown San Rafael and the North San Rafael Town Center and Southeast San Rafael PDAs. Strongly encourages the conservation and maintenance of existing housing, and opportunities for new housing in neighborhood commercial districts.
Community Design and Preservation	Supports infill housing and well-designed multi-family development. Provides policy framework for objective design standards and form-based codes to expedite permit processing. Encourages creative architecture and higher density design. Also addresses scale transitions and historic preservation.
Conservation and Climate Change	Directs housing away from sensitive natural resources and toward urban infill sites. Supports sustainable, green development, water conservation, energy conservation and efficiency. Provides guidance for housing in areas near freeways and other air pollution sources.
Parks, Recreation, and Open Space	Includes provisions for parks and open space as new housing is added.
Safety and Resilience	Emphasizes protection of existing housing stock from hazards such as sea level rise, wildfire, and earthquakes. Encourages the design of new housing that is resilient and sustainable.
Noise	Ensures that new housing is designed to create a healthy ambient noise environment, and that housing construction noise is managed to reduce potential adverse impacts.
Mobility	Promotes higher density housing opportunities near transit and along bus lines. Addresses housing-related issues such as parking, access to shared vehicles, and housing-transportation costs. Emphasizes equity, public safety, and access to public transportation for residents in all areas, particularly for lower income households.
Community Services and Infrastructure	Identifies need to expand water, sewer, drainage, and energy/ telecom infrastructure concurrently with housing growth, and to plan for improvements to schools, libraries, etc. as housing is added.
Economic Vitality	Expresses support for workforce housing, partnerships with the business community to house more employees locally, and programs to remove housing constraints and expedite construction.
Arts and Culture	Recognizes the arts as a tool for connecting people, promoting cultural inclusion and diversity, creating a sense of belonging.
Equity, Diversity, and Inclusion	Emphasizes housing needs of lower income and immigrant communities, fair housing, anti-displacement strategies, and the need to expand civic outreach and engagement to reach all San Rafael residents. Includes a Goal (EDI-3) focused on housing stability, including renter protection, affordable housing development, healthy homes, reducing overcrowding, and improving resources for unhoused residents.

HCD's compliance determination is based in part on a detailed checklist corresponding to California Government Code requirements and HCD guidelines. The data and analysis requirements for the Housing Element are more substantial than those required for other elements of the General Plan. Thus, this element is typically longer and more detailed than the other elements of the General Plan.

#### 1.4.4 Other Statutory Requirements

Senate Bill (SB) 1087 requires cities to provide a copy of their Housing Element to local water and sewer service providers after adoption. It also requires that these agencies give priority to lower income housing when approving new connections. The San Rafael 2023-2031 Housing Element will be provided to these agencies upon adoption.

Assembly Bill (AB) 162 (Government Code Section 65302.g.3) requires that the Safety Element be updated either by January 1, 2014 or upon the next update of the Housing Element to address the risk of fire for land classified as Very High Fire Hazard Severity Zones (VHFHSZs). San Rafael adopted an updated Housing Element in August 2021 meeting this requirement. There are no VHFHSZs within the city limits.

Senate Bill (SB) 379 requires that the Safety Element be updated to address climate change adaptation and resiliency. This was achieved prior to the start of the Housing Element update. General Plan 2040 (August 2021) includes a Safety and Resilience Element, as well as a Conservation and Climate Change Element.

The City will be complying with AB 747 and SB 99 concurrently with Housing Element adoption. AB 747 requires that the City designate evacuation routes, while SB 99 requires the identification of residential developments with less than two means of ingress and egress. An amendment to the General Plan will be required to implement these changes.

#### 1.4.5 Data Sources

This Housing Element was updated in accordance with California Department of Housing and Community Development (HCD) guidelines for the 6th Cycle Housing Element. Specific data sources are cited throughout the Housing Element, including but not limited to:

- The 2040 San Rafael General Plan
- US Census Bureau (2020 Census and American Community Survey)
- US Department of Housing and Urban Development (Comprehensive Housing Affordability Strategy)
- California Department of Housing and Community Development (HCD)
- California Department of Finance (DOF)
- California Employment Development Department (EDD)
- Marin County Analysis of Impediments to Fair Housing Choice (2020)
- Marin County Assessor's Office
- Association of Bay Area Governments (ABAG) Pre-Certified Housing Data
- Private industry sources (Zillow, Hotpads, Craigslist, etc.)

## 1.5 Organization of the Housing Element

Following this introduction, the Housing Element includes the following chapters:

**Chapter 2: Evaluation of the 5<sup>th</sup> Cycle Housing Element.** This chapter addresses the City's progress toward achieving the City's 2015-2023 Housing Element. It includes an assessment of the programs in the 2015-2023 Housing Element, including guidance as to whether each program should be carried forward, edited, or replaced.

**Chapter 3: Housing Needs Assessment.** This includes an analysis of demographic and socio-economic conditions, housing conditions, market trends, and other factors to evaluate current and future housing needs in San Rafael, including housing needs among lower-income households and populations with special housing needs.

**Chapter 4: Housing Sites and Resources Analysis.** This includes an evaluation of the sites that can accommodate the City's RHNA, including an analysis of site suitability and availability. This also includes a discussion of financial resources for housing and a discussion of energy conservation programs.

**Chapter 5: Constraints to Housing Conservation and Production.** The constraints analysis addresses governmental constraints to housing development such as zoning, development fees, development standards, and development review processes, as well as non-governmental constraints, such as high land and construction costs.

**Chapter 6: Housing Plan.** This chapter presents goals, policies, and programs to address the City's housing needs as well as quantified objectives for housing development and preservation during the planning period.

**Appendices:** The appendices contain background details and technical analysis to support the Element. They include:

- A. Assessment of Fair Housing
- B. Housing Opportunity Site Inventory
- C. Public Participation Matrix

## 1.6 Housing Element Community Engagement Program

State law requires that each jurisdiction make a diligent effort to obtain input from all economic segments of the community when preparing a Housing Element. While San Rafael has always been committed to robust public engagement, the State mandate to affirmatively further fair housing requires that the Housing Element go a step further. New strategies and initiatives were included in this process to engage those who are most impacted by the housing crisis in San Rafael.

### 1.6.1 Creating the Foundation for Expanded Engagement

In Fall 2017, the City of San Rafael launched its 2040 General Plan Update. The process included a substantial community engagement program, with over 100 public meetings. The Draft Plan was released in October 2020 and adopted in August 2021 following 12 public hearings. A Downtown Precise Plan and Program EIR were prepared and adopted concurrently with the General Plan.

While the Housing Element was not part of the General Plan Update, much of the community conversation was centered around housing production and affordability issues. The Plan resulted in many new housing-focused policies and programs, as well as increased densities, multi-family housing opportunities, and zoning changes.

A 24-member Steering Committee (with 22 alternates) was appointed by the City Council to steer the process. The Committee met 25 times between January 2018 and June 2020, discussing issues and policy choices in a public setting. The General Plan website received more than 2,500 individual comments. Several rounds of community workshops were convened over the course of the project. The City also hosted a three-day Downtown design charette, with approximately 200 participants. One of the major themes of the charette was expanding opportunities for housing.

The General Plan Update included three years of grass-roots outreach, with the planning team attending the regularly scheduled meetings of dozens of neighborhood and community-based organizations. The process included a Spanish language outreach initiative engaging over 140 residents, several student-organized initiatives, and focus group meetings on housing topics. Pop-up events were convened, and presentations were made to City Commissions and Committees. Housing issues featured prominently in these meetings. The General Plan Update raised public awareness of housing issues and provided a forum for discussing potential solutions.

In 2018, the City initiated a series of community workshops specifically focused on housing production. The need for these meetings was identified in the Housing Element Annual Progress Report, and by the City Council in their annual goal-setting exercise. In 2018, 2019, and 2020, the City convened public and community meetings that specifically focused on the removal of constraints to housing production. For-profit and non-profit housing developers were directly involved and remained involved through interviews and panel discussions. These meetings led to significant streamlining of City processes and ordinances, along with a commitment for regular reports to the City Council on housing issues and the City's progress in removing constraints.

### 1.6.2 Project Website, Branding, and On-Line Documents Library

The City launched its Housing Element update website in September 2021 at [www.sanrafaelhousing.org](http://www.sanrafaelhousing.org). The project was also branded through a logo and the tagline "Let's House San Rafael". The website was initially populated with basic information about housing elements and the RHNA, as well as a "meeting and events" page and a "documents library." The documents library included 54 separate reports, books, articles, and videos about housing. Separate links were provided to the housing sites inventory and inventory maps.

Documents related to the Housing Element were also posted on the city's main website ([www.sanrafael.org](http://www.sanrafael.org)), in the City Manager's newsletter, and on the Planning Department website. In addition, links to meeting agendas, minutes, and streaming video were posted for each Housing Element-related meeting and event.

An electronic mailing list was developed and expanded over the course of the project. E-mail blasts were used throughout the project to provide notification of upcoming meetings and events, and to announce publication of plan-related documents.

### 1.6.3 Housing Element Community Workshops

The City convened three dedicated community-wide Housing Element workshops. It also co-sponsored a developer forum with the County of Marin. All three workshops were convened on Zoom due to the COVID-19 public health and safety protocols in effect at the time. Outreach flyers (paper and PDF) were prepared in English, Spanish, and Vietnamese and translation services were available at each Workshop. Workshops are summarized below:

- Workshop 1 (11/4/21): The first workshop introduced the Housing Element Update to the community. It included a presentation explaining the purpose of the Element, the housing crisis in San Rafael and the Bay Area, the RHNA and sites inventory, the work program and schedule, and opportunities for public input. This was a "town hall" style meeting with participants able to ask questions and receive real-time responses from staff. Approximately 40 people attended.
- Developer Forum (4/27/22): The City co-hosted a developer forum with the County of Marin. The forum consisted of a facilitated discussion with three San Rafael developers, including questions and comments from the virtual audience. The focus was on the removal of constraints to housing development. The meeting was advertised both on the City's website and the County's website. Approximately 25 people attended.
- Workshop 2 (7/14/22): The second workshop was focused on housing sites. It included opening remarks from the Mayor and a presentation by staff, followed by facilitated breakout groups in English and Spanish. Each breakout group facilitator provided a "report-out" at the end. Participants learned about the sites under consideration, had an opportunity to ask questions and suggest additional sites. Approximately 30 people attended.
- Workshop 3 (8/16/22): The third workshop addressed policy options. It included a presentation with real-time questions and commentary provided by attendees, followed by facilitated breakout groups in English and Spanish. Each breakout group facilitator provided a "report-out" at the end. The breakout groups provided an opportunity for conversation and discussion about priorities and potential policies. Approximately 80 people attended, with more than 40 participants in the Spanish language breakout group.

In addition to the formal workshops, a "pop-up" event was held at the City's "Movies in the Park" event in the Canal neighborhood in September 2022. This provided an opportunity for informal conversations with residents on local housing issues and programs.

#### 1.6.4 Housing Element Working Group

In November 2021, the City Council appointed a 13-member Housing Element Working Group, including representatives from various stakeholder groups and organizations. Members were selected to represent different perspectives, including housing advocates, immigrant rights and fair housing advocates, homeless service providers, businesses, tenants, non-profit and for-profit developers, and local neighborhood and environmental organizations. The Working Group was convened eight times between December 2021 and August 2022. All meetings were subject to Brown Act requirements and included opportunities for public comment at the start and finish. Meetings were noticed in advance, with agenda materials posted on-line and videos of each meeting posted afterwards.

Much of the content of the 2023-2031 Housing Element reflects input and feedback provided by Working Group members. The Working Group also advised the project team on outreach and engagement strategies. Meetings were lively and interactive; included in-depth discussions of housing needs, sites, and constraints; and helped shape housing policies and programs.

#### 1.6.5 On-Line Survey

The City administered an on-line survey on housing in early 2022. The survey was open to all participants and included a mix of multiple choice and open-ended questions. It was made available in Spanish, English, Vietnamese, and Chinese. A number of demographic questions were included to compare survey respondents to the population at large. However, the survey was not intended to be statistically valid, but rather to provide another tool for residents and businesses to express their views on local housing issues and priorities. Approximately 180 respondents completed the survey.

#### 1.6.6 City Council and Planning Commission Progress Meetings

Multiple meetings with the City Council and Planning Commission meeting were held over the course of the project. These included:

- Introductory City Council briefing on the Housing Element and overview of the project (8/16/21)
- Planning Commission introductory study session on the Housing Element (9/28/21)
- City Council introduction to Affirmatively Furthering Fair Housing (AFFH) (11/1/21)
- Planning Commission Study Session on the Housing Needs Assessment (2/15/22)
- Annual Housing Progress Report to City Council (3/21/22)
- City Council Study Session on Housing Element (4/4/22)
- Planning Commission Study Session on AFFH (7/14/22)
- Planning Commission Study Session on Housing Sites (7/26/22)
- City Council meeting on Housing Sites (8/1/22)

All of these meetings included opportunities for public comment and feedback. The meetings above exclude those held to review the HCD Draft Housing Element, and those held to adopt the Housing Element in 2023.

### 1.6.7 Meetings with Community-Based Organizations and Individuals

Two major rounds of outreach to community organizations occurred—the first in September 2021 through May 2022, and the second from June 2022 through September 2022.

During the first round, Staff attended the regularly scheduled meetings of neighborhood groups and community-based organizations and participated in special meetings convened by housing advocates to discuss the project and solicit feedback on policies and programs. Meetings were convened with:

- Responsible Growth in Marin (9/15/21)
- League of Women Voters Marin (10/12/21)
- Federation of San Rafael Neighborhoods (10/14/21)
- Canal Alliance (11/16/21)
- Marin Center for Independent Living and Vivalon (2/14/22)
- Miller Creek School District (3/7/22)
- Marin Conservation League Monthly Meeting (4/5/22)
- Marin Organizing Committee (4/20/22)
- Chamber of Commerce Economic Vitality Committee (5/10/22)

During the second round, staff met with representatives of the business community; additional community-based organizations, non-profit housing developers, seniors, disabled residents, residents representing the protected classes, the fair housing agency, renters, property owners, and families.

### 1.6.8 Student and Youth Voice

The City participated in a collaborative effort with Youth-In-Arts (a San Rafael based non-profit advocating for arts education and programming) and Y-Plan (a Berkeley-based initiative advocating for youth engagement in planning and architecture) to address housing issues from the perspective of San Rafael students in Grades 4-6. Dozens of students took on the “real world” challenge of developing strategies for increasing affordable housing in San Rafael and presented solutions ranging from more accessory dwelling units to tiny homes and floating houses. The students presented their recommendations to the Housing Element working group, providing an important perspective while also generating media interest in the project.

### 1.6.9 Listening Sessions

As part of the outreach effort, the project team focused on those who do not normally participate in conversations with local government and with those who work with specific populations, including those from protected classes. In addition, team members met with business leaders, planning professionals, housing providers and advocates, community representatives, nonprofit organizations and young adults. Listening sessions included tenants, renters, homeowners and landlords; those who worked in the City and those who wanted to live in San Rafael but could not afford to do so. The focus of the meetings was to identify local housing challenges and

barriers to housing in San Rafael to help inform and create the policies and programs to address such challenges.

Meetings were held with representatives from the following groups:

Bridge Housing	Marin Center for Independent Living
Canal Alliance	Marin Community Foundation
Canal Community Resilience Council	Marin County Commission on Aging
Eden Housing	Marin Disability Town Hall
Fair Housing Advocates of Northern California	Marin Environmental Housing Collaborative
Federation of San Rafael Neighborhoods	Miller Creek School
First 5	Multi-Cultural Center of Marin
Homeward Bound	Residents of 400 Canal Street
Integrated Community Services	Showing Up for Racial Justice (SURJ)
Legal Aid of Marin	Voces de Canal

### 1.6.10 Focused Outreach to the Latino Community

- **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
- **Voces De Canal.** Staff met with Voces del Canal in advance of the August Community Workshop on Policies and Programs to prepare community members to actively participate. Staff presented to the group in Spanish, providing background on the Housing Element and a primer on the difference between goals, policies and programs. Following the presentation, the group had an opportunity to share concerns and ask questions about the appropriateness of sharing those concerns during the workshop.

### 1.6.11 Equity-Based City Initiatives

In addition to housing-focused outreach and engagement, the City has participated in several community meetings and gatherings to ensure there are opportunities for residents from all San Rafael neighborhoods to provide feedback, express their concerns, and provide recommendations for the City.

Specific and focused outreach efforts were made in the Canal neighborhood, which is the only census tract in the County that is considered an area of “high segregation and poverty”, and where the largest concentration of Latinx residents live. In addition to targeted conversations about housing, the City also engaged residents in conversations about community assets, City



services, transportation, parks and open spaces, access to food and how to increase community representation and involvement.

### **1.6.12 Intergovernmental Coordination**

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 Planning Directors established common goals and coordinated on housing legislation, planning, production, and preservation of existing affordability. The 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.

### **1.6.13 Adoption Process**

Additional opportunities for public input were provided during the adoption process.

A Working Draft of the Housing Element was published on November 4, 2022. Following its publication, a 30-day period was provided for public review and comment. The City convened two public meetings during this time: a Planning Commission meeting on November 15 and a City Council meeting on December 5, the final day of the 30-day review period. There were nine letters received on the Working Draft, including several with multiple signatories or from stakeholder organizations. There were eight speakers at the two public meetings. Oral comments also were received from Commissioners and Council members.

Between December 5 and December 19, the City revised the Working Draft to incorporate public comments. These revisions merging the tenant relocation assistance program into the Just Cause program (and emphasizing that relocation assistance was not intended as an anti-displacement strategy), expressing the urgency of tenant protection actions, and cross-referencing other relevant parts of the San Rafael General Plan. All edits were tracked to assist the public in their review. On December 19, 2022, the City formally submitted its Element to HCD, beginning their review process.

Additional hearings will take place in early 2023, once HCD's findings are provided.

## 1.7 Incorporating Community Feedback

The Housing Element policies and programs directly reflect priorities expressed through the community engagement process. In particular, concerns about homelessness prompted the addition of a goal to end homelessness and a number of proactive measures to assist unhoused residents. Public concerns about overcrowding, rapidly rising rents, and the lack of affordable housing resulted in a program focus on renter protection and increased resources and efforts to build affordable housing. Concerns about lengthy processing times, high construction and land costs, and limited access to tax credits resulted in programs on the removal of development constraints and accelerated efforts to build housing in the city.

Appendix C of the Housing Element provides a matrix summary of community engagement activities, including a summary of “take-aways” from each meeting, event, or program component. These take-aways were used to formulate the goals, policies, and programs that underpin Chapter 6 of this document. They also provide “local context” that has informed the analysis of the data in Chapters 3, 4, and 5 and Appendix A.

## 2 Evaluation of Prior Housing Element

### 2.1 Introduction

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

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

### 2.2 2015-2023 RHNA and Actual Production

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

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

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

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

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

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

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

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

Income Group	Housing Units Permitted					
	San Rafael	% of RHNA Permitted	Marin County	% of RHNA Permitted	Nine-county Bay Area	% of RHNA Permitted
Very Low	39	16.3%	287	46.4%	14,697	31.5%
Low	76	51.4%	377	102.7%	12,539	43.3%
Moderate	11	6.1%	251	59.3%	17,028	51.0%
Above Moderate	262	59.8%	1,228	138.0%	145,868	184.8%
<b>TOTAL</b>	<b>388</b>	<b>38.5%</b>	<b>2,143</b>	<b>93.3%</b>	<b>190,132</b>	<b>101.1%</b>

Source: HCD Data Dashboard, 2022; San Rafael Annual Progress Report, 2022. Excludes data for 2022 and 2023.

Table 2-2 indicates that San Rafael had permitted housing units equivalent to 38.5 percent of its RHNA as of December 31, 2021. The equivalent figure for the county as a whole (including all 11 cities and the unincorporated area) was 93 percent. At a regional level, cities and counties in the nine-county Bay Area permitted housing units equivalent to 101 percent of the 2015-2023 RHNA. Again, production was heavily weighted toward above moderate-income housing, with most jurisdictions falling well below their lower- and moderate-income targets. Regionally, the Bay Area permitted 185 percent of the 2015-2023 RHNA for above moderate-income housing but only about 36 percent of the RHNA for low- and very low-income housing.

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

## 2.3 Evaluation Matrix for 2015 Housing Element

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

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

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

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

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

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

Program	Text	Evaluation
<b>Program H-5A</b>	<p><b>Fair Housing Program.</b> Designate the Community Development Director as the Equal Opportunity Coordinator in San Rafael. Ensure that written materials regarding fair housing law are provided at various public locations, and that information about fair housing agencies and phone numbers is posted in places such as the City’s website, at City Hall, the Public Library, and other public places. As part of the Cooperative Agreement with the County on CDBG funding, continue to require a portion of the City’s allocation be directed to Fair Housing of Marin and/or other fair housing organizations. Continue to refer discrimination and tenant/landlord complaints to Fair Housing of Marin, or the appropriate legal service, county, state, or federal agency.</p>	<p>CARRY FORWARD, but reorganize as this deals with multiple topics: (1) Designation of Equal Opportunity Coordinator; (2) Distribution of fair housing materials; (3) Allocation of County CDBG funds; (4) referral of discrimination cases. A separate program should be developed addressing renter protection and displacement (just cause, mediation, rent increases, etc.)</p> <p>During the 5<sup>th</sup> cycle period, the City implemented this program by referring complaints to Fair Housing of Marin and Marin Mediation Services. It also pursued a range of renter protection practices, including adopting a just cause for eviction ordinance and a mandatory median ordinance. In 2020, it adopted a temporary moratorium on rent increases in census tracts most impacted by COVID-19, and a renter relocation assistance program for no-fault evictions in the Canal area.</p>
<b>Program H-6A</b>	<p><b>In-Lieu Fees for Affordable Housing.</b> Affordable Housing In-Lieu Fees generated from non-residential development and fees generated from residential developments pursuant to San Rafael Zoning Code Section 14.16.030 are placed in a citywide housing in-lieu fee fund to be used to increase the supply of housing affordable to very low, low, and moderate income households. As of the end of fiscal year 2013/14, San Rafael’s Housing In-Lieu Fee Fund has a current balance of approximately \$1.2 million, with an estimated \$100,000 in additional fees which could be generated during the planning period. Given this relatively limited amount of funding, the City will focus these resources on projects which emphasize leverage with outside funds and maximize the number and affordability of units provided. Funded activities may include: acquisition and rehabilitation of existing housing through non-profits; new construction of affordable housing; and provision of rehabilitation funds to privately owned rental housing in exchange for affordability covenants. Pursuant to State Law, the City will dedicate a portion of these in lieu fees for housing for extremely low and very low income households.</p>	<p>CARRY FORWARD, but shorten and simplify (move narrative text outside the program itself). The City continues to place in-lieu fees in a fund that is used to leverage affordable housing production and will continue to do so in the future. The issue of how the funds are used is guided by City Council policy. The list of permitted activities shown here remains valid, and the commitment to dedicate funds for extremely low income households remains appropriate.</p> <p>As of 2021, the City had collected over \$1.5 million, with the funds deposited in an Affordable Housing Trust Fund. Projects like 350 Merrydale and Loch Lomond Marina have contributed to the Fund, as well as providing on site below market rate units. The City has used in-lieu fees in the past few years to assist Homeward Bound (190 Mill) and the Vivalon/Eden affordable senior housing project.</p>
<b>Program H-6B</b>	<p><b>Funding Resources.</b> Work with community and elected leaders to identify potential public and private funding resources for affordable housing funds. Seek to secure at least two new funding sources and a minimum of \$200,000 in outside funds during the planning period.</p>	<p>CARRY FORWARD and update. Resources are procured on a case by case basis as affordable housing applications are received. In 2019, the City received \$310,000 from the SB 2 state grant program. This was used to leverage housing for extremely low-income residents at 190 Mill St. SB2 funds have also been used to update the City’s permit system to streamline housing development review.</p>



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

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

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

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

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

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

Program	Text	Evaluation
<p><b>Program H-15A</b></p>	<p><b>Downtown Station Area Plan.</b> The coming of SMART rail service to Downtown San Rafael in 2016 is an opportunity to build on the work that the City has undertaken to revitalize the Downtown and to create a variety of transportation and housing options, economic stability, and vibrant community gathering places in the heart of San Rafael. General Plan 2020, adopted in 2004, allowed for higher residential densities and reduced residential parking standards to encourage housing development within the heart of Downtown that would support local businesses and allow people to live close to their place of work. The Downtown Station Area Plan, accepted by City Council in June 2012, establishes a series of implementing actions, the following of which specifically serve to facilitate higher density residential and mixed use infill in the area:</p> <ul style="list-style-type: none"> <li>• Conduct parking study in Station Area to evaluate options to addressing small parcels and on-site parking constraints to development (study underway, complete in 2015).</li> <li>• Evaluate relocation of existing Bettini Transit Center, and potential reuse as mixed use site (study underway, complete in 2015).</li> <li>• Evaluate additional height and FAR on certain blocks adjacent to US 101 (as defined in the Downtown Station Area Plan), facilitating redevelopment of the Transit Center into a vibrant, mixed use environment (long term).</li> <li>• Evaluate allowing additional height and FAR increases in certain areas to match the adjacent height and FAR limits in exchange for community amenities. The blocks recommended for study are: A. West side of US 101 - Tamalpais Avenue to Hetherington Street between Mission Avenue and Second Streets, including the transit center; and B. On the east side of US 101 - The west side of Irwin Street between Fourth and Second Streets and the south side of Fourth Street between Irwin Street and Grand Avenue, and consider adopting a form based code instead of the current density and FAR requirement (long term).</li> <li>• Review parking requirements and develop additional municipal parking resources to reduce onsite parking burden (long term)</li> </ul>	<p>DELETE and replace with a new program related to implementation of the Downtown Precise Plan. The Precise Plan includes incentives specifically related to housing, including a height bonus program (now being implemented), parking reductions, and objective design standards that allow for streamlined project review. Future action may be needed to aggregate parcels into more viable development sites, explain how density bonuses are calculated, and plan for the area around the transit center once a final relocation site has been identified.</p>
<p><b>Program H-15B</b></p>	<p><b>Civic Center Station Area Plan.</b> The City completed the Civic Center Station Area Plan, which was accepted by the City Council in August 2012 and amended in 2013. Development around the station area will be guided by considerations for station access and transportation connections by various modes, as well as promotion of land uses that embrace the opportunities of a transit-oriented site and are compatible with the character of the surrounding area. Following the commencement of the operation of SMART (2016), study Station Area Plan recommendations to facilitate housing opportunities near transit, and implement through General Plan amendments and Zoning Code changes where appropriate.</p>	<p>DELETE and replace with new programs related to future housing in the newly designated Priority Development Areas (PDAs) at Northgate and Southeast San Rafael. Guidance for housing at Northgate Mall may be included here, and at least some direction should be provided supporting housing in the southeast/ Canal area. The City will continue to apply for ABAG/MTC grants to prepare Area plans for the two PDAs.</p>

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



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

## 2.4 General Plan 2040 Housing-Related Policies

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

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

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

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

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

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

# 3 Housing Needs Assessment

## 3.1 Introduction

The Housing Needs Assessment provides the foundational data for San Rafael’s Housing Element, including its policies and programs. It provides a comprehensive assessment of the community’s existing housing needs and evaluates the demographic and housing trends that shape those needs. The Assessment ensures that the City is not only planning for its fair share of the region’s future housing needs as required by State law, but also responding to its own *local* needs.

The contents of the Needs Assessment are prescribed by California Government Code Section 65583(a). The Assessment is organized into the following sections:

- Population and Employment Profile
- Household Profile
- Special Needs Populations
- Housing Stock Characteristics
- Forecasts and Regional Housing Needs

The Needs Assessment is supplemented by Housing Element Appendix A, which focuses specifically on the State mandate to “affirmatively further fair housing” (AFFH). The State published guidance for conducting the AFFH analysis in April 2021, including detailed reporting and mapping requirements. Some of the data referenced in Appendix A is also referenced in this Chapter. While the sources are the same, Appendix A relies on different reporting periods in some instances, so the statistics may not match exactly.

Much of the demographic and household data in the Needs Assessment is derived from the United States Bureau of the Census. The Bureau publishes both the decennial census and the American Community Survey (ACS). Data from Census 2020 is cited where it is available, but only some of this data had been released at the time this Needs Assessment was prepared. Most of the citations reference the ACS data, which is based on a five-year average of conditions from the beginning of 2015 to the end of 2019.<sup>1</sup> The ACS data is based on surveys that are administered to roughly three percent of the city’s residents each year (or about 15 percent over five years). While the data has a margin of error since it represents a sample and not the entire population, it provides useful benchmarks for evaluating how the city has changed since the 2010 Census.

Other data sources include a Housing Element “data package” prepared by ABAG; data from the US Department of Housing and Urban Development, the California Department of Finance, the Employment Development Department (EDD), the County of Marin, and Marin Housing Authority; and various private industry sources such as Zillow. The regional forecasts and Regional Housing Needs Allocation data are from ABAG.

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<sup>1</sup> At the time this Needs Assessment was prepared, available 2020 Census data was limited to total population and households by race and ethnicity, housing units, and vacancy rates.

## 3.2 Population and Employment Profile

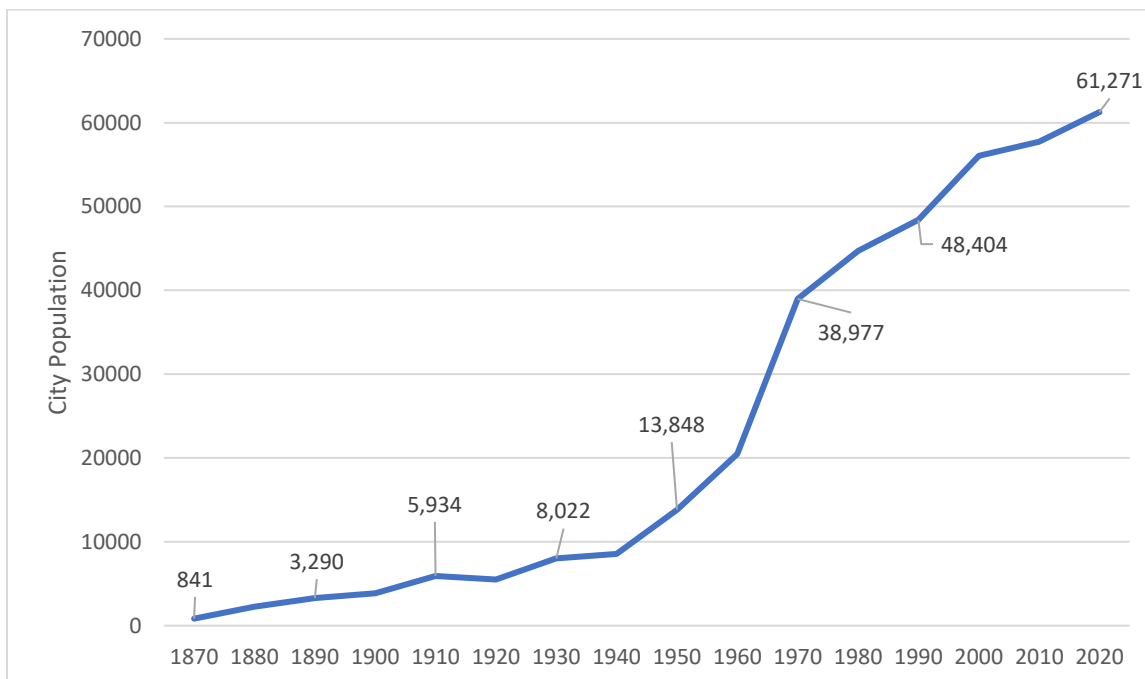
This section addresses demographics in San Rafael, with a focus on change over time and conditions in San Rafael relative to Marin County and nearby communities. It covers population, age characteristics, race and ethnicity, language, and educational attainment. It also includes a profile of the labor force and employment conditions. All of these variables can affect the type and amount of housing that is needed in a community.

### 3.2.1 Population Growth and Trends

As of the 2020 Census, San Rafael had 61,271 residents, an increase of 6.1 percent since 2010 and an increase of 9.3 percent since 2000. The rate of growth was significantly higher between 2010 and 2020 than it was between 2000 and 2010. However, San Rafael grew much more rapidly during the second half of the 20<sup>th</sup> Century than it did in either of the last two decades. Chart 3.1 shows the city’s population growth since incorporation. The City’s population tripled between 1950 and 1970 and increased by 44 percent between 1970 and 2000.

As illustrated in Table 3.1, the City’s growth rate since 2000 has been higher than the countywide average and higher than all but two cities in Marin County. Only Novato and Corte Madera grew at a faster rate. Between 2010 and 2020, San Rafael gained more residents than any other city in the county—its net gain of nearly 3,558 people represented 36 percent of the countywide increase. As explained later in this chapter, growth was primarily driven by larger household sizes and declining vacancies, as very little new housing was added over the decade.

**Chart 3.1: San Rafael Population Growth, 1870-2020**



Source: US Census.

Note: Some of the increase in the 1960s was the result of annexations of homes developed in the 1950s.

**Table 3.1: County and Local Population Growth, 2000-2020**

Jurisdiction	2000	2010	2020	% Change 2000-2020
<b>San Rafael</b>	<b>56,063</b>	<b>57,713</b>	<b>61,271</b>	<b>9.3%</b>
Belvedere	2,125	2,068	2,126	0.0%
Corte Madera	9,100	9,253	10,222	12.3%
Fairfax	7,319	7,441	7,605	3.9%
Larkspur	12,014	11,926	13,064	8.7%
Mill Valley	13,600	13,903	14,231	4.6%
Novato	47,630	51,904	53,225	11.7%
Ross	2,329	2,415	2,338	0.4%
San Anselmo	12,378	12,336	12,830	3.7%
Sausalito	7,152	7,330	7,269	1.6%
Tiburon	8,666	8,962	9,146	5.5%
Marin County	247,289	252,409	262,321	6.1%

Source: US Census, 2000, 2010, and 2020

### 3.2.2 Age Distribution

Table 3.2 shows a breakdown of population by age in 2000, 2010, and 2020. Chart 3.1 shows age distribution graphically, using slightly different age cohorts. The data source for Chart 3.2 is the ABAG housing data package, which uses 2015-2019 ACS data for its 2020 estimates.

The past decade has seen a significant increase in the number of school-aged children, a steady decline in the young adult (25-44) population, relative stability in the middle age (45-64) cohort, and an increase in the older adult (65+) population. Despite citywide growth, San Rafael has 3,500 fewer residents aged 25-44 in 2020 than it did in 2000. The decline in this population is at least partially driven by high housing costs and the lack of housing options for younger adults.

The changes between 2010 and 2020 were different than those that occurred between 2000 and 2010. The first decade of the century saw rapid growth in the 55-64 population and only slight variations in the number of children. The second decade of the century saw much more rapid growth in the 65-74 group, largely due to the aging of the 55-64 cohort. The number of persons over 85 declined between 2010 and 2020, while the age 65-74 cohort grew by 37 percent. The growth in school-age population between 2010 and 2020 has been very significant. The city has over 1,900 more children aged 5-17 in 2020 than it did in 2010. As this population enters young adulthood in the next decade, they face limited prospects for finding affordable housing in their hometown.

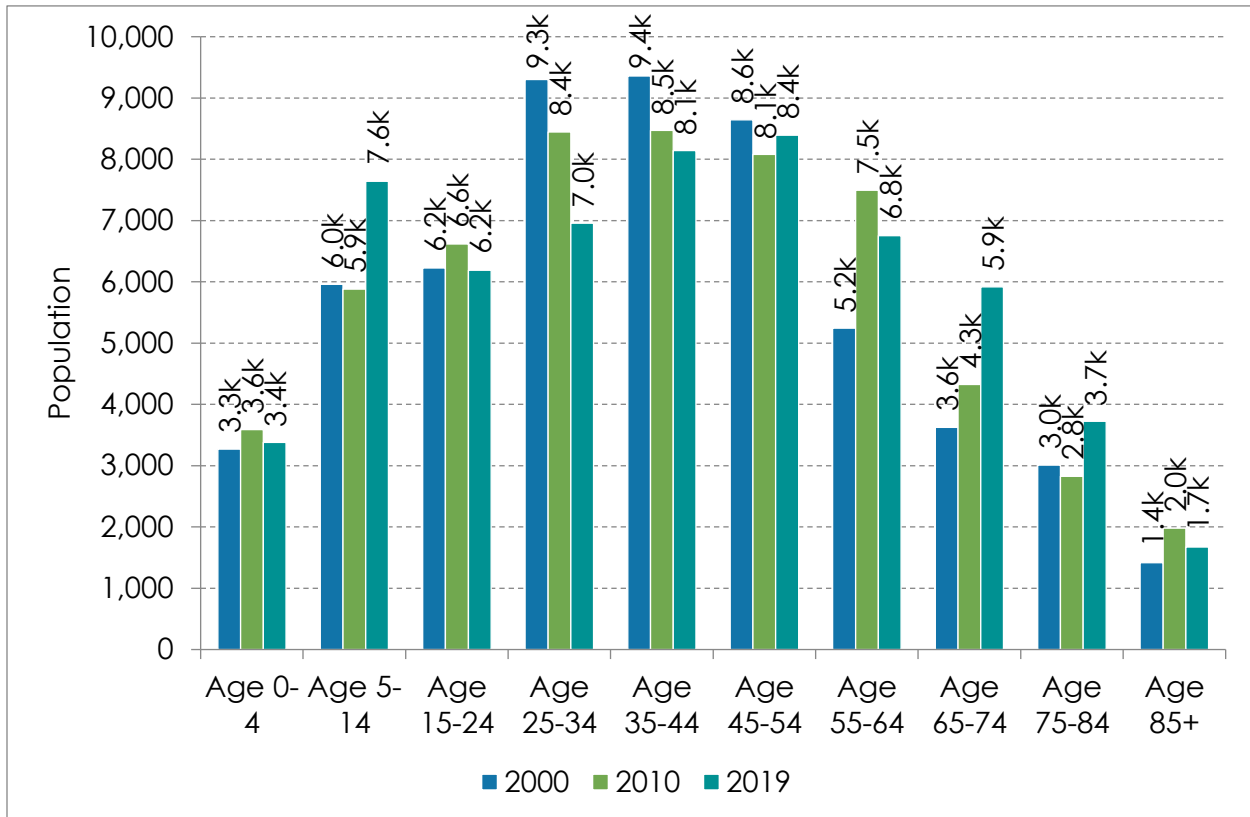
**Table 3.2: Population by Age, 2000 to 2020**

Age Group	2000		2010		2020(*)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	3,271	5.8%	3,590	6.2%	3,382	5.8%
School Age (5-17 yrs)	7,726	13.8%	7,664	13.3%	9,556	16.3%
18-24 years	4,462	8.0%	4,834	8.4%	4,278	7.3%
25-44 years	18,661	33.3%	16,915	29.3%	15,100	25.7%
45-65 years	13,888	24.8%	15,574	27.0%	15,144	25.8%
65-74 years	3,628	6.5%	4,327	7.5%	5,917	10.1%
75+ years	4,427	7.9%	4,809	8.3%	5,398	9.1%
<b>TOTAL</b>	<b>56,063</b>	<b>100.0%</b>	<b>57,713</b>	<b>100.0%</b>	<b>58,775</b>	<b>100.0%</b>
Median Age	38.5		40.2		41.1	

Source: US Census, 2000-2010, December 2020 American Community Survey [ACS], 2015-2019

(\*) 2020 totals are based on ACS 2015-2019 data and therefore do not match the 2020 Census.

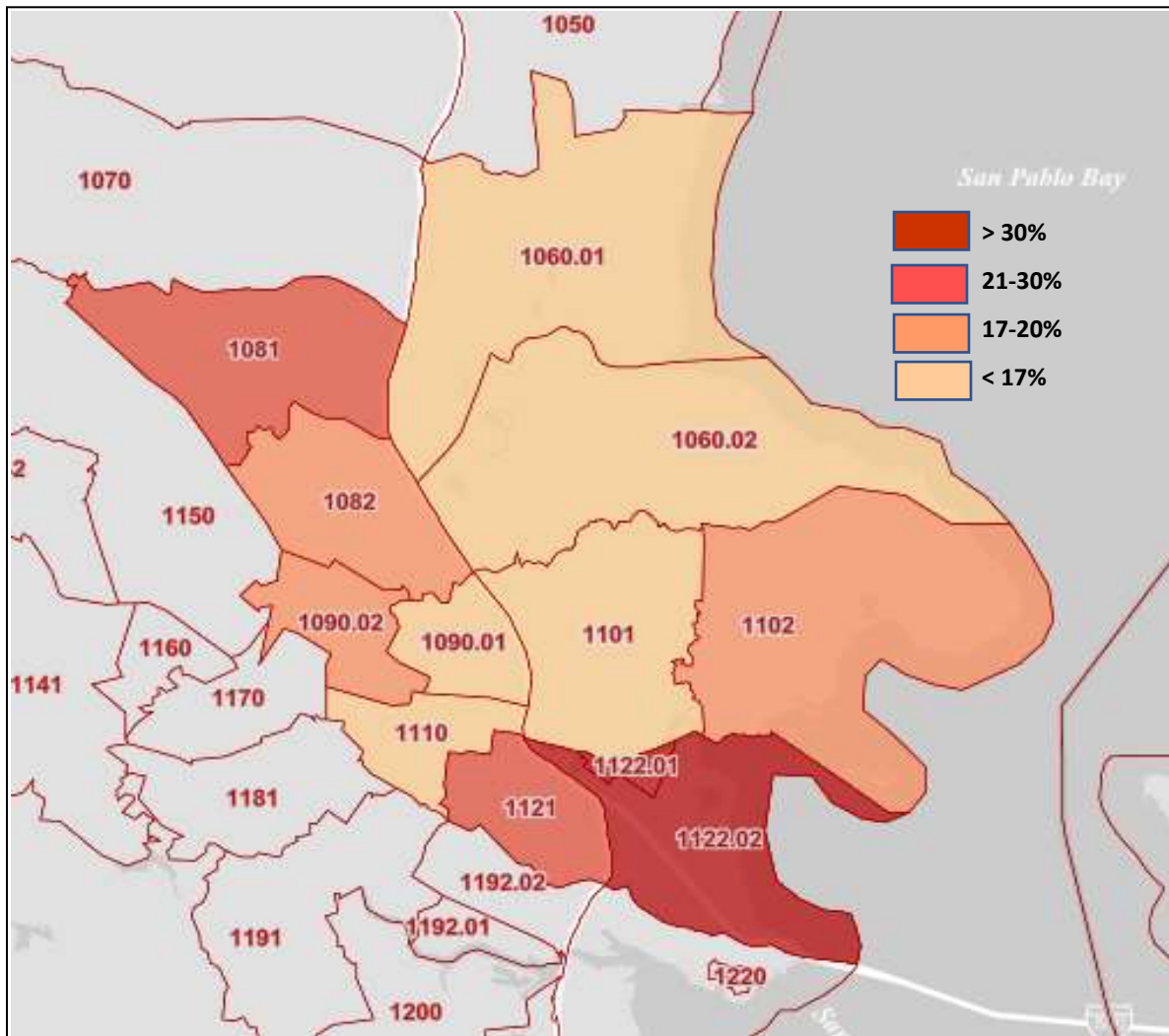
**Chart 3.2: Age Distribution of San Rafael's Population, 2010-2019**



Source: ABAG Housing Data Package, 2021 (derived from US Census and ACS data)

The growth in the youth population over the last 10 years has given San Rafael a different age profile than the rest of Marin County. While the median age in the city has been increasing, Marin County’s rate of increase has been faster. The county median was 41.3 in 2000, 44.5 in 2010, and 46.8 in 2019. The City’s median increased from 38.5 to 41.1 during the same time span. The gap between the city median age and the county median age was 2.8 years in 2000 but grew to 5.7 years by 2019.

There is significant variation in age at the neighborhood level. Figure 3.1 shows the percentage of residents under 18 by Census Tract in San Rafael (several of these tracts include residents in the unincorporated area as well). In Gerstle Park/ Downtown, only 13 percent of the residents are under 18. By comparison, 38 percent of the residents in the “Core Canal” census tract (1122.01) are under 18. Less than one percent of the population in the Core Canal census tract is over 75. By comparison, about 17 percent of the residents in Tracts 1082 (Terra Linda South), 1060.01 (Smith Ranch), and 1102 (Peacock Gap) are over 75. Many of these residents have lived in San Rafael for decades and are “aging in community” in the homes where they raised their families.



Source: US Census, ACS 2020. City of San Rafael.

**Figure 3.1:**  
**Percent of Population Under 18 by Census Tract**

### 3.2.3 Race and Ethnicity

San Rafael is the most diverse city in Marin County and has become more diverse in the last decade. Race and ethnicity are considered separate and distinct variables by the Census. The primary racial groups identified are White, Black/African American, Asian, Native Hawaiian/Pacific Islander, Native American (including Alaska Native), Multi-racial, and Other. Census choices for ethnicity are “Hispanic/Latino” or “Non-Hispanic/Latino.” The Census further reports the number of Hispanic and Non-Hispanic residents in each racial group.

Table 3.3 compares the racial composition of San Rafael in 2010 and 2020. This side-by-side comparison requires further explanation due to recent changes in the way the Census classifies Latino residents. Specifically, the percentage of residents selecting “Other” as their race increased from 14.8 percent in 2010 to 20.8 percent in 2020, while the percentage indicating they were multi-racial increased from 5.1 percent in 2010 to 12.4 percent in 2020. The percentage of residents indicating they were Native American tripled, from 1.2 percent in 2010 to 3.7 percent in 2020. Much of this change reflects new guidance from the Census, particularly for Latino residents who were formerly identified as “White” by the Census.

Based on Census data, the percentage of White San Rafael residents declined from 70.6 percent of the population in 2010 to 54.6 percent in 2020. Black residents declined from 2.0 percent to 1.7 percent, while the percent of Asian residents increased from 6.1 percent to 6.6 percent. Among the 7,583 residents indicating they were multi-racial, 58 percent were “White plus Other” and 16 percent were “Asian plus Other.” About 7 percent indicated they were “three or more races.”

Table 3.4 shows changes in ethnicity—specifically, the number and percentages of Hispanic/Latino residents—between 2000, 2010 and 2020. The table shows consistent growth in the Latino population during this period, with the percentage increasing from 23.4 percent in 2000 to 34.3 percent in 2020. The number of Latino residents in San Rafael increased by roughly 8,000 during the 20-year period, while the number of non-Latino residents dropped by 2,800.

**Table 3.3: Racial Composition in 2010 and 2020**

Racial Group	2010		2020	
	Number	Percent	Number	Percent
White	40,734	70.6%	33,427	54.6%
African American/ Black	1,154	2.0%	1,065	1.7%
Native American/ Alaskan	709	1.2%	2,246	3.7%
Asian	3,513	6.1%	4,073	6.6%
Pacific Islander/ Hawaiian	126	0.2%	156	0.3%
Other Racial Group	8,513	14.8%	12,721	20.8%
Two or More Races	2,964	5.1%	7,583	12.4%
<b>TOTAL</b>	<b>57,713</b>	<b>100.0%</b>	<b>61,271</b>	<b>100.0%</b>

Source: US Census, 2010 and 2020



**Table 3.4: Hispanic/Latino Population, 2000-2020**

	2000		2010		2020	
	Number	Percent	Number	Percent	Number	Percent
Hispanic/Latino	13,113	23.4%	17,302	30.0%	21,038	34.3%
Non-Hispanic	43,019	76.6%	40,411	70.0%	40,233	65.7%
Total	56,132	100.0%	57,713	100.0%	61,271	100.0%

Source: US Census, 2000, 2010 and 2020

Table 3.5 combines race and ethnicity to provide a more nuanced demographic profile of San Rafael as of 2020, along with a comparison of San Rafael to Marin County as a whole. In 2020, Non-Hispanic White residents made up 51.5 percent of San Rafael's population, down from 59 percent in 2010. Countywide, the Non-Hispanic White population was 66 percent in 2020. The percentage of Latino residents is 18 percent countywide, with 43 percent of all Latinos in Marin County residing in the city of San Rafael. San Rafael has a slightly higher percentage of Asian residents than the County and a slightly lower percentage of African-American residents.

The nine-county Bay Area is more diverse than either San Rafael or Marin County, with significantly larger percentages of African-American and Asian residents. The region as a whole is 35.8 percent Non-Hispanic White. Relative to the region, San Rafael has higher percentages of White and Hispanic residents.

**Table 3.5: Race/Ethnicity in San Rafael and Marin County in 2020**

Racial Group	San Rafael		Marin County		Bay Area	
	Number	Percent	Number	Percent	Number	Percent
Hispanic/Latino (any race)	21,038	34.3%	49,410	18.8%	1,931,226	24.7%
Non-Hispanic	40,233	65.7%	212,911	81.2%	5,898,623	75.3%
White	31,585	51.5%	173,149	66.0%	2,803,374	35.8%
Black/African-American	1,024	1.6%	6,120	2.3%	435,488	5.6%
Native American	145	0.2%	555	0.2%	18,475	0.2%
Asian	4,015	6.6%	16,175	6.2%	2,152,509	27.5%
Pacific Islander/ Hawaiian	145	0.2%	457	0.2%	43,341	0.6%
Other Racial Group	507	0.8%	2,040	0.8%	50,367	0.6%
Two or More Races	2,837	4.6%	14,415	5.5%	395,069	5.0%
<b>TOTAL</b>	<b>61,271</b>	<b>100.0%</b>	<b>262,361</b>	<b>100.0%</b>	<b>7,829,849</b>	<b>100.0%</b>

Source: US Census, 2020

An evaluation of race and ethnicity within subareas of San Rafael, including maps showing Census Block Group data, may be found in Appendix A (Affirmatively Furthering Fair Housing).

### 3.2.4 Language

Language can be an important factor in securing safe, stable, affordable housing. Residents who are not fluent in English may have a harder time navigating the rental market or understanding their rights as tenants or prospective homebuyers. They also may face discrimination in the market and work in lower wage jobs that make it harder to afford decent housing. Data on language can help the City of San Rafael determine the need for translation services, including printed and web-based materials in commonly spoken languages other than English.

According to Census (ACS) data for 2015-2019, 36.1 percent of San Rafael's residents spoke a language other than English in their homes, and 18.7 percent of the city's residents spoke English "less than very well."<sup>2</sup> Approximately 2.2 percent of the city's residents (roughly 1,200 people) did not speak English at all. Census data indicates that 92 percent of this population speaks Spanish.

After English, Spanish is by far the most commonly spoken language in San Rafael. The Census indicates that 25 percent of the city's residents speak Spanish at home, including 40 percent who are bilingual and speak English "very well." Of the remaining 60 percent, about half speak English "not well" or "not at all." This population requires language assistance to access City housing services.

Census data also shows significant differences in language across age groups. Among residents 65 or over, 83 percent speak only English at home and 5 percent speak Spanish. Among residents under 18, 51 percent speak only English at home while 41 percent speak Spanish. Nearly half of the city's children are bilingual, speaking English "well" or "very well" and also speaking a second language. Most of the City's residents with limited English are in the 18-64 age group, with 23 percent of this population speaking English "less than very well." Most of this population spoke Spanish, but at least 15 percent spoke other languages.

Table 3.6 shows the principal languages of "linguistically isolated" San Rafael residents. The percentage of San Rafael residents who speak English "less than very well" is more than double the countywide average of 8.1 percent. The city has been an immigrant gateway for several decades, with 27 percent of San Rafael's residents born in another country. Among the city's foreign-born residents, 20 percent entered the United States after 2010 and 29 percent entered between 2000 and 2009. As shown in Chart 3.3, the principal countries of origin among foreign-born residents are Guatemala, Mexico, El Salvador, China, India, and the United Kingdom.

Census (ACS) data indicates that Chinese is the second most commonly spoken language in the city among residents with limited English. This is a change from the 2000 and 2010 Censuses, when Vietnamese was the second most common language among linguistically isolated residents.

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<sup>2</sup> American Community Survey (ACS), 2015-2019, for all residents 5 and over.

**Table 3.6: Linguistic Isolation in San Rafael, 2015-2019**

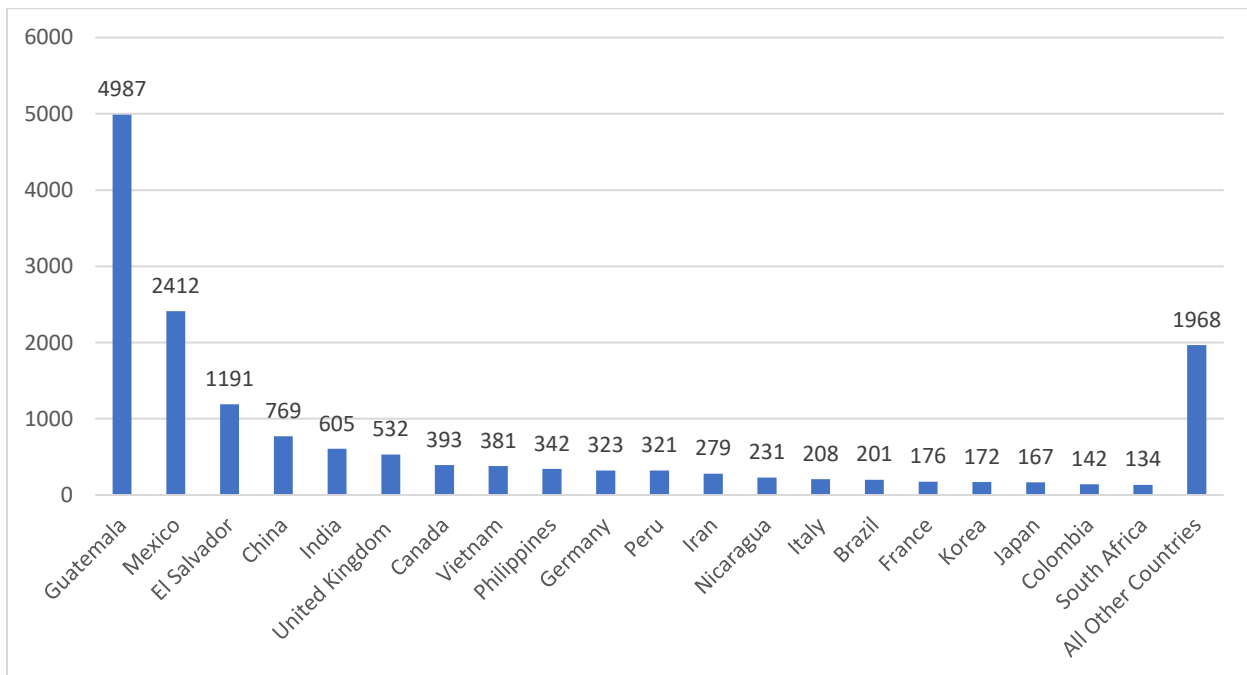
Primary Language Spoken	Residents speaking English “less than very well”	
	Number	Percent of all Residents in City
Spanish	8,374	15.1%
French	68	0.1%
German	49	0.1%
Russian, Polish, other Slavic	154	0.3%
Other Indo-European (*)	432	0.8%
Korean	46	0.1%
Chinese	488	0.9%
Vietnamese	294	0.5%
Tagalog	100	0.2%
Other Asian/Pacific language (**)	163	0.3%
Arabic	43	0.1%
Other and Unspecified	142	0.3%
<b>TOTAL</b>	<b>10,310</b>	<b>18.7%</b>

Source: American Community Survey, 2015-2019

(\*) includes Hungarian, Scandinavian languages, Portuguese, Italian, Hungarian, Farsi, etc.;

(\*\*) includes Japanese, Thai, Laotian, etc

**Chart 3.3: Country of Origin for Foreign-Born San Rafael Residents**



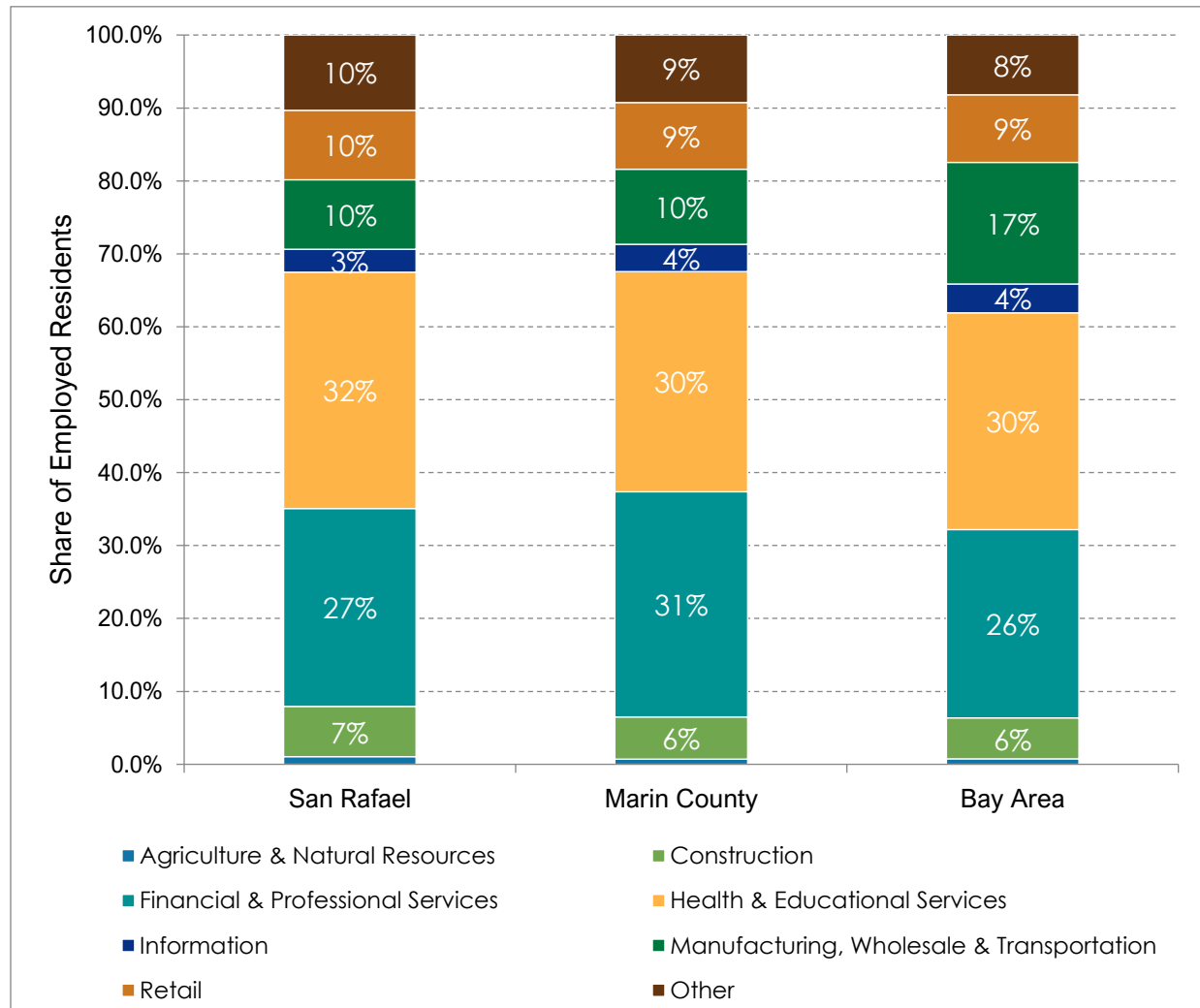
Source: American Community Survey, 2015-2019

### 3.2.5 Employment

The State Employment Development Department estimated that in November 2021, San Rafael had 31,200 residents in the labor force with 2.6% unemployment. This compared to an unemployment rate of 2.9% in Marin County and 5.4% Statewide. The local unemployment rate was 12.3% in April 2020 at the height of pandemic-related lockdowns and has normalized since then.

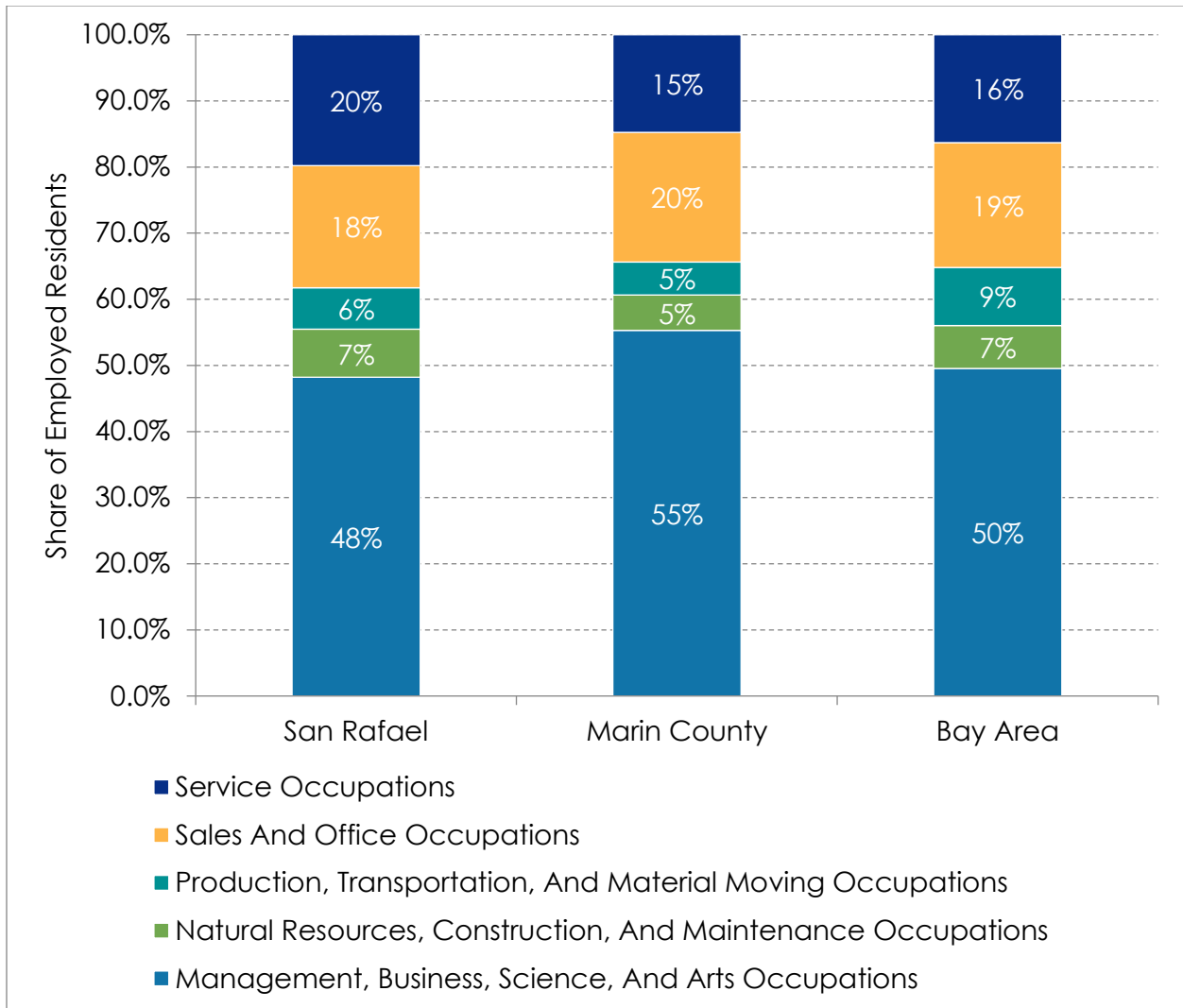
The 2015-2019 American Community Survey collects data on occupations for residents in each jurisdiction and metropolitan area in the country. Data for San Rafael, Marin County, and the nine-county Bay Area is shown in Charts 3.4 and 3.5. Chart 3.4 indicates the percentage of residents employed in different economic sectors for each area. Relative to the County, San Rafael has slightly higher percentages of residents in health and educational services and slightly lower percentages in financial and professional services. Relative to the region, the city has a lower percentage of residents in manufacturing, wholesale, and transportation and comparable percentages in other sectors.

**Chart 3.4: Resident Employment by Industry: San Rafael, Marin County, and Bay Area**



Source: American Community Survey, 2015-2019. ABAG, 2021

**Chart 3.5: Resident Employment by Occupation: San Rafael, Marin County, and Bay Area**

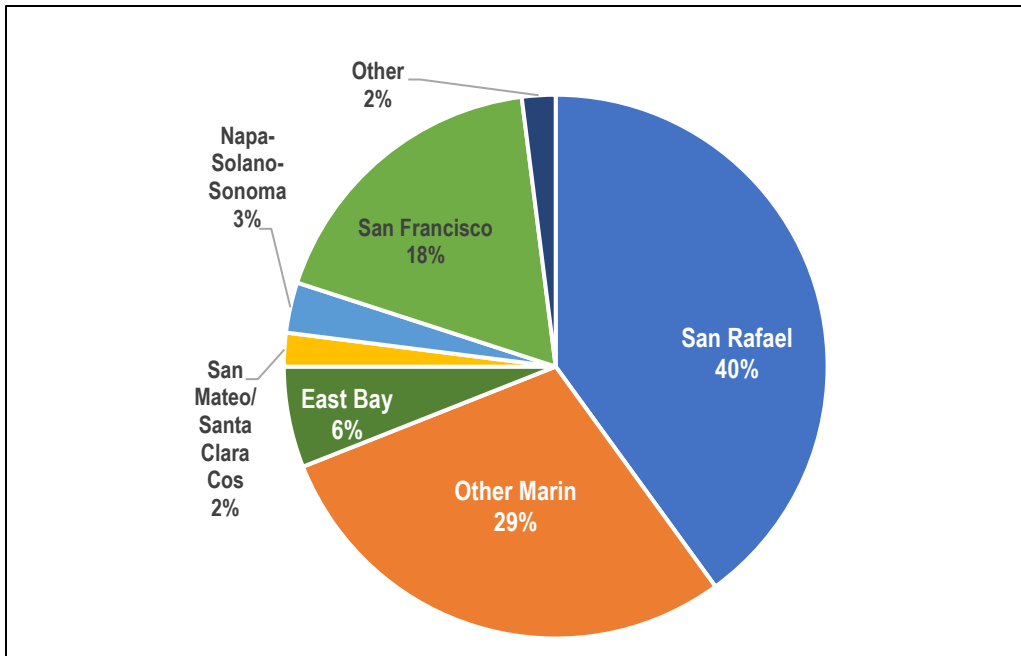


Source: American Community Survey, 2015-2019. ABAG, 2021

While Chart 3.4 shows data by industry, Chart 3.5 provides data by occupation. Occupation tends to be a better indicator of income and the ability to afford housing. Almost half of the city’s employed residents worked in management, business, science, and arts occupations, slightly below the percentages for the county and region as a whole. San Rafael had a slightly higher percentage of its residents in service occupations. The other categories shown in the Chart are comparable to the county and regional levels.

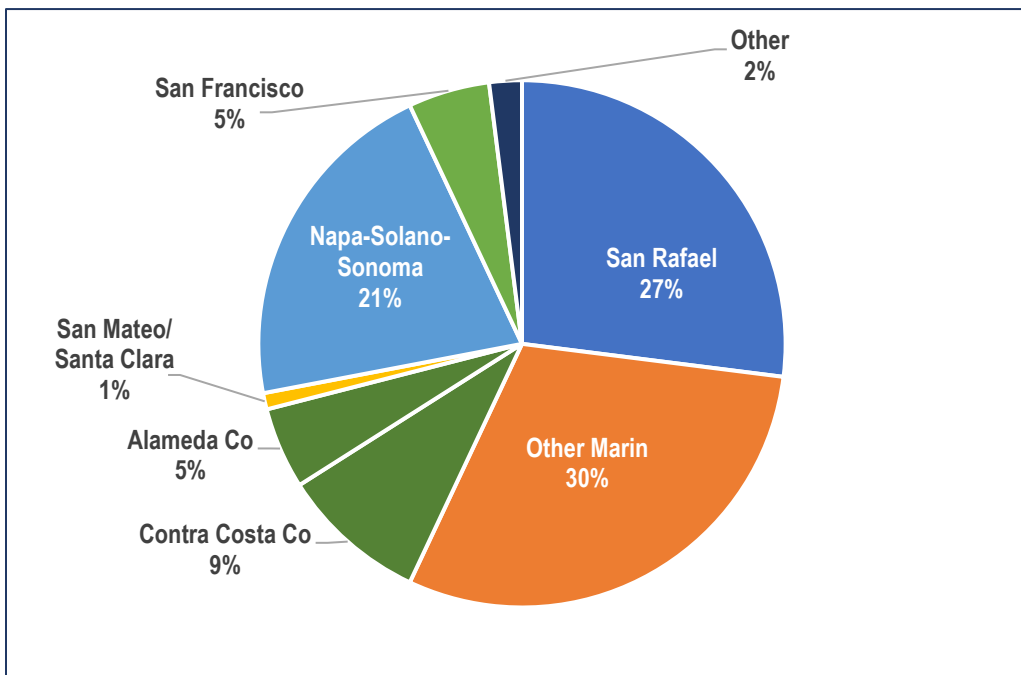
Chart 3.6 indicates that 40 percent of the city’s employed residents work within San Rafael. Another 29 percent work elsewhere in Marin County and 30 percent commute to another county. Of those commuting to jobs outside Marin County, roughly two thirds work in San Francisco. Only six percent of the city’s employed resident work in the East Bay, while three percent work elsewhere in the North Bay and two percent work on the Peninsula or in Silicon Valley.

**Chart 3.6: Place of Work for Employed San Rafael Residents**



Source: US Census Transportation Planning Package, 2019

**Chart 3.7: Place of Residence for Persons Working in San Rafael**



Source: US Census Transportation Planning Package, 2019

Conversely, Chart 3.7 shows the place of residence for persons who work in San Rafael. The data reflects conditions prior to the COVID-19 pandemic, and it is acknowledged that some of these employees may now be working remotely. Nonetheless, as of 2019, there were more people working in San Rafael than employed residents living in San Rafael. About 27 percent of those working in the city also live in the city. Another 30 percent commute in from elsewhere in Marin. About 21 percent commute to San Rafael from other North Bay counties (particularly Sonoma County) and 14 percent commute from the East Bay.

High local housing costs make it difficult for a large share of the local workforce to live in San Rafael. The mean travel time to work for San Rafael residents in 2015-2019 was 29 minutes, which is approximately equal to the regional average. Persons commuting to San Rafael generally had longer commutes than the regional average, and travel options to local workplaces (other than driving) are limited. Through its recently adopted General Plan 2040, the City has established targets to reduce vehicle miles traveled and provide additional local housing options for those who work in San Rafael. This will require significant investment in affordable housing, as many local jobs do not provide sufficient wages to afford market-rate housing in the city.

Table 3.7 provides a profile of jobs in San Rafael and Marin County by industry sector. In 2019, 35 percent of all jobs in Marin County are located in San Rafael. The largest sector of San Rafael's economy is health care and social assistance, with 18 percent of all jobs. This is also the largest sector of the county economy. About 13 percent of the city's jobs are in retail trade, which is a larger share than the county as a whole. Construction makes up 9 percent of the city's jobs. Other major sectors are professional, scientific, and technical services, and educational services, each representing 8 percent of all local jobs. Relative to the county, San Rafael has a higher share of public administration jobs and a lower share of hospitality jobs.

Chart 3.8 shows the number of jobs in the city over time. The total was only marginally higher in 2018 than it was in 2002. There was a substantial dip in the number of jobs between 2008 and 2012 as a result of the recession. The City gained back roughly 5,000 jobs between 2012 and 2018, causing increased housing demand and lower vacancy rates. The greatest employment increases since 2010 have been in health and education services. Retail, professional, and government jobs have seen moderate declines.

Census data indicates that 47 percent of the jobs in San Rafael paid an annual wage of \$50,000 or less. This includes jobs in restaurants, retail stores, health care, transportation, construction, and other service industries, as well as part-time employment. Wages at this level are well below the level necessary to afford to live in the city.

San Rafael is a regional employment center and the largest job center in Marin County. The ratio of jobs to households in San Rafael is 1.76, which is higher than the regionwide ratio of 1.47 and significantly higher than the county ratio of 1.09. Table 3.8 shows the largest employers in San Rafael as of 2020, according to the City's Comprehensive Financial Report. These 10 employers represent 15 percent of the jobs in the city.

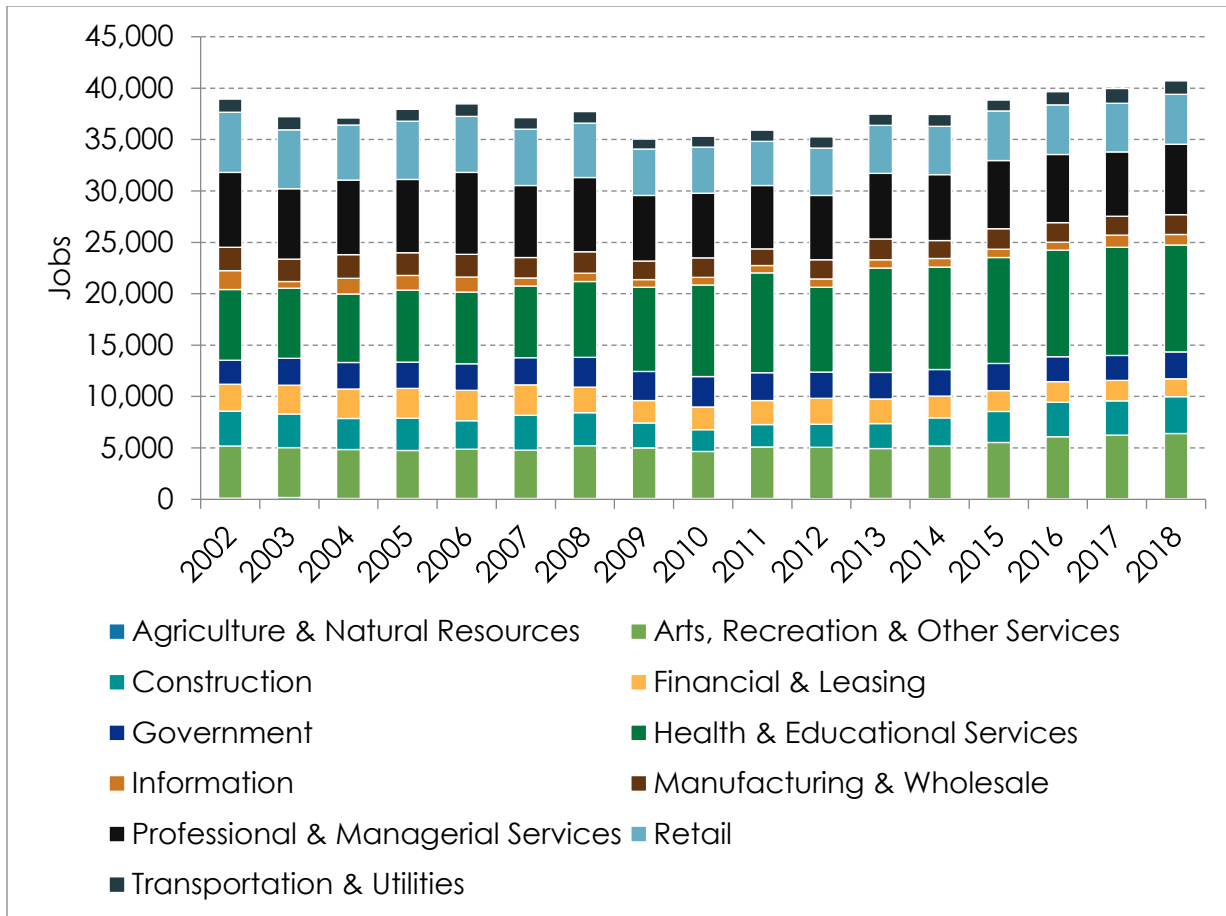
**Table 3.7: Jobs by Sector, San Rafael and Marin County, 2019**

	San Rafael		Marin County	
	Number	% of total	Number	% of total
Agriculture, Forestry, Fishing, Hunting	3	0.0%	504	0.4%
Mining, Quarrying, Oil and Gas Extraction	0	0.0%	3	0.0%
Utilities	53	0.1%	671	0.6%
Construction	3,582	9.1%	7,959	7.0%
Manufacturing	883	2.3%	4,831	4.2%
Wholesale Trade	989	2.5%	2,640	2.3%
Retail Trade	5,087	13.0%	13,497	11.9%
Transportation and Warehousing	1,129	2.9%	1,671	1.5%
Information	835	2.1%	2,625	2.3%
Finance and Insurance	947	2.4%	2,868	2.5%
Real Estate and Rental and Leasing	599	1.5%	2,173	1.9%
Professional, Scientific, and Technical Services	3,137	8.0%	9,396	8.3%
Management of Companies and Enterprises	1,474	3.8%	2,415	2.1%
Administration and Support, Waste Mgmt., Remediation	1,808	4.6%	6,711	5.9%
Educational Services	3,129	8.0%	10,468	9.2%
Health Care and Social Assistance	7,151	18.2%	18,253	16.0%
Arts, Entertainment, and Recreation	650	1.7%	3,260	2.9%
Accommodation and Food Services	2,983	7.6%	11,745	10.3%
Other Services	2,140	5.5%	5,925	5.2%
Public Administration	2,639	6.7%	6,140	5.4%
<b>TOTAL</b>	<b>39,218</b>	<b>100.0%</b>	<b>113,755</b>	<b>100.0%</b>

Source: US Census, 2021. "On the Map" application (<https://onthemap.ces.census.gov/>)



**Chart 3.8: San Rafael Employment, 2002-2018**



Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2018

**Table 3.8: Largest Employers in San Rafael, 2020**

	Employees
Kaiser Permanente	2,014
Bio-Marine Pharmaceuticals	950
San Rafael City Schools	700
Dominican University	421
City of San Rafael	410
Guide Dogs for the Blind	227
EO Products	150
Toyota Marin	141
Bucklew Programs	103
Lighthouse	100

Source: 2020 Comprehensive Annual Financial Report (May 2021)

### 3.3 Household Profile

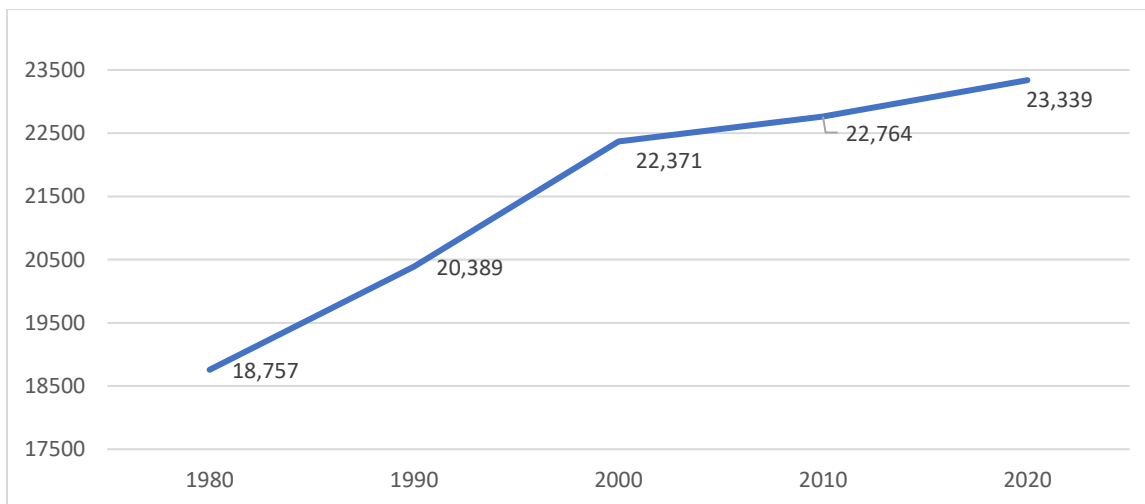
A household is defined as all persons living in a housing unit. Families are a subset of households, and include persons living together related by blood, marriage or adoption. Another subset is “Singles,” which consists of a single person living alone. Finally, “Other” households are unrelated people residing in the same dwelling unit. Group quarters, such as dormitories or convalescent homes are not considered households. Household characteristics influence the demand for different types of housing and provide metrics for evaluating housing conditions and needs in a community.

#### 3.3.1 Total Households and Household Size

Chart 3.9 shows the number of households in San Rafael between 1980 and 2020. There were 23,339 households in the city in 2020, an increase of 575 households since 2010. The rate of household increase has been slow since 2000, with an annual increase averaging just 0.2 percent. During the 1980s and 1990s, the average annual rate of increase was more than four times higher.

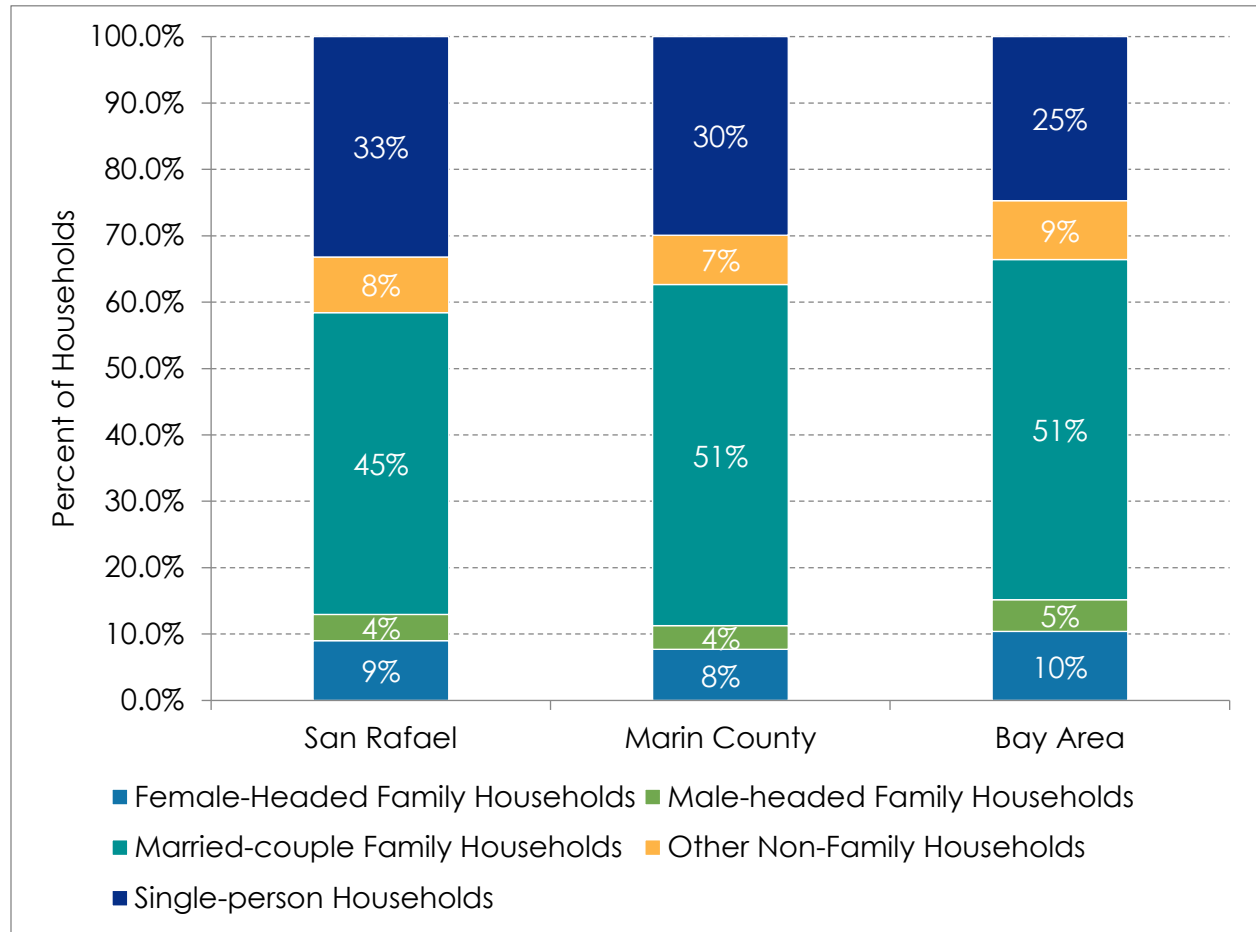
In 2020, San Rafael had 59,470 residents in households and 1,801 residents in group quarters. The average number of persons per household (PPH) was 2.55. This is a substantial increase since 2010, when the average PPH was 2.44. Prior to 2010, the average was 2.42 in 2000 and 2.31 in 1990. Larger average household sizes are an indicator of an increased number of children per household and the decreased affordability of housing, causing some households to “double up” and a larger number of adult children to remain at home. It is also a reflection of demographic changes, including the growth of multi-generational and larger Latino and Asian families in the city.

**Chart 3.9: Total Number of Households, 1980 to 2020**



Source: US Census, 1980-2020

**Chart 3.10: Household Type in San Rafael, Marin County, and Bay Area**



Source: ACS, 2015-2019. ABAG, 2021

### 3.3.2 Household Characteristics

Chart 3.10 (above) shows household type in San Rafael, Marin County, and the Bay Area in 2015-2019. Relative to the County and region, the city has a larger percentage of single person households and a smaller percentage of married couple family households. One in every three San Rafael households is a single person living alone.

Approximately 29 percent of the city’s households have children under 18 living at home. This includes 4,555 married couples, 553 cohabitating couples, 261 single fathers, and 973 single mothers. Among married couple families with both parents present, 43 percent have children under 18 living at home.

Roughly one third of the city’s households include at least one resident over 65 years old. Nearly half of these households consist of single persons over 65 living alone.

### 3.3.3 Group Quarters Population

The non-household population in the city included 421 persons in skilled nursing facilities, 509 persons in student housing (dormitories, etc.), 166 persons in correctional facilities, 38 persons in institutional facilities, and 667 persons in other non-institutional facilities (emergency shelters, etc.). The group quarters population has been relatively stable since 2000.

### 3.3.4 Tenure

Tenure refers to the financial arrangement under which a household occupies a dwelling unit. The two basic types of tenure are tenancy, where an occupant pays rent to a landlord, and ownership, where the occupant owns their home. Table 3.9 shows the number and percentage of renters in San Rafael in 2000, 2010, and 2019. The city has been trending toward a higher percentage of renters over the last two decades, with the percentages of each group now almost even. In 2000, 46 percent of the city's households were renters. That rose to 48 percent in 2010 and 50 percent in 2019.

In Marin County as a whole, 36 percent of the households are renters. Regionwide, the percentage is 44 percent. San Rafael's higher percentage is indicative of a larger stock of multi-family units, and a larger population of lower income households relative to Marin County. Roughly 30 percent of the county's renters live in San Rafael, although the city has 22 percent of the county's population.

Tenure data can be further analyzed by age and race. In general, renters are significantly younger than owners. Among households under 45 years old, only 24 percent are homeowners while 76 percent are renters. Among households over 54 years old, 66 percent are homeowners while 34 percent are renters. The age cohort with the highest rate of home ownership is 75-84, with a 75 percent ownership rate.

Table 3.10 shows tenure by racial and ethnic group in the city. Among White households, the home ownership rate is 61 percent. Among Latino households, it is 14 percent and among Black households it is 13 percent. Statewide the home ownership rate is 68 percent for White households, 49 percent for Latino households and 41 percent for Black households. The significantly lower rates among Latino and Black households in San Rafael reflects disparities in income among racial groups, as well as historic lending and sales practices that made it difficult for non-White groups to own property in the city.

**Table 3.9: Household Tenure, 2000 to 2019**

Tenure	2000	2010	2019
Owner Occupied	12,025	11,909	11,706
Renter Occupied	10,346	10,855	11,727
<b>Totals</b>	<b>22,371</b>	<b>22,764</b>	<b>23,433</b>

Source: US Census, 2000 and 2010, American Community Survey 2015-2019, ABAG 2021

**Table 3.10: Housing Tenure by Race and Ethnicity**

Tenure	Owners	Renters	Total	Percent Owners	Percent Renters
Non-Hispanic White	9,950	6,484	16,434	61%	39%
Hispanic/Latino	601	3,687	4,288	14%	86%
Black/African-American*	50	321	371	13%	87%
Asian/Pacific Islander (API)*	934	765	1,699	55%	45%
Other/ Multi-Racial*	316	2,949	3,265	10%	90%

Source: US Census, 2000 and 2010, American Community Survey 2015-2019, ABAG 2021

Note: Data for Black, API, and Other/Multi-racial includes Hispanic residents as well as non-Hispanic residents. Thus, the categories shown in this table are not mutually exclusive and the sum exceeds the total number of households in the city.

### 3.3.5 Income

Income is the single most important factor in determining housing affordability. Upper income households have more discretionary income to spend on housing, while lower income households are more constrained.

#### Definition of Income Categories and Affordability

The State and federal government have developed metrics for classifying households into income categories. These metrics are used to define what is considered an “affordable” housing unit and to determine eligibility for housing subsidies and assistance programs. All metrics are benchmarked against the areawide median income, or AMI, which is calculated at the county level. The metrics are further adjusted based on the number of persons in each household.

Table 3.11 shows the standardized income groups used by the State of California and the Association of Bay Area Governments for planning purposes, including local Housing Elements. Some city, state, and federal programs may use different definitions of each income category or may use a geography other than the county when calculating “areawide median income” (AMI).

“Affordable housing cost” is defined by State law as being not more than 30 percent of gross household income. “Severe” overpayment occurs when households pay 50 percent or more of their gross income for housing. “Housing cost” in this context includes rent or mortgage payments, utilities, property taxes, and homeowners (or renters) insurance. The income limits for each category are updated annually by the California Department of Housing and Community Development.

For each income category, a sliding scale is used based on the number of persons per household. This recognizes that larger households must dedicate greater shares of their incomes for food, health care, transportation, and other expenses. Because the income categories are calculated by county, there are different benchmarks for affordability across California.

**Table 3.11: State (HCD) Definition of Annual Income Limits for Marin County**

Income Category	% of Area Median Income (AMI)	Number of Persons in the Household					
		1	2	3	4	5	6
Extremely Low	0-30%	<\$38,400	<\$43,850	<\$49,350	<\$54,800	<\$59,200	<\$63,600
Very Low	31-50%	\$63,950	\$73,100	\$82,250	\$91,350	\$98,700	\$106,000
Low	50-80%	\$102,450	\$117,100	\$131,750	\$146,350	\$158,100	\$169,800
Moderate	80-120%	\$125,650	\$143,600	\$161,550	\$179,500	\$193,850	\$208,200
Above Moderate	120%+	\$125,650+	\$143,600+	\$161,550+	\$179,500+	\$193,850+	\$208,200+

Source: CA Department of Housing and Community Development, 2021

**Table 3.12: Upper Limit of Affordable Monthly Housing Costs Based on 2021 Income Ranges**

Income Category	% of Area Median Income (AMI)	Number of Persons in the Household					
		1	2	3	4	5	6
Extremely Low	0-30% AMI	<\$960	<\$1,096	<\$1,234	<\$1,370	<\$1,480	<\$1,590
Very Low	31-50% AMI	\$1,599	\$1,828	\$2,056	\$2,284	\$2,468	\$2,650
Low	50-80% AMI	\$2,561	\$2,928	\$3,294	\$3,659	\$3,953	\$4,245
Moderate	80-120% AMI	\$3,141	\$3,590	\$4,039	\$4,488	\$4,846	\$5,205

Source: City of San Rafael, 2021

Between 2013 and 2021, the median income for a household of four in Marin County increased from \$103,000 to \$149,600, an inflation rate of 45 percent. In 2021, a household of four earning less than \$146,350 was considered “lower income.” A household of two earning less than \$117,100 would likewise be considered “lower income.”

Table 3.12 indicates the monthly housing cost that would be considered “affordable” for households of different sizes in each income category. Using the state’s definition of affordability, a low-income household of four in Marin County would be able to afford a monthly housing cost of \$3,659. A very low-income household of four could afford a monthly housing cost of \$2,284. If these households are paying in excess of this amount they are considered to be “overpaying” or “cost-burdened.” In Marin County, most lower income households pay significantly more than 30 percent of their incomes on rent or mortgages. Many lower income wage earners commute long distances to areas with more affordable housing for this reason.

Market rate *ownership* housing in San Rafael is generally not affordable to low or very low income households. With an income of \$146,350, a household of four could potentially spend \$3,659 a month on housing without experiencing a cost burden. Assuming a 10 percent down

payment, 3.2 percent interest rate, and a monthly allowance of \$1,400 monthly for taxes, insurance, utilities, and HOA dues, the threshold for an “affordable” home would be about \$550,000. Where there are some condominiums in the city at this price point, they are generally smaller units and may not be suitable for a family of four.

There are more options for “moderate income” households, particularly in the condominium market. Many condominiums are “affordable by design” to moderate income households, providing ownership and equity-building opportunities to a segment of the market that has very few options in most Marin County communities.

Similarly, market-rate rental apartments in the city generally meet affordability guidelines for moderate income households. Some market-rate rental apartments and accessory dwelling units in San Rafael also meet affordability criteria for low-income households; however, these units are often too small for larger households. Market-rate rental apartments in the city are above the affordability price point for *very low* income households, with some exceptions. Very low income households typically “overpay” for housing or double up, with multiple wage earners in a single household.

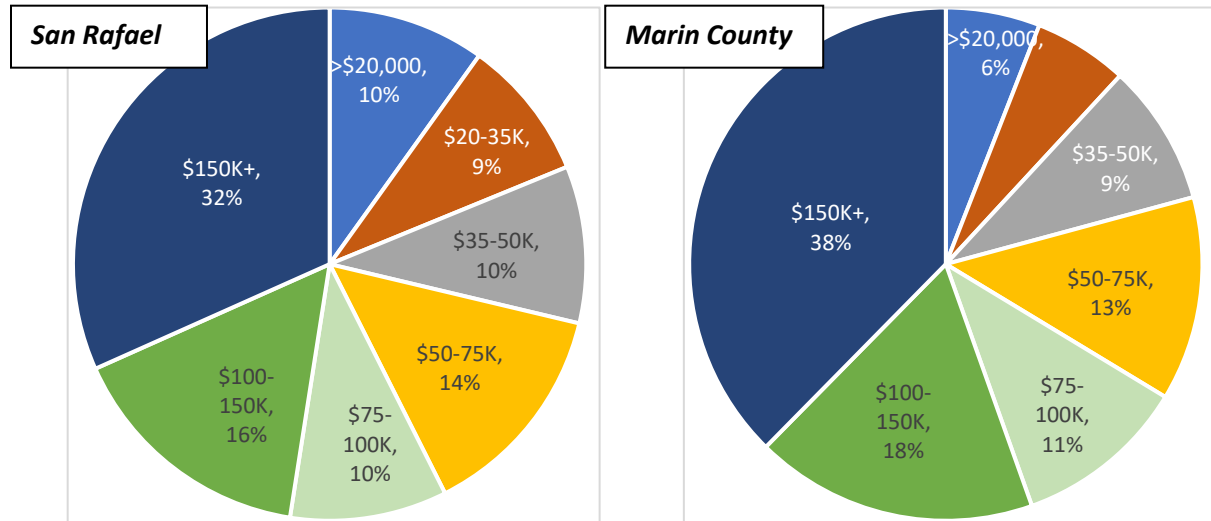
### **Income Characteristics in San Rafael**

The median income in San Rafael in 2019 was \$91,742. Half of all households in the city earn more than this amount, and half earn less. This is an increase of 29 percent from the median reported in the last Housing Element, which was based on 2011 data. The countywide median is \$110,843, which is an increase of 24 percent since 2011. Relative to Marin County, San Rafael has a significantly larger percentage of lower-income households. Countywide, 21 percent of all households earned less than \$50,000 a year; in San Rafael, the figure was 29 percent. There are more than 3,100 households in San Rafael earning less than \$25,000 a year, representing 13 percent of all households in the city. Chart 3.11 compares city and county incomes.

The federal Department of Housing and Urban Development (HUD) maintains data on income distribution using the annual income limits cited in Table 3.11. This is known as the CHAS—or Comprehensive Housing Affordability Strategy—data, and it is used in the administration of various federal housing programs. The CHAS data range for moderate income is 80-100 percent of median, which is different from the 80-120 percent used in the RHNA and by HCD. Data for San Rafael for the 2014-2018 period shows the following income distribution:

	<u># of households (% of total)</u>
Extremely Low Income (less than 30% AMI)	4,160 (18%)
Very Low Income (30-50% AMI)	3,070 (13%)
Low Income (50-80% AMI)	3,505 (15%)
Low-Moderate Income (80-100% AMI)	2,060 (9%)
Above Median Income (more than 100% AMI)	10,185 (44%)

**Chart 3.11: Comparative Income Distribution: San Rafael and Marin County**



Source: American Community Survey, 2015-2019

As noted above, approximately 47 percent of the City’s households are lower income, using countywide income as a benchmark. There are more than 7,000 households in San Rafael who meet the federal definition of *very* low income, including over 4,000 who meet the federal definition of *extremely* low income. By comparison, in the nine-county Bay Area, 39 percent of all households meet the lower income definition.<sup>3</sup> The higher percentage of San Rafael is at least partially due to the fact that the city is located in a very affluent county, with a median income above the regional average.

There are significant disparities in income in the city across household type, tenure, and race. The 2015-2019 ACS reported that the median income for married couple families in San Rafael was \$154,800, while the median income for non-family households was \$57,000. Family households tend to have multiple income earners, making it easier to afford housing in the city. While some non-family households include multiple wage-earners, many are single persons living alone.

Table 3.13 shows income by tenure. Owner-occupied households had a median income of \$141,212, which was more than double the median income of \$61,595 reported for renters. More than 41 percent of all renter households had incomes below \$50,000 a year, compared to 16 percent for owner households. Nearly half of all homeowners had annual incomes exceeding \$150,000 a year, compared to just 16 percent for renter households.

<sup>3</sup> One the reason the percentage of lower income households in San Rafael is so much higher than the regional average is that the thresholds vary from county to county. A lower income household in Marin County would be considered an “above moderate” income household in Sonoma County and “moderate” income in the East Bay.



**Table 3.13: Household Income Distribution by Tenure**

Income Category	Owners		Renters		Total %	Marin County %
	Households	%	Households	%		
Less than \$20,000	557	4.8%	1,888	16.1%	10.4%	6.3%
\$20,000-\$34,999	729	6.2%	1,281	10.9%	8.6%	6.2%
\$35,000-\$49,999	666	5.7%	1,666	14.2%	10.0%	8.6%
\$50,000-\$74,999	1,031	8.8%	2,139	18.2%	13.5%	13.1%
\$75,000-\$99,999	987	8.4%	1,248	10.6%	9.5%	11.2%
\$100,000-\$149,999	2,067	17.7%	1,584	13.5%	15.6%	17.5%
\$150,000 or more	5,669	48.4%	1,921	16.4%	32.4%	37.9%
Total Households	11,706	100.0%	11,727	100.0%	100.0%	100.0%
Median Income	\$141,212		\$61,595		\$91,742	\$110,843

Source: American Community Survey, 2015-2019

Table 3.14 shows median income by race. In 2019, the median income for non-Hispanic White households was more than double the median for Hispanic and Black households. As noted in Table 3.10, Hispanic and Black households also have much lower rates of home ownership in the city. Although the sample size is small and the margin of error is high, persons identifying as Native American had the lowest average incomes in the city, with a median of \$40,343. This includes indigenous populations from Latin America, as well as Native North Americans.

**Table 3.14: Household Income by Race and Ethnicity**

Racial/ Ethnic Group	Median Income
Non-Hispanic White	\$115,318
Hispanic/Latino (any race)	\$55,332
Black/African-American*	\$48,453
Asian/Pacific Islander (API)*	\$95,893
Multi-Racial	\$100,875
Some Other Race	\$52,006
American Indian/Alaska Native	\$40,343

Source: American Community Survey, 2015=2019

Note: Data for Black, API, American Indian, and Other/Multi-racial includes Hispanic residents as well as non-Hispanic residents. Thus, Hispanic persons who also identify as Black, Asian, Native American, and Multi-Racial are double counted in these estimates.

## Relationship Between Income and Housing Costs

As indicated above, median income increased by 24 percent between 2011 and 2019. Median housing costs increased at a faster rate, meaning that a greater share of income goes to housing costs for most San Rafael households. Table 3.15 shows the typical wages in the Bay Area for select occupations. It also shows the maximum monthly housing costs (including utilities) for these households based on federal standards. The analysis indicates that lower income occupations generally do not provide sufficient income to afford the median priced apartment in San Rafael. Likewise, moderate income occupations do not provide sufficient income to afford most homes in the city. The situation changes for households with multiple wage-earners, but in some cases, these households are living in housing units that are not large enough to avoid overcrowded living situations.

### 3.3.6 Cost-Burdened Households

As noted above, households are considered to be cost-burdened if they are spending more than 30 percent of their incomes on housing. Overpayment for housing occurs in all income groups but is more challenging for lower income households given the limited resources to pay for other household expenses.

Data from the 2015-2019 American Community Survey indicates that 43 percent of all San Rafael households are considered cost-burdened. This includes 21 percent who are “severely” cost-burdened (paying more than 50 percent of their incomes on housing). An analysis of the ACS data indicates the following additional findings:

- The percent of cost-burdened households in San Rafael has actually decreased since the last Housing Element. The 2015-2023 Element indicated that 47 percent of all households were cost burdened in 2010 compared to 44 percent today. This may be due to the fact that the region was in the midst of a recession in 2010, and an economic boom in 2019. It also does not reflect the rapid run-up in prices since 2019, and the economic hardships created by the COVID-19 pandemic.
- Renters are considerably more cost-burdened than owners—and the gap is growing wider. As shown in Table 3.16, 55 percent of the city’s renters were cost-burdened compared to 32 percent of owners. About 21 percent of the city’s renter households were severely cost-burdened, compared to 14 percent of homeowners. In the prior Housing Element 53 percent of the city’s renters were cost-burdened, compared to 42 percent for owners. The percentages have gone up for renters and down for owners.
- Among homeowners, cost burdens were significantly higher for households with mortgages than for those without. Roughly 38 percent of all owners with mortgages were cost-burdened, compared to 17 percent for owners without mortgages. There are 561 owner households with no mortgages that still pay more than 30 percent of their incomes on housing (on taxes, utilities, HOA dues, and similar costs). More than 1,900 homeowners (representing 16 percent of all homeowners) in the city earn less than \$50,000 a year. These households may have limited disposable income for home maintenance and repair.

**Table 3.15: Bay Area Wages for Select Occupations**

Occupation	Annual Wage	Max. Monthly Housing Allowance Considered "Affordable"
<b>Extremely Low Income</b>		
Fast Food Worker	\$34,000	\$850
Dishwasher	\$34,440	\$861
Home Health Aide	\$34,470	\$862
Cashier	\$34,480	\$862
Retail Salesperson	\$37,750	\$944
Child Care Worker	\$38,090	\$952
<b>Very Low Income</b>		
Waiter/ Waitress	\$40,850	\$1,021
Security Guard	\$42,090	\$1,052
Janitor/Cleaner	\$42,250	\$1,056
Pre-School Teacher	\$43,700	\$1,093
Maid/ Housekeeper	\$44,640	\$1,116
Landscaping Worker	\$45,160	\$1,129
Nursing Assistant	\$48,420	\$1,211
Office Clerk	\$49,650	\$1,241
Dental Assistant	\$53,510	\$1,338
Bookkeeping Clerk	\$55,350	\$1,384
Truck Driver	\$57,790	\$1,445
Maintenance and Repair Worker	\$58,140	\$1,454
Bus Driver	\$61,810	\$1,545
<b>Low Income</b>		
Auto Mechanic	\$64,630	\$1,616
Carpenter	\$75,800	\$1,895
Graphic Designer	\$80,820	\$2,021
Carpenter	\$75,800	\$1,895
Elementary School Teacher	\$86,200	\$2,155

Source: Bureau of Labor Statistics Occupational Employment and Wage Estimates for San Francisco-Oakland Metropolitan Area, May 2020

**Table 3.16: Percent of Income Spent on Housing Among Owners and Renters**

Percent of Income Spent on Housing	Owners		Renters		Total	
	Number (*)	% of Total	Number (*)	% of total	Number (*)	% of total
Less than 30 %	7,940	68.0%	5,107	45.2%	13,047	56.8%
30-50%	2,155	18.5%	2,927	25.9%	5,082	22.1%
More than 50%	1,574	13.5%	3,264	28.9%	4,838	21.1%
<b>TOTAL</b>	<b>11,669</b>	<b>100.0%</b>	<b>11,298</b>	<b>100.0%</b>	<b>22,967</b>	<b>100.0%</b>

Source: ACS, 2015-2019

(\*) Excludes 37 owners and 429 renters that were "not computed"

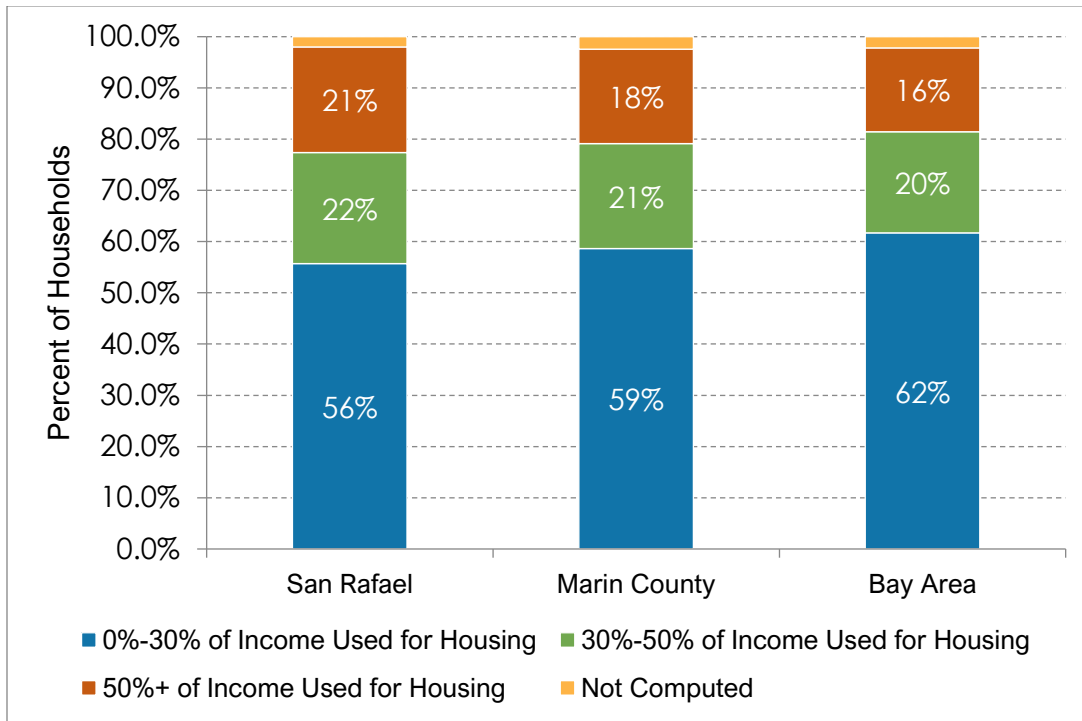
**Table 3.17: Cost Burden by Income Level**

Income Group	Not Cost Burdened (less than 30% of income used for housing)		Cost-Burdened (30-50% of income used for housing)		Severely Cost-Burdened (more than 50% of income used for housing)	
	Number (*)	% of Total	Number (*)	% of total	Number (*)	% of total
Extremely Low (less than 30% AMI)	630	4.7%	639	14.4%	3,050	64.3%
Very Low (30-50% AMI)	1,005	7.4%	975	22.0%	935	19.7%
Low (50-80% AMI)	1,675	12.4%	1,230	27.7%	520	11.0%
Low-Mod (80-100% AMI)	1,410	10.4%	600	13.5%	165	3.5%
More than 100% AMI	8,815	65.1%	989	22.3%	75	1.6%
<b>TOTAL</b>	<b>13,535</b>	<b>100.0%</b>	<b>4,433</b>	<b>100.0%</b>	<b>4,745</b>	<b>100.0%</b>

Source: HUD Comprehensive Housing Affordability Strategy (for 2013-2017); ABAG, 2021

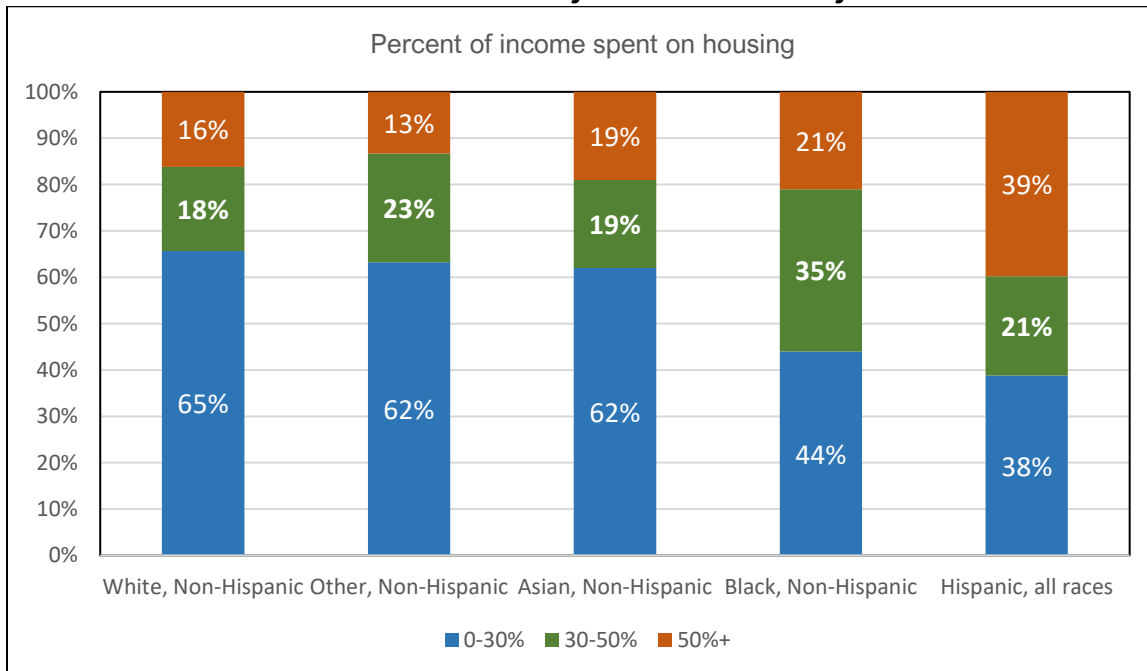
- Lower income households are more cost-burdened than higher income households (see Table 3.17). This is intuitive, but the magnitude of the difference is exponential. Among extremely low income households, 64 percent were severely cost-burdened. For low income households, 11 percent were severely cost-burdened. For households with incomes above the areawide median, only 1.6 percent were severely cost-burdened. Some extremely low income households may be in danger of losing their housing as rents increase and as their employment situation changes. Most of these households do not have savings to cover gaps in employment.
- Chart 3.12 compares cost-burdened households in San Rafael with cost-burdened households in Marin County and the nine-county Bay Area. Households in San Rafael were more likely to be cost-burdened, in part due to the higher percentage of renters in the city relative to the county and region. The rate of “severe” cost-burden was also higher in San Rafael (21 percent of all households) than in the county (18 percent) and region (16 percent).
- As indicated in Chart 3.13, non-Hispanic White households in San Rafael were less likely to face a housing cost-burden than other households. About one-third were paying more than 30 percent of their incomes on housing. The comparable figures for other racial/ ethnic groups were 38 percent for Asian households, 56 percent for Black households, and 60 percent for Latino households. Nearly 40 percent of the city’s Latino households pay more than half their household incomes on housing costs.

**Chart 3.12: Cost Burdened Households in San Rafael, Marin County, and Bay Area**



Source: American Community Survey, 2015-2019. ABAG, 2021

**Chart 3.13: Cost Burdened Households by Race and Ethnicity**



Source: American Community Survey, 2015-2019. ABAG, 2021. Excludes 255 households identified as "not computed"

### 3.3.7 Overcrowding

The Census defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens). Units with more than 1.5 persons per room are considered to be “severely” overcrowded. Overcrowding may create health and safety issues for occupants and stresses the condition of the housing stock. High rates of overcrowding are often an indicator of an inadequate supply of larger affordable units for lower-income families and multi-generational households, particularly immigrant households.

The incidence of overcrowding increased significantly in San Rafael in the 1980s and 90s, growing from 1.9 percent in 1980 to 10.6 percent of all households in the city by 2000. The rate of overcrowding declined to 6.1 percent in 2010 but has increased again over the last decade. The 2015-2019 American Community Survey indicates that 10.9 percent of all housing units meet the Census definition of overcrowding. This is more than double the countywide rate of 4.7 percent. However, it is lower than the statewide average of 14.8 percent.

The percentage of *severely* overcrowded households in San Rafael nearly doubled between 2010 and 2020, growing from 3.1 percent of all households to 6.0 percent. This is triple the incidence in the county as a whole. In fact, there were 343 households in San Rafael with more than 2 persons per room, which represented 77 percent of the countywide total of households in this category. Statewide, 9.6 percent of all households live in “severely overcrowded” conditions, which is even higher than San Rafael’s figure.

Table 3.18 shows overcrowding by tenure in 2010 and 2020. The table indicates significantly higher incidences of overcrowding among renter-occupied households in both instances, although the gap became even wider by 2020. All of the increase in overcrowding that took place over the decade was associated with rental units. The percentage of overcrowded owner-occupied units actually declined slightly over the decade.

In 2020, about 83 percent of all homeowners lived in housing units with fewer than 0.5 persons per room. By contrast, only 48 percent of renters live in housing units with less than 0.5 persons per room. The percentage of overcrowded rental units rose from 12 to 21 percent over the decade. The percentage of severely overcrowded rental units rose from 6 to 11 percent.

Overcrowding is more common among lower-income households than among upper-income households. In fact, 20 percent of all households with incomes below 50 percent AMI met the Census definition of overcrowding. For households with incomes above the areawide median income, only 1.6 percent were overcrowded.

Overcrowding is also far more prevalent among Latino households than among White households. Data from the 2015-2019 ACS indicates that 50.9 percent of all Latino households in San Rafael experience overcrowded conditions, compared to 1.3 percent among White, non-Latino households. Data in Appendix A (Affirmatively Furthering Fair Housing) illustrates this spatially, with much higher incidences of overcrowding in the Canal neighborhood census tracts than the rest of the city. The Canal is characterized by many one and two bedroom rental apartments, many occupied by households of four persons or more.

**Table 3.18: Overcrowded Households, 2010 and 2020**

Persons per Room	Owner		Renter		All Households	
	Households	Percent	Households	Percent	Households	Percent
<b>YEAR 2010</b>						
0.50 or less	10,438	82.8%	6044	56.1%	16,482	70.5%
0.51 to 1.00	2,069	16.4%	3394	31.5%	5,463	23.4%
1.01 to 1.50	58	0.5%	680	6.3%	738	3.2%
1.51 to 2.00	0	0.0%	566	5.3%	566	2.4%
2.01 or more	45	0.4%	85	0.8%	130	0.6%
<b>TOTAL</b>	12,610	100.0%	10,769	100.0%	23,379	100.0%
<b>% Overcrowded, 2010</b>	103	0.8%	1331	12.4%	1,434	6.1%
<b>% Severely Overcrowded, 2010</b>	45	0.4%	651	6.0%	696	3.0%
<b>YEAR 2020 (based on 2015-2019 ACS data)</b>						
0.50 or less	9,708	82.9%	5,657	48.2%	15,365	65.6%
0.51 to 1.00	1,952	16.7%	3,562	30.4%	5,514	23.5%
1.01 to 1.50	0	0.0%	1,141	9.7%	1,141	4.9%
1.51 to 2.00	33	0.3%	1,037	8.8%	1,070	4.6%
2.01 or more	13	0.1%	330	2.8%	343	1.5%
<b>TOTAL</b>	11,706	100.0%	11,727	100.0%	23,433	100.0%
<b>% Overcrowded, 2020</b>	46	0.4%	2,508	21.4%	2,554	10.9%
<b>% Severely Overcrowded, 2020</b>	46	0.4%	1,367	11.4%	1,413	6.0%

Source: US Census, ACS 2011 (2006-2010 data) and ACS 2021 (2015-2019 data)

Note: the ACS data is based on a sample rather than a 100 percent count. As a result, the 2010 and 2020 estimates of households do not align with the actual number of households reported by the decennial censuses.

See Housing Element Appendix A for maps showing the spatial distribution of overcrowding in the city.



### 3.4 Special Needs Populations

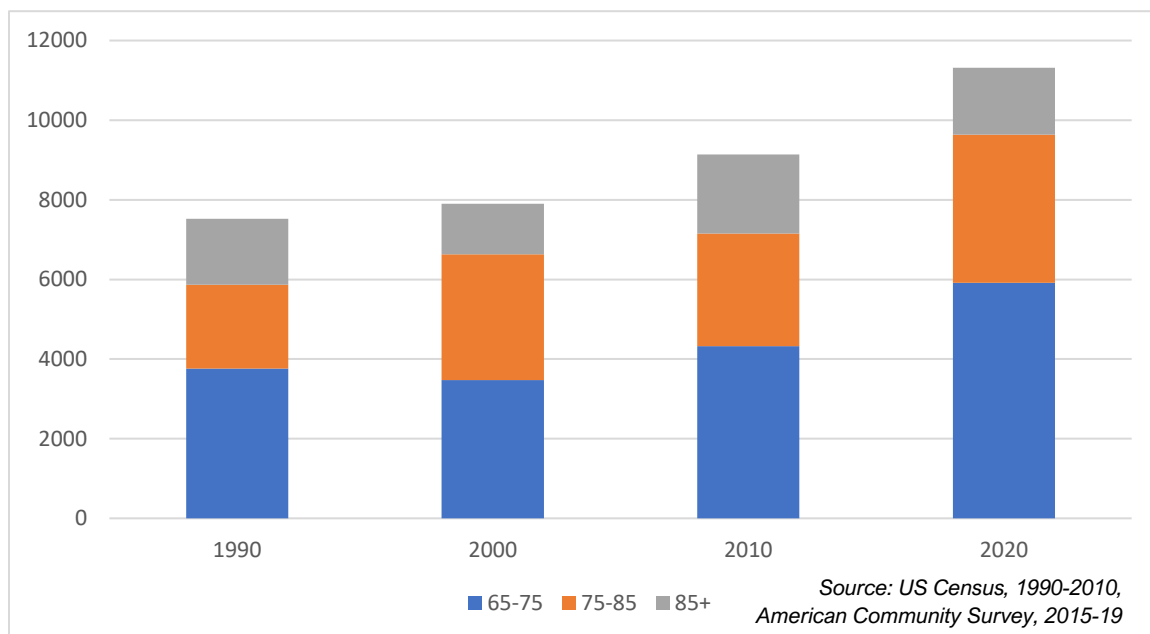
Certain segments of the population may have greater difficulty finding adequate and affordable housing due to special circumstances related to employment and income, family type and characteristics, disability, or other household characteristics. State Housing Element law defines “special needs” groups to include senior households, persons with disabilities, persons with developmental disabilities, large households, female-headed households, farmworkers, and people experiencing homelessness. Each of these population groups is described in the sections that follow.

#### 3.4.1 Seniors/Older Adults

For the purposes of this discussion, older adults as defined as persons over 65. This is a large special needs group in San Rafael, with persons in this age group comprising about 20 percent of the city’s residents and 43 percent of the City’s homeowners. Older adults are considered to have special housing needs because they may have fixed incomes, higher health care costs, chronic health conditions, and reduced mobility that make it more difficult to find suitable and affordable housing.

As shown in Chart 3.14 below, the number of older adults in San Rafael has increased consistently since 1990. There were more than 11,300 residents over 65 in 2019 based on Census ACS data, an increase of 24 percent over 2010. The greatest rate of growth was the 65-74 cohort, which increased by 36 percent over the decade. The 75-84 cohort grew by 31 percent. The number of residents over 85 declined slightly between 2010 and 2020, dropping from 1,980 to 1,675. However, all segments of the older adult population are expected to increase in the coming decade as the baby boom (1945-1964) generation continues to age. As the number of older adults increases, demand for senior housing, assisted living, home assistance, memory care, and other forms of supportive housing will also increase.

**Chart 3.14: Age Distribution of Older Adults in San Rafael, 1990-2020**



While older adults represent 20 percent of the total population, they represent a significantly higher share of the city’s households, particularly among homeowners. In 2020, 43 percent of the owner-occupied households in San Rafael had a head of household who was 65 or older. About 21 percent of the renter-occupied households in the city were headed by someone 65 or older. Older renter households were much more likely to have very low incomes, with 62 percent of San Rafael’s renters over 65 reporting incomes of less than 50 percent of the areawide median. Certain sub-groups, such as older immigrant renters, have additional needs related to language access.

Table 3.19 shows the distribution of older adult households by income and tenure. Just under half (49.3 percent) of the city’s older adult households were low or very low income. San Rafael had 1,384 older adult households with annual incomes of \$25,000 or less, and another 1,401 with annual incomes of \$25,000 to \$50,000. While some of these households may have assets such as their homes or retirement savings, many do not. HUD Comprehensive Housing Affordability Strategy (CHAS) data for San Rafael indicates that 61 percent of the City’s extremely low-income seniors were spending more than half of their incomes on housing.

For older homeowners, the cost of property taxes, home maintenance, HOA fees, and other housing costs may create financial hardship. For older renters, there is a high risk of displacement and homelessness, as rents continue to rise while monthly incomes are fixed. There are 1,875 lower-income senior lower-income renters in the city. For these households, loss of a spouse or partner can be financial hardship due to loss of income. Small households living on \$25,000 a year can only pay rents of about \$600 a month before they are considered “cost-burdened.”

Older adults face other unique housing challenges. About 28 percent of the older adult population has one or more disabilities. These include mobility limitations that make stairs difficult, cognitive difficulties, and self-care or independent living challenges that make it hard to live alone. Many older adults live alone in owner-occupied housing units. Installation of grab bars, ramps, stair lifts, and other assistance devices may become necessary, and opportunities for a live-in caregiver may be needed for some households. For lower income owners, the cost of home maintenance may be prohibitively expensive, and decreased mobility makes it harder to complete basic maintenance tasks.

**Table 3.19: Income and Tenure Among San Rafael Households Over 65**

Income Group	Owner Occupied	Renter Occupied	Total
Extremely Low (0-30% AMI)	569	990	1,559
Very Low (31-50% AMI)	670	480	1,150
Low (51-80% AMI)	740	395	1,135
Moderate (81-100% AM)	645	155	800
Above Moderate (100%+ AMI)	2,815	340	3,155
<b>TOTAL</b>	<b>5,439</b>	<b>2,360</b>	<b>7,799</b>

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release

Note: Definitions of Moderate and Above Moderate in this table are slightly different than HCD limits, as the source document is HUD.

A significant percentage of San Rafael's older adults live alone. According to 2015-2019 ACS data, there were 1,111 single males over 65 living alone and 2,813 single females over 65 living alone in the city. Collectively, this represents 17 percent of all households in the city and 50 percent of all the one-person households in San Rafael. Among San Rafael's 11,700 owner-occupied housing units, 17.5 percent are owned by someone over 65 living alone. In addition, 10.8 percent—more than 1,250 units—are owned by someone over 75 living alone. This includes older adults living in “over 55” communities such as Villa Marin and Smith Ranch, but it also includes a substantial number of long-time residents living in single family detached homes. Policies to promote accessory dwelling units (ADUs), including conversion of unused bedrooms to “junior” ADUs, can enhance utilization of the existing housing stock and provide the economic and social support to better allow older adults to age in place.

Assisted living provides an option for older residents requiring a supportive housing environment. However, lower income individuals and couples often cannot afford the cost of these facilities. A survey of 23 assisted living facilities in Marin County indicated an average monthly cost of \$5,822 (roughly \$70,000 a year).<sup>4</sup> Personalized supportive care is an additional cost above the basic charge for housing and meals.

The State of California Community Care Licensing Division identifies 29 operational Residential Care Facilities for the Elderly (RCFEs) in San Rafael, although a few of these facilities are outside the city limits and have San Rafael addresses. RCFEs provide care, supervision, and assistance with daily living activities and may also provide incidental medical services. RCFEs in ZIP codes 94901 and 94903 provided capacity for 919 residents. A majority of the facilities are single family homes being used for group care—16 of the facilities have six or fewer residents. Several larger assisted living facilities have recently been approved or are under construction in San Rafael. At least one facility (Nazareth House) closed in early 2021, in part due to the lack of nearby affordable housing for caregivers and support staff.

Addressing the diverse housing needs of San Rafael's older adult population will require strategies which foster independent living (such as accessibility improvements and accessory dwelling units), as well as strategies which encourage supportive living environments for seniors of all income levels and abilities. Programs to assist extremely low and very low income seniors with housing can help close the affordability gap. For example, this could include grants for home maintenance and repair, rent subsidies, assistance to those needing to declutter their homes, and more easily accessed information about home sharing.

In 2017, a leadership team of local advocates initiated a partnership with the City to ensure that San Rafael remains a thriving, intergenerational, age-friendly community. The leadership team prepared a Strategic Action Plan in 2018-2020 and presented that Plan to the City Council and community in 2021. The Action Plan identified housing as one of the seven “domains” of an age-friendly community and noted the universal importance of housing in influencing the quality of life and independence of older people. The Action Plan further identifies the need to be more inclusive in planning for the housing needs of older adults, recognizing existing patterns of poverty and segregation in the city.

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<sup>4</sup> Caring.com, 2021

San Rafael's Age-Friendly Action Plan calls out a number of specific issues to be resolved through housing policies and programs. These include:

- Existing homes that no longer meet the needs of their occupants or the community
- Residential care facilities that are not affordable
- A dearth of affordable housing opportunities for older adults
- The need for affordable housing for caregivers and others in health care

Goals, actions, and potential partners have been identified to address these issues. These will be reflected in the revised goals, policies, and programs in the 2023-2031 Housing Element.

### 3.4.2 Persons With Disabilities

A disability is defined as a long-lasting condition that impairs an individual's mobility, ability to work, or ability to care for themselves, encompassing physical, mental, and emotional disabilities. Disabled persons have special housing needs related to fixed incomes, shortage of affordable and accessible housing, limited mobility, higher health care costs, and the need for supportive services. Disabilities can hinder access to housing as well as the income needed to pay for housing.

#### Disabled Population

The 2015-2019 American Community Survey (ACS) indicates that 8.4 percent of San Rafael's residents (4,881 persons) have one or more disabilities. The percentage of residents with a disability is slightly lower in San Rafael than it is in Marin County (10%) and the Bay Area as a whole (11%).

Table 3.20 indicates the nature of the disability reported by age group. The incidence of disability is much higher for older adults than for the population at large. About one in four residents over 65 have a disability and about 35 percent of all residents over 75 have a disability. By contrast, the rate is just 5 percent for persons who are 18-64 and 2 percent for persons under 18.

**Table 3.20: Percent of San Rafael Residents with a Disability**

Disability Type	Under 18	18-64	Over 65	Total
Hearing Difficulty	1.2%	1.1%	11.0%	3.0%
Vision Difficulty	0.6%	0.6%	4.5%	1.4%
Cognitive Difficulty	0.7%	2.7%	7.2%	3.2%
Ambulatory Difficulty	0.6%	2.3%	12.1%	4.0%
Self-care Difficulty	0.4%	1.4%	6.1%	2.2%
Independent Living Difficulty	N/A	2.4%	10.5%	4.3%
<b>Any Disability</b>	<b>1.9%</b>	<b>5.4%</b>	<b>25.5%</b>	<b>8.4%</b>

Source: ACS, 2015-2019. .

Note: Individuals may report more than one disability on their Census forms, so the same persons may appear in multiple rows.

The Census recognizes six disability types in its data tabulation: hearing, vision, cognitive, ambulatory, self-care, and independent living. These categories are not mutually exclusive and disabled residents may have more than one of these conditions. As shown in Table 3.19, the most common disability for the population at large is ambulatory (one which prevents or impedes walking). There were 2,184 residents with such a disability, including 1,226 over 65. Hearing disabilities affect 1,206 residents over 65, or 11 percent of that age group. Vision disabilities affected 1.5 percent of the overall and 4.5 percent of the older adult population.

There were 1,953 residents who reported an independent living disability, representing 40 percent of all disabled persons. For this population, the ability to travel outside the home may create added expenses or require on-site care, both of which may reduce the availability of money for housing. An independent living disability may also affect other family members who may be caregivers and have added expenses related to health care and supervision.

About one third of the city's disabled adult residents are employed. ACS data for 2015-2019 indicates that there were 797 disabled adults (ages 18-64) in the labor force, including 615 who were employed and 182 who were unemployed. Another 1,046 were not in the labor force. The development of housing serving employed adults with disabilities must take other factors into consideration such as transportation to work.

### **Persons with Development Disabilities**

In 2010, the California legislature passed SB 812 which requires the Housing Element to specifically analyze the housing needs of persons with developmental disabilities and to identify resources available to serve this population. "Developmental disability" refers to a group of conditions that originates before an individual is 18 years old, continues indefinitely, and constitutes a substantial disability for that individual. The definition includes mental retardation, cerebral palsy, epilepsy, and autism. The California Department of Developmental Services (DDS) provides the governing framework for service delivery, including data collection, oversight, and regulation.

In the 1960s, the State of California created a network of regional centers to assist persons with intellectual disabilities and their families in locating and developing services for their special needs. Today there are 21 regional centers in the state, serving over 300,000 individuals. The Golden Gate Regional Center (GGRC) serves the counties of Marin, San Francisco, and San Mateo. GGRC's goals are to minimize institutionalization of developmentally disabled persons and their dislocation from family and community; and to enable this population to lead more independent and productive lives.

GGRC served 10,653 persons throughout their service area in 2020-2021, about half of whom were children and half of whom were adults. Within San Rafael ZIP codes 94901 and 94903, the Center provided services to 504 residents with developmental disabilities (206 in ZIP Code 94901 and 298 in ZIP Code 94903). About 36 percent of the Center's San Rafael clients were under 18. Table 3.21 indicates the number of GGRC clients by age and location in the city. GGRC and the Department of Developmental Services do not provide specific data for the older adult population with development disabilities, who may have additional needs.

**Table 3.21: Developmentally Disabled Residents Served by GGRC w/in San Rafael ZIP Codes**

ZIP Code	0-17	18 or older	Total
94901 (S. of Puerto Suelo)	111	95	206
94903 (N. of Puerto Suelo)	69	229	298
<b>Total</b>	<b>180</b>	<b>324</b>	<b>504</b>

Source: California Department of Developmental Services, 2021

The California Department of Developmental Services indicated the living arrangements for San Rafael’s developmentally disabled residents were as follows in 2021:

- 57% lived with the home of a parent, guardian, or family member
- 19% lived independently in their own home or in housing with supportive services
- 16% lived in a community care facility or residential care home
- 5% lived in an intermediate care or skilled nursing facility
- 3% lived in a foster care home or other setting

In 2021, San Rafael had 20 licensed adult residential care facilities, providing supportive housing for up to 135 adults with developmental or other disabilities. These are primarily small board and care facilities operating in single family homes with capacities of four to eight persons (California Department of Social Services, 2021).

**Housing Needs for Residents with Disabilities**

Special housing needs vary depending on the type of disability a person has. For example, those with mobility limitations may require accessibility improvements such as grab bars and lower counter heights, while those with mental health issues may require supportive services and counseling. Senior housing units are usually designed to meet the needs of those with mobility impairments, but design for other disabilities (sight, sound, etc.) is not required by building codes. In general, proximity to transit and supportive services, and the ability to accommodate group living opportunities, are important considerations. Incorporating ‘barrier-free’ design in new multifamily housing (as required by California and federal Fair Housing laws) is important to provide the widest range of choices. Affordability is also critical, as people with disabilities may be living on a fixed income.

Senate Bill 520 requires localities to analyze potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities and to demonstrate local efforts to remove governmental constraints which hinder the locality from meeting the housing needs for persons with disabilities. The City of San Rafael regularly evaluates its zoning ordinance, building codes, and other policies to identify and eliminate potential barriers to the construction of housing for people with disabilities. Additional

information on constraints to certain housing types will be presented in Chapter 5 of the Housing Element.

San Rafael has adopted reasonable accommodation procedures for persons with disabilities. These relate to zoning, permit-processing and building laws, and access to this information by the public. Chapter 14.26 of the Municipal Code (2005) identifies who is authorized to request reasonable accommodation provisions, what the application requirements are, and what findings are needed to grant the request. The procedures allow modification to regular development standards as needed to accommodate individuals with disabilities.

The City has also adopted regulations for group homes that comply with State regulations and support community-based housing options for disabled residents. San Rafael does not require minimum distances between group homes and allows licensed residential care facilities for disabled residents by right in single family zones. There are no occupancy standards in the zoning code that apply specifically to unrelated adults. An example of an affordable project with disabled housing in San Rafael is the 11-unit low-income Ecology House (opened in 1994), which is a national model for people with environmental sensitivities.

The City's zoning code complies with all facets of the Americans with Disabilities Act (ADA). San Rafael allows the conversion of required on-site parking spaces if needed to accommodate ADA accessibility facilities (ramps, etc.). It allows reduced parking standards for housing serving persons with disabilities. The Building Division administers Title 24 provisions consistently for all disabilities-related construction and responds to complaints regarding any violations.

Organizations serving people with disabilities in San Rafael include Buckelew Programs, Casa Allegra Community Services, Lifehouse, Guide Dogs for the Blind, and the Marin Center for Independent Living (MCIL). MCIL offers essential services to San Rafael residents with disabilities, a majority of whom are low or very low income. These services include independent living skills and peer support, information and assistance, housing preservation, housing referral and navigation, landlord and tenant facilitation, home modifications, advocacy and assistance, and disaster relief.

For those with developmental disabilities, the Golden Gate Regional Center has identified a number of community-based housing types that are appropriate. These include licensed community care facilities and group homes; supervised apartment settings with support services; and adult residential facilities for persons with special health care needs. For persons able to live more independently, rent subsidies, affordable housing, and housing choice vouchers can reduce cost-burdens while providing safe, secure housing.

### 3.4.3 Large Families

Large households, defined as households with five or more persons, typically consist of families with children and extended families. The State of California has identified this population as having special needs due to the limited availability of affordable and adequately sized housing units in many communities. In San Rafael, large families are more likely to live in overcrowded conditions, particularly among apartment renters who face high costs and limited options. Large families are also more likely to be cost-burdened with respect to housing due to higher food, health care, transportation, child care, and similar expenses.

Table 3.22 provides data on large families in San Rafael in 2000, 2010, and 2020.<sup>5</sup> The number of households with five or more persons has been relatively stable since 2000, increasing slightly between 2000 and 2010 and decreasing slightly between 2010 and 2020. In 2020, 8.6 percent of the city’s households had five or more members. This compares to 7.1 percent for Marin County as a whole and 10.8 percent for the entire Bay Area.

**Table 3.22: Large Households in San Rafael by Tenure, 2000 to 2020**

Tenure	2000		2010		2020		% of all households considered “large”		
	1-4	5+	1-4	5+	1-4	5+	2000	2010	2020
Owner	11,388	637	11,289	620	11,162	544	5.3%	5.2%	4.6%
Renter	8,875	1,471	9,225	1,630	10,252	1,475	14.2%	15.0%	12.6%
<b>TOTAL</b>	<b>20,263</b>	<b>2,108</b>	<b>20,514</b>	<b>2,250</b>	<b>21,414</b>	<b>2,019</b>	<b>9.4%</b>	<b>9.9%</b>	<b>8.6%</b>

Source: US Census, 2000 and 2010; ACS, 2015-2019

Large families in San Rafael were disproportionately more likely to be renters than owners. Of the city’s roughly 2,000 large households, 73 percent were renters and 27 percent were homeowners. This balance does not align with the characteristics of the renter- and owner-occupied housing stock, resulting in high instances of overcrowding among low-income renters. Only about 18 percent of the city’s rental units have three or more bedrooms compared to 78 percent of the owner-occupied housing stock. Many large family renters are unable to afford a home large enough to meet their needs.

Large households in San Rafael are also more likely to have very low incomes than smaller households in the city. According to 2013-2017 CHAS data from the US Department of Housing and Urban Development, 57 percent of all San Rafael’s large households earned less than 50 percent of the areawide median income. This compared to 31 percent for households with one to four members.

The limited incomes among many larger households creates greater housing hardship, as these families often have other essential expenses that limit the income available for housing. Suitable

<sup>5</sup> 2020 data is from the American Community Survey for 2015-2019, which was published in 2021.



rental options for large, lower income households are limited. Most affordable and rent-restricted housing is comprised of one and two bedroom units. Affordable three-bedroom units often have waiting lists which make them unavailable even for qualified applicants. There is a strong and urgent need for three- and four-bedroom rental units at rents that are affordable to lower income households in the city.

#### **3.4.4 Female-Headed Households**

Single-parent households require special consideration and assistance because of their greater needs for child care and other expenses for dependent household members. In particular, female-headed households with children may have lower incomes than their male counterparts, limiting housing affordability. In most communities, female-headed households are considered to be at greater risk of displacement, poverty, and housing overpayment. Additionally, systemic discrimination against single mothers with children can make it more challenging difficult to find suitable rental housing, especially in a competitive market.

The 2015-2019 American Community Survey identified 2,110 female-headed families in San Rafael, accounting for 15.4 percent of the families (and 9.0 percent of all households) in the city. Roughly 64 percent of these households were renters, which is a higher percentage than the population at large. In addition, 65 percent had children under 18 living at home, including 22 percent with children under six years old. In addition, there are 4,595 single (one person) female-headed households in San Rafael, representing nearly one in every five households in the city.

Median income for female-headed households with children under 18 was \$51,875 in 2015-2019, whereas it was \$180,904 for married couples with children and both spouses present. 2015-2019 ACS data indicates a poverty rate of 14.7 percent in San Rafael for single mothers with children, compared to 6.8 percent for all families. The Census also disaggregates this data by ethnicity, indicating a poverty rate of 35.7 percent for Latina mothers with children living at home and no spouse present. The data also indicates that 55 percent of single mother households have one income, 12 percent have no income, and 33 percent have at least one other person in the household who is a wage earner.

A sub-population of female-headed households may also need assistance related to domestic violence. The Center for Domestic Peace, located in Downtown San Rafael, provides emergency and transitional housing for women and a safe place to live when leaving an abusive partner and establishing a new life. The Center provides a confidential refuge for abused women and their children, as well as food, clothing, housing assistance, childcare, and transportation. It also operates *Second Step*, a transitional living facility for women and their children with access to counseling and supportive services. Center for Domestic Peace also provides legal assistance to abused women and provides education and educational and violence prevention programs.

### 3.4.5 Farmworkers

State law requires that housing elements evaluate the needs of farmworker housing in the local jurisdiction. Farmworkers are traditionally defined as persons whose primary incomes are earned through permanent or seasonal agricultural labor. This includes laborers in fields, processing plants, and support activities. It also includes seasonal workers, including those who may rely on migrant housing during their period of employment. According to the US Department of Agriculture Census of Farmworkers (2017), there were 697 permanent and 577 seasonal farmworkers in Marin County. This data is not broken down to the city level but is primarily associated with persons employed on farms and ranches outside the urbanized part of Marin County.

The 2015-2019 American Community Survey identified 304 San Rafael residents employed in agriculture, forestry, fishing, hunting, and mining. Among those employed in agriculture, most work in wholesale and horticultural businesses rather than on farms or ranches. Additionally, the California Department of Education indicates there are no migrant worker students in the San Rafael or Miller Creek school systems (there are 11 migrant worker students in Marin County as a whole). Most of the county's agricultural employees reside in West Marin County rather than in the urban tier of cities along the 101 corridor. To the extent that agricultural workers may desire to live in San Rafael, their need for affordable housing would be similar to that of other lower income persons, and affordable housing in the city would serve farmworkers as well as others employed in low-wage jobs.

### 3.4.6 Persons Experiencing Homelessness

The State of California has identified persons experiencing homelessness as a special needs group. This include persons who are living in a supervised publicly or privately operated shelter that provides for temporary living, and persons with a nighttime residence that is a public or private place not designed for (or ordinarily used as) sleeping accommodation, including a car, park, abandoned building, bus or train station, airport, or campground.

State law requires an analysis of the needs of unhoused residents and an estimate of the need for emergency shelter in each jurisdiction. SB 2 (2008) requires that cities use this estimate to identify zoning districts where emergency shelters are allowed as a permitted use. While planning for the unhoused population is principally conducted by the Marin County Department of Health and Human Services, ending homelessness is a shared goal that requires interjurisdictional coordination. The City of San Rafael plays an essential role by creating development opportunities for housing serving extremely low-income residents, including transitional and supportive housing, and by working with non-profit partners to deliver services and guide all residents toward permanent, stable housing.

## Population Count of Persons Experiencing Homelessness

The most reliable source of information for evaluating the homeless population in Marin County is the biennial *Marin Point in Time Homeless Count*.<sup>6</sup> The Marin County Department of Health & Human Services, in partnership with housing and service providers, faith-based groups and schools, leads this effort locally. The Point in Time Count is a census of persons experiencing homelessness, conducted across the country according to a method consistent with U.S. Department of Housing and Urban Development (HUD) requirements. In addition to meeting HUD requirements, Marin County also conducted a survey of residents living in vehicles in February 2021.

When this Housing Element was initially drafted, the most recent “Point in Time Count” for Marin County was January 27-28, 2019. An updated count occurred on February 17, 2022 (delayed by a year due to COVID-19), with the findings published in Fall 2022. Both the 2019 and 2022 data are cited below.

The Count is as a one-day snapshot of unduplicated numbers of homeless families and individuals in sheltered, unsheltered and other locations. It is in no way a complete census of homeless. The Count includes two components: (1) an enumeration of persons unsheltered individuals and families, such as those sleeping outdoors, in tents, and in vehicles; and (2) an enumeration of persons living in emergency shelters, transitional housing facilities, and other temporary shelters. The methodology includes a detailed survey of each individual counted, with special attention provided to specific subpopulations.

The Point in Time Count is an essential part of securing federal funding for homeless services. It also helps policy makers and service providers plan and implement services that meet the needs of the local homeless population. The Count also allows for evaluation of progress toward meeting measurable objectives, helps raise awareness of homelessness, and allows an evaluation of the status of specific subpopulations.

The 2022 survey counted 1,121 homeless residents in Marin County. This represented an increase of eight percent over the 2019 figure of 1,034. However, the number was comparable to 2017 (1,117) and lower than 2015 (1,309). Regionally, there were substantial increases in homelessness during this period. Between 2017 and 2019, most of the decrease was associated with a decline in the number of residents living in emergency shelters and transitional housing. Between 2019 and 2022, most of the increase was associated with unsheltered residents, as the number of sheltered homeless residents actually declined.

Countywide, approximately 32 percent of the homeless population was sheltered and 68 percent was unsheltered in 2019. By 2021, 26 percent of the homeless population sheltered and 74 percent was unsheltered. Chart 3.15 shows the place where the individuals counted were residing on the night of the count in 2019 and 2022.<sup>7</sup> Between 2019 and 2022, the percentage of persons living in vehicles increased significantly, while the percentage living on boats, abandoned buildings, or on the street declined.

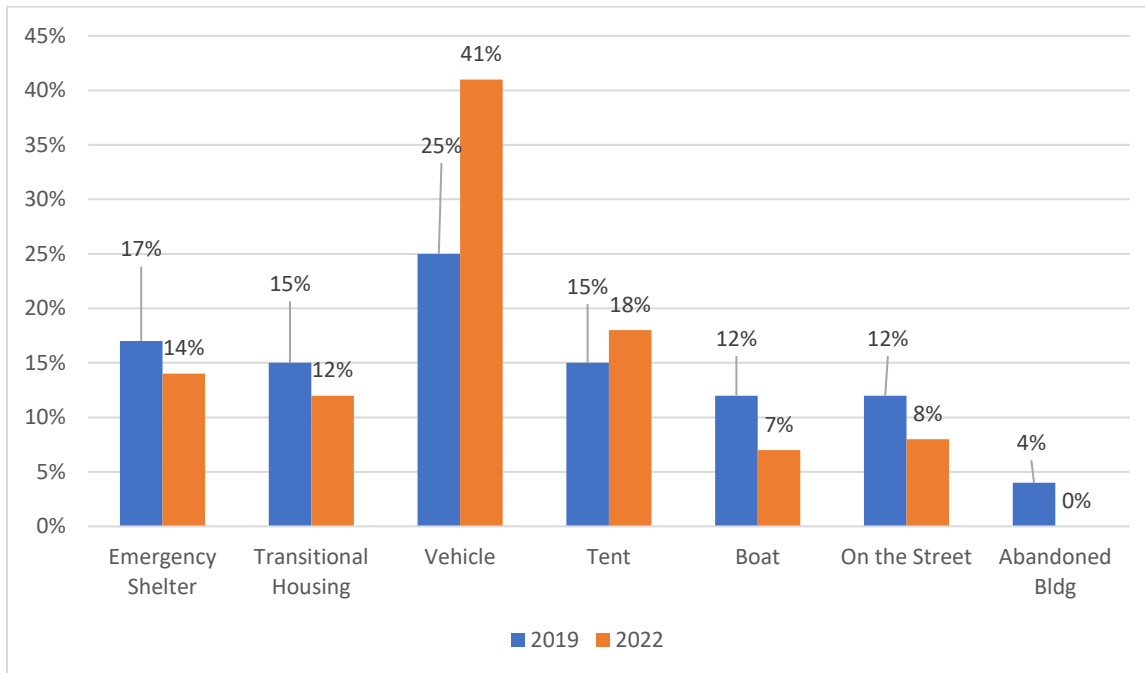
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<sup>6</sup> Refer to the [Homeless Count and Survey Comprehensive Report](#) for a detailed description of count methodology and findings. The Survey is ordinarily conducted every two years, but was not carried out in January 2021 due to the COVID-19 pandemic. It is scheduled to be conducted on February 17, 2022.

<sup>7</sup> This data is for the entire County and not San Rafael alone.

Table 3.23 presents a breakdown of the population experiencing homelessness by jurisdiction in Marin County. In response to the question “In what city/area did you stay in last night?” approximately 25 percent of the unhoused population identified San Rafael in 2019. This increased to 30 percent in 2022. However, the longer-term trend has been a decline in the percentage of unhoused residents in San Rafael. In the 2013 survey, 48 percent of Marin County’s unhoused population was counted in San Rafael.

**Chart 3.15: Location Where Unhoused Residents were Counted in 2019 and 2022 (countywide)**



Source: Marin County Point in Time Count, 2019 (countywide percentages)

**Table 3.23: Community Where Unhoused Residents were Counted, 2019 and 2022 (countywide)**

City/Location on Night Prior to the Count		# Unsheltered		# Sheltered		TOTAL	
		2019	2022	2019	2022	2019	2022
North Marin/Novato		147	150	163	115	310	349
Central Marin		277	320	94	107	371	427
<b>San Rafael</b>		<b>161</b>	<b>241</b>	<b>94</b>	<b>107</b>	<b>255</b>	<b>348</b>
San Anselmo		20	11	0	0	20	11
Corte Madera		39	3	0	0	39	3
Fairfax		5	13	0	0	5	13
Larkspur		28	9	0	0	28	9
Mill Valley		8	38	0	0	8	38
Unincorporated		16	41	0	0	16	41
South Marin		144	239	0	0	144	239
Sausalito		25	97	0	0	25	97
Richardson Bay Anchor Outs		103	75	0	0	103	75
Belvedere/Tiburon		0	0	0	0	0	0
Unincorporated		16	5	0	0	16	5
Unincorporated West Marin		140	12	0	0	140	12
Domestic Violence Shelter (location not reported)		0	0	69	69	69	69
<b>TOTAL</b>		<b>708</b>	<b>830</b>	<b>326</b>	<b>291</b>	<b>1,034</b>	<b>1,121</b>

Source: Marin County Point in Time Count, 2019

Between 2015 and 2019, San Rafael experienced a larger decrease in the number of unhoused residents than the County as a whole. There were 349 persons counted in San Rafael in 2015, 318 in 2017, and 255 in 2019. However, by 2022 San Rafael's total nearly matched its 2015 total as factors such as the region coped with the COVID-19 pandemic and other stressors. In 2022, about 31 percent of the population experiencing homelessness was in shelters and 69 percent were unsheltered. The percentage of sheltered residents is somewhat higher in the city than the county average, as the city includes a disproportionate share of the countywide shelter capacity.

The Point-in-Time Count included the following findings about persons experiencing homelessness:

- Half (50%) of the countywide unhoused population is 25-59 years old. About 28% is over 50 and 23% is 24 or under, including 8% who are children.

- 59% of the countywide unhoused population is male; 39% is female, and 2% is transgender or gender non-conforming.
- 65% of the countywide unhoused population identifies as White. 22% is Black/African-American, although Black/African-American residents represent just 2% of Marin County's total population
- 23% identify as Latino, which is slightly higher than the countywide percentage of Latino residents
- The percentage of residents who were experiencing homelessness for the first time decreased from 35% in 2017 to 30% in 2019. However, this increased to 41% in 2022.
- In 2019, 70% of those counted had experienced homelessness for one year or more. In 2022, that dropped to 61%, indicating a relatively large number of newly homeless residents. More than three-quarters were living in Marin County when they became homeless
- 53% had been in Marin County for 10 years or longer (2022)
- In 2019, 49% cited economic issues as the primary condition that led to homeless; 36% cited relationship issues, 16% cited mental health issues, and 14% cited substance abuse issues. In 2022, the percentage citing substance abuse rose to 21% while those citing economic issues dropped to 31%. Some 14% cited the COVID-19 pandemic as the cause of homelessness.
- In 2019, 73% cited a need for rental assistance to get into permanent housing; 42% desired housing placement assistance. These figures increased slightly (to 77% and 48%) in 2022.
- In 2019, 34% worked at least part-time—12% had full-time jobs. This dropped slightly to 31% and 7% in 2022.
- In 2019, 84% identified as straight; 11% identified as LGBT and 4% identified as other. By 2022, the percentage identifying as LGBT had increased to 19%.
- In 2019, 28% had spent at least one night in jail or prison in the last year (in 2022, this was 26%).
- 25% had at least some college education (2022)

In addition, many of those without housing are experiencing health problems. These include alcohol and drug use (49%), psychiatric and emotional conditions (45%), post-traumatic stress disorder (PTSD) (41%), chronic health problems (24%), and physical disabilities (28%).

### **Homeless Subpopulations and Service Needs**

The detailed surveys conducted for the 2019 and 2022 *Marin Homeless Point in Time Counts* provided information on specific sub-populations including chronically homeless, veterans, families, unaccompanied children under the age of 18, young adults (18-24), and older adults (60+).

*Chronically Homeless.* The US Department of Housing and Urban Development defines a chronically homeless individual as someone who has experienced homelessness for a year or longer, or who has experienced at least four episodes of homelessness totaling 12 months or more in the last three years, with a disabling condition that prevents them from maintaining housing. This is one of the most vulnerable populations in the community, with high mortality rates and health care costs. These costs are often significantly higher than the cost of providing individuals with permanent housing and supportive services.

Countywide, the number of chronically homeless persons declined by 28 percent between 2015 and 2019. Relative to the total homeless population, the percentage of chronically homeless persons stayed constant between 2019 and 2022. However, this was the highest need segment of the population, with 65 percent reporting a chronic health condition and 62 percent reporting PTSD. This population was also twice as likely as the non-chronically homeless population to have been incarcerated in the prior 12 months. Multiple services, including general health and behavioral health services, are needed to assist this population.

*Veterans.* Veterans represent 10 percent of the unhoused population in Marin County. Many veterans experience conditions that make them more vulnerable to homelessness. Based on the point-in-time data, this sub-population is more likely to be unsheltered and more likely to be chronically homeless than the unhoused population at large. Marin's unhoused veterans were also more likely to be disabled, more likely to be incarcerated, and less likely to use supportive services such as free meals, bus passes, and health services, than the unhoused population at large.

*Families.* There were 54 homeless families identified in Marin's 2019 point in time count, with 147 persons. By 2022, there were 73 families, with 224 persons. This population was largely sheltered, more likely to access services, and more likely to be homeless due to personal relationship issues than the unhoused population at large. About two-thirds of the county's unhoused population reported employment.

*Unaccompanied Children and Transition Age Youth.* In 2019, there were eight unaccompanied children under 18 and 99 unaccompanied persons aged 18-24 experiencing homelessness in the county, representing about 10 percent of the unhoused population. Half identified as LGBTQ and 30 percent had experience in the foster care system. About 89 percent were living in Marin County at the time they became homeless. About 88 percent had a high school degree or GED. By 2022, the number of unaccompanied children under 18 dropped to two, while the number of unaccompanied 18-24 year olds increased to 124.

*Older Adults.* There were 320 Marin County residents over 50 who were identified as unhoused in the point-in-time survey in 2019. Economic issues were identified as their leading cause of homelessness, and 86 percent had been homeless for at least one year. Older adults were more likely than other subpopulations to express a need for rental assistance and affordable housing. The 2022 point-in-time count identified 280 persons over 60 who were experiencing homelessness, 80 percent of whom were unsheltered.

## **2021 Count of Population in Vehicles**

In February 2021, the Marin County Continuum of Care conducted a vehicle count to assess the current state of homelessness in the county. Since the 2021 biennial count had been postponed due to the COVID-19 pandemic, this interim census provided a tool for measuring progress since 2019. The survey identified 486 persons living in vehicles countywide, an increase of 91 percent since 2019. About 60 percent of this population was living in RVs or vans.

The 2021 survey identified 127 persons living in vehicles in San Rafael, representing 26 percent of the countywide total. This figure was more than double what it was in 2019 (58) but was not

as high as it was in 2017 (154). The findings reinforce the continued need for permanent affordable housing, as well as a need for safe parking areas for those experiencing homelessness and living in vehicles.

**Inventory of Available Resources**

SB 2 requires the Housing Element to include an inventory of the housing resources available within the community, including emergency shelters, transitional housing, and supportive housing. The 2020-2024 Marin County Consolidated Plan provides an estimate at the county level, summarized below in Table 3.24. An inventory of resources in San Rafael follows.

The Marin County Continuum of Care’s “Response to Homelessness in Marin County” (2019) indicates that emergency shelter beds are available to 194 people countywide, with 55 beds reserved for families and 139 beds reserved for individuals. This is based on federal definitions of “emergency shelter.” The County uses a slightly less rigid definition of emergency shelter in its planning and identified 266 dedicated beds for chronically homeless persons as of 2018. The countywide Consolidated Plan indicates that the most severe shortages in the County are for supportive housing for persons with multiple disorders.

**Table 3.24: Facilities and Housing for Homeless Households in Marin County, 2020**

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year-Round (Current and New)	Voucher/ Seasonal/ Overflow	Current and New	Current and New	Under Development
Family Beds (Households with adults and children)	55	3	159	155	0
Individual Beds (Adults only)	149	6-	38	492	10
Chronically Homeless	0	0	0	492	28
Veterans	0	0	0	16	0
Unaccompanied Youth	0	0	0	0	0

Source: Marin County 2020-2024 Consolidated Plan

The principal resources within San Rafael include emergency shelters and supportive and transitional housing operated by non-profit service providers, such as Buckelew Programs, the Center for Domestic Peace, Center Point, Inc., EAH, Homeward Bound, and St. Vincent de Paul. Homeward Bound and the Center for Domestic Peace both operate emergency shelters. The Homeward Bound facilities include the Family Center at 430 Mission Avenue, which can accommodate up to nine families, and the Carmel Hotel at 830 B Street, which includes 10 emergency shelter beds. Homeward Bound is also replacing its 55-bed shelter at 190 Mill Street with a new facility that will provide 40 beds for homeless adults and 32 units of permanent supportive housing for very low-income households. An interim facility at 3301 Kerner is serving as a temporary shelter while construction proceeds and will ultimately provide 44 supportive housing units.



The Center for Domestic Peace operates at undisclosed locations and serves victims of domestic violence and sex trafficking and their children. There are also transitional housing facilities for persons recovering from drug and alcohol addiction. These include the Helen Vine Recovery Center at 291 Smith Ranch Road (30 beds, operated by Center Point), The Manor at 603 D Street (40 beds, operated by Center Point), and the Women and Children's facility at 1601 Second Street.

Homeward Bound also manages 26 supportive housing units at the Carmel Hotel (830 B Street) and 20 supportive housing units for persons with mental health issues at The Palm Court (199 Greenfield). There are also 33 units of supportive housing for disabled residents at 1103 Lincoln (12 units), 7 Mariposa (10 units) and 410 Mission (11 units), operated by EAH Housing. Finally, the Marin Housing Authority operates 40 units of housing for disabled persons and lower-income older adults at 5 Golden Hinde in North San Rafael.

The City is participating in the Project HomeKey Initiative, a statewide program that is funding the acquisition of underused hotels, offices, and other commercial buildings and their rehabilitation as housing for extremely low-income persons. Project HomeKey funds have been used by the County of Marin to acquire and renovate 3301 Kerner Boulevard, a former office building that had become largely vacant. Once completed, this project will provide 44 permanent deeply subsidized housing units with on-site supportive services.

### **Unmet Need for Emergency Shelter**

San Rafael has a disproportionately large share of the county's emergency shelters, transitional housing, and supportive housing. These facilities tend to operate at full or near capacity. There were 161 unsheltered residents at the time of the 2019 Point in Time Count, suggesting an unmet need for 161 shelter beds. Although additional shelter capacity is being created through the Mill Street project, this will replace an existing facility rather than creating a net gain in shelter beds. The City is making advances toward increasing the supply of transitional housing with the addition of 44 units at 3301 Kerner and 32 units at the Mill Street project.

Chapter 5 of the Housing Element addresses the availability of sites for potential future emergency shelters. The Chapter demonstrates that the City has the land capacity to meet the existing need. There is a continued need for programs to make such projects more feasible by closing the gap between project costs and available funding and revenue sources. There is also a need for services tailored to meet the needs of older adults, women, disabled residents, veterans, and other specific populations experiencing homelessness, and for staff training for appropriate response. Other issues requiring resources and effective solutions include the need for safe parking areas, additional funding for supportive services, and supportive housing for persons with mental illness and those who are chronically homeless.

## 3.5 Housing Stock Characteristics

This section of the Element provides an overview of San Rafael's housing stock. It addresses the number and age of housing units, types of structures, number of bedrooms, and vacancy characteristics. Information on home values and rents also is provided. The content meets the requirements of Government Code Section 65583(a) and provides baseline information for updated housing policies and programs.

### 3.5.1 Number of Housing Units

According to the 2020 Census, San Rafael had 24,502 housing units. This is an increase of 491 units over the 24,011 units reported in the 2010 Census. While the decennial Census is the definitive source of data for housing unit counts, it is worth noting that other sources show a slower rate of housing unit growth between 2010 and 2020. The California Department of Finance (DOF) indicates that the City had 24,163 housing units on January 1, 2021. The DOF figure is based on annual data provided to the State by the City on the actual number of units added each year since 2010. This data suggests a net change of only 152 units since 2010. The larger figure reported by the 2020 Census may be due to undercounts in 2010, an overcount in 2020, greater recognition of accessory dwellings, or unpermitted construction or conversions over the decade.

Table 3.25 shows the total number of housing units in San Rafael, Marin County, and each of the 11 cities in the county over a 30-year period. The table also indicates the percent change in the number of housing units between 1990 and 2020, and between 2010 and 2020. San Rafael gained more than 1,800 units in the 1990s and over 1,000 units during the first decade of the 2000s. The rate of growth during 2010-2020 was much slower, even using the higher-than-expected 2020 figures reported by the Census.

Nearly all of the jurisdictions in Marin County gained fewer units in the 2010s than they did during previous decades. In fact, five cities in the county had fewer units in 2020 than they did in 2010. The number of units countywide grew by 0.3 percent during the decade, compared to an 11.5 percent growth rate for 1990-2010. Despite its slow growth rate, San Rafael actually gained more housing units during the 2010s than any other city in Marin County. On a percentage basis, only Corte Madera grew at a faster rate.

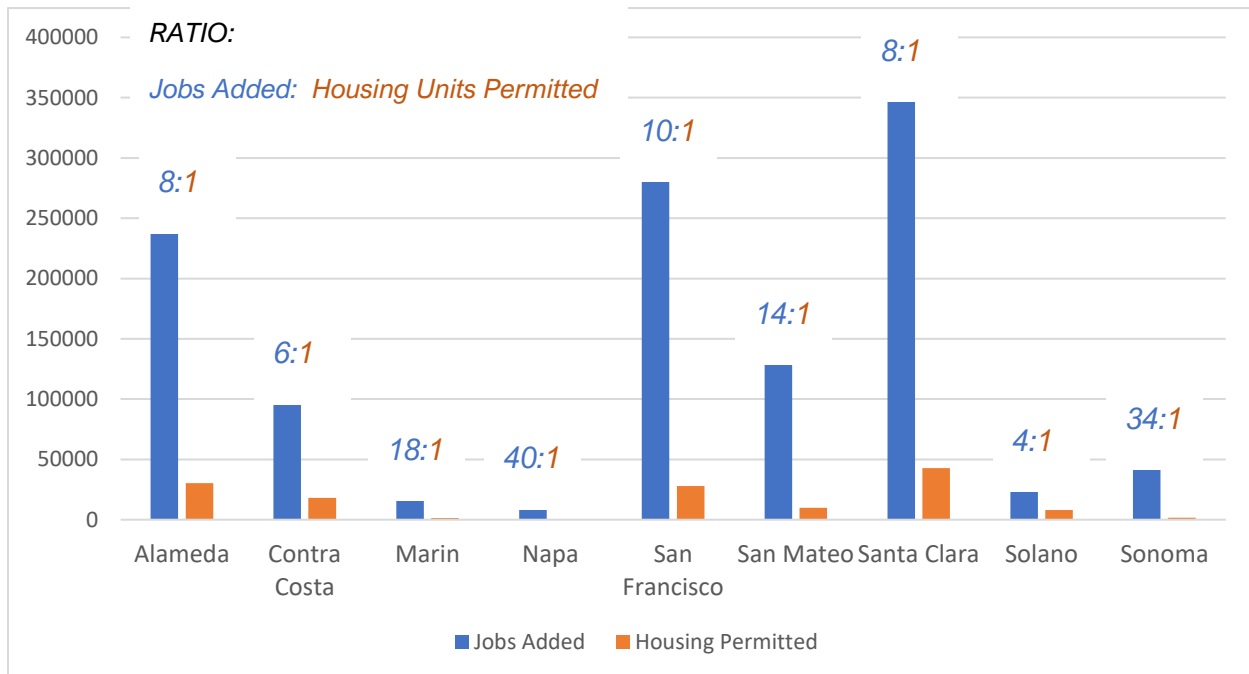
Chart 3.16 illustrates the imbalance resulting from sluggish housing construction during the 2010s relative to job growth. The chart indicates the number of housing units added in each Bay Area county over the decade, along with the number of jobs added in each county. In Marin County, there were 18 jobs added for every housing unit added. While North Bay counties added fewer jobs than the urban core of the region, they added even fewer housing units. In the region as a whole, more than nine times more jobs were added than housing units. The inability of housing to keep pace with economic growth has led to low vacancy rates and rapid increases in housing prices and rents.

**Table 3.25: Housing Growth Trends by City in Marin County, 1990-2020**

	Total Number of Housing Units				1990-2010 % change	2010-2020 % change
	1990	2000	2010	2020		
<b>San Rafael</b>	<b>21,139</b>	<b>22,948</b>	<b>24,011</b>	<b>24,502</b>	<b>13.6%</b>	<b>2.0%</b>
Belvedere	1,037	1,059	1,045	1,060	0.8%	1.4%
Corte Madera	3,717	3,850	4,026	4,174	8.3%	3.7%
Fairfax	3,225	3,418	3,585	3,470	11.2%	-3.2%
Larkspur	5,966	6,413	6,376	6,459	6.9%	1.3%
Mill Valley	6,139	6,286	6,534	6,502	6.4%	-0.5%
Novato	18,782	18,994	21,158	21,271	12.7%	0.5%
Ross	768	805	884	880	15.1%	-0.5%
San Anselmo	5,330	5,408	5,538	5,518	3.9%	-0.4%
Sausalito	4,378	4,511	4,536	4,425	3.6%	-2.4%
Tiburon	3,433	3,893	4,025	4,047	17.2%	0.5%
<b>Marin County</b>	<b>99,757</b>	<b>104,990</b>	<b>111,214</b>	<b>111,564</b>	<b>11.5%</b>	<b>0.3%</b>

Source: US Census, 1990-2020

**Chart 3.16: Job Growth and Housing Growth by County, 2010-2019**



Source: California Regional Economic Analysis Project, 2021. State of California Department of Finance, 2021.

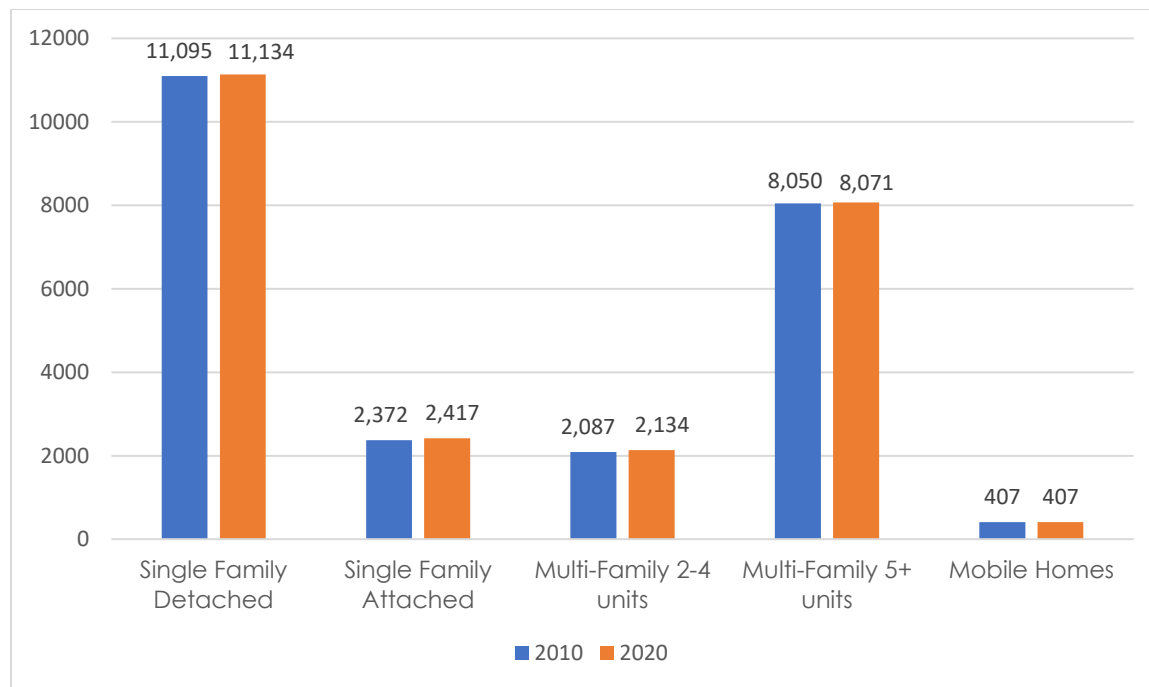
Note: The blue bars in this chart indicate the net number of jobs added in each county from 2010 to 2019. The orange bars indicate the number of housing units added. The ratio of jobs added to housing added for each county appears at the top of the bars.

### 3.5.2 Structure Type

Chart 3.17 indicates the number of housing units by structure type in San Rafael in 2010 and 2020. In 2020, single family homes represented 56 percent of the city’s housing stock. About 82 percent of this housing stock consists of detached units; the other 18 percent consists of attached units such as townhomes.<sup>8</sup>

Multi-family units comprise 42 percent of the city’s housing stock. Of this total, 21 percent are in small buildings of two to four units each and 79 percent are in buildings with five units or more. Multi-family units are distributed throughout the city, but are especially prevalent in Downtown San Rafael, in the Canal area, in older neighborhoods such as Gerstle Park and Montecito, in the Woodland Avenue and Lincoln Avenue corridors, in the Civic Center/Merrydale area, in the Northgate/ Nova Albion area, and in Smith Ranch/ Deer Park. Mobile homes comprise the remaining two percent of the city’s housing stock. There are two mobile home parks in the city, the largest of which is Contempo with 396 units.

**Chart 3.17: Structure Type**



Source: California Department of Finance, 2021.

<sup>8</sup> Single family attached housing refers to units on individual parcels built to the edge of their lot line and abutting another unit, such as townhomes.

Table 3.26 indicates the change in the total number of units each year between 2010 and 2020 by structure type. Columns 2-6 are based on California Department of Finance data, which theoretically is derived from local annual housing progress reports (APRs). However, the City's APRs –shown in Column 7---reported substantially more housing in each time period.

The State data indicates a net gain of 152 units over the period. The overall increase represents an annual growth rate of less one-tenth of one percent. There were also several years where a net loss of housing stock is shown. Loss of units may result when units are demolished, converted to other uses, destroyed by fire or natural causes, or merged together. The City's APR data indicates a net gain of 459 units over the period. The source of this discrepancy is unknown.

A majority of the single family housing stock in the city is owner occupied, while a majority of the multi-family stock is renter occupied. ACS data indicates that 83 percent of the city's single family detached homes are occupied by homeowners. For townhomes, 56 percent are owner-occupied. Conversely, 86 percent of the multi-family units in San Rafael are occupied by renters.

**Table 3.26: Net Change in Number of Units, 2010- 2020**

	State Department of Finance Records					City of San Rafael APRs
	SF Detached	SF Attached	2-4 Unit	5+ Unit	TOTAL	
2010	4	1	1	-3	3	14
2011	0	-6	0	0	-6	6
2012	3	0	0	0	3	5
2013	1	23	0	0	24	112
2014	1	-3	0	0	-2	18
2015	2	-2	0	0	0	102
2016	5	22	0	0	27	26
2017	12	-8	2	12	18	27
2018	14	18	0	4	36	39
2019	-5	0	24	0	19	28
2020	2	0	20	8	30	82
<b>TOTAL</b>	39	45	47	21	152	459

Source: (Columns 2-6): California DOF Table E-5, 2021; Column 7, San Rafael Annual Progress Reports, 2010-2021

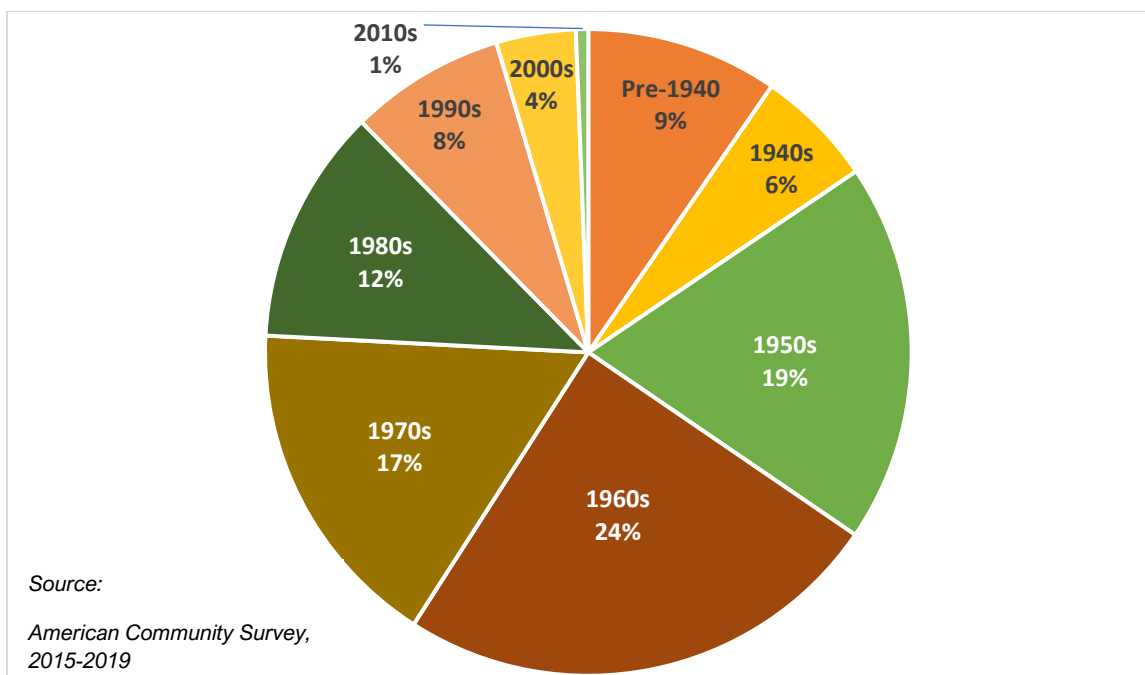
### 3.5.3 Age of Housing Stock

Chart 3.18 shows the age of San Rafael’s housing stock. About 43 percent of the city’s housing units were constructed during the 1950s and 60s, a period of very rapid growth throughout Marin County. Construction during the 1970s and 80s also was substantial, with nearly 30 percent of all housing units in the city built during these two decades. Only 13 percent of the city’s housing stock was built after 1980. A similar percentage—15 percent—was built before 1950. About 9 percent of the city’s housing stock—equal to about 2,400 units—was built before 1940.

Census data indicates that the City’s older housing stock is more likely to be renter occupied than owner occupied. In fact, 60 percent of the housing stock built before 1940 is rented. This includes apartment buildings in and around Downtown San Rafael and in the “first ring” neighborhoods within a mile of Downtown. Because of the age of this housing, there is an ongoing need for maintenance, energy efficiency, seismic upgrades, and other improvements to ensure habitability and code compliance. Some of these costs may be passed on to tenants through increased rents, resulting in decreased affordability. In some cases, these units may be at higher risk of demolition due to their age and condition.

Even the housing units built in the 1950s and 60s may require ongoing investment to keep them in good condition. Building codes at the time of their construction did not address earthquake and fire safety or energy efficiency in the manner addressed by today’s codes. These units also require modernization and updating, along with routine repair and maintenance such as reroofing and foundation repair. Among owner-occupants, there is strong interest in updating the housing stock to incorporate modern amenities and features common in new construction. This often includes home additions (including home offices) as well as renovations such as kitchen and bathroom remodels.

**Chart 3.18: Year of Construction of San Rafael’s Housing Units**



### 3.5.4 Housing Condition

Most housing in San Rafael is in excellent condition. City staff estimates that less than one percent of the city's housing units have code enforcement issues related to structural condition. This is partly attributable to the high value of housing in the city and low vacancy rates. It is further reflected in the high volume of permits issued for home renovation, maintenance, and additions.

Since the 1970's, the city has administered a Report of Residential Building Record (RBR) program. This includes a building permit records check and physical inspection upon the sale of all residential units, including condominiums and other units in multi-family buildings. The primary purpose of the inspection is to verify that any modifications or improvements that may have been made to the structure were done with permits and conform to State and local building codes. If violations or unpermitted improvements are identified, the owner (or buyer) is responsible for obtaining a retroactive permit.<sup>9</sup> Major health and safety issues and conditions that impair habitability are called out and ordered for repair, improvement or abatement as part of this inspection process. For homeowners selling their homes, the sale itself can help offset the cost of these repairs.

For those not selling their homes, deficiencies are typically cosmetic and can be remedied through minor home repair. However, even cosmetic repairs can become a financial burden for lower income homeowners or older adults with fixed incomes and limited resources. The Marin Housing Authority operates a low-interest loan program (including deferred pay-off periods) to assist these households, but funding is limited.

At any given time, there may also be a handful of "dilapidated units" in the city, defined as units suffering from excessive neglect, where the building appears structurally un-sound and maintenance is non-existent. Some of these units are considered unfit for human habitation in their current condition and would require major rehabilitation before they can be re-occupied. In some cases, these units may be associated with stalled renovation projects, past structure fires, or foreclosures. The City prioritizes code enforcement on immediate life safety and public health considerations and remediates these issues in collaboration with property owners.

One metric for evaluating housing condition is the absence of a kitchen or complete plumbing facilities in a housing unit. According to the ACS, there are 30 owner-occupied units and 301 renter-occupied units that lack complete kitchen facilities. This likely includes junior accessory dwellings, studios, transitional housing, and other living quarters where the occupant has access to a shared kitchen serving the primary residence or multiple households. The ACS also indicates that there are 17 owner-occupied units and 80 renter-occupied units without complete plumbing facilities. Again, these are likely units with shared bathrooms or half-baths that have access to a full bathroom in the building.

San Rafael has the highest stock of multi-family residences in Marin County, with more than 10,000 units. This total includes more than 1,400 units built before 1960 and 4,000 units built in the 1960s and 70s. More than 90 percent of the older multi-family housing stock is renter-occupied. This housing stock requires substantial maintenance, particularly where large

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<sup>9</sup> The physical inspection portion of this program was temporarily suspended during the COVID-19 pandemic. However, resale reports with permit history are still required.

households are occupying units originally designed for one or two people. The City has instituted a Housing Inspection Program (HIP) to ensure that multi-family units provide a safe, sanitary living environment for their occupants.

Initially administered by the County of Marin, the City took over the HIP in 2002. The program includes periodic, proactive inspections of apartments and hotels to ensure adequate levels of maintenance and corrective code enforcement and blight issues. The HIP involves a rotating schedule of City inspections for all properties with three residential units or more. The cycle is repeated about once every five years. At the inspection, City personnel review property conditions, habitability and compliance with basic building, housing and fire code standards. If violations are identified, a correction order is issued to the property owner. Ample time is given for the needed repairs to be made and a reinspection is conducted to verify that the corrective work has been done.

HIP inspectors check each unit for interior wall, ceiling, and floor condition; exterior wall and roof covering condition; structural hazards and sanitation; broken or missing windows; smoke detectors and fire extinguishers; signage; light, ventilation, and ceiling height; light fixtures and electrical systems; and plumbing systems. The number of deficient units has been reduced through this program, but there is still an indeterminate number of multi-family rental units in need of rehabilitation and modernization. As units are modernized, owners may raise rents to recover their investment costs, potentially creating economic hardship for tenants and raising the risk of displacement. The City aims to ensure safe, sanitary living environments for all residents while protecting renters and the affordability of the housing stock.

### 3.5.5 Vacancy Characteristics

The vacancy rate is often used as an indicator of how well the supply of housing units is meeting demand. A vacancy rate of five to eight percent for rental housing and two percent for ownership housing is generally indicative of healthy balance between supply and demand. When the rental vacancy rate is lower than five percent, prices tend to rise and renters may find it more difficult to find a suitable housing unit. Problems such as overpayment, overcrowding, and housing discrimination may become more prevalent in such circumstances.

According to the Census Bureau, San Rafael had 1,247 vacant units in 2010 and 1,163 vacant units in 2020.<sup>10</sup> As a percentage of total housing stock, the vacancy rate declined from 5.2 percent in 2010 to 4.7 percent in 2020. This is lower than the vacancy rate in Marin County, which was 7.2 percent in 2010 and 6.6 percent in 2020. It was also lower than the regional average of about 6.3 percent in 2020.

Other data sources confirm that vacancy rates in the city are low. The California Department of Finance reports a rate of 4.4 percent in the city, compared to 6.5 percent countywide. The American Community Survey for 2015-2019 indicates a vacancy rate of 4.2 percent in San Rafael. Chart 3.19 and Table 3.27 indicate the status of these vacant units. Based on 2015-2019 data, 45 percent of them were for rent, eight percent were for sale, eight percent were

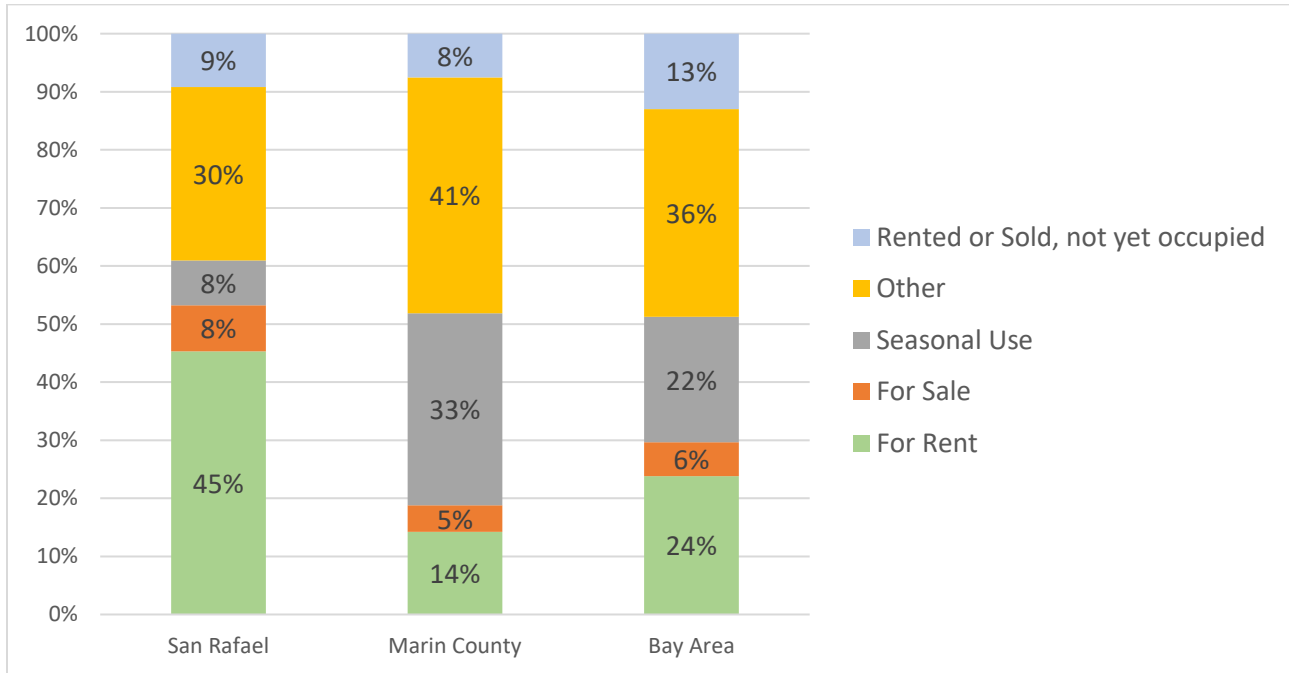
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<sup>10</sup> As with other variables documented in this report, different data sources yield different results. In this instance, the 2010 and 2020 Censuses are based on a "100 percent count" of all units and are considered the most accurate source. However, 2020 data for vacancy by type (for-rent, for-sale, seasonal, etc.) is not yet published. Therefore, other sources such as the 2015-2019 American Community Survey and the 2021 Department of Finance data also are cited here.



used seasonally, nine percent were just rented or sold but not yet occupied, and 30 percent were “other.” In Marin County and the region as a whole, a larger percentage of vacant units were seasonal or classified as “other.”<sup>11</sup>

**Chart 3.19: Vacant Units by Type: San Rafael, Marin County, and Bay Area**



Source: American Community Survey, 2015-2019

**Table 3.27: Vacant Units in San Rafael, 2010 and 2020**

Vacancy Status	2010	2020
For rent	461	469
For sale only	147	82
Rented or sold, not occupied	195	80
For seasonal, recreational, or occasional use	0	95
Other vacant	581	309
Total Vacant	1,284	1,035
<b>Percent of units that are vacant (all categories)</b>	<b>5.2%</b>	<b>4.7%</b>

Source: ACS data for 2010 (2006-2010) and 2019 (2015-2019). Note that totals in both cases do not match the US Census, as the ACS is based on a sample of units extrapolated to the city as a whole

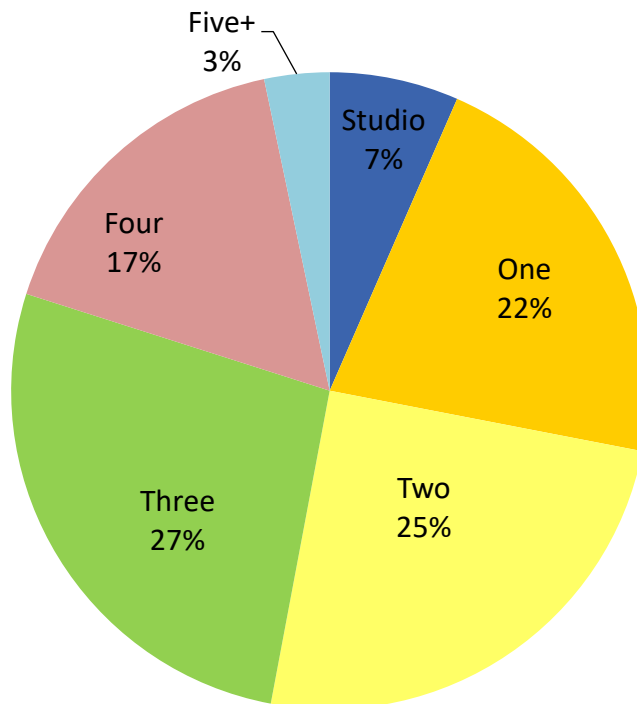
<sup>11</sup> “Other” vacant units include homes being used for storage, homes with an owner living in a nursing home, homes being remodeled or renovated, homes being held for settlement of an estate, homes in foreclosure but not for sale, etc.

### 3.5.6 Housing Size

The median number of rooms for all homes in San Rafael is 4.6. This compares to a countywide median of 5.4. With a larger share of multi-family housing, San Rafael has a larger share of one and two bedroom housing units than the county as well as a smaller median house size. Chart 3.20 shows the distribution of housing units by bedroom count. More than half of all homes in the city are two bedrooms or smaller. About 29 percent of the city’s homes have one bedroom or fewer, compared to 19 percent in Marin County as a whole.

Table 3.28 indicates the number of bedrooms in San Rafael’s housing units by tenure using data from the 2015-19 American Community Survey. Homes occupied by renters tend to be smaller than those occupied by owners. About 84 percent of the city’s renters live in units with two or fewer bedrooms. Among homeowners, only 22 percent live in units with two or fewer bedrooms. This distribution is not well aligned with household size, since many of the city’s largest households are renters while 68 percent of its homeowners are one and two person households.

**Chart 3.20: Number of Bedrooms in San Rafael Housing Units**



Source: ACS, 2015-2019

**Table 3.28: Number of Bedrooms by Tenure**

Bedroom Type	Owner Households		Renter Households		All Households	
	Number	Percent	Number	Percent	Number	Percent
0 BR	28	0.2%	1,508	12.9%	1,536	6.6%
1 BR	445	3.8%	4,590	39.1%	5,035	21.5%
2 BR	2,092	17.9%	3,748	32.0%	5,840	24.9%
3 BR	4,970	42.5%	1,346	11.5%	6,316	27.0%
4 BR	3,494	29.8%	438	3.7%	3,932	16.8%
5+ BR	677	5.8%	97	0.8%	774	3.3%
<b>TOTAL</b>	<b>11,706</b>	<b>100.0%</b>	<b>11,727</b>	<b>100.0%</b>	<b>23,433</b>	<b>100.0%</b>

Source: ACS 2015-2019

### 3.5.7 Housing Market Conditions

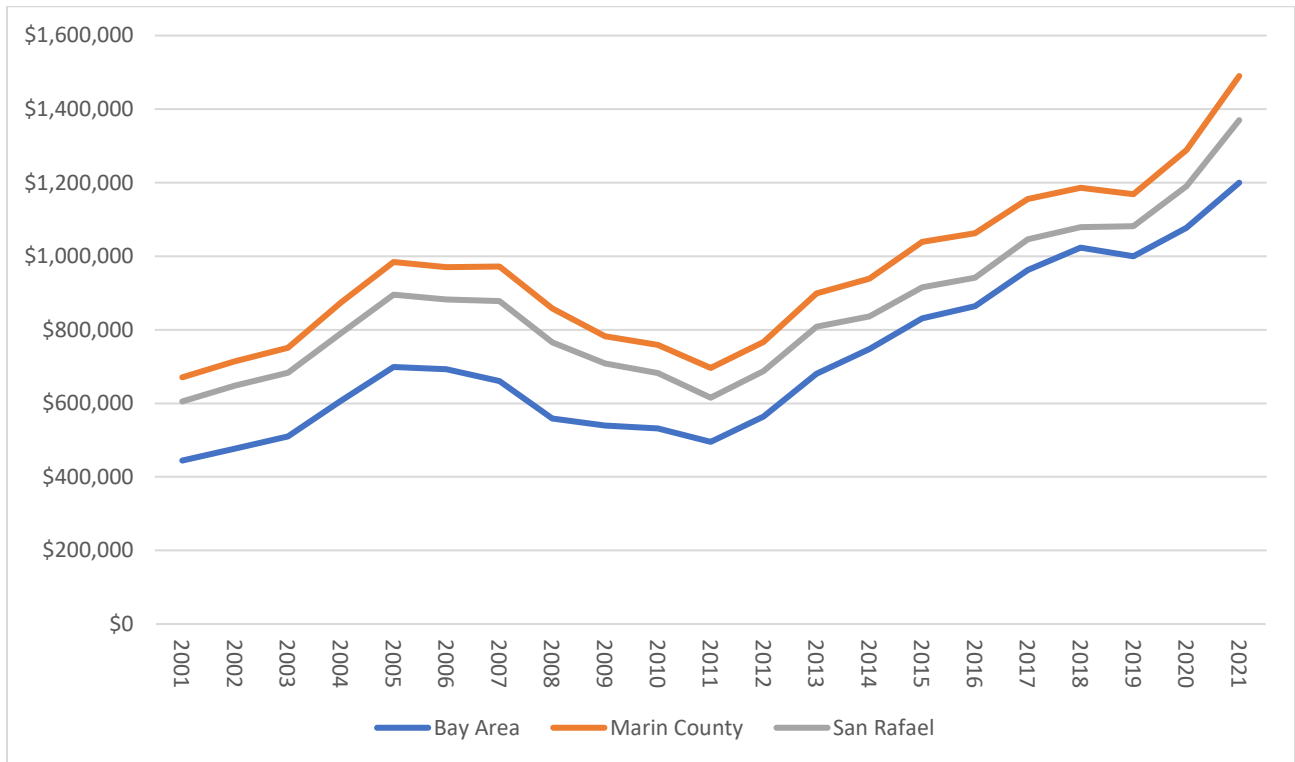
#### For-Sale Market

Chart 3.21 tracks home sales data in San Rafael between 2000 and 2020 using the Zillow.com real estate data base. Data for Marin County and the Bay Area is also included. Over the 20-year period, all three geographies saw a rapid increase between 2001 and 2005, a plateau in 2005-2007, a drop of roughly 30 percent during the 2008-2011 recession, and a full recovery between 2012 and 2017. After a brief leveling off in 2018-19, prices inflated at their fastest rate in two decades between 2019 and 2021. Prices in San Rafael and Marin County remained above the regional average the entire time, although the rate of price increase for the region over the 20-year period exceeded the rate in Marin County.

In December 2011, San Rafael's adjusted median value was reported by Zillow to be \$615,660. By December 2021, the median value had increased 123 percent to \$1,370,000. The Bay Area as a whole saw an increase of 142 percent, from \$495,000 to \$1,200,000. Between December 2019 and December 2021 alone, the median value in San Rafael and Marin County increased by 27 percent. This exceeded the regional rate of 20 percent. Current prices make it exceedingly difficult for most households to purchase a home in the area, particularly first-time buyers.

The Zillow data also includes a breakdown by unit type. This indicates an adjusted average value of \$1.54 million for single family homes and \$685,000 for condominiums as of December 2021. Relative to the December 2019 totals, single family homes have increased in value by 30 percent and condominiums have increased by 15 percent. Condominiums remain substantially more affordable than single family homes, and will likely become the dominant form of new construction in the for-sale market in San Rafael given the available supply of buildable sites.

**Chart 3.21: Median Home Value in San Rafael, Marin County, and Bay Area, 2001-2020**



Source: Zillow Home Value Index, 2022.

Note: Zillow describes the ZHVI as a smoothed seasonally adjusted measure of the typical home value. It reflects the typical home value of a home in the 35<sup>th</sup> to 65<sup>th</sup> percentile range, filtering out very high priced and low priced units. It includes condominiums as well as single family homes. Figures shown here are for December of each year.

Table 3.29 compares home prices in San Rafael with those of the other 10 cities in Marin County, again using Zillow median price index data. Values are provided for January 2015, the start of the last Housing Element cycle, and December 2021, roughly seven years later. The rate of increase was higher in San Rafael than any other city in Marin County, at 61 percent. Most of the cities saw increases of 35 to 60 percent. All other cities in the county except Novato and Fairfax had even higher home values than San Rafael. San Rafael's lower figure is partially due to the significant percentage of condominium units in the city relative to the other cities in the county.

**Table 3.29: Zillow Home Value Index in Marin County Cities, 2015-2021**

City	Zillow Home Value Index		Percent Change
	Jan 2015	Dec 2021	
San Rafael	\$853,000	\$1,370,000	61%
Belvedere	\$3,710,000	\$4,690,000	26%
Corte Madera	\$1,210,000	\$1,830,000	51%
Fairfax	\$775,000	\$1,240,000	60%
Larkspur	\$1,400,000	\$2,090,000	49%
Mill Valley	\$1,350,000	\$1,999,000	48%
Novato	\$706,000	\$1,070,000	52%
Ross	\$2,800,000	\$4,030,000	44%
San Anselmo	\$949,778	\$1,425,776	50%
Sausalito	\$1,170,000	\$1,580,000	35%
Tiburon	\$2,222,000	\$3,040,000	37%

Source: Zillow.com, 2021

Real estate website Redfin.com compiles data by ZIP Code, based on actual sales occurring during the prior 12 month period. Redfin indicates a median sales price of \$1,397,500 in ZIP Code 94901 (Central San Rafael) and \$1,062,000 in ZIP Code 94903 (North San Rafael). This is consistent with historic sales price data, indicating slightly higher prices south of Puerto Suello. Redfin data for December 2021 also indicates the following:

- ZIP Code 94901 (Central):
  - Average days on market: 22
  - Percent of homes selling over asking price: 64%
  - Average percent above asking at sale: 7%

- ZIP Code 94903 (North):
  - Average days on market: 36
  - Percent of homes selling over asking price: 48%
  - Average percent above asking at sale: 3%

Data for 2021 indicates that 540 single family homes in San Rafael were sold over the course of the year. A review of current (January 2022) listings on Zillow in San Rafael shows 19 single family homes for sale, with a median asking price of \$1.4 million (high \$2.8 million, low \$879,000). Zillow also listed seven non-age restricted condominiums, with a median asking price of \$770,000. There were also six age-restricted (over 55) condominiums for sale at Smith Ranch Homes and 12 age-restricted (over 55) condominiums for sale at Villa Marin, both market-rate projects for older adults. These units generally have lower sales prices than the citywide median but have high monthly fees.

Recent real estate market reports indicate limited inventory, homes selling for well above asking prices, and rising interest rates. The COVID-19 pandemic has been accompanied by strong demand for single family homes, particularly in suburban cities such as San Rafael. Under current conditions, fewer than 20 percent of the region's households can afford to buy the median-priced home in the region. That percentage is even smaller in San Rafael due to prices above the regional average and a larger number of lower income households.

### **Rental Market**

Rents in San Rafael have also risen rapidly over the last decade, although the rate of increase has not been as steep as for ownership housing. According to ACS data, median rent in San Rafael rose from \$1,267 in 2010 to \$1,866 in 2019, a 47 percent increase. ACS data further indicates that rents in Marin County increased by 33 percent during this period while rents in the Bay Area overall rose by 50 percent.

The ACS data underestimates actual rents in the city, as it is based on sample data and includes all rental properties and not just those being advertised. On-line rental site Rentcafe.com indicates an average advertised rent of \$2,647 in October 2021. A review of listings on on-line rental site Hotpads.com in January 2022 indicated one-bedroom monthly apartment rents in the city ranged from \$1,850-\$2,500, two-bedroom/one-bath rents ranged from \$2,200 to \$3,600, and two-bedroom/two-bath rents ranged from \$2,700-\$4,200. There were only two three-bedroom apartments advertised for rent on hotpads, at rents of \$3,600 and \$4,000. Rents for single family homes were considerably higher, starting at \$4,000 and going as high as \$14,700.

CoStar, another private industry source of rental data, indicated that in November 2021, the average monthly rent in San Rafael apartment complexes with 25 units or more was \$2,298. This was approximately 17 percent below the countywide average of \$2,683. Countywide, prices increased about six percent between the 4<sup>th</sup> Quarter of 2019 and the end of 2021. Demand remained strong despite the COVID-19 pandemic, and flat or declining rents in San Francisco. CoStar is forecasting continued increases in rents during the coming years, as demand exceeds supply and vacancies remain low. CoStar reported a rental vacancy rate of about 3.0 percent in the 4<sup>th</sup> Quarter of 2021.

### 3.5.8 Ability of San Rafael Households to Purchase or Rent Housing

One way of evaluating the affordability of housing in San Rafael is to compare market-rate sales prices and rents with the amount that households of different incomes can afford to pay for housing. Such an evaluation confirms that those able to purchase a single family home in the city are either high-wealth households or those selling a home elsewhere and leveraging their equity to make large down payments (or purchase without a mortgage).

The maximum affordable purchase price for any given household depends on a number of variables, including the number of persons in the household, the downpayment amount, the interest rate, and the level of existing debt that household is carrying. Using the assumptions stated in Table 3.30, the maximum affordable purchase price for a moderate-income household of four (earning \$179,500) would be approximately \$820,000. The maximum for a moderate-income household of two (earning \$143,600) would be roughly \$618,000. These calculations assume that the household is carrying no long-term debt and is making a 10 percent down payment. As these factors are adjusted, purchasing a home becomes more challenging.

A scan of single family homes for sale in San Rafael indicates no units available at these price points. Purchasing the median priced single family home in the city with a 10 percent downpayment and a 4.375 percent interest rate requires a household income of roughly \$300,000.

Condominiums provide a more affordable option and are a viable means of entry into the ownership market for many moderate income households. However, inventory is very limited. A scan of 33 San Rafael condos listed for sale in January 2022 found that 28 were located in age-restricted communities with high monthly fees, and only five were conventional market-rate units. Expanding the supply of market rate condominiums is an important strategy to assist first-time buyers, provide an option for older adults, and help the moderate-income workforce become part of the San Rafael community.

**Table 3.30: Maximum Affordable Purchase Prices for Moderate Income Marin County Households**

	Household Size		
	2 (1-bdrm)	3 (2-bdrm)	4 (3-bdrm)
Household Income (120% of median)	\$143,600	\$161,550	\$179,500
Income Available for Housing (@35%)	\$50,260	\$56,540	\$62,825
Maximum Monthly Housing Budget	\$4,180	\$4,710	\$5,235
Less Utilities, Taxes, Insurance, HOA Fees	\$1,400	\$1,500	\$1,600
Monthly Income Available for Mortgage	\$2,780	\$3,210	\$3,635
Supportable 30-yr Mortgage at 4.375% interest	\$556,000	\$643,000	\$738,000
10% Downpayment	\$62,000	\$72,000	\$82,000
<b>Maximum Affordable Purchase Price</b>	<b>\$618,000</b>	<b>\$715,000</b>	<b>\$820,000</b>
<i>San Rafael Median Single Family Home Price (*)</i>	--	\$802,000	\$1,339,500
<i>San Rafael Typical Condo Prices (**)</i>	\$499,000	\$699,000	N/A

Source: City of San Rafael, 2022 based on Zillow and Redfin listings and on-line mortgage calculators

(\*) Based on 42 Redfin listings, January 2022; (\*\*) Excludes units at Villa Marin and Smith Ranch/Deer Park

Table 3.31 presents the maximum affordable rents for very low-, low-, and moderate-income households and compares this information with typical apartment rents in San Rafael. As the table indicates, citywide rents are above the level of affordability for all very low-income households. Market rate rents are affordable to most moderate-income households and some low-income households. The lower end of the rental ranges corresponds to older units with few amenities. Brand new construction in the city tends to be above the ranges cited below; the newest apartment complex in Downtown San Rafael features one-bedrooms starting at \$3,400 and two-bedrooms starting at \$4,100, which place them at the top end (or slightly above) the moderate-income range.

**Table 3.31: Maximum Affordable Rents for Very Low-, Low-, and Moderate-Income Marin County Households**

Income Category	Maximum Affordable Rent After Utilities Allowance			
	Studio (1 person)	1 bedroom (2 persons)	2 bedrooms (3 persons)	3 bedroom (4 persons)
Very Low	\$1,474	\$1,678	\$1,881	\$2,064
Low	\$2,436	\$2,778	\$3,119	\$3,439
Moderate	\$3,016	\$3,440	\$3,864	\$4,268
<b>Range for typical market-rate apartment rentals in San Rafael</b>	<b>\$1,500-\$2,000</b>	<b>\$1,850-\$2,500</b>	<b>\$2,200-\$4,200</b>	<b>\$3,600+</b>

Source: City of San Rafael, 2022

\* Utility and other non-rent housing expenses presumed at \$125 for studio, \$150 for one-bedroom, \$175 for two-bedroom, and \$220 for three-bedroom

### 3.5.9 Home Foreclosures

When the 5<sup>th</sup> Cycle Housing Element was written in 2014, the country was still recovering from the foreclosure crisis of 2007-2011. Several factors contributed to that problem, including declining home values, lax underwriting standards, and a growing number of sub-prime loans and adjustable-rate mortgages made to higher risk borrowers. Foreclosures have declined significantly in the last decade due to rising home values, a strong economy, and modifications to loan terms.

Current data indicates very low rates of foreclosure in San Rafael. In January 2022, a review of the website realtytrac.com indicated 14 homes in “pre-foreclosure” in the city and six foreclosed homes scheduled for auction. By contrast, 95 single family homes in the city had been identified as being in various states of foreclosure in 2014.



### 3.5.10 Identification and Analysis of Developments At-Risk of Conversion

The State Government Code requires the Housing Element to include an analysis of existing below market rate housing units that may change to market-rate housing during the planning period due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. The expiration of subsidies presents a challenge in many California cities due to the termination of various government subsidy programs and/or restrictions on rental rates. Such housing is referred to as being “at risk” due to the potential for displacement of lower income households. Communities with at risk units must provide proactive policies and programs to preserve these units.

Table 3.32 shows publicly assisted affordable rental housing in San Rafael. There are roughly 850 units in 30 different projects in the city. A program in this Housing Element directs the City to proactively protect these units from expiration and ensure that renters are not displaced or cost-burdened as a result of expiring contracts. Most of the units listed in Table 3.32 are owned and operated by non-profits, which reduces the risk that rents will be raised to market rates at the end of the affordability terms.

The Table excludes Below Market Rate (BMR) for-sale and for-rent units that have been created through local inclusionary housing requirements. Some of the inclusionary for-rent units may expire during the planning period, potentially leading to a cost burden for occupants and the loss of these units from the affordable stock if current tenants vacate.

**Table 3.32: Publicly Assisted Affordable Rental Housing in San Rafael**

Project Name/ Address	Housing Type	Owner Name	# Units	Deed Restriction Source	Potential Conversion Date
Voyager Carmel Center 830 B St.	Mental Health	Homeward Bound (Non-profit)	26	RDA, CDBG	See Note (1)
St. Vincent's 822 B St.	Supportive Housing	St. Vincent de Paul (Non-profit)	6	RDA	2041
Belvedere Place 162 Belvedere St	Family	BRIDGE Housing (Non-profit)	26	RDA, TCAC, HOME, Marin Comm. Fndtn	2057
Casa Vista Apts 55 Fairfax St.	Family	BRIDGE Housing (Non-profit)	40	RDA, CDBG, HOME Marin Comm. Fndtn	2057
Lone Palm Apts 840 C St.	Family	Continuum Housing Assoc. (Non-profit)	60 <i>24 low income</i>	RDA, TCAC	2047
Centertown Apts 855 C St.	Family	Centertown Assoc. (Non-profit)	60	75-year lease. TCAC, CDBG, RDA	2064
Riviera Apts 455 Canal St.	Family	EAH (Non-profit)	28	CDBG, Tax Credits	2059
Ecology House 375 Catalina Blvd.	Disabled	EAH (Non-profit)	11	Sec 811, CDBG, HOME Section 8 contract	See Note (2)
Lifeshouse 626 Del Ganado Rd.	Developmentally Disabled	Marin Housing for the Handicapped/ EAH/ (Non-profit)	12	Section 202 Section 8 contract	See Note (2)
Rotary Manor 1821 Fifth Ave.	Senior/ Disabled	EAH (Non-profit)	97	RDA	See Note (2)
Marin Center for Independent Living 710 Fourth St.	Disabled	MCIL/Buckelew (Non-profit)	5	RDA, CDBG	See Note (3)
Rafael Town Center 988 Fourth St.	General	JB Matteson, Inc.	113 <i>38 low income</i>	RDA	2025
San Rafael Commons 302 Fourth St.	Senior	Bridge Housing	83	RDA, Tax Credits Section 236 (J) Section 8 contract	2056 See Note (4)
Gordon's Opera House 1337 Fourth St.	General	Art Works Downtown (Non-profit)	17	RDA	2039
5 Golden Hinde Blvd.	Senior/ Disabled	Marin Housing Authority	40	Public Housing	Perpetuity
One H St. Apts	Family	Continuum Housing Assoc. (Non-profit)	38 <i>20 low income</i>	RDA	See Note (5)
1103 Lincoln Ave.	Disabled	Buckelew (Non-profit)	12	RDA	2058

Project Name/ Address	Housing Type	Owner Name	# Units	Deed Restriction Source	Potential Conversion Date
Lincoln Avenue Apts 1351 Lincoln Ave.	Develop-mentally Disabled	EAH (Non-profit)	13	Section 811 Section 8 contract	See Note (2)
Martinelli House 1327 Lincoln Ave.	Senior/ Disabled	Martinelli House, Inc.	66 <i>28 low income</i>	FHA, Sec 236(J), CDBG LMSA Sec 8 contract	2062
Rogers Greene Apts 7 Mariposa Rd.	Disabled	Buckelew (Non-profit)	10	HOME, RDA	2040
39 Mary St.	Transitional Housing	Centerpoint (Non-profit)	8	RDA, CDBG, HOME	Perpetuity
Sundance 95 Medway Rd.	Family	Marin Housing Authority	28	Public Housing, RDA	Perpetuity
Mill Street 190 Mill St.	SRO	Homeward Bound (Non-profit)	32	CDBG, RDA	Perpetuity
Duncan Greene Court 410 Mission Ave.	Disabled	Buckelew (Non-profit)	11	RDA	2057
Nova House 393 Nova Albion Way	Disabled	Lifeshouse (Non-profit)	6	Sec 202, CDBG, HOME Section 8 contract	2032 See Note (6)
Novato Street 153,161,165 Novato	Family	Canal Community Alliance (Non-profit)	12	Marin Community Foundation	2040
Pilgrim Park Apts. 96 Pilgrim Way	Family	Pilgrim Park, Inc. (Non-profit - church)	61	FHA, Section 236 LMSA Sec 8 contract	See Note (7)
Maria B. Freitas 455 M. Freitas Pkwy.	Senior	Mercy Charities (Non-profit)	60	Sec 202, HOME Section 8 contract	2040 See Note (6)
Sommerhill Townhomes 30 Novato St.	Family	Foundation for Affordable Housing (Non-profit)	38	TCAC	2054
<b>TOTAL</b>			<b>852</b>	<b>lower-income units</b>	

Sources: (1) San Rafael Community Development Department, 2022

(2) California Housing Partnership Corporation - TCAC and HUD Section 8 database

(3) Review of housing provider website and direct communication with property owners and managers

Notes:

- (1) Carmel Hotel will close no later than 2025 and the existing tenants will be relocated to 3301 Kerner, where 40 units of extremely low income housing are now under construction (Homeward Bound and No Place Like Home). There will be a net gain of ELI housing.
- (2) Property was to expire prior to 2031 but has been acquired by EAH, thus preserving long-term affordability
- (3) Property owned and managed by non-profit; very low risk
- (4) Property owned and managed by Bridge Housing; very low risk
- (5) Operator indicates expiration is after 2031
- (6) Section 8 contract updated annually
- (7) Pilgrim Park Inc's Housing Assistance Payment (HAP) Contract (20 years) with US Department of HUD will expire on December 31, 2025. 6 months prior to the expiration date, the owner will submit for another 20 years term HAP Contract. Private owners indicate they will not convert to market-rate as long as HUD offers project-based Section 8.

## 3.6 Forecasts

### 3.6.1 Plan Bay Area Forecasts

As the regional planning agency for the nine-county Bay Area, the Association of Bay Area Governments (ABAG) is responsible for preparing long-range regional and sub-regional forecasts of population, households, and employment. The data is used for regional and local planning, including the Regional Housing Needs Allocation (RHNA). ABAG's latest forecasts extend to 2050. ABAG has opted not to publish jurisdiction-level forecasts for use by local governments in these forecasts and is instead only publishing forecasts for the region, the county, and sub-regions in each county. There are three subregions identified for Marin County. San Rafael is part of the "Central Marin" sub-region, along with Corte Madera, Fairfax, Larkspur, Ross, San Anselmo and much of unincorporated Marin County (including West Marin).

Plan Bay Area (PBA) 2050, the most recent regional plan, indicates that the Bay Area as a whole will experience a 51 percent increase in households and a 35 percent increase in the number of jobs between 2015 and 2050. Marin County is projected to grow at a slower rate than the regional average, with a 34 percent increase in households. PBA 2050 projects a 14 percent decrease in employment in Marin County between 2015 and 2050, or a loss of 19,000 jobs.

Household growth in the Central Marin sub-region is expected to be higher than the county average, with a 50 percent increase forecast for 2015-2050. Conversely, most of the forecast decline in jobs for Marin County is in the Central Marin sub-region, with a drop of 23 percent (14,000 jobs) shown in the 2015-2050 forecasts. The City of San Rafael does not concur with the sub-regional employment forecasts, as they are inconsistent with the San Rafael 2040 General Plan and do not reflect economic development trends and initiatives in the city.

The prior set of ABAG forecasts—Plan Bay Area (PBA) 2040—did include City-level projections of households and employment. These indicated a projected increase of 2,800 households in San Rafael between 2010 and 2040 and a projected increase of 5,600 jobs. San Rafael represented 33 percent of the projected countywide household growth and 42 percent of the projected countywide employment growth in those forecasts.

### 3.6.2 Regional Housing Needs Allocation (RHNA)

As noted in the Introduction to the Housing Element, the Regional Housing Allocation (RHNA) is a state-mandated process developed to determine the amount of future housing growth each city and county must plan for in their housing elements. RHNA is based on the concept that each jurisdiction should accept responsibility for the housing needs of its resident population and the jurisdiction's projected share of regional housing growth across all income categories. Regional growth needs are defined as the number of units that would have to be added in each jurisdiction to accommodate the forecasted number of households, as well as the number of units needed to compensate for anticipated demolitions and changes to achieve an "ideal" vacancy rate.

The RHNA process begins with the California Department of Housing and Community Development's (HCD) projection of future statewide housing need and the apportionment of this need to regional councils of government throughout the state. As the Bay Area's designated Council of Government, the Association of Bay Area Governments (ABAG) is responsible for developing an allocation methodology to allocate the region's assigned share of statewide need to cities and counties.

For the years 2023-2031, the State has determined that the total need for housing in the San Francisco Bay Area was 441,176 units. ABAG has distributed that need to the region's 101 cities and nine counties through the RHNA process. The housing units are distributed among four income levels to ensure that each jurisdiction is planning for all economic segments of the population.

Table 3.33 indicates San Rafael's RHNA allocation for the 2023-2031 planning period. The City's RHNA is 3,220 units, which is a 219 percent increase over the 2015-2023 allocation. This is a substantially higher rate of increase than the Bay Area average (134 percent) although it is less than the 527 percent increase for Marin County as a whole. Once a jurisdiction receives its RHNA, it must demonstrate in its Housing Element how it will accommodate its assignment by identifying specific sites where housing can be built. The process ensures that each jurisdiction plans for its "fair share" of units to meet the State's overall need. It also provides an opportunity to ensure that housing production is also meeting local needs.

Chart 3.22 compares San Rafael's RHNA for the 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Cycles. The 4<sup>th</sup> cycle allocation was 1,403 units, 33 percent of which were allocated to low- and very low-income households. The allocation was reduced to 1,007 units for the 5<sup>th</sup> Cycle, but the percentage for low- and very low-income was increased to 39 percent. The 6<sup>th</sup> Cycle included a further increase in the low- and very low-income share, as well as a significant increase in the total allocation. Approximately 43 percent of the 2023-2031 allocation (1,398 units) is for low- and very low-income households.

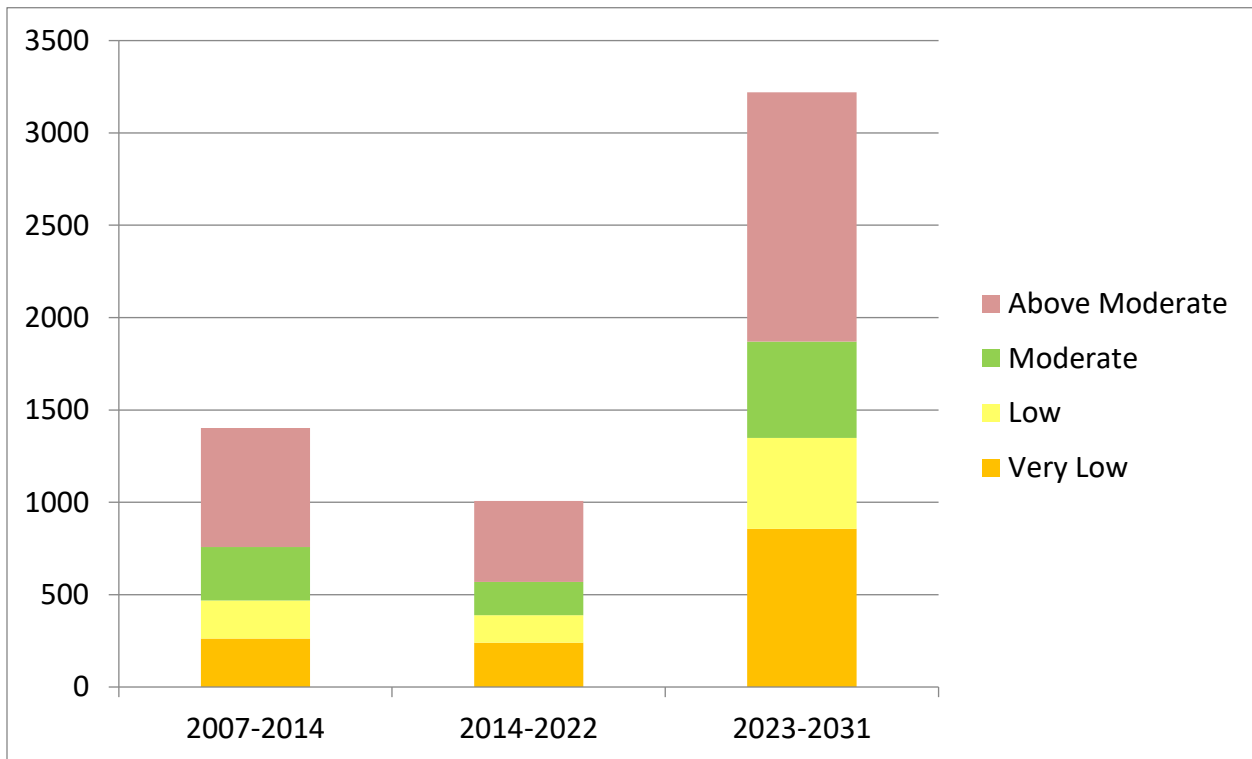
The California Government Code requires that the "very low" income component of the RHNA be further divided into targets for "very low" (30-50% of Areawide Median Income) and "extremely low" (less than 30% of Areawide Median Income) income households. Cities typically divide their "very low" allocation evenly between these groups. Given that San Rafael's "very low" allocation is 857 units, 429 units are presumed needed for extremely low-income households and 428 units are presumed needed for very low-income households (e.g., 30-50 percent of AMI).

**Table 3.33: San Rafael’s Regional Housing Needs Allocation 2023-2031**

Income Category		RHNA
Very Low (0-50% of AMI*)		857
	Extremely Low (>30% AMI)	(429)
	Very Low (30-50% AMI)	(428)
Low (51-80% of AMI)		492
Moderate (81-120% of AMI)		521
Above Moderate (over 120%of AMI)		1,350
<b>TOTAL UNITS</b>		<b>3,220</b>

Source: Association of Bay Area Governments, 2021

**Chart 3.22: San Rafael Regional Housing Needs Allocation for Cycles 4, 5, and 6**



Source: ABAG, 2009, 2013, 2021

# 4 Housing Opportunity Sites and Resources

## 4.1 Introduction

This chapter provides a summary of housing opportunity sites in San Rafael, as well as an overview of the methodology used to identify sites and calculate their housing capacity. The findings are supported by detailed spreadsheets and maps in Appendix B (Housing Opportunity Site inventory).

The summary demonstrates that there are sufficient sites with appropriate zoning to meet the City's Regional Housing Needs Allocation (RHNA) for the eight-year planning period. Because many of the sites are not currently vacant, this chapter also provides substantial evidence to demonstrate that the sites are viable and realistic for housing in the next eight years. This chapter also provides an overview of financial resources for housing, including funding sources for housing production and housing-related services in San Rafael. As required by State law, this chapter also addresses programs to reduce household energy costs.

As noted in Chapter 1, ABAG has allocated 3,220 units of the Bay Area's housing need to San Rafael. The prior (2015-2023) Housing Element identified opportunities for 2,415 housing units. Many of the sites tallied in 2015 are still available and can be carried forward, but additional sites need to be identified to meet the RHNA assignment. There are also new requirements for previously counted sites that compel the City to identify housing opportunities that have not been identified before. These opportunities exist in San Rafael, largely because of a recently updated General Plan and Downtown Precise Plan that substantially increased the capacity for housing.

The analysis of housing sites is intended to be comprehensive and realistic. It includes properties zoned for residential uses, as well as properties that are zoned to allow both residential and commercial uses. It includes sites that are vacant as well as non-vacant sites that are underutilized. It includes public land that could potentially be surplus and developed with housing. It also includes sites in the development "pipeline"—in other words, sites where projects have been entitled for construction but are not yet developed, and projects that are in the application or pre-application phases. Assumptions for accessory dwelling units (ADUs), which are an essential part of the affordable housing supply, also are included.

Housing sites have been identified using guidelines developed by the California Department of Housing and Community Development (HCD), along with input from property owners and the community at large. Among the factors considered are physical features (slope, hazards, vegetation), transportation access and infrastructure, size, existing use, ownership, zoning, proximity to services and transit, and the value and extent of improvements on each site. The 2015-2023 site inventory provided the starting point for the analysis, but the inventory has been significantly expanded to reflect the larger RHNA assignment.

Consistent with the other elements of the San Rafael General Plan and with Plan Bay Area 2050, the City is directing most of its housing growth to infill sites and sites in walkable, transit-served commercial areas that are already urbanized. This allows the Housing Element to advance complementary objectives related to climate change, equity, transportation, public safety, and economic vitality.

## 4.2 State Requirements for the Site Inventory

The State of California has adopted requirements and guidelines for identifying housing opportunity sites. Some of these requirements were in effect when the 2015 Housing Element was prepared, but most have been adopted in the last five years. State requirements are summarized below.

### 4.2.1 Default Densities

In accordance with AB 2348, sites deemed suitable for lower income households must be zoned at densities of at least 30 units per acre. This is referred to as the “default density.”<sup>1</sup>

In San Rafael, sites meeting the eligibility criteria for lower income housing include sites in the highest density residential district (HR-1), most of the commercial districts (general commercial, office, commercial/office, residential office, and Francisco Boulevard West), and all properties in the Downtown Mixed Use area. Sites in the Public/Quasi-Public zone may also meet the requirements based on General Plan policies.

### 4.2.2 Realistic Capacity

Jurisdictions are required to estimate the capacity of housing sites based on “realistic” capacity rather than “theoretical capacity.” A one-acre site may be zoned for 43 units per acre, but that does not mean 43 units will be constructed on the property. A smaller number of units may be proposed due to topographical and physical features such as steep slopes and creeks. There may also be limitations on lot coverage, height and other attributes of development that make it difficult to achieve maximum density. Another aspect of realistic capacity is that cities may not count the potential for density bonuses in their estimates, even when such bonus units are routinely included in most projects.

Recent development provides a helpful metric for estimating “realistic capacity” on local housing sites, as well as a benchmark for demonstrating that smaller sites are viable. In San Rafael’s case, data for recently built and approved projects indicates that many projects are being developed at densities that exceed what is allowed by zoning (due to density bonuses). This is addressed in a later section of this chapter.

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<sup>1</sup> The default density is 20 units per acre in suburban cities with populations of 25,000 or less and 30 units per acre in suburban cities with more than 25,000 residents.



### 4.2.3 Carry-Over Sites

AB 1397 (2017) introduced new requirements for re-counting housing sites that were identified in previous Housing Elements. This responded to concerns that cities were simply carrying the same sites forward from cycle to cycle, without creating incentives for their development or providing evidence that these sites were viable. The new requirements are intended to provide further incentives to encourage the development of these sites.

Under State law, “carry over” sites must be zoned no less than three years into the planning period (January 31, 2026) with a designation that allows “by right” approval for projects in which at least 20 percent of the units are affordable to lower income households. “By right” approval means that the City cannot require a Planned Development permit, Conditional Use Permit, or other form of local discretionary review. The City can still require design review (including public hearings) as long as objective standards are applied. The City has already established a by-right approval process for Downtown San Rafael and is in the process of doing so for multi-family development elsewhere in San Rafael.

### 4.2.4 Special Requirements for Sites Designated to meet Lower Income Needs

Changes made through the legislature and HCD since 2015 have established further requirements for sites designated as suitable to meet a community’s lower income needs. More specifically, Government Code 65583.2(h) now requires that each site designated for lower-income housing has the capacity for at least 16 units. This is because the economics of affordable housing usually require larger unit counts for such a project to be viable.

The State has also ruled that smaller than 0.5 acres and larger than 10 acres are generally not considered viable for lower income housing. These limitations do not prohibit the designation of such sites in a city’s inventory, but they do require jurisdictions to prove that they can be developed with affordable housing based on past trends and actual projects. For example, the Vivalon project now under construction in Downtown San Rafael and the recently completed Mill Street Homeward Bound project are both examples of affordable housing development on small sites. The former is a 0.34-acre site and the latter is a 0.31-acre site.

### 4.2.5 Non-Vacant Sites and the “Substantial Evidence” Requirement

Cities that rely on non-vacant sites to meet 50% or more of their lower income RHNA are subject to a requirement to provide “substantial evidence” that the sites are realistic and developable. Examples of substantial evidence include expiring leases, buildings in poor condition, uses with extremely low improvement values (such as parking lots), and property owner interest in developing the parcel. Another aspect of substantial evidence is whether nearby parcels with the same physical characteristics have recently developed (or been approved for development) at the presumed densities.

San Rafael is subject to the “substantial evidence” requirement, since more than half of the identified lower-income potential is on previously developed sites. While many of these sites have low value land uses such as parking lots or storage, others have active businesses. State law requires that these uses be considered “constraints.” Cities can mitigate such

constraints by providing incentives for residential uses (such as more height and floor area) and working with property owners to make housing more feasible.

#### 4.2.6 Reporting of Sites by Income Category

Jurisdictions are required to identify sites by income category. For reporting purposes, low- and very low-income sites may be added together and described as “lower income” sites. Individual sites may be assigned to multiple income categories. For instance, larger sites that are subject to the City’s inclusionary housing ordinance could include “above moderate income” units, with 10 percent of the units presumed to be “lower” income. Some higher density market-rate rental housing could also be “affordable by design” to moderate income households (for example, studio apartments). Some of the larger sites have been presumed to developed as mixed income sites, with a mix of low, moderate, and above moderate-income housing.

#### 4.2.7 Buffer and No Net Loss Requirements

SB 166 requires that cities include a “buffer” of additional sites in case some of the sites listed in this Housing Element become unavailable before 2031. HCD requires the buffer to be at least 15 percent, although higher buffers are encouraged. In general, the more a community relies on non-vacant sites to meet its RHNA, the higher the buffer should be. San Rafael has provided a 20 percent buffer for lower income sites in its inventory. With the addition of projected ADUs, this buffer increases to 25 percent.

SB 166 also introduced what is commonly known as the “no net loss” requirement. The legislation requires that cities must be able to demonstrate that they have adequate sites to meet their RHNAs *at all times* during the planning period. If a project is proposed on a housing site with a smaller number of lower income units than was presumed in this Housing Element, the City must find that it still has adequate capacity on the remaining opportunity sites to meet the RHNA. If the City is no longer able to meet its RHNA, it must identify a developable “replacement” site to make up the lost capacity. In some cities, this could require rezoning.

#### 4.2.8 Affirmatively Furthering Fair Housing Requirements

The sites inventory is subject to the Affirmatively Furthering Fair Housing (AFFH) requirements of AB 686. This requires that the lower income sites be geographically distributed in ways that foster integration and create affordable housing opportunities throughout high resource areas. Most of San Rafael is designated as being a moderate resource area, with a notable exception in the Canal neighborhood, which is an area of segregation and concentrated poverty. Meeting the AFFH requirement means that lower income sites must be identified in higher resource areas, and not further clustered in the Canal. The Element also encourages affordable housing opportunities in single family neighborhoods, for example, through Accessory Dwellings and through duplexes and lot splits.

## 4.3 Methodology

The methodology for identifying housing sites is described below:

- 1) *Account for approved development projects.* This includes projects that were approved and were either under construction or not yet built as of July 1, 2022. In San Rafael, this includes 785 housing units. Appendix B, Spreadsheet “A” lists these projects.
- 2) *Account for proposed development projects.* In addition to projects that are fully entitled, there are a significant number of projects in the pre-application or application stages. The largest of these projects is Northgate Mall, which includes a first phase of 907 units. In total, there were 10 “proposed” projects identified, representing another 1,204 housing units.

Taken together, categories 1 and 2 include 1,989 units, or 62% of the RHNA. However, these projects are not evenly distributed across all income categories. When completed, they will have met 94% of the moderate and above moderate RHNA but only 24% of the lower income RHNA. This suggests that much of the emphasis in the sites inventory should be on properties where lower income units are possible.

- 3) *Determine the likely number of Accessory Dwelling Units (ADUs) and Junior ADUs to be produced over the next eight years by income category.* Staff is projecting that San Rafael will produce 25 ADUs a year between 2023 and 2031, or a total of 200 units. Based on data from ABAG, it is estimated that 35 percent of these ADUs (70 units) will be affordable to lower income households, 50 percent (100 units) will be affordable to moderate income households, and 15 percent (30 units) will serve above moderate income households. This is further addressed in Section 4.6 of this chapter.
- 4) *Determine which sites in the existing 2015-2023 inventory can be carried forward.* The 2015-2023 inventory identified 44 opportunity sites with the capacity for 2,183 housing units. Staff has determined that 19 of these sites remain viable and has carried them forward to the 2023-2031 period. Their estimated capacity is 628 units, excluding Northgate Mall which is included in methodology step (2). The remaining sites in the 2015-2023 inventory were dropped from the inventory, either because they have already been developed, are proposed for development, or are no longer considered viable (see discussion later in this in Chapter).
- 5) *Determine the potential number of units on vacant residentially zoned land.* The City updated its inventory of vacant residentially zoned land as part of General Plan 2040. This data was used to estimate housing potential on vacant sites above and beyond what had been inventoried in the previous Housing Element.
- 6) *Calculate the potential on underutilized residential land.* The potential for additional units on previously developed residential sites was evaluated using indicators such as parcel size, property dimensions, average slope, land to improvement value, ownership, and field observations. Examples of such sites are single family homes in multi-family zoning districts, large lot single family homes in areas zoned at suburban densities (2-8 units per acre), and

multi-family properties with the potential for additional units. In general, the City did not rely heavily on underutilized residentially developed land because of the potential for displacement of existing housing on these sites. Owner interest in redevelopment is also more difficult to estimate on these sites.

- 7) *Calculate the potential on commercial and mixed use sites outside of Downtown.* This required a comprehensive analysis of all 1,051 properties in San Rafael with existing commercial land uses. Parcels were analyzed based on factors such as improvement to land value ratio, parcel size and ownership, slope and physical constraints, vacancy status, proximity to transit, and floor area ratio. Properties already covered in Steps (1) through (4) were excluded.
- 8) *Calculate the potential in the Downtown San Rafael Precise Plan area.* The Downtown Precise Plan (adopted in August 2021) included an estimate of development potential within the 265-acre plan area. The Plan identifies locations for approximately 2,200 housing units. Some of these sites are already counted in the earlier steps or are unlikely to be available until after 2031. Approximately 1,560 units of capacity are identified Downtown, excluding already approved projects.
- 9) *Calculate the potential on public, institutional, and nonprofit-owned land.* This includes housing potential on City-owned property, County-owned property, and State-owned property. It also includes properties owned by SMART, various utility districts, Dominican University, and the school districts serving San Rafael.

Steps 6, 7, and 8 in the above methodology require the use of specific metrics to determine if a site is viable. This data (parcel size, land value, improvement value, building area, building age) is generally available through the Marin County Assessor's Office parcel data base. Parcels were also field checked to observe building condition, vacancy status, and whether the building was for sale or lease. In addition, sites were selected to advance the State AFFH mandate and ensure that affordable housing opportunities were being created in the city's high-resource areas.

Capacity estimates for housing opportunity sites are based on a combination of zoning, site-specific characteristics, and the densities of recent development in San Rafael on similar sites. Each of these attributes is discussed in this chapter.

## 4.4 Summary of Sites to Meet RHNA

Table 4.1 provides a summary of housing site potential for the 2023-2031 Housing Element by site type and income level. Total capacity is estimated at 4,858 units, which exceeds the 3,220-unit RHNA assignment. Sites entitled or under construction include 785 units, including 200 lower income units. Another 1,204 units are associated with active projects that are proposed but not yet entitled. There are also 605 potential units on residentially zoned opportunity sites, and 2,064 potential units on sites zoned for commercial or mixed use development. Most of

these sites are located in Downtown San Rafael. There are also 200 projected accessory dwelling units and junior accessory dwelling units (ADUs and JADUs)

As summarized in Table 4.1, sites and projects have been identified that are suitable to accommodate 1,683 units affordable to lower-income households, 744 units affordable to moderate-income households, and 2,431 units affordable to above moderate-income households. This represents a 25 percent buffer above the RHNA assignment for lower income households, in the event some of the sites become unavailable during the planning period. Significantly higher buffers have been provided for the moderate- and above moderate-income sites.

**Table 4.1: Summary of Housing Site Potential for 2023-2031 by Income**

Site Type	Income Category			Total
	Lower	Moderate	Above Moderate	
<b>Development "Pipeline" (see Section 4.5)</b>				
Approved Projects	200	3	582	785
Proposed Projects	115	135	954	1,204
<b>Accessory Dwelling Units (see Section 4.6)</b>				
ADUs/ JADUs	70	100	30	200
<b>Opportunity Sites (see Section 4.7)</b>				
Low-Medium Density Residential	3	88	56	147
High-Density (30+ DU/Ac) Residential	335	81	42	458
Mixed Use (Non- Downtown)	373	57	74	504
Mixed Use (Downtown)	587	280	693	1,560
<b>TOTAL POTENTIAL</b>	<b>1,683</b>	<b>744</b>	<b>2,431</b>	<b>4,858</b>
RHNA	1,349	521	1,349	3,220
Buffer (% units over capacity)	25%	43%	N/A	N/A

## 4.5 Development Pipeline

The “development pipeline” includes two components:

- (1) Residential and mixed use projects that were under construction as of July 1, 2022 or that were fully entitled but not yet built as of July 1, 2022.
- (2) Residential and mixed use projects that are in the pre-application stages or that have active applications under consideration for approval.

Each of these is discussed below.

### 4.5.1 Residential Projects with Entitlements or Under Construction

There are 785 housing units in San Rafael that were either under construction as of July 1, 2022, or that had been approved but not constructed.<sup>2</sup> These projects are presumed to be completed during the planning period and may be “credited” toward the RHNA. Individual single family homes and accessory dwelling units are excluded from the table, as they represent a relatively small share of total housing production.

Table 4.2 provides a list of projects, including the income groups that will be served by the units. Units identified as affordable to lower income households include those created through inclusionary housing requirements and those in projects being constructed by non-profit affordable housing developers. These units are subject to deed restrictions ensuring their long-term affordability.

The table indicates a total of 200 lower-income units, 3 moderate-income units, and 582 above moderate-income units. There are 15 projects listed, ranging in size from two units to 192 units at the Los Gamos Apartments. Geographically, the largest share of units are in North San Rafael (47 percent), Downtown San Rafael (28 percent), and the Canal/ Southeast area (19 percent). Most of the projects are apartments and townhomes.

Table 4.2 includes a number of new housing opportunities for extremely low and very low income households. These include the 67-unit Vivalon affordable senior housing development, the 32-unit Mill Street development by Homeward Bound (completed in August 2022), and a 44-unit adaptive reuse project (office to housing conversion) at 3301 Kerner, made possible through funding by the City of San Rafael and Project Homekey.

The projects listed in Table 4.2 represent 24 percent of the City’s RHNA. However, the units are not evenly distributed across income categories. They will meet 43 percent of the above moderate-income assignment, but only 15 percent of the lower income assignment.

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<sup>2</sup> The “RHNA projection period” and the “planning period” are slightly different. While the planning period is January 31, 2023 through January 31, 2023, the RHNA projection period is June 30, 2022 to December 15, 2030.

**Table 4.2: Projects Under Construction or Entitled as of July 1, 2022(\*)**

Project Name or Address	Status	Zoning	Total Units	Income Category			Comments
				Lower	Moderate	Above Moderate	
Los Gamos Apartments	Approved	NC	192	23		169	Apartments
703 Third St	Approved	T5MS 70/90	138	9	3	126	Downtown multi-family housing
999 Third St (Vivalon)	Under Construction	T5N 50/70	67	67			Affordable senior housing
3301 Kerner Blvd	Approved	CCIO	44	44			HomeKey—apts for extremely low income
190 Mill St (Homeward Bound)	Completed in Aug 22	HR-1	32	32			Homeward Bound – apts for extremely low income households
88 Vivian St	Approved	NC	70	7		63	Townhomes on former bowling alley
350 Merrydale Av	Approved	GC	45	2		43	Townhomes
Northgate Walk	Approved	HR-1	136	14		122	Adjoins Four Points Sheraton Hotel
Loch Lomond Ph II	Under Construction	PD	35			35	30 SF homes, and 5 mixed use units
800 Mission Av	Approved	T4N 40/50	NA				103 Assisted Living suites. Units do not count toward RHNA.
104 Shaver St	Approved	T4N 40/50	7	1		6	Townhomes—appeal denied in 2020
1309 Second St	Approved	T4N 40/50	2			2	Demo 1 unit and add 3 (net gain 2)
1215 Second St	Approved	T4N 40/50	3			3	Add a residence plus 2-unit apartment
Brookdale Apts (1552 Lincoln)	Approved	HR-1	10	1		9	Approved in 2022
10 E. Crescent	Approved	HR-1.8	4			4	Bldg permits issued in June 2022
<b>TOTAL</b>			<b>785</b>	<b>200</b>	<b>3</b>	<b>582</b>	

Source: City of San Rafael, 2022

(\*) See Appendix B for additional information on each site, including Assessor Parcel Numbers, acreage, etc.

## 4.5.2 Residential Projects in Application and Pre-Application Stages

Table 4.3 lists residential and mixed use development projects that are in the pre-application stage or that have active planning applications currently under consideration. There are 1,206 housing units in this category, including 115 lower-income units, 137 moderate-income units, and 954 above moderate-income units. All of these projects are presumed to be approved early in the 2023-2031 planning period and constructed prior to 2031. Completion of these projects, plus the approved projects listed in Table 4.2, would result in 1,989 housing units—or 62 percent of the RHNA. However, the units are distributed evenly across income categories. Based on the estimated income mix of approved and proposed units, the City will reach 113 percent of its above moderate-income allocation but only 23 percent of its lower-income allocation from these projects.

There are nine projects listed in Table 4.3. The largest is Northgate Town Square, with 907 units expected by 2031. Other large projects include 1515 Fourth Street, 1610 Fourth Street, and 420 Fourth Street, all located in Downtown San Rafael. Pending approvals also include 14 independent senior apartments on the edge of Downtown (Aldersly), a 20-unit office to housing conversion in the Northgate Business Park, a 9-unit office to housing conversion on Lincoln Avenue, and two smaller residential projects in and adjacent to Downtown. A profile of several of the largest projects is included below, as they illustrate the trends that will reshape San Rafael's housing market in the coming years.

### Northgate Town Square

This is the largest development site in San Rafael, encompassing almost 45 acres. It is emblematic of the changing housing market in the city, which is focused on higher density infill projects on previously developed sites. The site is currently developed with Northgate Mall, a 775,000 square foot regional shopping mall developed in 1964. The owners of the Mall have submitted plans to redevelop the site as a “town center” with housing, commercial, and civic uses. The project reduces the existing retail space to 225,000 square feet and adds 1,422 residences by 2040. The phasing plan calls for 907 units to be constructed between 2023 and 2028. The remaining units will be constructed after 2029 and are presumed to come on-line during future Housing Element cycles.

As a large-scale development with a 20-year phasing plan, the City is undertaking an extensive planning, community engagement, and environmental review process for the project. Plans were initially submitted in Spring 2021. Several community workshops and Planning Commission study sessions have been convened, and preparation of an Environmental Impact Report is underway. The project includes a 50,000 square foot Town Square, and a mix of housing types that includes for-sale townhomes, multi-family apartments ranging from five to seven stories in height, and 96 units of affordable housing to be developed by EAH Housing. Additional affordable housing will be included in later phases of the project.



**Table 4.3: Projects in the Pre-Application or Application Stages as of July 1, 2022(\*)**

Project Name or Address	Status	Zoning	Total Units	Income Category			Comments
				Lower	Moderate (*)	Above Moderate	
Northgate Town Square	EIR being prepared, phasing plan developed	CC	907	96	100	711	Redevelopment of regional mall as 1,422-unit mixed use town center
1515 Fourth St (Westamerica Bank)	SB 330 app.; awaiting completeness determination	T4MS 50/70	191	14	17	160	.89-acre former Bank site, 7-story multi-family
420 Fourth St/ 1010 Grand	SB 35 app.	T4N 40/50	35	3		32	35 units on former house/commercial
1610 Fourth St	Application received 6/22	T4MS 40/50	24	2		22	Application received in June 2022, 24 units on used car sales lot.
326 Mission Av (Aldersly expansion)	Planning Commission	PD	14			14	14 independent living infill units for seniors
160 Mitchell Blvd	Planning Commission	O	18		18		Application to convert 10,644 SF office building to 20 micro units with co-working space
1380 Lincoln	Application deemed complete 9/22	R/O	9			9	Office to housing conversion on Lincoln Av
711 D Street	Application received 6/22	T4N 40/50	4			4	4 Townhomes on vac site
Ross St Terrace	Under review by staff	R-7.5	2			2	2 SF homes adj 47 Clayton on vac site
<b>TOTAL</b>			<b>1,204</b>	<b>115</b>	<b>135</b>	<b>954</b>	

Source: City of San Rafael, 2022

(\*) Units in this column are expected to be “affordable by design” based on market-rate rents in San Rafael and the income limits for moderate income households in Marin County (\$159,350 for a 2-person household, or housing costs equivalent to \$3,988 a month). Roughly 10 percent of the units at Northgate and 1515 4<sup>th</sup> are presumed to be in this category. The project at 160 Mitchell consists primarily of 350-450 SF studio units that are intended to be affordable by design.

## Active Downtown Mixed Use Projects

Four of the projects in Table 4.3 are in Downtown San Rafael. These projects were facilitated by the Downtown Precise Plan, which incentivizes higher density mixed use projects near transit. The Downtown Precise Plan resulted in the rezoning of an approximately 265-acre area with form-based zoning districts, eliminating density and floor-area ratio (FAR) standards and using height limits and setback/stepback standards as the primary tools for regulating building mass. The Code also provides one- to two-story height bonuses for projects meeting the City's inclusionary zoning requirements on-site. Projects may also apply for State density bonuses, in lieu of the City's height bonuses (one or the other may be used, but not both).

As a result of the form-based code, densities for the proposed Downtown projects are substantially higher than what would have been possible under the prior zoning. The prior zoning capped densities at 72 units per acre. By contrast, the proposed development at 1515 Fourth Street is equivalent to 214 units per acre, while the proposed development at 420 Fourth is 121 units per acre.

The largest projects are profiled below:

- 1515 Fourth will consist of 191 multi-family residential units in a seven-story building at the southwest corner of 4<sup>th</sup> and E Street in Downtown San Rafael. Fourteen of the units will be affordable to very low-income households. The site is in a zoning district that allows building heights up to 70 feet for projects providing affordable housing. The property was formerly the location of a single story bank building, and associated surface parking. The project includes three ground floor commercial storefronts totaling 4,000 square feet. It will also include 164 parking spaces, 255 bicycle parking space, as well as amenities for the public and for residents. This project is using the State density bonus program, rather than the City's local height bonus.
- 420 Fourth will consist of 35 units in a five-story building with a roof terrace comprising half of the fifth floor. Three of the units will be affordable to lower-income households, meeting the City's inclusionary requirements. The project is being processed through an SB 35 application. The site is 0.26 acres and currently includes three contiguous lots that are being merged. These lots currently include a vacant house, a vacant commercial building, and a formerly owner-occupied house. This project is using the State density bonus program, rather than the City's local height bonus.
- 1610 Fourth will consist of 24 units in a four-story building. The site is 0.17 acres, so the effective density is 141 units per acre. The site is currently a used car lot. The proposed project includes six studios, 14 one-bedroom units, and four two-bedroom units. Fifteen parking spaces are included on the ground floor, with lifts used to maximize efficiency.

## 160 Mitchell Boulevard and 1380 Lincoln

The applications for 160 Mitchell and 1380 Lincoln are notable because they are converting underutilized office buildings into housing through adaptive reuse. A similar conversion is already underway at 3301 Kerner, resulting in 44 units of housing for extremely low-income

households. The Mitchell and Lincoln projects are both market-rate, but the Mitchell project is primarily comprised of studio apartments intended to be affordable by design. These projects provide an important precedent and demonstrate the viability of office sites for housing.

## 4.6 Accessory Dwelling Unit (ADU) Forecasts

Government Code Section 65583.1(a) allows a city or county to account for ADUs in its calculation of housing opportunities. In the four years from the start of 2018 through the end of 2021, San Rafael issued building permits for 78 ADUs, or 19.5 ADUs per year. The City has included an ADU outreach and education program in this Housing Element, intended to increase ADU production and recognize the ability of ADUs to make San Rafael a more equitable and sustainable community. As a result of these measures, the City is projecting a modest increase in ADU production to 25 units a year, resulting in 200 additional ADUs by 2031.

Counting these ADUs toward the RHNA requires assigning them to the four RHNA income categories. ABAG has developed a method for doing this that is based on actual rent survey data from 2021. Their rent survey report is based on actual rents charged for 387 ADUs in the Bay Area.<sup>3</sup> In jurisdictions that historically have underproduced affordable housing, the survey recommended the following assumed distribution for the Sixth Cycle Housing Elements:

- Very Low Income: 5%
- Low Income: 30%
- Moderate Income: 50%
- Above Moderate Income: 15%

The ABAG survey found that the percentage of ADUs affordable to very low-income households is likely much higher than 5 percent, as a substantial number of ADUs are rented at discounts or provided at no charge to family members, elder relatives, caregivers, etc. A June 2022 ABAG report indicated that as many as 30 percent may meet very low-income guidelines. In general, ADUs tend to be more affordable than conventional apartments. They are often smaller, and their owners may be more interested in a reliable, stable tenant than maximizing profit. Further, the unit cost of constructing an ADU is typically less than the unit cost of building a multi-family apartment, as the land on which the ADU is built is already owned by the homeowner and in many cases the structure already exists. Thus, the distribution shown above is considered conservative.

Applying the ABAG percentages to the forecasted yield of 200 ADUs results in:

- Very Low Income: 10 units
- Low Income: 60 units
- Moderate Income: 100 units
- Above Moderate Income: 30 units

These projected units are shown in Table 4.1.

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<sup>3</sup> *Draft Affordability of Accessory Dwelling Units Report, ABAG Housing Technical Assistance Team, 9/8/21*

## 4.7 Housing Opportunity Sites

### 4.7.1 Overall Approach

Consistent with the methodology described in Section 4.3, this section identifies the following types of housing opportunities:

- Sites zoned for low and medium density residential development
- Sites zoned for high density residential development
- Sites zoned for mixed use development, located outside of Downtown
- Sites zoned for mixed use development, within Downtown

The inventory was created using property records data for 2022 from the Marin County Assessor. This Assessor records includes more than 60 fields of data for each parcel of record in San Rafael. Data for approximately 18,000 parcels in the city was reviewed, primarily through Excel spreadsheet sorts based on existing land use (using assessor use codes), property size, improvement to land value ratio, building area (compared to lot area), year of construction, degree of slope, and property ownership.

Other important data sources included the zoning and General Plan Maps for San Rafael, and the Downtown Precise Plan inventory of development opportunity sites. These data sources were combined with anecdotal information from the public and staff, field surveys, and aerial photos. Every potential housing site was visited to verify that it was suitable.

Parcels were initially sorted based on their existing land use. Separate spreadsheets were prepared for single family detached residential parcels, single family attached/ townhome parcels, multi-family parcels, commercial parcels, vacant commercial parcels, industrial parcels, and tax-exempt parcels. These spreadsheets were subsequently sorted to separate out vacant properties, and to identify sites larger than 0.5 acres (outside of Downtown) and sites larger than 0.25 acres (within Downtown). Additional criteria used to identify sites included the size and shape of the parcel, the condition of structures, environmental and pollution conditions, and the availability of infrastructure. The focus was on urban infill parcels where higher density development was possible.

All housing sites listed in the 2015-2023 inventory were revisited to determine if they should be carried forward. As noted earlier in this chapter, 19 of the 44 sites included in the prior inventory are included. Twenty-five previously counted sites were eliminated. As required by AB 1397, future projects on “carry-over” sites in which at least 20 percent of the units are affordable to lower income households will be permitted “by right.”

Appendix B includes a complete list of the housing opportunity sites—labeled Spreadsheets C, D, E, and F (corresponding to the four bullet points above). Detailed data is provided for each site in the spreadsheets. The text below identifies the assumptions, opportunities, and findings for each category.

Estimating the projected unit yield for housing sites required another level of analysis. As noted in Section 4.2.2, each site has a “theoretical” capacity based on zoning and a “realistic” capacity which recognizes potential constraints.

Tables 4.4 and 4.5 provide data on the “theoretical” and “actual” densities of recently constructed and approved projects in the city. This helps inform assumptions in the housing site inventory regarding the expected density of future projects. The tables indicate that most projects are being approved at or above the maximum density allowed by zoning, principally as a result of density bonuses. Several projects have included rezoning requests and/or General Plan Amendments, resulting in densities that far exceed what was allowed at the time of application.

Table 4.4 indicates that the median density of projects completed in the last five years is 142 percent higher than the density allowed by zoning (the mean is 148 percent). Of the eight projects built in San Rafael between 2017 and 2022, six exceeded the base zoning density. The other two projects were the Strand at Loch Lomond Marina, which is part of a large Planned Development, and a Downtown townhome development at 21 G / 34 Ida. Of the six projects exceeding the base density, four were located in Downtown San Rafael. The largest of these is at 815 B Street. The project received a 35 percent density bonus, as it included six affordable units (3 low, 3 very low). Similarly, the project at 107 G Street included one very low-income unit, representing 15% of the project total. This enabled a 33 percent density bonus; with rounding, that allowed 10 units on the site instead of seven.

Table 4.5 compares the “theoretical” and “actual” unit yields for projects have been approved in the last few years but are not yet constructed. Five of the projects will have densities that exceed the initial base zoning and three will have densities that are below the base zoning. In the case of the Los Gamos Apartments, the base zoning allowed only three single family homes on a roughly 11-acre site. The property was rezoned to Neighborhood Commercial through the application process (which also required a General Plan Amendment), increasing the allowable density to 24.2 units per acre. Actual density of the proposed project is 18.8 units per acre.

Three of the projects listed in Table 4.5 are in Downtown San Rafael. The number of units approved on these properties exceeds what was permitted by the base zoning in all three cases. For the 703 Third Street and 999 Third Street projects, the approved densities were roughly three times the densities allowed by zoning at the time (2018-2020). Since the time those projects were approved, the City has adopted a Downtown Precise Plan (2021) that eliminates density limits. The number of units proposed by these projects is not regulated by the zoning regulations adopted in 2021 but would be achievable in all cases under the new standards.

The only projects with approved densities below the theoretical capacity are located in North San Rafael and on Lincoln Avenue. One is a townhome project, approved at 20 units per acre where 43.5 units per acre is allowed by zoning. Another is Northgate Walk, which required subdivision of a hotel site to create new parcels that could support multi-family housing. The project density there is 34 units per acre, while 43.5 units per acre is allowed by zoning.

**Table 4.4: Theoretical and Actual Densities of Recently Constructed Projects**

Project	Status	Acres	Maximum Units Permitted by Zoning at time of Application	Number of Units Actually Built	% of zoned capacity actually built
524 Mission	Built 2017	0.63	13	15	115%
107 G Street	Built 2017	0.17	7	10	142%
21 G Street	Built 2019	0.24	10	8	80%
Loch Lomond (res. area only)	Built 2017-2022	9.0	N/A(*)	81	N/A
3773 Redwood Hwy (Oakmont)	Built 2020-21	1.22	52	89	171%
815 B Street	Built 2020-21	0.54	30	41	136%
1628 Fifth Av	Built 2021	0.23	6	9	150%
190 Mill	Built 2021-22	0.34	0/ 13 (**)	32	246%
<b>Median</b>					<b>142%</b>

(\*) Project has a General Plan designation of Neighborhood Commercial but was processed as a PD and includes multiple uses. The net area developed with housing (including private streets) is about 9 acres, or about 9 units per acre. Site was zoned for industrial uses at time of application but rezoned to high-density residential to accommodate the project.

**Table 4.5: Theoretical and Actual Densities of Projects Approved but not yet Built**

Project	Zoning	Acres	Maximum Units Permitted by Zoning at time of Application	Number of Units Actually Permitted	% of zoned capacity approved
703 Third	T5MS 70/90	0.64	46(*)	138	300%
999 Third	T5N 50/70	0.34	24(*)	67	279%
Northgate Walk	HR-1	4.06	175	136	78%
88 Vivian	NC	2.43	58	70	121%
350 Merrydale	PD (GP is CC)	2.28	99	45	45%
3301 Kerner	CCIO (GP is CC)	0.94	41	44	107%
Los Gamos Apts	PD (GP is NC)	10.24	3(**)	192	6400%
104 Shaver	HR-1	0.13	5	7	140%
Brookdale Apts	HR-1	0.26	11	10	91%
<b>Median</b>					<b>121%</b>

(\*) Application was approved prior to Downtown Precise Plan, under zoning allowing 72 DU/Ac

(\*\*) Project was zoned Hillside Resource Residential and was listed in the 2015 Housing Element as having a theoretical capacity of 3 units. Application included a General Plan Amendment and rezoning to Neighborhood Commercial/ PD. Current designation allows 247 units.

### 4.7.2 Low- and Medium- Density Residential Sites

The City compiled an initial list of vacant residentially zoned sites, including individual vacant lots and vacant properties with the potential to be subdivided. There were 66 sites identified, with the capacity for 251 units. Many of these properties were identified as having the capacity to produce only one dwelling unit or were located in areas with topography and access constraints. These parcels are not well suited for lower-income units due to the low densities permitted, distance from services and transit, and vulnerability to hazards such as wildfire and landslides.

Sites capable of producing five units or fewer were dropped from the original list. The initial list of 66 sites was culled to a list of just six sites. The culled sites may still be developed during the 2023-2031 planning period and are likely to meet a portion of the City's "above moderate" income RHNA, but they have not been specifically listed as housing opportunity sites. As noted in Section 4.5.2, the City already has a sufficient number of approved and proposed projects to meet its RHNA allocation for above moderate-income households and is focusing its inventory on lower- and moderate-income sites.

The six remaining sites are all carry-overs from the 2015-2023 Housing Element. They include two medium-density residential sites (104 Windward Way and 225 Picnic Avenue) and four low-density sites. All of these sites are currently vacant and developable. The two medium-density sites have a combined land area of just over five acres and the capacity for roughly 35 units each.

The four low-density sites include the vacant lower portion of the Glenwood Elementary School campus, owned by the San Rafael City School District (10.75 acres, estimated capacity of 52 units) and a vacant parcel along Point San Pedro Road which has been proposed for subdivision in the past (6 acres, estimated capacity of nine units). The sites also include two clusters of contiguous vacant lots in the Fair Drive/ Coleman Drive area on Lincoln Hill. These are long-established subdivisions that are only partially developed and improved, with approximately 50 legal residential lots remaining undeveloped. A total of 16 single family detached units have been assumed for 2023-2031, all on sites that currently have street frontage.

All six of the low and medium density sites are currently vacant. Their combined capacity is estimated at 147 units. This represents about 66 percent of the "theoretical capacity" that would result if each site developed at the maximum density allowed by zoning. The lower estimate recognizes that some of these sites have topography and other attributes that may result in yields below the top of the allowable density range.

### 4.7.3 High-Density Residential Sites

This category includes sites designated as "High Density Residential" or "Public/ Quasi-Public" on the General Plan Map. There are 13 sites listed in the inventory (see Spreadsheet "D" in Appendix B). Most of the sites are non-vacant and have existing uses that are well below the densities or intensities allowed by zoning. Five of the sites are being carried over from the 2015-2023 Element. The carry-over sites include two motels on Lincoln Avenue, a church on Lincoln Avenue, the Elks Club, and a municipal parking lot on Mission Avenue just outside the Downtown Plan boundary.

Newly added sites in this category include the former Nazareth House on Nova Albion Drive in North San Rafael, a School District owned property at Mission and Union (adjacent to San Rafael High School and Madrone High School), and a parking lot at the northern edge of the Marin County Civic Center that adjoins the Civic Center SMART rail station. There are also a number of smaller sites that have been added just north of Downtown, and in the Merrydale area.

Based on existing zoning, the theoretical capacity of the 13 opportunity sites is 591 units. However, the City's estimate of "realistic capacity" is 77 percent of this amount, or 458 units. The realistic capacity estimates have been tailored to each site based on land use, building conditions, and past proposals for each site. For example, the estimate listed for the Elks Lodge is 67 units based on an actual proposal for this site that was submitted in 2011. The General Plan designation for this site is "High Density Residential" and the actual number of units allowed on the site is nearly double the presumed yield. Similarly, the estimate for Marin Lodge and Villa Inn is based on the number of rooms in each motel rather than the potential yield if the sites were completely redeveloped.

In general, the realistic capacity estimates are very conservative (e.g., low); per HCD guidelines, they presume no density bonuses. It is likely that development on the HR-1 zoned sites will exceed the estimates given in Appendix B, as these projects would typically use density bonuses that allow up to 80 percent more units than is allowed by the base zone. The conservative estimates recognize that not all of these sites may develop by 2031.

There is additional potential in the high-density residential zoning districts that has not been quantified. In general, the City did not include sites with multi-family zoning that are currently developed with single family homes. These sites are "underdeveloped" as existing zoning allows many more units than exist today. However, owner interest in redeveloping these sites is difficult to verify, and redevelopment could result in displacement or the loss of some of the city's more moderately priced housing stock.

#### **4.7.4 Mixed Use Sites Outside of Downtown**

Appendix B, Spreadsheet "E" identifies 20 mixed use sites outside of Downtown San Rafael that have been identified as housing opportunities. Nine of these sites have "Office" (O) General Plan designations, four have "Community Commercial" (CC) designations, five have "Neighborhood Commercial" (NC) designations, and two have "Marine Commercial" (MC) designations. The allowable densities in the O and CC areas is 43.5 units per acre. The allowable densities in the NC and MC areas are 24.2 and 21.8 units per acre, respectively.

The theoretical capacity of these 20 sites based on their current zoning is 600 units. The Housing Element is assuming that most sites develop at 80-85 percent of zoned capacity, yielding 504 units. If all 20 sites were to develop by 2031, the actual number of units produced would likely exceed 600 units based on the yields reported in Tables 4.4 and 4.5. Density bonuses are excluded from the 504-unit estimate.

Nineteen of the 20 of the sites are considered "non-vacant" using HCD criteria. City policies and zoning regulations strongly support the redevelopment of these sites with housing, and past



trends indicate that housing is both realistic and likely. Only two of the 20 sites are “carry-overs” from the 2015-2023 Housing Element—the rest are all new sites that were not previously listed. A number of properties previously listed in the 2015-2023 Element have been dropped from the site inventory. These include four free-standing office buildings on the perimeter of Northgate Mall, the Northgate Three shopping center, the Marin Square shopping center, and the Margarita Plaza/La Plaza office park developments. Multi-family housing is still permitted on these sites and is encouraged by the City, but the properties do not meet the metrics established for 2023-2031 housing sites.

Table 4.6 indicates existing uses on the 20 sites that are listed, and the rationale for including these properties. All of the sites listed have road access and utilities, and all are relatively flat (average slope less than 10 percent) and buildable. Eight of the sites are smaller than 0.5 acres—however, seven of these are between 0.4 and 0.5 acres, which is well within the range of projects recently developed for affordable housing in San Rafael (the two most recent affordable housing developments in the city were on sites of 0.31 acres and 0.34 acres, respectively). All of the properties listed are zoned to allow multi-family housing and are in areas where housing is encouraged and supported by local plans.

During the last five-years, most of the residential development proposals in the city have occurred on sites like the ones listed in Table 4.6. These include:

- Northgate Walk (136 units on 4 acres), which is currently a hotel with under-developed areas on the parcel
- 88 Vivian (70 units on 2.4 acres), which was a former bowling alley
- 350 Merrydale (45 units on 2.3 acres), which was an under-developed office parcel
- 3301 Kerner (44 units on 0.9 acres), which was a mostly vacant office building
- 3773 Redwood (89 assisted living units on 1.2 acres), which was a furniture store

The reuse of older and underutilized commercial properties with housing is a broader trend that is reshaping communities around the Bay Area. The trend is driven by a number of factors, including declining demand for “brick and mortar” retail space and increased teleworking. Both of these trends were dramatically accelerated by the COVID-19 pandemic. These trends, coupled with very high housing demand and a shortage of available vacant residential land, have resulted in similar conversions across Marin County, the North and East Bay Areas, San Francisco, the Peninsula, and Silicon Valley.

The use of these sites for housing is further supported by their zoning. Thirteen are zoned for 43.5 units per acre. Housing is permitted by right on these sites, and the development standards support higher density housing. Several are adjacent to SMART rail or on high-quality transit corridors and may benefit from new State laws waiving minimum parking requirements.

Finally, the sites listed in Table 4.6 represent only a portion of the potential associated with commercially zoned properties outside of Downtown. The sites in the Table represent the most likely prospects based on particular metrics and the goal of affirmatively furthering fair housing, but there are similarly situated properties throughout the city. Zoning regulations for parcels zoned Office and General Commercial in particular are conducive to multi-family development and facilitate either redevelopment or adaptive reuse.

**Table 4.6: Mixed Use Housing Opportunity Sites Outside of Downtown (excludes approved and proposed projects)**

Address	Zoning	Acres	Projected Units	Rationale for Inclusion (*)
555 Francisco Blvd East (Harbor Center)	M	2.24	37	Carry-over from 5 <sup>th</sup> cycle. This is a 65-year old shopping center in fair condition with multiple vacancies, I/L ratio of 0.49 and FAR of 0.31. Prime waterfront site, located 0.6 miles from SMART station.
900 Las Gallinas	O	0.50	17	Vacant office building, 60 years old. I/L ratio of 0.36 and FAR of 0.22. Zoning allows 43.5 units/acre.
2114 4th St	C/O	0.58	20	Carry-over from 5 <sup>th</sup> cycle. Fast food restaurant, 52 yrs old, assessed land value is twice improvement value. FAR is only 0.15. Frontage on major thoroughfare at Downtown gateway.
East of 100 Yacht Club Dr	M	1.00	18	Vacant paved parcel, no structures. Formerly used for parking and maritime activities. Prime waterfront site, 0.5 miles from SMART.
141 Bellam	NC	0.48	10	Underutilized commercial (retail) building, most of site is parking.
145 and 155 N Redwood	O	2.05	62	Vacant office building (no tenants), currently listed for sale. Most of site is parking. Zoning allows 43.5 units/acre
30 Smith Ranch Rd	PD (Office)	1.43	50	Bank of America branch, currently closed. Existing FAR is only 0.18. Zoning allows 43.5 units/acre.
65 Vivian St	NC	0.42	10	Older car wash, adjoins approved townhomes. Existing FAR is .07 and I/L ratio is 0.07.
65 Medway	NC	0.46	10	Enterprise Rental Car. Currently a parking lot with a small office. Could potentially expand to adjacent lot in CCI0 zone for larger site.
380 Merrydale	PD (Office)	1.81	62	Mini-warehouse site adjacent to Civic Center SMART station. Initially identified for housing in Civic Center Station Area Plan. Explicitly referenced as a housing site in General Plan 2040.
401 Merrydale	LI/O	0.90	32	Mini-warehouses adjacent to SMART station. Like 380 Merrydale, it is explicitly referenced as a housing site in the Civic Center Station Area Plan and General Plan. Land value is 5 times improvement value.
1908/1904 4th	C/O	0.48	16	Two adjacent commercial properties in West End/Miracle Mile, each with a small free-standing structure and parking lots. One owner. Existing FAR is 0.15. I/L ratio is 0.17 on one parcel and 0.33 on other.
1930/1924 4th	C/O	0.44	15	One parcel includes vacant retail space. Adjoining parcel has misc. offices and services, some vacancies. Built 1946-50. Opportunity to merge site and redevelop with multi-family or mixed use.
3765/ 3769 Redwood Hwy	GC	0.68	23	Two adjacent commercial sites under single ownership. Buildings date from mid-1960s. Existing FAR is 0.41.
2100 4th St	C/O	0.41	14	Strip shopping center with several vacancies, built in 1960s.
855 Francisco Bvd E	GC	0.35	20	20-room motel built in 1950, with potential for conversion to housing. Estimated yield based on number of rooms.
865 Francisco Bvd E	GC	0.44	32	32-room motel built in 1956, with potential for conversion to housing. Estimated yield based on number or rooms.
3255 Kerner Blvd	GC	0.81	28	Mixed office-retail bldg (Bahia Corners) with 10400 SF floor area (FAR .27). Much of site is parking. Assessed value of land exceeds value of building.
85 Woodland Av	NC	0.75	16	Older neighborhood market built in 1953, with large parking area. Potential for multi-family, or residential over retail.
100 El Prado Av	NC	0.55	12	Small neighborhood market, built 1951. Zoning supports multi-family or mixed use, including housing over market.
<b>TOTAL</b>			<b>504</b>	

Source: City of San Rafael, 2022

### 4.7.5 Downtown Mixed Use Sites

San Rafael's General Plan 2040 and Downtown Precise Plan were adopted in 2021. Both plans support and facilitate the transformation of Downtown into a denser, urban district, intended to accommodate approximately half of the City's growth during the next two decades. The Precise Plan introduced new zoning regulations that eliminate density and floor area ratio entirely. The Plan's Environmental Impact Report was intended to streamline the CEQA process for Downtown projects and make it much easier to develop housing on Downtown sites. As noted earlier in this chapter, a number of large mixed use projects have been proposed since the Precise Plan was adopted. Many more are anticipated in the coming years.

The site inventory identified 49 Downtown housing sites, making this the largest category of opportunity sites. The sites have a combined capacity of 1,560 units, or 58 percent of the capacity associated with opportunity sites (excluding approved and proposed projects). These sites are listed in Appendix B, Spreadsheet "F." Approximately 37 percent of this capacity (587 units) is estimated to be for lower income units. However, all of the sites effectively meet the 30 unit per acre default density requirement (based on their height limits, since there is no density metric). All of these sites could potentially accommodate affordable housing. It is anticipated that the area will include a combination of projects that are 100% affordable and projects that are market rate, with below-market units meeting the City's inclusionary housing requirements.

Downtown sites range in size from 0.2 acres to 2.0 acres. Twenty of the sites are larger than 0.5 acres. Another 19 are between 0.3 and 0.5 acres. While HCD generally uses 0.5 acres as the threshold for a lower-income opportunity site, many Downtown projects are occurring on smaller sites. For example, the 67-unit Vivalon project (which is 100% affordable) is being developed on a 0.34-acre site. Elsewhere in Downtown San Rafael, three of the four most recently completed projects were on sites of 0.17 acres (10 units), 0.23 acres (9 units), and 0.24 acres (8 units).

Given the highly urban, historic context of Downtown and the new zoning regulations, sites in the 0.3- to 0.5-acre range can produce more than 50 units and are viable as mixed income development sites. The Downtown sites inventory includes six municipal parking lots, plus an underutilized City-owned parcel on Fourth Street. The City has included a program in its Housing Element prioritizing the development of these sites for very low income and special needs housing.

Six of the 49 Downtown sites are "carry overs" from the Fifth Cycle Housing Element. These include an underdeveloped shopping center in the West End Village, a garden center, an AT&T facility on Shaver Street, a parking lot (formerly Salute restaurant), a bank (1030 Third), and a single-story Salvation Army donation center. The other 43 sites are newly added, based on site-specific recommendations from the Downtown Precise Plan, expressions of interest from property owners, input from the community, metrics such as improvement to land value ratio, and existing site conditions.

Table 4.7 provides a profile of all Downtown sites identified as having the capacity for 30 or more units. There are 19 sites on this list, with the capacity for roughly 1,100 units. This represents 70 percent of the Downtown total.

**Table 4.7: Downtown Mixed Use Sites With Capacity for 30 Units or More (excludes approved and proposed projects)**

Address	Base Height (pre-bonus)	Acres	Projected Units	Rationale for Inclusion (*)
Ritter Block	50	1.79	160	11 contiguous parcels, several of which are vacant. Improvement values are low. Downtown Plan proposes closing Ritter (a cross-block diagonal) and creating a master-planned development with residential, and office/hotel, with sub-grade parking. Site was evaluated in Downtown Plan for 200 units
Goldstone Project (924 3rd, 1001 and 1009 4 <sup>th</sup> St.	60	0.98	120	4 parcels under one owner. Currently older low-rise retail, mostly vacant. Owner has been in discussion with City for several years exploring potential public market and mixed use. Proposals by owner have exceeded 200 units, and density bonuses are likely. 120 DU estimate is very conservative.
United Market (W/side Grand b/w Second and Third (515 3rd St))	40	1.86	83	Single story supermarket built in 1955, FAR is 0.3 and much of site is surface parking. I/L ratio = 0.54. Site identified in Downtown Plan is significant mixed use opportunity (housing over grocery, with structured parking). Yield based on Downtown Plan estimate of 83 units, but will likely be higher.
5th and C NE corner (1248 5th Ave)	40	0.65	80	Owner has been in discussions with City regarding proposals for a multi-story mixed use project on this site, using density bonuses to raise height limits by 10 to 20 feet. Actual buildout will likely exceed this estimate.
Best Buy Outlet (1801 4th S: 4th and Ida, SW corner) and 1814 2nd St	40	1.55	72	Previously counted site, comprised of two parcels that could be assembled or developed individually as mixed use projects. One is a fast food restaurant (FAR 0.08 and an I/L ratio of 0.32). Other is an outlet store with FAR of 0.38 and an I/L of 0.76. Double frontage on 2 <sup>nd</sup> and 4 <sup>th</sup> .
Citibank (Hetheron/3rd NW corner)	70	0.59	60	Abuts SMART station platform and was identified as a major opportunity in Downtown Plan. Bank was built in 1978, FAR is 0.4. In tallest/most intense height district and a significant housing opportunity.
SE corner Irwin and 4th St (523-525 4th)	50	0.81	60	Early 1960s Class C office space. Recently sold. Owner has expressed interest in residential/ mixed use development. Application likely by 2031.
Safeway (700 B St)	40	1.99	50	Largest developable site in Downtown. 27,000 SF older supermarket. Opportunity for mixed use housing over new grocery. Downtown Plan presumed flats/ townhome densities here but could be significantly higher.
SE corner Irwin and Second (700 Irwin)	50	0.57	50	Vacant 26,000 SF office building, currently fenced off. Identified as a possible housing site in the Downtown Precise Plan. Waterfront site, with opportunities for shoreline amenities
Tamalpais/3rd NW corner	70	0.33	44	Known as the "Salute" site (name of restaurant located here that burned in 2005)--currently a private parking lot. Owners participated in Downtown Plan and shared illustrative plans for 44-unit apartment building.
1550 4th (north side between E and F)	40	0.99	40	0.99-acre site comprised of five adjacent parcels. Would require site aggregation. Existing uses are lower value relative to surroundings, including vehicle storage. Significantly higher yield if parcels are merged.
220 Shaver	40	0.90	40	Site was counted in 2015-2023 Element. 0.91 AT&T facility and parking area. Presumed to be 3-4 story given location.
NW corner 4th and E St (1504-1518 4th St)	50	0.84	40	0.84-acre site in single ownership at NW corner of 4th and E. Owner has expressed interest in mixed use or multi-family residential on this site. Downtown Plan assumed 40 units but actual yield will likely be much higher.
3rd and Cijos NE corner	50	0.46	36	0.46 acre municipal parking lot on 3rd Street at Cijos. Downtown Plan identified capacity for 30 units, but actual yield will likely be much higher.
NE corner 4th and Mary (350 4th)	40	1.07	35	1 acre site with Salvation Army facilities. Carry-over site. 3-4 story profile assumed, given location near lower density areas.

**Table 4.7, continued**

N/side 2nd b/w E and Shaver (805 E St/1524 2 <sup>nd</sup> )	40	0.79	34	Two adjacent parcels under common ownership (Cats Cradle and Valvolene). Identified as opportunity site in Downtown Plan.
S/side 2nd b/w Grand and Irwin (555 2nd St)	40	0.44	30	Fast food restaurant (built 1969) and surface parking lot, with frontage along San Rafael Canal. Existing FAR is 0.22. Underutilized site, opportunity for housing with ground floor waterfront commercial and related amenities
3rd/Lootens NE corner (840 3rd)	50	0.36	30	0.36-acre municipal parking lot on 3rd Street, also serves as parking for adjacent Walgreens. DTPP identified capacity for 30 units over structured municipal parking. Good opportunity for very low/ supportive housing.
1030 3rd St (3rd and A NE)	50	0.68	30	Carry-over site from 5th Cycle. Bank built in 1963 on corner site. FAR is only 0.28, most of site is parking. Identified as opportunity site in Downtown Plan.
<b>Total</b>		<b>17.7</b>	<b>1,094 units</b>	

Source: City of San Rafael. 2022

The capacity estimates in Table 4.7 are conservative and do not include height bonuses. The average presumed density of the 19 sites listed in the table is 62 units per acre. This is consistent with what was assumed in the previous Housing Element and with projects built in Downtown San Rafael in the 1990s and early 2000s.

Densities in more recently completed projects have been much higher than this. For instance, the recently completed 815 B Street project is 76 units per acre. The Vivalon project now under construction is 197 units per acre, and the approved development at 703 Third Street will be 215 units per acre. The average density of the three largest Downtown projects currently under consideration is 162 units per acre. All of these projects are proposing density bonuses to achieve heights above the base levels permitted by the Downtown Plan.

Thus, the actual yield of the sites listed in Table 4.7 is likely to be substantially more than 1,100 units. Moreover, Table 4.7 only includes the 19 largest Downtown sites—there are 30 more sites listed in Appendix B. Like the sites in Table 4.7, these 30 sites have the potential to develop with a significantly higher number of units than are shown in the Appendix. The Downtown Plan allows height bonuses of 20 feet on many of these sites when inclusionary housing requirements are met on-site. Consistent with HCD guidelines, these bonuses are not factored into the “realistic capacity” estimates.

#### 4.7.6 Public and Institutional Sites

Housing potential on Public and Institutional sites is reported on Spreadsheets “C” through “F” in Appendix B. The potential was quantified through direct communication with public agencies (School Districts, County of Marin, and the City of San Rafael itself), major institutions such as Dominican University, and carry-over of several church and non-profit owned sites identified in the 2015-2023 Element. With the passage of AB 2244, these sites are more viable now than they were in the prior cycle.<sup>4</sup>

Spreadsheets C through F include a column indicating those sites that are owned by public or tax-exempt entities.

#### 4.7.7 Sites Not Counted

In identifying potential housing sites, the City created a secondary list of properties that met the metrics for housing opportunity sites but had other factors that made them less viable. For example, many of the car dealerships on Francisco Boulevard are in zoning districts that allow multi-family housing. These sites have low improvement values, high land values, and are flat and easily accessed. However, they are essential revenue generators and are important to the City’s fiscal health and regional economy. For these reasons, they are not listed as Housing Opportunity Sites.

Likewise, the City has a number of industrially zoned sites that could be rezoned to allow housing. The General Plan 2040 (and previous general plans) discourage such rezoning, recognizing the importance of these properties to providing jobs, tax revenue, and essential services to residents of Marin County. Depending on future economic conditions, some of these sites could be considered during the next (2031-2039) Housing Element or later in the 2023-31 period. A few are in the Lindero Mixed Use area (near Davidson Middle School and within ½ mile of SMART Rail) and could be viable housing sites.

There are also numerous active commercial businesses and shopping centers located on large parcels where housing is allowed. An example is the Regency Theater on Smith Ranch Road, the Rice and Shamrock Shopping Centers, and many of the bank properties scattered across the city. There are also active restaurants, office buildings for lease, and other commercial businesses, that theoretically could support housing. Some of these properties could develop during the 2023-2031 horizon, but there is not substantial evidence to support that conclusion.

There are 44 sites on the “B list” that are not in the inventory. These sites were estimated to have the capacity for 1,700 units. Another 50 sites, generally consisting of vacant lots in Hillside Residential areas, were likewise removed from the site inventory during the screening process. All of these sites may still be developed with housing, but they are not well situated for low or moderate-income units, which is the type of housing that is most urgently needed.

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<sup>4</sup> AB 2244 allows faith institutions to remove up to 50 percent of their existing parking for the purpose of creating affordable housing on their land.

### 4.7.8 Spreadsheets and Maps

As indicated above, Appendix B includes the complete inventory of housing sites. Table 4.8 provides a summary of the 15 data fields included in the housing opportunity site inventory. Each site has been assigned a unique alpha-numeric identifier. The letters correspond to the six spreadsheets in Appendix B as follows:

- “A” sites are projects that are approved or under construction (see Section 4.5.1)
- “B” sites are projects that are in the planning and pre-application stages (see Section 4.5.2)
- “C” sites are vacant sites planned for low to medium-density residential development (see Section 4.7.2)
- “D” sites are designated for high-density residential development (see Section 4.7.3)
- “E” sites are mixed use development sites outside of Downtown (see Section 4.7.4)
- “F” sites are Downtown mixed use sites (see Section 4.7.5)

Other data fields correspond to variables required by HCD, including assessor parcel number, address, site acreage, general plan and zoning designations, existing land use, theoretical capacity (maximum zoning density multiplied by acreage), realistic capacity, ownership (public or private), environmental constraints, availability of infrastructure, and distribution of units by income category. The data base also indicates if the site was counted in prior Housing Element(s) and includes space for comments on each property.

Figure 4-1 identifies the location of the housing sites. For legibility, this information is presented on six sheets, with the first serving as a “key map” for the other five. The color of the site corresponds to its status, with different colors used to indicate if the site is an approved project (red), a proposed project (green), a low-medium density opportunity (yellow), a high-density opportunity (blue), or a mixed use opportunity (purple, or teal if Downtown).

**Table 4.8: Key to the Housing Site Spreadsheets**

Column	Title	Description
1	ID#	A unique alpha-numeric ID has been assigned to each site. The letter corresponds to the spreadsheet on which the site appears.
2	APN	Assessor Parcel Number. Some sites have multiple APNs and some sites occupy only a portion of a given APN.
3	Address/ Location	Either a street address or a narrative description of the location of each property
4	Acres	Total (gross) acres of the housing opportunity site
5	GP Des	Existing General Plan Designation
6	Zoning	Existing Zoning Designation
7	Existing Use	A narrative description of the current use of each site
8	Theoretical Capacity	The land area for each site multiplied by the maximum zoning density, inclusive of any proposed increases in allowable density. For already approved projects and for projects with pending applications, the actual number of approved or proposed units is used. Sites in the Downtown area have no density requirements, so theoretical capacity is more difficult to estimate. See discussion on next page.
9	Realistic Capacity	<p>(1) <u>For already approved projects, the actual number of approved units is used</u></p> <p>(2) <u>For sites with development constraints such as steep slopes and limited access, the estimate is generally 60-80 percent of what is allowed by zoning.</u></p> <p>(3) <u>For mixed use and commercially zoned sites, the estimate is generally 80 percent of theoretical capacity.</u></p> <p>(4) <u>In the Downtown Precise Plan area, the estimates reflect figures that were developed in 2018-19 and used in the EIR for that project.</u></p> <p>The estimate of a site's "realistic capacity" does not preclude a site from developing with more units than are shown in this column. This is intended as a conservative estimate based on guidance provided by the State Department of Housing and Community Development.</p>
10	Pub/Private	Indicates whether the site is publicly or privately owned. PR = private. PU = public
11	Constraints	Indicates development constraints on each site, with an emphasis on environmental constraints. Typical constraints include steep slopes, sea level rise, fire hazards, historic resources, noise, and air quality.
12	Infrastruc- ture	Indicates the improvements that would be required for site development, including road access and internal streets and utilities. Sites with utilities available in the street right-of-way abutting the site are considered to have infrastructure. Sites without adjacent water, sewer, or dry utilities are noted as needing infrastructure.
13 A, B, C	Income Category (Low, Mod, Above Mod)	Indicates whether the site is expected to serve above moderate, moderate, or lower (low + very low) income households. The designation of a site as "lower income" does not mandate that it be developed with lower income housing. However, if it is developed with another use, the City must find that it still has capacity to meet its lower income assignment in the remaining sites (or identify additional opportunity sites to make up the deficit).
14	Counted before?	Indicates if the site was counted in the 2015-2023 Housing Element site inventory
15	Comments	Provides additional remarks and comments about each site, including background information and context for why it is listed as a housing opportunity. <b>Red font</b> is used where a follow-up zoning action is required.



**Figure 4-1: Housing Opportunity Sites**

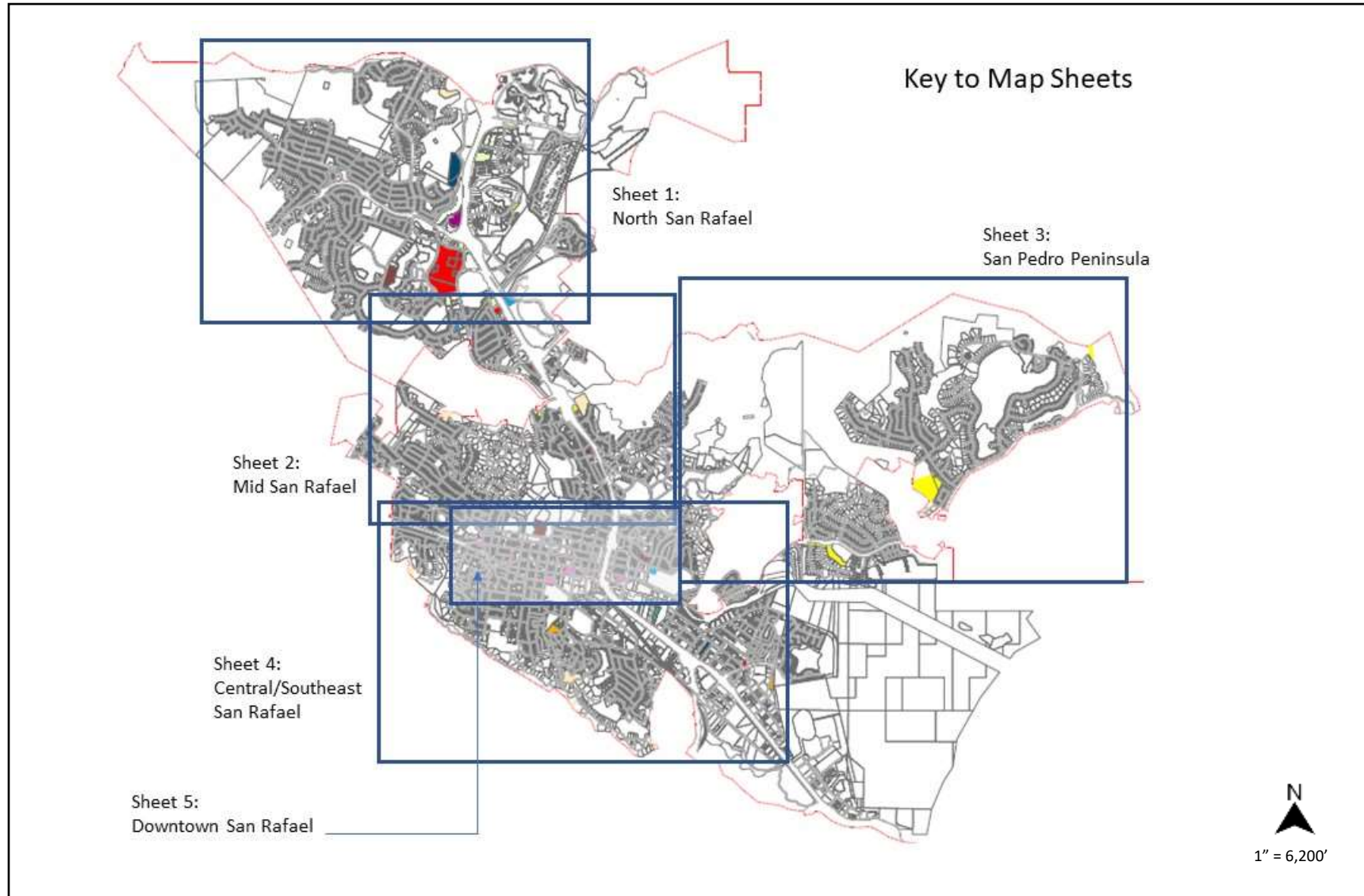


Figure 4-1, continued

Sheet 1: North San Rafael

Numbered shapes correspond to Housing Opportunity Sites. See Appendix B for full list.

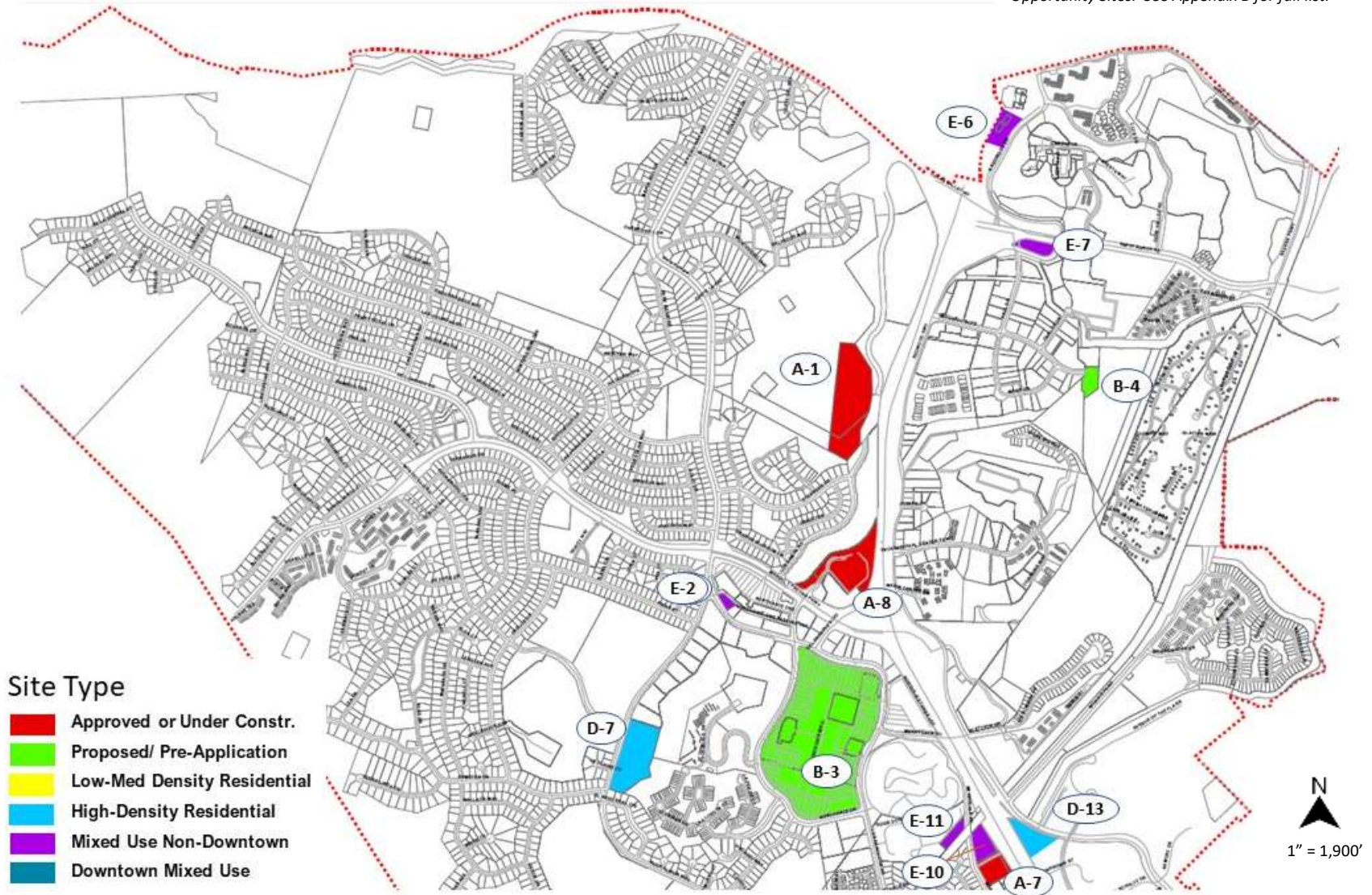


Figure 4-1, continued

Sheet 2: Mid San Rafael

Numbered shapes correspond to Housing Opportunity Sites. See Appendix B for full list.

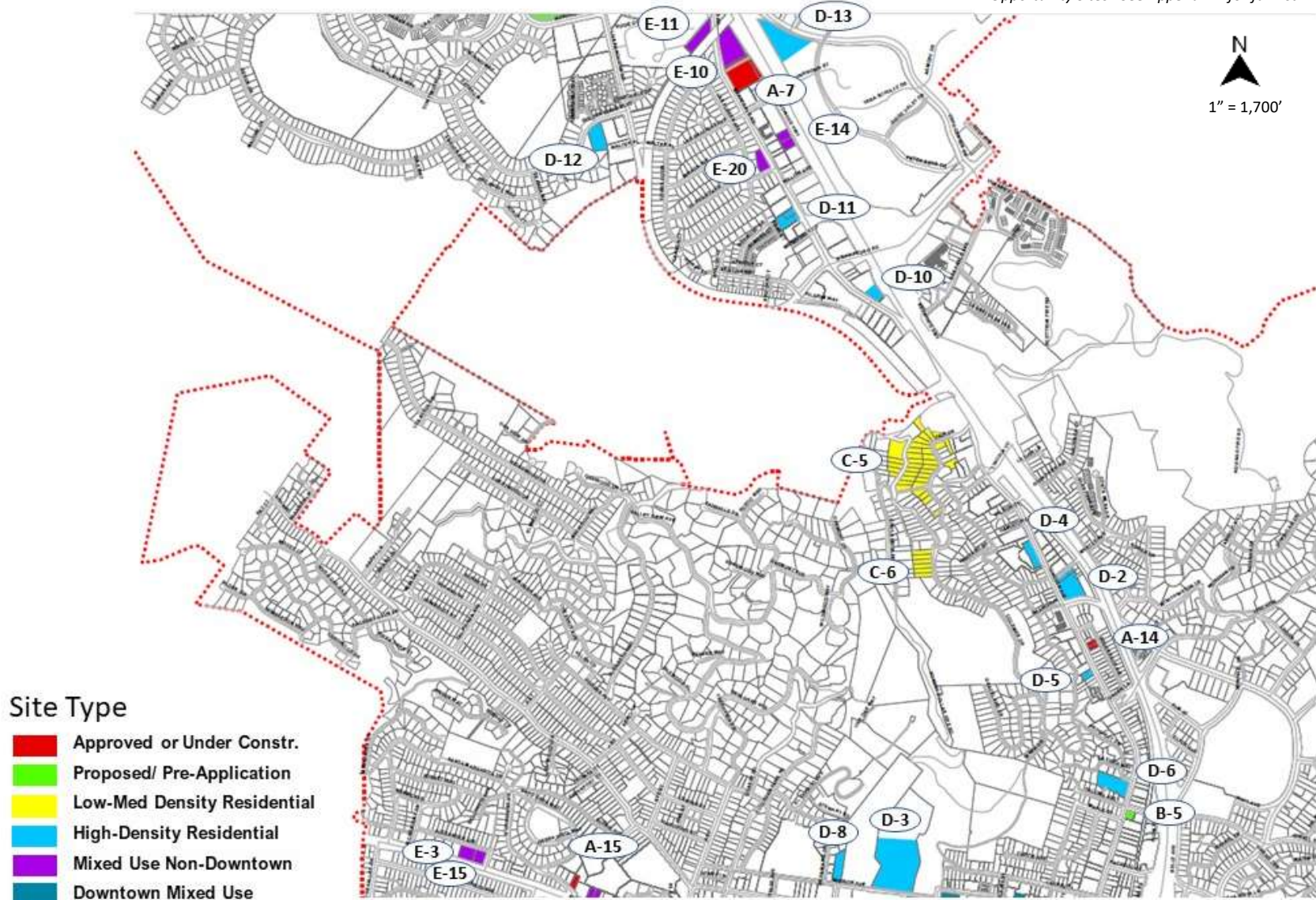


Figure 4-1, continued

Sheet 3: San Pedro Peninsula

Numbered shapes correspond to Housing Opportunity Sites. See Appendix B for full list.

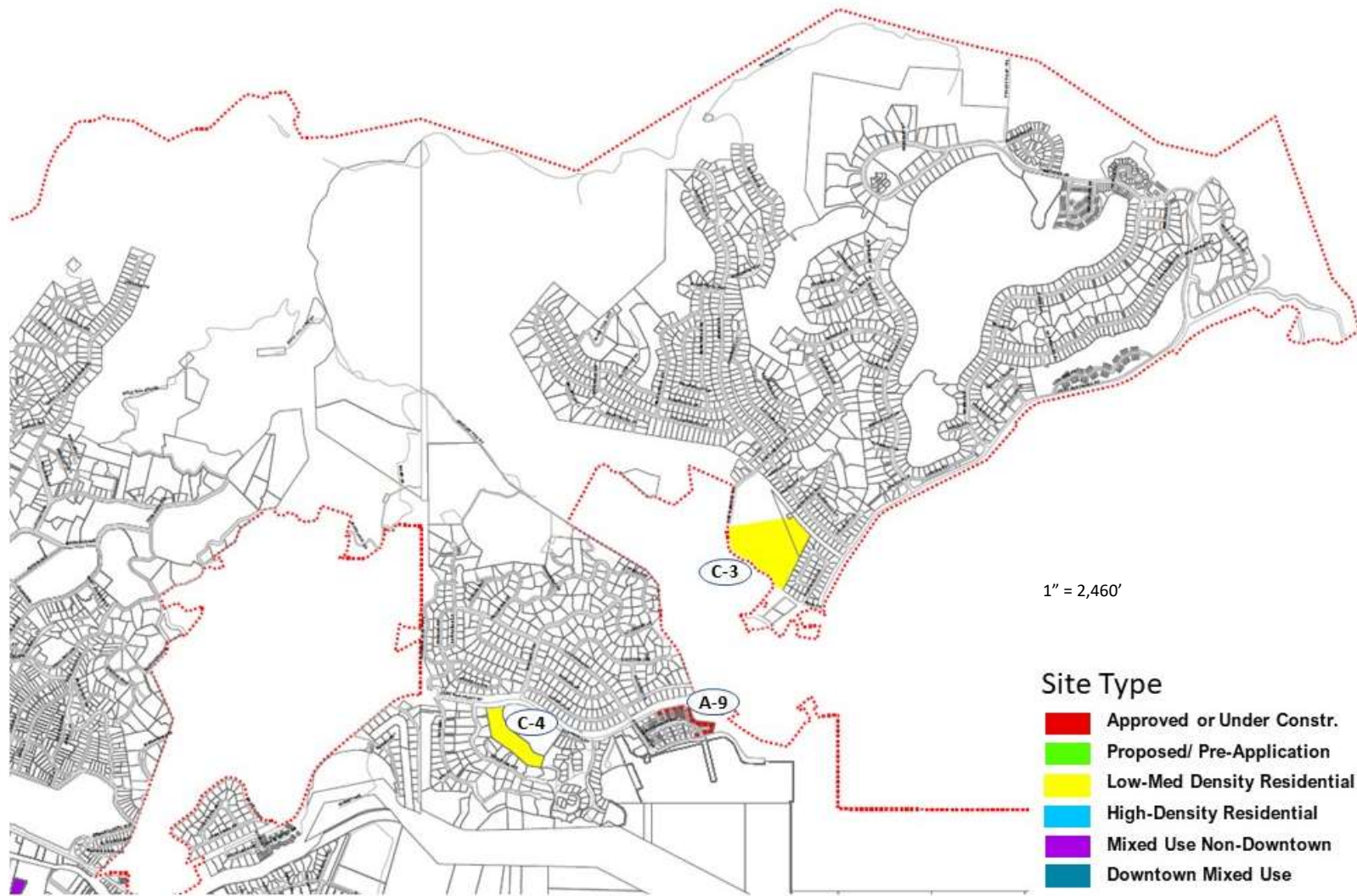


Figure 4-1, continued

Sheet 4: Central and Southeast San Rafael

Numbered shapes correspond to Housing Opportunity Sites. See Appendix B for full list.

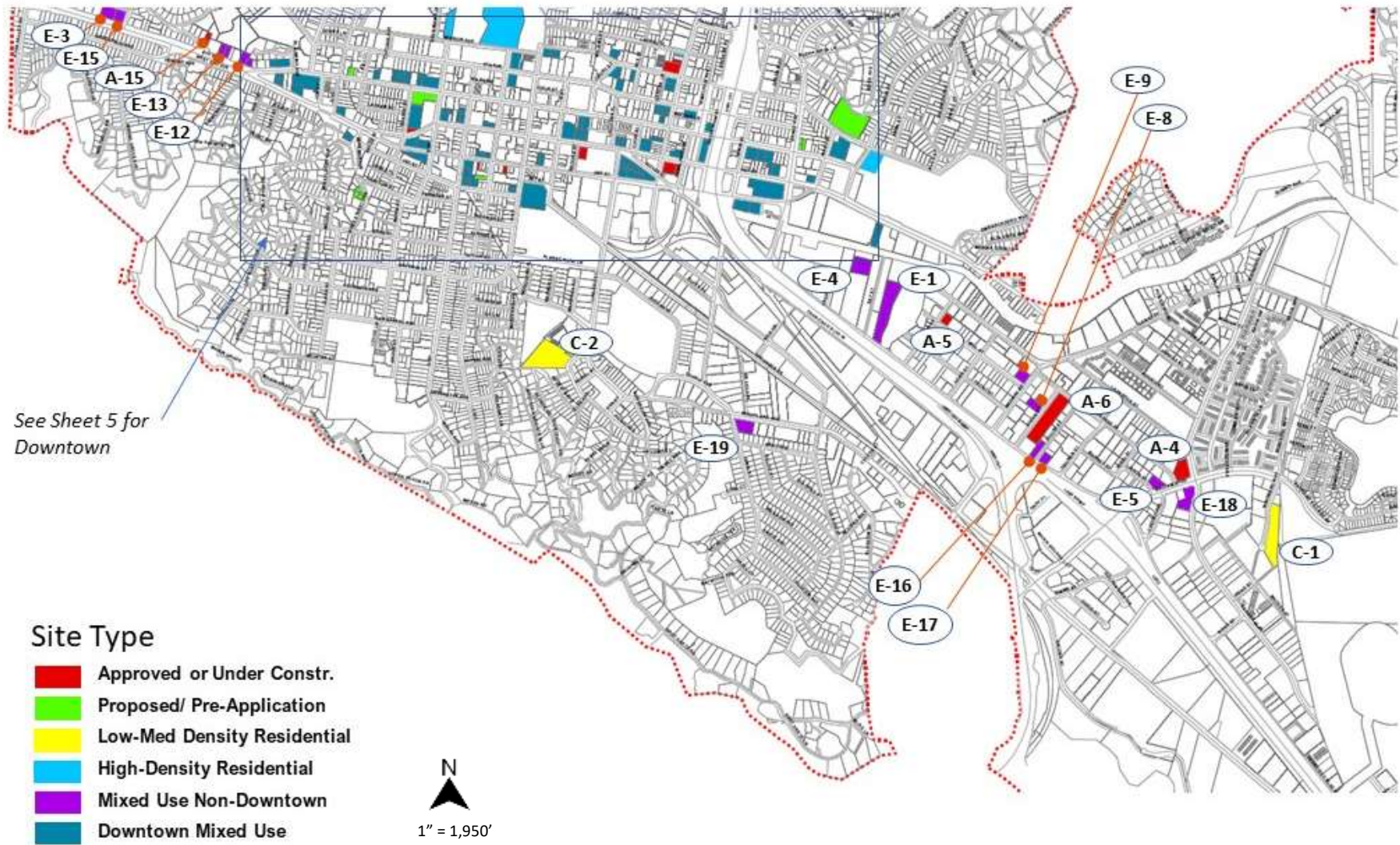


Figure 4-1, continued

Sheet 5: Downtown San Rafael

Numbered shapes correspond to Housing Opportunity Sites. See Appendix B for full list.



Site Type

- Approved or Under Constr.
- Proposed/ Pre-Application
- Low-Med Density Residential
- High-Density Residential
- Mixed Use Non-Downtown
- Downtown Mixed Use

### 4.7.9 Conclusions

As summarized in Table 4.1, San Rafael has provided a sufficient number of housing sites to meet its Regional Housing Needs Allocation by income category. The City has 785 approved units (including 200 lower income units) and another 1,204 units in the 2023-2031 pipeline (including 114 lower income units). It anticipates 200 ADUs, approximately 70 of which are projected to be “affordable by design” to lower income households. The City has identified opportunity sites capable of accommodating another 2,669 units. That is a conservative estimate in that it presumes densities below the maximums allowed by zoning and only includes sites identified meeting certain criteria. Higher density housing will likely occur on other sites in San Rafael, as it is supported and encouraged by the City’s commercial zoning regulations.

As introduced in Section 4.2.1, State law establishes that sites are considered to be suitable for lower income housing development when they are zoned at densities of 30 units per acre or greater. As indicated in Table 4.9, approximately 82 percent of the housing capacity identified in Appendix B is on sites zoned at these densities. Any of these sites could develop with lower income development. The City has assumed a more balanced income distribution, including a mix of low, moderate, and above moderate units that completely meets the RHNA.

**Table 4.9: Opportunity Sites by Density**

Site Type	Site capacity <u>under</u> 30 units/acre	Site capacity <u>over</u> 30 units/acre	TOTAL
Low/Medium Density Residential	147	0	147
High Density Residential	226	232	458
Non-Downtown Mixed Use	113	391	504
Downtown Mixed Use	0	1,560	1,560
<b>Total</b>	<b>486</b>	<b>2,183</b>	<b>2,669</b>

Source: City of San Rafael, 2022

*Note: Table excludes projects that are already approved and projects in the application or pre-application stages. These are uncommitted sites only.*

## 4.8 Other Considerations

The Government Code requires consideration of environmental constraints and infrastructure as part of the Opportunity Site analysis. Data for each site is provided in Appendix B and is summarized below. This section also considers the ability of the housing sites to affirmatively further fair housing (AFFH). A more in-depth evaluation of AFFH and housing sites appears in Appendix A.

### 4.8.1 Environmental Constraints

For the last 50 years, San Rafael's General Plan has focused the city's development in existing urban areas. The City's policies and development regulations have protected wetlands, hillsides, ridgelines, and riparian areas, while limiting development in areas prone to natural hazards such as landslides and flooding. The City adopted an updated General Plan in 2021, with an expanded policy focus on climate resilience, wildfire prevention, sea level rise, and the reduction of greenhouse gas emissions. This includes greater acknowledgment that higher-density housing and compact growth are essential to growing more sustainably. It also includes a commitment to address past inequities that have resulted in lower income populations living in the most vulnerable parts of the city.

Each of the housing opportunity sites was evaluated based on environmental and natural hazard conditions. While these conditions do not preclude development, they could result in additional development costs or reduce the number of units that could potentially be accommodated. A summary of findings follows.

- **Steep slopes and hillsides.** San Rafael's initial list of opportunity sites included a large number of vacant properties on steep slopes and hillsides, accessed by narrow streets. Most of these sites were zoned for low-density residential uses. With only a few exceptions, these sites were removed from the inventory due to their location and their poor suitability for lower income units. The sites identified for lower income housing generally have slopes that are less than 10 percent. This reduces development costs and makes affordable housing more viable.
- **Geologic hazards.** All of San Rafael is potentially subject to violent groundshaking in an earthquake. The City is close to a number of active fault lines capable of causing significant damage. This is a universal hazard that affects all housing sites in the Bay Area. It is mitigated through building codes, geotechnical study requirements, and construction requirements. Several of the housing sites are in high liquefaction zones, particularly those in the eastern part of Downtown and along the San Rafael Canal. Development on these sites requires construction methods that ensure structural integrity.
- **Flooding.** Portions of San Rafael are subject to flooding, including extensive areas vulnerable to sea level rise. The City's General Plan created a Sea Level Rise Overlay Zone that encompasses parcels potentially subject to tidal flooding by 2050. It calls for adaptation studies and plans to reinforce levees and develop long-term strategies to reduce the potential for damage and threats to life and property. Several housing sites in the vicinity of the San Rafael Transit Center and Downtown SMART station are within this boundary, as are



sites in the Canal area (Sites C1, E1, E5, E8, E9, E16, E17, and E18). There may be additional development costs on these properties associated with raising habitable floor elevations, designing buildings to reduce flood hazards, and improving roads and utilities to address flood risks.

- **Wildfire hazards.** CALFIRE has mapped areas across California based on their wildfire hazard severity levels. None of the housing sites in San Rafael are located in “very high” fire hazard severity zones. Several of the lower density sites are in the Wildland-Urban Interface area (WUI). For example, the Fair Drive/Coleman area includes narrow streets where emergency vehicle access may be an issue. All of the sites identified as suitable for lower income households are urban infill properties with sufficient ingress and egress and lower fire risks. The City of San Rafael continues to implement (and update) a Wildfire Action Plan to support vegetation management, hardening of residential properties to increase their resistance to wildfire, and design of buildings and landscapes that are more resilient to fire.
- **Biological resources.** Sensitive biological resources include riparian corridors, wetlands, redwood groves, and oak woodlands, as well as areas with potential habitat for special status species. Sites with potential biological resources may be subject to requirements for plant and animal surveys, and mitigation measures relating to tie timing and method of grading and construction. Housing sites are largely urbanized properties that have already been developed. Biological resources on these sites are usually limited to non-native species or species that have adapted to urban conditions.
- **Air quality and noise.** These two factors are combined here as they are both associated with proximity to transportation facilities. Sites adjacent to freeways may have higher levels of particulates, diesel fumes, and carbon monoxide, as well as noise levels that exceed land use compatibility guidelines. Because the Housing Element focuses new development near transit stations and corridors (which are adjacent to the 101 Freeway), a relatively large number of the housing sites are in areas with ambient noise levels exceeding 65 dB. Likewise, many of the sites are less than 500 feet from the US 101 or I-580 freeways. This is particularly true in Downtown San Rafael, where at least four sites are within one block of the freeway. The General Plan EIR establishes air quality and noise mitigation measures that would apply to these sites. Sites along other high-volume streets, such as Second and Third Street, Fourth Street (Miracle Mile), and Francisco Boulevard East may also be subject to noise-reduction and air quality measures based on traffic volumes.
- **Hazardous materials.** Some of the housing sites currently support automotive businesses, dry cleaners, car washes, marine-related uses, and other activities that may involve (or previously involved) the handling of hazardous materials. This includes sites with leaking underground storage tanks. The General Plan EIR included an evaluation of these sites and identified requirements for pre-development studies based on prior uses where applicable.

## 4.8.2 Availability of Infrastructure to Serve Housing Sites

All of the sites identified as having the potential for low- or moderate-income housing have street frontage with water, sewer, and drainage lines at the curb, as well as “dry” utilities such as natural gas, cable and electricity. Most of the sites are non-vacant and already are fully served. In some cases, on-site improvements could be required to reflect the increased demand associated with a high-density mixed use or multi-family residential project relative to the prior use. A few of the low-density sites (Fair Drive/Coleman) do not currently have infrastructure and are shown in the site inventory as “above moderate income” to reflect those costs.

### Water

Marin Municipal Water District (MMWD), a public utility governed by an elected board, provides water service to eastern Marin County south of Novato. Approximately 27 percent of MMWD’s customers are within San Rafael. MMWD’s water supplies presently come from a combination of local surface water supplies, imported water from the Sonoma County Water Agency (SCWA), and recycled water. Local surface water is stored in seven local, rain-fed reservoirs, all located outside the San Rafael Planning Area.

MMWD considers San Rafael’s long-range growth plans in its Urban Water Management Plan, which is updated every five years. Their most recent Plan estimates an 8.3 percent increase in demand in the service area between 2015 and 2040, largely due to population and employment growth. This is within the system’s capacity, even during periods of dry years. However, Marin County is currently in a drought state of emergency and must consider the potential for more sustained dry years in the future. Future measures could include mandatory water restrictions, additional conservation measures, desalination, and moratoria suspending new water hookups.

### Wastewater

Wastewater collection and treatment in San Rafael is provided by three entities: Las Gallinas Valley Sanitary District (LGVSD), San Rafael Sanitary District (SRSD), and Central Marin Sanitation Agency (CMSA). LGVSD operates both a collection system and a wastewater treatment plant. SRSD operates a collection system that delivers wastewater to a treatment plant operated by CMSA. LGVSD’s service area includes North San Rafael and neighboring parts of unincorporated Marin County. The treatment facility is located at the east end of Smith Ranch Road. SRSD collects wastewater in the area south of Puerto Suelo Hill, including San Rafael, San Quentin, and adjacent unincorporated areas. The treatment plant is located near Point San Quentin, with treated wastewater discharged to Central San Francisco Bay via a two-mile outfall pipe.

The Sanitary Districts/Agency maintain capital improvement and preventive maintenance plans that address capacity, storage, structural, and other issues, as well needs associated with growth and technology. Capacity assessments are periodically performed. The collection and treatment facilities have adequate capacity to meet San Rafael’s long-term needs. However, capital projects are necessary to respond to regulatory changes, operational needs, and climate change impacts, including sea level rise. LGVSD is in the process of a multi-year, multi-million dollar plant upgrade. CMSA has prepared a Facilities Master Plan which identifies 26 projects that respond to future needs.

## Water and Sewer Priority

Government Code §65589.7 requires each public agency or private entity providing water or sewer services to grant a priority for the provision of these services to proposed developments that include lower income housing units. The City of San Rafael has not previously denied, applied conditions, or reduced the amount of sewer service for a development that includes housing affordable to lower-income households consistent with State law. As part of Housing Element implementation, the City will grant priority for sewer hook-ups and service to developments that help San Rafael meet its share of the regional need for lower-income housing

Government Code §65589.7 also requires adopted housing elements to be immediately delivered to all public agencies or private entities that provide water or sewer services for municipal and industrial uses, including residential. The City will provide the adopted Housing Element to MMWD and the three sanitation/sanitary districts immediately upon adoption.

## Dry Utilities

Dry utilities include energy facilities and telecommunication services. Marin Clean Energy (MCE) provides electricity to all communities in Marin County, including San Rafael. MCE is a Community Choice Aggregation Program run by representatives from participating communities. It provides electricity that is primarily generated from renewable sources such as solar and wind power. The electric energy provided by MCE is conveyed to customers using infrastructure owned and operated by PG&E. PG&E maintains the transmission grid, distribution lines, transformers, and substations. PG&E also provides natural gas service to San Rafael customers. Telecommunication services include traditional landline telephone services, cable and satellite television services, and mobile telephone services, as well as fiber/broadband and other internet services. These services are offered by multiple providers and are regulated to varying degrees by the California Public Utilities Commission and Federal Communications Commission.

Dry utilities are available on all of the sites identified as suitable for providing lower income housing. As most of these sites are non-vacant, they already have electric, gas, and telecommunication services. Localized improvements may be required as properties are converted from commercial to residential use, and as new construction occurs.

### 4.8.3 Contribution of the Housing Sites toward Affirmatively Furthering Fair Housing

Pursuant to AB 686, housing sites must be identified throughout the community in a manner that affirmatively furthers fair housing (AFFH) (Government Code Section 65583(c)(10)). This means that sites identified to accommodate the lower income need should not be concentrated in “low resource” areas as defined by HCD and the California Tax Credit Allocation Committee (TCAC). Low resource areas are neighborhoods with low-performing schools, poor environmental health indicators, and less access to jobs and economic opportunity. The State’s AFFH mandate also means that housing opportunities should be geographically distributed so that no single neighborhood is overly impacted.

Appendix A includes the TCAC Opportunity Map for San Rafael. The map is used by the State to determine how tax credits for lower income housing are allocated. Lower-income housing projects in “high resource” areas are rated more favorably for financing than those in “low resource” areas, in order to create more affordable housing in high-cost locations. The TCAC map is also a useful tool for evaluating the distribution of housing sites by income.

One of the shortcomings of the TCAC maps is that they are prepared at the Census Tract level. In San Rafael, several census tracts include a mix of both high- and low-income households. As a result, the tract that includes the Dominican, Country Club, and Montecito areas is identified on the map as a “Low Resource” area even though it includes some of the City’s most affluent neighborhoods. Similarly, the tract including Baypoint Lagoons and Spinnaker Point in Southeast San Rafael is shown as a “Low Resource” area. The Core Canal neighborhood is considered an “Area of High Segregation and Poverty.”

Most of San Rafael is designated as a “Moderate” Resource Area. The “Highest” Resource Areas are limited to the northern part of Terra Linda and Sun Valley.

Following AFFH principles, the City should avoid further concentration of lower income housing the Core Canal area and create lower income opportunities in all parts of the city. However, input received during the Housing Element process indicated an urgent need for affordable housing in all neighborhoods, including the Canal. There are also concerns that additional market-rate development in the Canal could cause gentrification and displacement of long-time residents.

The City has assigned its housing sites by income in a way that avoids the concentration of lower income housing in any one particular area. Opportunities for lower income and higher-density units have been provided in Terra Linda, Northgate, the Civic Center/Merrydale area, Lincoln Hill, along the Miracle Mile in the West End, and in Southeast San Rafael. The greatest concentration of opportunities are in Downtown, which is expected to absorb roughly half of the City’s housing growth over the next 20 years.

There continue to be parts of the City where new housing opportunities remain limited due to the absence of suitable development sites, limited access, or high hazards. In these areas, the focus will be on supporting and encouraging accessory dwelling units and recognizing the potential for lot splits and other changes that incrementally accommodate additional households.

A more comprehensive evaluation of AFFH is included in Appendix A.

## 4.9 Energy Resources

Government Code 65583(a)(7) requires that the Housing Element include “an analysis of opportunities for energy conservation with respect to residential development.” State guidelines recommend that this analysis identify measures to incorporate energy-saving features, materials, and design in residential development. These measures indirectly reduce housing costs since they reduce monthly utility bills. They also provide the collateral benefit of reducing greenhouse gas emissions and creating a more sustainable community.

The link between energy conservation and housing includes the transportation sector. Transportation is the single greatest consumer of energy in California, and the largest source of greenhouse gas emissions. Much of the regional planning focus over the last decade has been on reducing vehicle miles traveled (VMT) by making it easier to live closer to work or travel shorter distances for shopping and services. Housing Elements can contribute to that goal by supporting more compact growth that makes walking, bicycling, and transit use more viable. Most of the housing opportunity sites identified in this Housing Element are infill, mixed use sites located near SMART stations or major bus lines.

San Rafael also has had a history of promoting sustainability at the local level. It was one of the first cities in the Bay Area to adopt a mandatory Green Building Ordinance in 2007. The ordinance has been updated over the last 15 years in response to countywide initiatives such as Marin Green BERST (Building, Energy, Retrofit, and Solar Transformation) and State adoption of CalGreen building standards. The City currently implements State residential building standards establishing energy performance criteria for new residential and commercial buildings (Title 24 of the California Administrative Code). It also participates in the County’s Housing Rehabilitation Loan Program, which includes funding for energy efficiency improvements. San Rafael is also a member of the Marin County Climate and Energy Partnership, which includes representatives from the County and each of Marin’s cities working to promote energy conservation and efficiency.

San Rafael’s energy is currently provided by Marin Clean Energy (MCE), Pacific Gas and Electric (PG&E), and several smaller energy providers. MCE is the largest electricity provider and has helped the city pivot toward renewable power by relying a largely renewable portfolio. MCE currently serves more than 540,000 customers representing more than one million residents and businesses in 37 member communities. PG&E provides natural gas and operates the power grid that delivers electricity to individual households.

### 4.9.1 Climate Action Plan

In April 2009, the City of San Rafael adopted its first Climate Change Action Plan (CCAP). The CCAP included policies and programs to reduce greenhouse gases (GHGs) citywide by 25 percent between 2005 and 2020. Forty of the 48 measures listed in the Plan have either been completed or operationalized, helping the City achieve and exceed its targets for 2020. In 2016, the State adopted the target of reducing GHGs to 40 percent of 1990 levels by 2030. The City conducted an update to its CCAP, which was adopted in 2019. The updated CCAP established

new local programs to meet the State target, and set the City on a course for meeting an earlier statewide goal of reducing GHGs by 80 percent by 2050.

The new CAP continues the activities from the original CCAP, many of which relate to residential energy and reducing transportation costs. It also includes a focus on social equity, including an evaluation of each measure to ensure that it does not have unintended negative consequences on lower income households. The 2030 CAP anticipates that 32 percent of the reduction in GHG emissions will result from renewable energy, 18 percent due to energy conservation, and 38 percent due to low-carbon transportation.

The energy efficiency measures include conservation and reducing the use of natural gas, which is a significant contributor to methane emissions. The CCAP includes measures encouraging residents to replace old furnaces, water heaters, stoves, and heating systems with electric versions. Current requirements may be expanded in the future to cover smaller remodels as well as major construction projects. While these requirements would provide long-term benefits through reduced energy costs, they could result in increased construction and remodeling costs. To offset such impacts, Measure EE-C1 calls for expanded participation in residential energy efficiency programs such as Marin Energy Watch, the Bay Area Regional Network (BayREN), Resilient Neighborhoods, and the Marin Climate and Energy Partnership. It also promotes utility, state, and federal rebate and incentive programs, as well as financing and loan programs that assist lower income households.

CCAP measures affecting residential energy use include:

- EE-C2, which recommends energy audits for residential buildings prior to point of sale, including cost savings from energy efficiency measures
- EE-C3, which recommends “cool” pavement and roofs to reduce energy costs
- EE-C4, which suggests that the City consider a Green Building “Reach” Code that requires energy-efficiency measures beyond those required by State building codes. This includes encouraging “all-electric” building systems as an option
- EE-C5, which recommends streamlining the permitting process and providing technical assistance to help residents and contractors implement green building requirements

The 2019 CAP includes expanded measures supporting renewable energy use. San Rafael is particularly well-suited for solar energy given its abundant sunshine. The CCAP anticipates that 24 percent of the City’s energy can come from locally produced solar energy by 2030, up from about 4 percent currently. Where solar is not an option, the CCAP recommends the purchase of 100 percent renewable energy from MCE and PG&E. Both entities have a high percentage of renewable energy in their portfolios, and MCE has made a commitment to use 100 percent renewable energy to all customers by 2025. Changes in technology and energy storage systems are making electrification of residential buildings more viable during the time horizon of this Housing Element.

CCAP action measures relating to renewable energy that may impact housing include:

- RE-C1, which encourages residential solar and renewable energy installations, battery storage installations for renewable systems, reduction of renewable energy fees, and amendments to building codes to facilitate solar installations. It also promotes

participation in low-cost financing programs to reduce financial burdens on homeowners and renters.

- RE-C2, which encourages residents to switch to GHG-free electricity, including MCE’s “Deep Green” program.
- RE-C3, which promotes electrification of building systems and appliances that currently use natural gas
- RE-C4, which supports innovative technologies such as micro-grids, battery storage, and demand-response programs that will improve the electric grid’s resiliency.

Some of the CCAP measures relate to land use and transportation. These align with the 2040 General Plan, which emphasizes denser land uses around transit and improvements to encourage walking, bicycling, and public transportation. The 2023-2031 Housing Element advances one of the CCAP’s major initiatives, which is to make it easier to travel around San Rafael without a car. Reducing auto dependency can lead to lower transportation costs, creating more disposable income for housing.

#### 4.9.2 Building Codes

San Rafael enforces California Energy Commission Title 24, which includes energy standards for new construction and renovation. These standards apply to wall and ceiling insulation, thermal mass, and window to floor area ratio, and are designed to reduce heat loss and energy consumption. The City has also adopted a water-efficient landscaping ordinance and actively supports water conservation practices. In addition to local codes, State and federal appliance standards also now require manufacturers to produce and sell appliances according to specified energy-consumption performance criteria.

The next set of Title 24 standards will take effect at the State level on January 1, 2023. The new requirements encourage efficient electric heat pumps, establish electric-ready requirements for new homes, expand solar photovoltaic and battery storage standards, and strengthen ventilation standards.

#### 4.9.3 Programs to Reduce Residential Energy Costs

A range of programs have been developed to reduce energy costs for residents of San Rafael and surrounding communities. Some of these programs are administered by Pacific Gas and Electric (PG&E), some are administered by Marin Clean Energy (MCE), and some are administered by energy-related agencies or non-profit organizations. An overview of these programs is provided below.

##### Energy Management and Assistance Programs

- **Bay Area Regional Energy Network (BayREN)** provides energy efficiency rebates, no-cost energy consulting to Bay Area residents. Single family homeowners can receive rebates up to \$5,000. BayREN also offers a program for multifamily property owners to receive \$750

per unit for improvements that reduce their building's energy use by 15 percent. These savings can provide housing cost benefits to tenants through lower utility bills.

- **Property Assessed Clean Energy (PACE)** is a financing tool that allows property owners to borrow money to pay for renewable energy systems, energy efficient improvements, seismic retrofits, and more by spreading the cost of the upgrade over a period of time. Payments are made through a special assessment on the property tax bill.
- **Resilient Neighborhoods** is a program encouraging energy conservation at the neighborhood level across Marin County. It promotes awareness of the importance of conservation and efficiency to achieve broader climate-related goals, including toolkits to assist residents with energy conservation in their own homes.
- **MCE Clean Energy's Home Energy Savings Program** provides no-cost home energy upgrades, a home energy assessment, and a gift box with energy-saving products for homeowners and renters. Home energy upgrade measures include heat pumps, water heaters, attic insulation, gas furnaces, duct sealing and pipe insulation. Eligibility is determined by income and a home assessment.
- **Energy Upgrade California** is a statewide initiative committed to helping Californians be more energy efficient and use more sustainable natural resources. Planning assistance and cash rebates are available to single family property owners and to multi-family properties that undertake energy and green upgrades. The program also includes workshops and events for residents to learn about rebates and connect with energy efficiency contractors.
- **Energy audits** are intended to identify sources of energy loss in private homes, with follow-up recommendations to address deficiencies. A typical audit includes a review of home appliances, furnaces, air conditioning systems, ductwork, insulation, and other building systems. In some instances, rebates are available for residents who implement energy efficiency recommendations.
- **GoGreen Home Energy Financing** is a State program that administers financing loans for central heating and air conditioning, windows and appliances, cool roofs, and other home improvements. GoGreen is operated through the California Hub for Energy Efficiency Financing (CHEEF), a public-private partnership between state agencies and investor-owned utilities to increase private investment in energy retrofits. The GoGreen Affordable Multi-Family Energy Financing Program (GoGreen Multifamily) is designed to leverage other efforts to finance multi-family energy retrofits and encourage growth in private market energy efficiency lending.
- **Federal Housing Administration Energy Efficient Mortgage Program (EEM)** is designed to help families save money on their utility bills by enabling them to finance energy efficient improvements with their FHA-insured mortgage.
- **Balanced Payment Plan (BPP)** is designed to eliminate big swings in home and business payments by averaging energy costs over the year. PG&E averages the customer's energy costs in the previous 12 months to arrive at a monthly balanced payment amount.



## Programs for Lower Income Residents and Residents with Special Needs

- **Relief for Energy Assistance through Community Help (REACH)** is a one-time energy-assistance program sponsored by PG&E and administered through non-profit organizations like the Salvation Army. Those who have experienced an uncontrollable or unforeseen hardship may receive an energy credit of up to \$300. Generally, recipients can receive REACH assistance only once within a 12-month period, but exceptions can be made for seniors, the physically challenged, and the terminally ill.
- **Energy Watch Partnership Program** is administered by PG&E and provides free education and weatherization services to income-qualified households. The program offers a free home energy audit and can include services such as attic insulation, weather stripping, and minor home repairs (in some cases free replacement and installation of appliances).
- **California Alternate Rates for Energy (CARE)** reduces monthly energy bills for qualified households by about 30 percent (for electricity; 20 percent for natural gas). Eligibility is based on whether any person living in the home participates in a list of public assistance programs or meets certain household income guidelines.
- **Family Electric Rate Assistance Program (FERA)** is a rate reduction program for large households of three or more people with low- to middle-income. Qualifications are based on household income. FERA generally provides an 18 percent discount on electricity.
- **Low-Income Home Energy Assistance Program (LIHEAP):** LIHEAP is a federally funded program that helps low-income households pay their energy bills. The program offers a variety of services, including HEAP, which provides one-time financial assistance; LIWP, which provides weatherization services; and the Energy Crisis Intervention Program (ECIP), which assists low-income households that are in a crisis situation. Qualifying customers receive up to \$1,000 in assistance. In Marin County, the program is administered by Community Action Marin. Eligibility and assistance level are based on household size, income, and program priorities.
- **Low Income Weatherization Program** is a State (Department of Community Services and Development) program that provides photovoltaic (solar) energy systems and energy efficiency upgrades at no cost to residents. It focuses exclusively on solar energy and includes a multi-family housing component.
- **Medical Baseline Program:** Residential customers can get additional quantities of energy at the lowest (baseline) price. To qualify for Medical Baseline a full-time resident in the home must have a qualifying medical condition and/or require the use of a qualifying medical device to treat ongoing medical conditions.
- **California Public Utilities Commission Energy Savings Assistance Program (ESA)** provides no-cost weatherization services to low-income households who meet specified income guidelines. Services provided include attic insulation, energy efficient refrigerators,

energy efficient furnaces, weatherstripping, caulking, low-flow showerheads, water heater blankets, and door and building envelope repairs which reduce air infiltration.

## 4.10 Financial Resources

### 4.10.1 Local Resources

The ability of the City of San Rafael to achieve its housing goals and objectives will, to a large extent, depend on the financial resources that are available to the City and its residents. The discussion below describes these resources, focusing on those that facilitate housing production and the delivery of housing-related services to extremely low, very low, and low-income persons and families. While the City must rely on the non-profit and private sector to develop affordable units, success can be improved through local assistance and partnerships.

Historically, much of the funding for affordable housing in San Rafael was the Redevelopment Agency. Prior to its dissolution in 2012, the Agency generated approximately \$1 million per year for housing services, including rehabilitation of existing affordable units, homeownership assistance, assistance with acquisition-rehabilitation projects, and the development of affordable rental and special needs housing. Given the loss of this funding source, San Rafael has become more dependent on funds generated through programs authorized by the City's Affordable Housing Ordinance. These include in-lieu fees and fractional fees paid by market-rate residential development in accordance with affordable (inclusionary) housing requirements, and linkage fees for job-producing commercial development.<sup>5</sup> The inclusionary requirements themselves are an essential resource and have led to the creation of hundreds of deed-restricted affordable housing units in the city since their adoption in the 1980s.

The current (2022) in-lieu fee for one affordable unit is \$343,969.47. Residential projects required to pay fractional fees use this sum to calculate the amount due. New, non-residential construction of 5,000 square feet or larger is also subject to the City's Affordable Housing Ordinance. These projects are required to provide 20% of the total number of residential units needed to provide housing for lower to moderate income project employees, or they may be an equivalent fee. Developers of non-residential development typically choose to pay the In-Lieu Fee rather than provide the units.

In lieu and linkage fees are deposited in an affordable housing trust fund and are periodically made available to qualifying affordable housing developers and sponsors through Notices of Funding Availability (NOFAs) issued by the City. Funds are disbursed through a competitive process to projects that meet goals and selection criteria adopted by the City Council. In 2020, the City issued a NOFA totaling \$1.6 million in initial funding to spur the creation of affordable rental housing. In 2021, the issued a NOFA totaling \$2.5 million. San Rafael also participates in

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<sup>5</sup> A fractional fee is the remainder fee when the affordable housing requirement is applied to a project and results in a product other than a whole number. For instance a 24-unit project subject to a 10 percent affordable housing requirement would be provide two affordable units and pay a fractional fee equal to 0.4 of an affordable unit.

the County's CDBG and HOME funding allocation process, which also uses NOFAs and makes funding available to cities in Marin County as well as the unincorporated area.

In recent years, the City has contributed local funding to facilitate the following affordable housing developments:

- Gap funding to Homeward Bound for the construction of 32 units of extremely low-income housing at 190 Mill Street. The project has recently opened. Total City funding was \$1,100,000, representing approximately 10 percent of total construction costs and about \$34,000 per unit.
- Gap funding to Eden Housing/ Vivalon (formerly Whistlestop) for the development of 67 units of lower-income senior housing at 999 Third Street. The project is now under construction. Total City funding was \$1,800,000, or approximately \$27,000 per unit.
- Gap funding to Eden Housing for the adaptive reuse of an office building at 3301 Kerner, creating approximately 40 units of permanent supportive housing for extremely low-income households. The project is anticipated to be completed in 2024. The City's contribution was \$2.1 million, or roughly \$52,000 per unit.
- Funding to Canal Alliance for the acquisition and rehabilitation of an apartment complex to ensure that the units remain affordable to households earning 60% or below areawide median income. City funding was \$400,000, or about 6% of total project costs.

In addition to projects funded through the local affordable housing trust fund, the City has a portfolio of below market rate for-sale units that have been created through the affordable housing Ordinance. Marin Housing administers the re-sale of existing units as well as the sale of newly constructed units.

Other resources used to support housing programs are highlighted below.

#### 4.10.2 Federal Resources

The US Department of Housing and Urban Development provides funding for housing at the federal level. Programs funded by these sources are generally administered by the County of Marin or the Marin Housing Authority but can be leveraged by cities to facilitate local housing development and services.

- **Community Development Block Grant (CDBG) Program.** The CDBG program provides funding for the construction, acquisition or rehabilitation of housing serving low income (80% AMI) households. The City of San Rafael and the County of Marin have entered into a Cooperative Agreement to jointly undertake community development and housing assistance activities. This cooperative agreement covers both the CDBG program and the HOME program. Under the terms of the agreement, The County serves as the lead agency for receiving entitlement grants on behalf of all jurisdictions in the County. Annually, the County receives approximately \$1.6 million in Community Development Block Grants (CDBG) and \$800,000 in HOME Investment Partnership (HOME) funds. Funds are allocated so that 40 percent go to countywide programs and 60 percent go to individual planning areas, including the City of San Rafael, for housing, capital improvements, and public service projects. At least 30 percent of each planning area's funds must be used for housing.

CDBG funds may be used for a range of community development projects, including the Rehabilitation Loan Program, Fair Housing, and Residential Accessibility Improvements. These funds also may be used for acquisition and/or disposition of real estate or property, public facilities and improvements, public services, and homeownership assistance.

In addition, San Rafael's Public Works Department receives around \$100,000 in CDBG funds to utilize towards capital improvement projects in regions of the City that meet the income eligibility requirements. Funds have historically been used for capital projects which specifically benefit the Canal neighborhood.

- **Emergency Solutions Grant Program.** This is a federally funded program to assist persons experiencing homelessness with regaining stability in permanent housing after experiencing a housing crisis and/or homelessness. The program provides funding to engage homeless individuals and families living on the street, improve the number and quality of emergency shelters as well as the operation of these shelters, provide essential services to shelter residents, provide rapid rehousing to homeless families and individuals, and prevent families and individuals from becoming homeless.
- **HOME Program.** The HOME Investment Partnerships Program (HOME) provides formula grants to states and localities that are used to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households. In San Rafael, HOME funds are allocated by the County of Marin for specific developments. Funding priorities also include fair housing activities, including activities to affirmatively further fair housing in high-resource communities. This includes provisions to avoid the overconcentration of affordable units in areas of minority concentration—potentially limiting the use of HOME funds for future affordable housing construction in the Canal neighborhood.
- **Low Income Housing Tax Credits.** Federal (and State) tax credits enable sponsors/developers of low-income rental housing to raise project equity through the sale of benefits to investors. Federal tax credits are allocated through the State of California's Tax Credit Allocation Committee, and State tax credits are allocated through the California Debt Limit Allocation Committee (CDLAC). Access to the credits is highly competitive but can be an effective tool for leveraging local funding.
- **Other Federal Funding Sources.** Other federal funding sources include Section 811 housing for disabled persons, Section 202 senior housing, Housing Opportunities for People with AIDS (HOPWA), and the McKinney Homeless Assistance Act's Supportive Housing Program and Shelter Plus Care Program (administered by Marin County). In addition, HUD funds the Housing Choice Voucher (HCV) program, which assists lower-income households in securing housing that requires the payment no more than 30 percent of monthly income on rent. In Marin County, this program is administered by Marin Housing (the Marin Housing Authority).

### 4.10.3 State Resources

- **CalHome.** The CalHome Program Provides grants to local public agencies and nonprofit corporations for first-time homebuyer and housing rehabilitation assistance, homebuyer counseling and technical assistance activities to enable low- and very low-income households to become or remain homeowners. Direct assistance to individual households is typically through deferred-payment loans, while assistance to public agencies is through grants that may be used to fund locally administered loan programs and repayable assistance to development projects.
- **California Housing Finance Agency (CalHFA).** California Housing Finance Agency administers a number of affordable housing programs, including multifamily acquisition and rehabilitation funding, single-family development funding, tax-exempt and mortgage revenue bonds, and assistance programs. CalHFA also provides a number of loan products for first-time homebuyers with favorable interest rates and terms.
- **Cap and Trade Programs.** Cap and trade programs are intended to reduce greenhouse gas emissions by requiring major emitters to buy an allowance for the amount of carbon dioxide they release into the air. A variety programs are funded with the associated revenue, some of are intended to produce affordable housing. These include the Affordable Housing and Sustainable Communities (AHSC) Program, which supports housing near transit (as well as related improvements to the transportation network that support walking, cycling, and transit use). The Program is administered by the Strategic Growth Council and implemented by California HCD.
- **Homekey.** Project Homekey is a State-operated program that provides funds for converting hotels, motels, offices, commercial buildings, and other building types into permanent or temporary housing for extremely low income households. The program also provides funds to create other housing resources for extremely low income households.
- **Housing for a Healthy California.** This is a State program that creates supportive housing for individuals who are recipients of or eligible for health care provided through the California Department of Health Care Services, Medi-Cal program. The program's goal is to reduce the burden on local health care and law enforcement facilities due to the overutilization of these facilities by people who are chronically homeless or homeless and high-cost health users.
- **Infill Infrastructure Grant (IIG) Program.** The purpose of the IIG Program is to promote infill housing development by providing financial assistance for Capital Improvement Projects that are an integral part of, or necessary to facilitate the development of, a Qualifying Infill Project or a Qualifying Infill Area. The program provides gap funding for infrastructure improvements necessary for specific residential or mixed-use infill development projects or areas. Funds are allocated through a competitive process.
- **Local Housing Trust Fund Grant Matching Program (LHTF).** This program provides matching funds to local and regional housing trust funds dedicated to the creation, rehabilitation, or preservation of affordable housing, transitional housing and emergency

shelters. The City's Affordable Housing Trust Fund must comply with requirements set forth in the regulations and guidelines in order to be eligible to submit an application.

- **Mobile Home Park Rehabilitation & Resident Ownership Program.** This is a State program that provides low-interest loans to finance the preservation of mobile home parks for ownership or control by resident organizations, nonprofit housing sponsors, or local public agencies. It provides short-term loans that enable the financing of a mobile home park purchase by lower income residents, a non-profit organization, or public agency.
- **Multi-family Housing Program (MHP).** The MHP is a State Program that provides low-interest, long-term deferred-payment loans for new construction, rehabilitation, and preservation of permanent and transitional rental housing for lower-income households. It was authorized by voters through Proposition 1, the Affordable Housing Bond Act of 2018. The measure enabled the issuance of \$1.5 billion in bonds to facilitate affordable housing and veterans housing around the State.
- **Predevelopment Loan Program.** This state program provides short-term loans used to finance predevelopment costs to preserve, construct, rehabilitate or convert assisted housing for low-income households.
- **REAP and LEAP Grants.** Regional Early Action Planning (REAP) and Local Early Action Planning (LEAP) grants are intended to fund planning activities that accelerate housing production to meet identified needs of every community. HCD allocated \$125 million for REAP and \$119 million to regional councils that was subsequently disbursed to local governments. The program is specifically intended to help communities meet their Sixth Cycle RHNA assignments.
- **SB2 Funding/ Permanent Local Housing Allocation (PLHA).** In 2017, California passed the Building Homes and Jobs Act (SB 2), which establishes a \$75 recording fee on real estate documents to increase the supply of affordable homes in California. Because the number of real estate transactions recorded in each county will vary from year to year, the revenues collected will fluctuate. Initial SB2 funds have included planning grants to local jurisdictions. Much of the subsequent funding is being dedicated to affordable housing production, including programs to provide very low income and low income housing, assist persons experiencing homeless, facilitate housing affordability, and assist cities in programs to meet their RHNAs.

#### 4.10.4 Countywide and Regional Programs

- **Affordable Housing and Homebuyer Readiness Program.** This is a financial coaching program operated by Marin Housing that assists first-time buyers in learning how to purchase a below market home, improve credit sources, and reduce debt. The program includes a series of workshops, along with one-on-one credit counseling.
- **Priority Development Areas .** ABAG/MTC offers several programs in support of the designation of Priority Development Areas (PDAs), including grants, technical assistance,

capital projects, and staffing assistance. San Rafael presently has three designated PDAs, including Downtown, the North San Rafael (Northgate-Civic Center), and Southeast San Rafael/Canal. The Downtown designation helped secure funding for the Precise Plan adopted in 2021. The latter two designations were made in 2020, and make these areas similarly eligible for housing, planning and transportation grants. The objective of the PDA program is to promote compact land use patterns around transportation.

- **Residential Rehabilitation Loan Program.** This program is funded through the CDBG grant (described above under federal programs). It is administered by the County and available to residents of all cities in Marin County as well as the unincorporated area. The Program makes low-interest housing improvement loans of up to \$25,000 to qualified low-income homeowners for correction of substandard housing conditions and elimination of health and safety hazards. Loans may be used for foundation, termite, and dry rot repair; plumbing, electrical and heating system repair; roof, door, and window repair; stair and deck repair; energy conservation, and accessibility improvements.
- **Shelter Plus Care Program.** Marin County Shelter plus Care Program is a housing subsidy program for individuals who are chronically homeless and suffers from qualifying disability. The Program is funded by the U.S. Department of Housing and Urban Development and Marin County Behavioral Health and Substance Use Services. Participants pay approximately 30% of their income towards rent and receive ongoing supportive services by the case managers from Marin Housing Authority.

#### 4.10.5 Non-Governmental Resources

- **Developers.** The City of San Rafael works with both for-profit and non-profit developers to produce affordable housing and regularly consults with the development community in creating or revising housing policies, development regulations, and design standards. Developers bring expertise in housing design, construction, finance, marketing and operations and are an essential resource in meeting the City's housing goals.

Eden Housing, Bridge Housing, and Mercy Housing are all affordable housing non-profit developers with properties in San Rafael. The Ecumenical Association for Housing (EAH) is a well-known affordable housing non-profit developer headquartered in San Rafael and also has developed projects in the city. In addition, Marin Housing owns and manages several developments in San Rafael, and also monitors San Rafael's portfolio of City's below market rate units.

- **Home Sharing.** A number of private and non-profit entities have been created to connect housing providers with those looking rent a room, apartment, or ADU. An example of a local organization providing this service is Home Match Marin. Home Match vets potential housing providers and tenants and makes matches based on lifestyle preferences and communication styles. Their clients include older adult homeowners living on fixed incomes and working adults looking to live closer to their places of work at affordable rents.

- **Housing, Fair Housing, and Legal Aid Organizations.** The City has established relationships with a growing number of housing advocacy organizations dedicated to increasing the supply of affordable housing units and improving the housing security of vulnerable populations. At the State level, these organizations include Housing California, a nonprofit affordable housing advocacy organization dedicated to promoting the housing needs of Californians. It also includes the California Housing Consortium, an umbrella organization for nonprofit and for-profit developers, lenders, representatives from state and local government agencies, housing professionals and specialists, investors, property managers and owners, residents, and business leaders.

At the regional level, this includes organizations such as the Non-Profit Housing Association of Northern California (NPH). NPH provides professional training, networking opportunities, and resources for housing policy analysts, advocates, and activists. At the County level, it includes advocacy groups such as Marin Environmental and Housing Collaborative and the Marin Organizing Committee, along with non-profits such as the Multi-Cultural Center and Canal Alliance. The City also works with organizations such as Fair Housing Advocates of Northern California, as well as service providers for unhoused and at-risk residents such as the Ritter Center, St. Vincent de Paul, and Homeward Bound.

- **Philanthropic Organizations.** The Marin Community Foundation and its community partners have been instrumental in providing financial assistance for the acquisition or rehabilitation of affordable housing in Marin County. This type of funding is critical to the success of affordable housing in the County.



# 5 Housing Constraints

## 5.1 Introduction

Every housing element must include an analysis of constraints to the maintenance, improvement, and development of housing for all income levels. The contents of this analysis are prescribed by Government Code Section 65583(a). Constraints are broadly defined as being “governmental” or “non-governmental.”

Governmental constraints include land use controls (such as plans and zoning regulations), building codes and their enforcement, site improvement requirements, fees and other exactions required of developers, local processing and permitting procedures, and any other locally adopted ordinances that impact the cost and supply of residential development. While these measures are important to ensure public health and protect the quality of life, they can also add to the cost of housing. It is useful to periodically reexamine local ordinances and policies to determine whether, under current conditions, they are accomplishing their expected purpose or have become a barrier to housing production. The evaluation below concludes with findings and recommendations for each of the topic areas addressed.

Non-governmental constraints include the price of land, the cost of construction, the availability of financing, requests to develop housing at densities significantly below what is allowed by zoning, and delays in construction timelines. Community opposition to development is another non-governmental constraint, as it may result in fewer units and more costly housing due to continuances and appeals.

## 5.2 Governmental Constraints

### 5.2.1 San Rafael General Plan 2040

General Plan 2040 was adopted in August 2021, following a three-year update process. The document was a major update of General Plan 2020, which was adopted in 2004. The General Plan Update moved the planning horizon forward 20 years, addressed new State requirements, and responded to current and emerging issues in the city. One of these issues was the housing crisis and the urgent need for more affordable housing. Another was the need for more equitable growth, a greater voice for the city’s lower income and immigrant communities, and fair housing opportunities throughout the city.

The General Plan includes 15 chapters, including an Introduction, Framework, and 13 “elements.” The only element not updated as part of the 2018-2021 process was Housing, due to the State-legislated schedule for Housing Element updates. Housing is addressed both directly and indirectly in other Plan elements. For example, the Land Use Element includes policies strongly supporting housing construction at a variety of densities, particularly in Downtown San Rafael and in other commercial areas. The Mobility Element likewise promotes

higher densities around transit stations to achieve more walkable communities and reduce vehicle miles traveled.

General Plan 2040 also includes an Equity, Diversity and Inclusion (EDI) Element that addresses the need for lower income and senior housing, as well as tenant protection and anti-displacement strategies. The Plan further addresses housing preservation and maintenance (Neighborhoods Element), accessory dwelling unit production (Land Use Element), energy costs (Conservation and Climate Change Element), parking requirements (Mobility Element), the need for workforce housing (Economic Vitality Element), and the protection of housing from hazards such as sea level rise and wildfire (Safety and Resilience Element). The General Plan has a strong focus on sustainability, including the use of greener construction methods and low impact development, providing housing near workplaces, and balancing job and housing growth.

The General Plan positions San Rafael for residential growth, consistent with regional plans such as Plan Bay Area 2050. Although the City's Regional Housing Needs Allocation (RHNA) was not known when the General Plan was prepared, Bay Area cities were advised that significant increases were likely. The updated Plan identified the capacity for 4,400 units, or roughly 35 percent more than the 3,220 units ultimately allocated to San Rafael through the RHNA process. A majority of this capacity is on sites zoned for multi-family or mixed use housing at densities exceeding 30 units per acre, enabling the City to accommodate lower-income housing as well as market-rate development. The General Plan EIR provides initial clearance for future housing projects under the California Environmental Quality Act (CEQA), to the extent they are consistent with the Land Use Map and General Plan policies.

The Land Use Element of the General Plan includes San Rafael's Land Use Map, which identifies all parts of the city where housing is allowed, along with residential density ranges. The following residential categories are included on the map:

- Hillside Resource Residential is used on constrained sites with limited potential and allows one unit per 0.5 acres (2 acres per home).
- Hillside Residential allows up to 2.2 units per acre (20,000 square foot lots), typically on hillside sites.
- Very Low Density Residential allows up to 2.2 units per acre (20,000 square foot lots), typically in flat or gently sloping subdivisions.
- Low Density Residential is the predominant single family home designation in San Rafael, allowing up to 8.7 units per net acre (5,000 square foot lots).
- Medium Density Residential applies to small lot residential areas, as well as "missing middle" housing types such as 2-4 plexes, mobile home parks, and townhomes. Densities are 8.7 to 21.8 units per net acre (one unit per 2,000 square feet of lot area).
- High Density Residential applies to multi-family housing and allows 21.8 to 43.6 units per net acre (one unit per 1,000 square feet of lot area).

Vacant sites with General Plan designations of Hillside Resource, Hillside Residential, and Very Low Residential are generally not included when identifying potential housing opportunity sites due to the very low densities, natural hazards, and high construction costs associated with these sites.

Residential uses are also encouraged in the city's mixed use land use categories. These categories are intended to support both residential *and* commercial uses, including projects where housing and business occur on the same parcel. The following provisions for housing apply:

- Marine-Related Mixed Use allows 8.7 to 21.8 units per acre (one unit per 2,000 square feet of lot area), along with other water-oriented uses such as marinas and boating services. Sites with this designation are located along the San Rafael Canal. Housing is limited to upper stories only.
- Neighborhood Commercial Mixed Use allows 8.7 to 24.2 units per net acre (one unit per 1,800 square feet of lot area). These sites are typically used for neighborhood shopping centers and local-serving businesses, often close to lower density residential neighborhoods.
- Community Commercial Mixed Use allows 21.8 to 43.5 units per net acre (one unit per 1,000 square feet of lot area). These sites are typically used for larger commercial centers, auto dealerships, region-serving commercial uses, shopping centers, and hotels, often near freeways and major thoroughfares.
- Office Mixed Use allows 21.8 to 43.5 units per net acre (one unit per 1,000 square feet of lot area). These sites are typically developed with general offices, professional and medical offices, administrative facilities, and office parks.
- Downtown Mixed Use is a new land use classification that replaced six different classifications in the 2020 General Plan. High-density housing and mixed use development is strongly encouraged in this area, which is further guided by a Precise Plan (see next section). Density is not regulated in this classification. New buildings are subject to height limits in the Precise Plan and Floor Area Ratio (FAR) caps that range from 3.0 to 6.0, depending on the height limit.<sup>1</sup>

The other land use categories are non-residential in nature, although limited opportunities for housing are acknowledged in the General Plan. Residential uses are permitted on land designated Public/Quasi-Public. Another category, Light Industrial-Office, includes a zoning district in which live-work development is allowed. Residential uses are not permitted in the land use categories corresponding to general industry, open space, conservation, quarries, airports, and water.

With the exception of Downtown, each of the mixed-use categories includes two metrics for determining the amount of development allowed on a site. The total square footage of commercial space is regulated with a FAR limit for each category. The total amount of

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<sup>1</sup> Floor Area Ratio is the ratio of floor area on a parcel to the land area on that parcel. A 10,000 square foot building on a 5,000 square foot lot has an FAR of 2.0. In Downtown San Rafael, FARs have been set at levels that exceed what can be built under the allowable building heights, so they are not a factor in determining the square footage that can be built on any given site.

residential space is regulated with a density limit. A property owner is entitled to a certain amount of commercial square footage plus a certain number of residential units on each site. The FAR limits are relatively low (generally ranging from 0.3 to 0.4), which creates an incentive for adding residential development to a project on commercially zoned land.

### **Findings and Recommendations**

*Overall, the new General Plan is strongly supportive of housing and does not present a constraint to development. During the planning period, the City could consider increasing the allowable densities in the Marine-Related Mixed Use and Neighborhood Commercial Mixed Use categories so they are equivalent to the Community Commercial and Office Mixed Use categories.*

## **5.2.2 Area Plans and Precise Plans**

In addition to General Plan 2040, San Rafael has adopted plans for several specific geographic subareas of the city. These plans influence housing opportunities and are highlighted below.

### **Downtown Precise Plan**

The Downtown Precise Plan was prepared concurrently with General Plan 2040 and was adopted at the same time (August 2021). The Precise Plan covers 265 acres, extending from the Second/Fourth Street intersection on the west to Montecito Plaza on the east, and from Mission Street on the north to San Rafael Creek/ 1<sup>st</sup> Street on the south. This encompasses the traditional central business district of San Rafael and the city's densest neighborhoods. The area includes a diverse range of housing, from historic Victorian homes to mid-rise apartments. It also includes the facilities of many of Marin County's supportive service providers, some of which provide on-site housing for extremely low-income residents and persons with special needs.

The Precise Plan provides a vision for Downtown, accompanied by land use, urban design, historic preservation, economic development, and infrastructure policies. The Plan includes an affordable housing and anti-displacement strategy, including specific measures and programs to protect the area's supply of lower cost housing, address homelessness, and avoid displacement of lower income renters. At its core, the Plan was designed as a tool for removing constraints to residential development while fostering economic growth. To accomplish this, it provides a pathway to expedited approval for housing developments that meet objective design standards.

The Downtown Precise Plan identifies "development opportunity sites" estimated to have the capacity for 2,200 new housing units. It also identifies longer-term opportunities for housing on sites with active commercial uses such as the Montecito Shopping Center. One of the benefits of the Plan is that it includes an inventory of historic resources. It also includes standards for preservation, demolition, and alteration, in the event housing is proposed on the site of a historic resource. These standards expedite the development review process, as they reduce the need for costly and time-consuming cultural resource surveys for each project while providing standards for preservation and development.

Chapter 9 of the Precise Plan is a Form-Based Zoning Code that replaced what was formerly seven separate Downtown zoning designations. Height limits were increased relative to the previous zoning code, and density and FAR regulations were eliminated. A discussion of Downtown zoning is provided in Section 5.2.3.

The Precise Plan has stimulated interest in developing Downtown and is not considered a constraint to housing. Since its adoption, a number of large-scale residential and mixed use projects have been proposed.

### **Station Area Plans**

The City of San Rafael prepared Station Area Plans for the Downtown SMART (Sonoma Marin Area Rail Transit) station and Civic Center SMART station areas in 2012 and 2013, respectively. Each of these plans seeks to leverage new rail transit service, which started in 2017. Downtown San Rafael was already a transit hub, and its Bus Transit Center served as the transfer point and destination for multiple bus lines and connections to the East Bay, North Bay, and San Francisco. With the arrival of SMART, Downtown was connected by rail to Santa Rosa and the Larkspur Ferry, creating another commute option and opportunity for transit-oriented development (TOD). The Civic Center station is located in a more suburban setting underneath Highway 101 near the Marin County Civic Center in North San Rafael, but also presents opportunities for TOD and less car-dependent development.

The Downtown Station Area Plan identified potential land use, transportation, and urban design improvements for parcels within a ½ mile radius of the new SMART station. These recommendations were the genesis for the Precise Plan, which was prepared seven years later. Like the Precise Plan, the Station Area Plan strongly supported additional Downtown housing. It proposed increases in height limits and changes to parking requirements to facilitate housing development. These ideas were later incorporated as development standards in the 2021 Precise Plan.

The Civic Center Station Area Plan focused on improving access to the station for pedestrians, bicyclists, and transit users, and maximizing the benefits of the new station for surrounding neighborhoods. The Plan identified several parcels as opportunities for housing and/or office development. These sites were subsequently re-designated for mixed use (including multi-family housing) in General Plan 2040. Proposed transportation improvements include better connections to Northgate Mall, which can help reduce traffic and facilitate planned housing development at that site.

### **PDA designations**

Priority Development Areas (PDAs) are locations within cities and counties that prioritized for housing, jobs, and services. When a PDA is formally recognized by the Association of Bay Area Governments (ABAG), the area becomes eligible for planning grants that facilitate access to funds for infrastructure and transportation improvements, such as bike lanes, streetlights, and sidewalks. PDAs eligible for such funds must meet certain criteria established by ABAG.

San Rafael established a Downtown PDA in 2009. Since that time, the City has received funding to prepare the Station Area Plan and Downtown Precise Plan, as well as \$4 million for

transportation improvements. The PDA designation has also enabled housing, office, hotel, civic, and retail projects to move forward and created an environment that supports additional housing.

In 2020, San Rafael nominated two additional PDAs at Northgate and Southeast San Rafael/ Canal. Both of these designations have been recognized by ABAG, making these areas eligible for future funding.

### **Findings and Recommendations**

*The Downtown Precise Plan and Civic Station Area Plan are strongly supportive of housing and are not development constraints. The PDA designations likewise provide a strong foundation for future higher-density housing and investment. Area plans for the North San Rafael PDA and the Southeast San Rafael/ Canal PDA should be prepared in the coming years, identifying more housing opportunities. As a condition of grant funding, each PDA Plan must include an Affordable Housing and Anti-Displacement strategy.*

## **5.2.3 Zoning Standards**

### **Overview**

The Zoning Ordinance consists of the Zoning Map, which delineates the boundaries of zoning districts in San Rafael, and the zoning regulations, which govern the use of land and placement of buildings and improvements within each district. Zoning regulations include development standards, parking standards, performance standards, and procedural rules. Zoning implements the General Plan by translating the General Plan's policy directives and generalized maps into more specific measurable standards for development. The Downtown San Rafael Precise Plan and Form-Based Code serve as the zoning regulations for Downtown San Rafael and are incorporated into the zoning regulations by reference.

While the zoning ordinance has not been comprehensively revised in 30 years, it is regularly updated and amended as state laws change and new local plans and programs are adopted. For example, the Ordinance has been amended during the last few years to add standards for streamlining review of Accessory Dwelling Units and large family care homes; and rules related Short-Term Rentals, wireless communication facilities, cannabis uses, and.

Relative to housing, the zoning regulations indicate the maximum (and in some cases minimum) density and intensity of development that may occur on a property, as well as standards for height, lot coverage, setbacks (distance between structures and the property line), open space, parking, and the type of permitting and approval that is required for each land use. Collectively, these rules determine the number of housing units that may be developed on a parcel and influence the size and characteristics of those units.

There are 14 separate residential zoning districts in the city, distinguished from one another by allowable density as well as the permitted uses and development standards that apply in each zone. There are seven commercial/mixed use zones in which housing is a permitted use, excluding Downtown which has its own set of regulations. In the commercial/mixed use zones,

maximum densities are comparable to the high-density residential zoning districts. Residential uses are generally not allowed in industrial and open space districts. There are limited provisions for residential uses in the public/quasi-public district, but the standards in this district are not designed for housing. San Rafael also uses a Planned Development (PD) district designation on larger sites to facilitate more environmentally sensitive design and creative architecture. Uses within a PD district must align with the underlying General Plan land use designation.

In general, the densities allowed in San Rafael are higher than in other parts of Marin County. This reflects the city's history as the county seat and major urban center. Adoption of the Downtown Precise Plan, coupled with density bonus provisions, enable densities of well over 100 units per acre in much of Downtown San Rafael. This is far greater than the highest density that is allowed in other Marin County cities. Two recently approved Downtown projects-- 703 Third Street (Seagate) and 999 Third Street (Vivalon) will be built at densities of 191 units per acre and 197 units per acre, respectively. This is almost three times the 72 unit/acre maximum density that was allowed by the prior Downtown zoning.

### **Single Family Residential Zones**

Table 5.1 shows standards in the City's single family residential zones. There are six zones, with minimum lot sizes ranging from two acres (87,120 SF) to 5,000 square feet. Development standards are scaled to respond to the different lot sizes, with larger lot width, depth, and setback (minimum yard) requirements in the larger lot zones. In general, single family lots must be 50 feet or wider, with front setbacks of 15-20 feet. Side yard setbacks in the R5 zone are equal to 10% of the lot width but must be at least three feet. Rear yard setbacks are ten feet in all zones except those with one and two acre lots. A 30-foot height limit applies in all single family zones.

The single family zones are also subject to lot coverage limits. These standards limit the portion of a lot that may be covered by structures, including non-habitable structures such as garages, elevated decks, and exterior stairways. In the densest zones, maximum lot coverage is 40 percent (in other words 2,000 square feet on a 5,000 square foot lot). In new development, higher lot coverage limits are possible through Planned Development (PD) zoning. In established neighborhoods with smaller lots, the lot coverage limit results in demand for second story additions since first-floor additions would exceed the standard in many cases. The City has established standards for upper stories to minimize potential scale and mass impacts on adjacent properties (see Table 5.1). San Rafael has also created an overlay district in the Terra Linda area to maintain the one-story scale of the Eichler-Alliance homes. These homes have a unique mid-century modern aesthetic characterized by single story construction.

As noted on the previous page, the City has a Planned Development (PD) process which allows waivers from zoning standards for larger-scale projects. PD applications are currently required on all parcels that are five acres or larger. In the past, this was a useful way of creating standards that were tailored to individual sites and to allow clustering of allowable density to respect topography and preserve open space. PD zoning allowed reduced (or no) setbacks, and enabled variations in lot coverage and other standards. There are very few sites left in San Rafael that are five acres or larger, and the PD process may be less useful in the future than it was in the past. It is also a discretionary process that requires City Council approval. A General

Plan 2040 program recommends making the PD process optional rather than mandatory on sites over five acres.

The City’s single family zoning standards support reinvestment in the housing stock and do not constrain construction. The greater constraint is that there are very few vacant sites with the potential for single family housing left in San Rafael. Most of the remaining vacant lots have constraints such as steep slopes or poor access. On larger vacant sites, developers have the option of PD zoning to achieve smaller lots, reduced setbacks, and higher lot coverages, while conserving open space on less buildable terrain.

The passage of SB9 in 2020 adds opportunity for additional units on single family lots as long as objective standards can be met. The law effectively overrides some of the dimensional standards in single family zones to enable lot splits and the development of additional dwelling units on qualifying individual lots. The City of San Rafael recently local standards to implement SB9 in July 2022. Standards such as lot width and minimum lot area may be superseded for projects that comply with SB9 requirements. Given the cost of land and construction in San Rafael, new units created in single family infill lots (including SB9 units) are likely to be above moderate-income units, rather than housing affordable to lower income households. The City has not quantified SB9 units in its calculation of potential future housing opportunities as the regulations were just adopted and there is no basis for speculating on how many units may be produced by 2031. However, such opportunities do exist and complement the housing sites listed in Chapter 4.

**Table 5.1: Development Standards in Single Family Zoning Districts(\*)**

Zone	Units per Acre	Minimum Lot Area (sq ft)	Min. Lot Width (feet)	Lot Coverage	Height (feet) <sup>1</sup>	Setbacks			Max upper story floor size
						Front <sup>2</sup>	Side <sup>3</sup>	Rear	
R2a	0.5	87,120	150	20%	30'	20'	15'	25'	Lots less than 5,000 – 50% of max lot coverage  Lots more than 5,000 SF – 75% of max lot coverage. <i>Design criteria apply.</i>
R1a	1	43,560	150	25%	30'	20'	15'	25'	
R20	2.2	20,000	100	30%	30'	20'	12.5'	10'	
R10	4.4	10,000	75	40%	30'	20'	10'	10'	
R7.5	5.8	7,500	60	40%	30'	15'	6'	10'	
R5	8.7	5,000 6,000 corner	50' 60' corner	40%	30'	15'	10% of lot width, min 3' max 5'	10'	

Source: San Rafael Municipal Code, Chapter 14.04, 2022  
 Notes: (\*) Additional regulations apply in hillside areas  
 (1) 17' in the Eichler-Alliance Combining District  
 (2) On blocks with improved buildings, the minimum is based on the average of improved lots along the street. A 20' setback also applies to garages built after 1992.  
 (3) In the R7.5, R10, and R20 districts where two or more lots on a block have buildings, the minimum is based on the average of improved lots on both sides of the street on that block (for lots within the same zoning district). Special requirements apply on corner lots (see zoning regulations)



### Multi-Family Residential Zones

Table 5.2 shows development standards in Multi-Family Zoning Districts. There are eight multi-family zones, including a duplex zone that supports a mix of single family and two-family units. Four of the zones are medium-density residential, ranging from 8.7 to 21.8 units per acre. Three of the zones are high-density residential, ranging from 24.2 to 43.6 units per acre. Most of these zones have a 6,000 square foot minimum (although pre-existing lots smaller than 6,000 square feet may be developed at their zoned densities). Maximum lot coverage standards apply in each zoning district, with a 40% limit in the low-density zoning districts (density less than 8.7 units/acre), a 50% limit in the medium-density zoning districts (densities of 8.7-21.8 units/acre) , and a 60% limit in the high-density zoning districts (densities greater than 21.8 units/acre).

The 60% limit in the HR-1 zone is somewhat low, particularly for smaller lots in urban settings. For example, a three-story building on a 10,000 square foot lot could have 3,000 square feet of additional floor area if the lot coverage was 70% instead of 60%. This could enable several additional housing units to be constructed.

Height limits in all of the medium and high-density residential zones are 36 feet, which accommodates three-story construction. Given the maximum density of 43 units per acre, the three-story limit is appropriate and supported by the other development standards. Projects eligible for density bonuses may request waivers to enable additional height if needed. Similarly, the setbacks required in the multi-family zones allow adequate space on most lots to accommodate the allowable density within the building envelope.

**Table 5.2: Development Standards in Multi-Family Zoning Districts(\*)**

Zone	Units per Acre	Minimum Lot Area (sq ft)	Lot Area per dwelling	Min. Lot Width (feet)	Lot Coverage	Height (feet)	Setbacks <sup>1</sup>		
							Front <sup>2</sup>	Side <sup>3</sup>	Rear <sup>4</sup>
DR	17.4	5,000 6,000 corner	2,500	50' 60' corner	40%	30'	15'	10% of lot width, min 3' max 5'	10'
MR5	8.7	6,000	5,000	60'	40%	36'	15'	10'	5'
MR3	14.5	6,000	3,000	60'	50%	36'	15'	10'	5'
MR2.5	17.4	6,000	2,500	60'	50%	36'	15'	10'	5'
MR2	21.8	6,000	2,000	60'	50%	36'	15'	10'	5'
HR1.8	24.2	6,000	1,800	60'	60%	36'	15'	Same as DR	5'
HR-1.5	29.0	6,000	1,500	60'	60%	36'	15'	Same as DR	5'
HR-1	43.6	6,000	1,000	60'	60%	36'	15'	Same as DR	5'

Source: San Rafael Municipal Code, Chapter 14.04, 2022. Notes: (\*) Additional regulations apply in hillside areas

(1) Standards for distance between residential structures also apply. See text.

(2) Front yard setbacks may be reduced and instead based on the average of setbacks on developed lots on both sides of a block

(3) If the side yard has street frontage, side setback is 10 feet, except it is 20 feet if there is a driveway and garage. Additional exceptions apply.

(4) 10' if adjacent to a single family district. Additional separation may be required through design review.

Other residential zoning constraints have been removed through recent Council actions. In 2021, the City amended its zoning ordinance to remove a provision in the Code related to multi-family development on sites smaller than 5,000 square feet. The provision limited development to one unit per lot (except in Downtown). Under current laws, a 5,000 square foot lot could potentially accommodate between 2-5 units. In some cases, this could require waivers from setback and lot coverage standards.

One remaining constraint is that most of the medium- and high-density residential zoning districts do not allow the maximum density envisioned by the General Plan for medium-density and high-density residential areas (as shown on the General Plan Land Use Map). The General Plan indicates that densities up to 21.8 units per acre are allowed in Medium Density Residential areas, and densities up to 43.6 units per acre are allowed in High Density Residential areas. However, in the medium-density zoning districts, only the MR-2 zone allows 21.8 units per acre. Among high-density zoning districts, only the HR-1 zone allows 43.5 units per acre. Rezoning some of the high-density residential districts (HR-1.5 and HR-1.8) to allow the maximum specified in the General Plan should be considered, particularly for sites near major transit routes or in Priority Development Areas.

Multi-family residential development is subject to additional standards, including minimum distances between structures when there are multiple structures on a single parcel. These standards are intended to ensure light and open space in garden apartment complexes and other developments comprised of multiple buildings. The standards vary from 8 to 20 feet, depending on where the primary building entrances are (the 20' standard applies to the primary access side). There also building code standards requiring two or more buildings on the same lot to be regulated as separate buildings.

Usable outdoor open space standards also apply to multi-family development. These range from 100 square feet per dwelling unit in the HR-1 zone to 150 square feet per dwelling unit in the HR-1.5 and HR-1.8 zones to 200 square feet in the medium-density (MR) zones. While the standards are comparable to those in other Bay Area jurisdictions, the higher standards (200 SF/unit) could pose a constraint on smaller sites. Projects using State density bonuses frequently request waivers of the open space standard.

### **Mixed Use Districts**

Table 5.3 indicates the zoning standards for residential development in mixed use districts outside of Downtown (Downtown is addressed in the next section). The abbreviations in Table 5.3 are as follows:

- General Commercial (GC)
- Neighborhood Commercial (NC)
- Commercial/Office (C/O)
- Residential/Office (R/O)
- Office (O)
- Marine (M)
- Francisco Boulevard West (FBWC)

Multi-family housing is permitted in all of these districts; however, the level of permitting varies from district to district. In the O and R/O districts, multi-family residential is permitted outright. In the GC, NC, C/O, FBWC, and M districts, an Administrative Use Permit (AUP) is required. Chapter 21 of the Zoning Code lists the requirements and procedures for an AUP. Such permits may be approved by the Planning Director, provided that the application complies with performance standards and other requirements of the Municipal Code. The performance standards for residential uses in commercial districts are specified in Chapter 14.17.100 of the Municipal Code. They include compliance with parking, noise, lighting, refuse disposal, and access standards. Special standards apply to live/work development and boarding houses.

AUP requests may also be referred to the Planning Commission at the discretion of the Planning Director. In either case, approval is contingent on certain findings, including compatibility with the surrounding neighborhood and no adverse effects on public health, safety, and welfare. In addition, AUPs in the FBWC zone require special findings related to the project’s contribution to revenue and job creation. These findings make it somewhat more difficult to locate housing in the FBWC zone, which is consistent with local policy goals to retain these areas for economic development and the provision of essential services to County residents.

The performance standards for multi-family development in commercial areas are measurable and objective. However, the general findings for an AUP—that a residential use is “harmonious” or “compatible” with surrounding uses—is subjective. An action program in this Housing Element calls for the City to adopt objective design standards for multi-family residential projects to provide greater certainty for projects meeting specified criteria.

**Table 5.3: Development Standards in Commercial/Mixed Use Districts(\*)**

Zone	Units per Acre	Minimum Lot Area (sq ft)	Lot Area per dwelling	Min. Lot Width (feet)	Lot Coverage	Height (feet)	Setbacks <sup>1</sup>		
							Front	Side	Rear
GC	43.6	6,000	1,000	60'	None	36'	None	None	None
NC	24.2	6,000	1,800	60'	None	30' res 36' mixed use	None	None	None
O	43.6	7,500	1,000	60'	40%	36'	20'	6-10'	20'
C/O	43.6	2,000/ bldg.	1,000	None	None	36'	None	None	None
R/O	43.6	6,000	1,000	60'	None	36'	None	None	None
FBWC	43.6	6,000	1,000	60'	None	36'	None	None	None
M	21.8	6,000	2,000	60'		36'	None	None	None

Source: San Rafael Municipal Code, Chapter 14.04, 2022

Notes: (\*) Minimum landscaping requirements also apply in most zones.

(1) Where the frontage of a block is partially in an R district, the R district front setback shall apply and when the side or rear abuts an R district, the respective side and rear setbacks shall be 10 feet..

With the exception of the Marine district, the City allows projects that are 100 percent residential in its commercial zoning districts.<sup>2</sup> In other words, it does not require commercial sites to be developed with mixed use projects (ground floor commercial and upper story housing) as a prerequisite for housing. This makes almost all commercially zoned property eligible to be included as housing opportunity sites. Because commercial square footage is based on floor area ratio and residential capacity is calculated separately (through density), there are incentives to include housing on commercial sites to maximize return on investment.

In addition to the standards shown in Table 5.3, minimum landscaping requirements apply in several of the mixed use zones. These range from ten percent in the NC, R/O, and M zones, to 15 percent in GC and FBWC, to 25 percent in the O zone. There is no minimum requirement in the C/O zone. Residential uses in most commercial/mixed use districts are not subject to outdoor open space requirements, which provides another incentive for housing in these zones. Residential uses in the Downtown Precise Plan area are subject to civic space requirements, to enhance the quality of the public realm and implement Plan recommendations.

Other residential standards are supportive of mixed use and multi-family residential development. The allowable density of 43.6 units per acre in most zones matches the top end of the HR1 district. The City has adopted standards for more dense/taller development in Downtown San Rafael by using height to regulate development rather than density. It could consider using this approach in other zoning districts as a way to increase development potential.

The City should also consider raising the allowable density in the NC district so it is comparable to the allowable density in the General Commercial and Office districts. Since the other standards in NC match those in the denser zoning districts, the existing 24.2 unit/acre density cap is a constraint to redeveloping underutilized centers to their maximum potential. Additionally, the City could consider modifications to the setback standards in the O district, as the existing standards make it difficult to build multi-family housing on smaller parcels in this zone. In particular, the 20' front and rear setbacks and 40 percent lot coverage limit do not accommodate the typical multi-family footprint. Alternatively, the City could consider rezoning property in the O district to R/O to facilitate housing or mixed use development.

The 36-foot height limit in the commercial districts is a potential constraint to higher density housing. This requirement generally limits buildings to three stories. In the case of a mixed use project with ground floor commercial uses, only two stories would be available for residential use. This can make it difficult to achieve the allowable 43.5 unit/acre density. A taller height limit could be considered for all projects in which at least ten percent of the housing units are affordable. This would avoid the need to request a concession or waiver for projects using density bonuses.

Programs have been included in Chapter 6 of this Housing Element to address the constraints described above.

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<sup>2</sup> *The Marine District allows residential uses “on the second floor or above in a mixed use project”*

**Downtown San Rafael**

Table 5.4 shows development standards in the Downtown Precise Plan Area. As the table indicates, most of the traditional metrics used to regulate development are absent. There are no density limits, no minimum lot area requirements, and no floor area ratio limits. There are no lot width or lot coverage requirements. Building envelopes are largely defined by height limits and setback standards, which vary from zero to 15 feet. In some cases there are maximum setbacks as well as minimum setbacks. These standards are intended to create a “street wall” that helps make the street a more attractive and well-defined public space. Building mass is further shaped by “stepback” requirements, which require that upper floors (usually above the third floor) are recessed to reduce shadows and the perceived mass of taller buildings from the street.

A local density bonus program is included in the Form Based Code. Projects in which at least 10 percent of the units are affordable (in other words, meeting the City’s inclusionary housing requirement on-site) are eligible for 10 to 20 feet of additional building height. Projects may use the local density bonus program, or the State density bonuses (discussed later in this chapter) but they may not use both.

The Form-Based Code has only been in effect for a year, and its effects on the Downtown development market appear to be positive so far. Applications for more than 260 housing units have been submitted since the Plan’s adoption, and more are in the works. The City has seen an uptick in interest in Downtown development, with more inquiries about housing opportunities in the area. The absence of density and FAR limits, in particular, have enabled projects with substantially larger numbers of units to be proposed.

**Table 5.4: Development Standards in Downtown Precise Plan Districts(\*)**

Zone	Units per Acre	Minimum Lot Area (sq ft)	Lot Area per dwelling	Min. Lot Width (feet)	Lot Coverage	Base Height (feet) before bonuses <sup>1</sup>	Setbacks <sup>2</sup>		
							Front	Side	Rear <sup>3</sup>
T4N	No limit	No limit	No limit	No limit	No limit	30-50'	7' min 15' max	5'	15'
T4MS	No limit	No limit	No limit	No limit	No limit	40-60'	0' min 10' max	None	
T5N	No limit	No limit	No limit	No limit	No limit	40'-50'	0' min 15' max	None	None
T5MS	No limit	No limit	No limit	No limit	No limit	70'	0' min 5' max	None	None

Source: San Rafael Municipal Code, Chapter 14.04, 2022

- Notes: (1) Bonuses range from 10' to 20' depending on the community benefits (including affordable housing) included in the project.  
 (2) Setback requirements also apply to off-street parking.  
 (3) 10' setbacks are required on parcels adjacent to specific lower scale zoning districts

The effectiveness of the Code will be monitored in the coming years to ensure that it is achieving its desired effects. One early observation is that applicants continue to use the State density bonus to meet (or exceed) the City's inclusionary requirements and request additional height rather than the height bonuses included in the Downtown Plan. Another observation is that additional guidance and clarity is needed on the calculation of density bonuses, since there is no density metric in the zoning. Currently, applicants calculate the number of units permitted in the "base project" using setback and height standards and apply the applicable bonus to this number.

### **Findings and Recommendations**

*Zoning in San Rafael supports and facilitates a diverse mix of housing types. A number of strategic changes could enhance the City's ability to affirmatively further fair housing and meet its RHNA targets. These include:*

- *Increasing the maximum lot coverage limit in the HR-1 district*
- *Aligning the HR-1.5 and HR-1.8 zoning districts with the top of the General Plan "High Density Residential" housing range, particularly for sites along major transit routes or in Priority Development areas*
- *Raising the height limit in the GC, Office, and other mixed use commercial districts*
- *Considering future increases to the maximum density in the Neighborhood Commercial (NC) zone so it aligns with the other commercial zoning districts*
- *Considering modified setbacks and lot coverage limits for multi-family residential projects in the Office (O) zone*
- *Considering using FAR or height limits (rather than maximum density) to regulate mixed use development, as has been done in Downtown San Rafael*

### **5.2.4 Parking Requirements**

In many communities, local parking standards are cited by developers as a significant constraint to housing construction. The cost of structured parking may be as high as \$50,000 to \$60,000 a space. This cost is typically passed on to the buyer or renter in the form of higher sale and rent prices. San Rafael has taken a number of steps to reduce parking requirements in areas where other transportation options are available. More recently, the State of California has pre-empted minimum parking requirements near public transit.

Parking standards are defined in Chapter 14.18 of the San Rafael Municipal Code. The Code includes a chart indicating the required number of parking spaces for each use classification, including various types of residential development. The Code also includes requirements for clean air vehicles, off-street loading and unloading, mixed use parking, changes in occupancy in multi-tenant buildings, shared parking, bicycle parking, parking space dimensions, alternatives for sites that cannot meet the parking requirements, parking lot screening and landscaping requirements, and special provisions for Downtown. Code provisions are guided by General Plan policies that strive to manage parking in a way that protects neighborhood quality, supports businesses and economic development, and achieves the City's sustainability and climate change goals. These policies recognize that less parking may be required in denser areas of

the city served by public transportation, where the priority is on non-motorized transportation and the safety of pedestrians and bicyclists.

Parking requirements are summarized in Table 5.5. Single family residential uses require two covered off-street parking spaces per unit, with guest parking requirements applying on narrow hillside streets to maintain emergency vehicle access. Multi-family requirements are differentiated by the number of bedrooms, with one space required for a small (<500 SF) studio, 1.5 spaces required for a one-bedroom and larger studio, and two spaces required for units with two or more bedrooms. For most multi-family units, at least one of the required spaces must be covered. Multi-family housing is also subject to a guest parking requirement of one space per five units.

Reduced parking requirements apply to senior housing, which require only 0.75 spaces per unit. There are also special requirements for emergency shelters and residential care facilities. Additionally, the City requires that where ten or more spaces are provided, a percentage are set aside for clean air vehicles. For example, where 26 to 50 parking spaces are provided, at least three must be clean air vehicle spaces. In multi-family buildings, bicycle parking must be provided at the rate of five percent of the requirement for automobile parking, with a minimum of one two-bicycle capacity rack.

Much of Downtown San Rafael is covered by a parking district. Properties in the district benefit from a shared supply of municipal parking, which is supported by an in-lieu fee paid by new development. The Downtown Form-Based Code included reduced parking standards for residential development, including 0.5-0.75 spaces for a studio or one-bedroom, 1.0 spaces for a two-bedroom, and 1.5 spaces for three or more bedrooms. Increased requirements for bicycle parking also are included.

**Table 5.5: Parking Requirements for Residential Development in San Rafael**

Housing Type	Citywide, except Downtown	Downtown(*)
Single Family Home	2 covered	N/A
SF Hillside on street < 26'	2 covered plus two on-site	
Multi-Family Studio	1 covered	0.5 in T4 and T5 MS 0.75 in T4 and T5 N
Duplex Studio	1 if <500 SF 1.5 if >500 SF	
Multi-Family One Bedroom	1.5 including one covered	
Multi-Family Two Bedroom	2.0 including one covered	1.0
Multi-Family Three+ Bedrooms		1.5
Guest Parking	1 space per five units	Only required in West End Village (1 per 5)

Source: City of San Rafael, 2022

(\*) supplemental standards apply in West End Village

AB 2097, approved in September 2022, prohibits minimum parking requirements within one-half mile of major public transit stops. This eliminates parking requirements in most of Downtown San Rafael and in the vicinity of the Civic Center SMART station. Developers may still choose to provide parking within new projects, but it is not mandated. In addition, the City's parking requirements include allowances for reduction of the standards through an administrative use permit process. The Code allows modifications to the standards if they are "fair, equitable, logical and consistent" with the intent of the regulations. Developers have also had the option of using the reduced parking standards available to projects using State density bonuses.

### **Findings and Recommendations**

*Given the relief provided by AB 2097, parking is no longer a constraint to multi-family housing development in much of San Rafael. Even prior to the State legislation, the City recognized the opportunity for reductions Downtown and in projects with affordable or senior housing units. It also recognized (and continues to recognize) the importance of tailoring parking standards to the number of bedrooms in the unit.*

*The City will continue to work with property owners and residents to develop create effective parking management programs that balance the need for parking with the need for more robust transit and affordable housing. While local parking standards are no longer a challenge, the ability to physically accommodate parking remains a potential obstacle for some Downtown housing sites. The City continues to pursue opportunities to expand the Downtown parking district and create additional shared parking opportunities. Further action also could be taken to support "unbundling" of parking. Unbundling means separating the cost of parking from the cost of housing; in other words, allowing residents to decide if they wish to pay for a parking space when renting or buying renting a home rather than simply assigning them parking and embedding that cost in their rent or purchase price.*

### **5.2.5 Density Bonus Regulations**

The premise of density bonuses is that additional density (i.e., additional housing units above and beyond those permitted by zoning) may be added to a project in exchange for setting aside a certain percentage of the units as affordable. The bonuses are higher where deeper levels of affordability are provided (e.g., for very low-income vs low or moderate). The additional units are an incentive for developers, in that they offset potential lost revenue from rent/sale of the affordable units by allowing more units to be built. State law requires that the City offer waivers to developers using density bonuses, because existing zoning standards may not accommodate the additional units.

On January 1, 2021, new State density bonus rules went into effect, expanding and enhancing these incentives. AB 2345 increased the maximum density bonus from 35 percent to 50 percent. To be eligible for a 50 percent bonus, a project must set aside:

- At least 15% of the units for very low-income households
- At least 24% of the units for low-income households
- At least 44% of the units (in a for-sale project) for moderate income households



Below the 50 percent maximum, bonus percentages are awarded on a sliding scale based on the percentage of affordable units. Density bonuses of 20 percent are also available for senior housing projects (even if they are market-rate) and to projects serving foster youth, disabled vets, and homeless persons. Density bonuses are not available for moderate-income for-rent units, since market-rate rents are often already in the moderate-income affordability range.

Provisions for State density bonuses are included in Section 14.16.030(c) of the San Rafael Municipal Code. These provisions allow bonuses, as well as additional concessions and waivers of development standards, that are consistent with California Government Code Section 65915 (State Density Bonus Law). As required by the Government Code, this includes a height bonus of up to 33 feet for 100% affordable projects within ½ mile of a major transit stop. Because the State's density bonus regulations are regularly amended, the City has moved the specific provisions for bonuses to a Council policy resolution rather than specifying numeric limits in its Municipal Code. This allows the City to incorporate changes to State law more easily.

The City itself has adopted its own bonus system for affordable housing. In Downtown San Rafael, local height bonuses of ten feet are available for any project meeting the City's inclusionary housing requirement (currently ten percent of the units in any market-rate project). Projects exceeding the City's inclusionary requirement (for example, offering 12 percent of the units as below market) are eligible for a 20-foot height bonus, if they are located in a defined geographic area that comprises most of the Downtown core and SMART station area. Local height bonuses are only available to projects that are not already using the State density bonus program to request additional height.

Height bonuses are also available in specific areas, pursuant to General Plan policies. These include:

- A 12-foot bonus for projects with affordable housing exceeding the inclusionary requirement on Lincoln Avenue between Mission and Hammondale<sup>3</sup>
- A 24-foot bonus for projects with affordable housing exceeding the inclusionary requirement at Marin Square
- A 24-foot bonus for projects with affordable housing exceeding the inclusionary requirement at North San Rafael Town Center (Northgate Mall)
- A 24-foot bonus for projects that are 100% affordable and more than ½ mile from a major transit stop
- A 12-foot bonus for projects in which 50% or more of the units are affordable, located more than ½ mile from a major transit stop.

### **Findings and Recommendations**

*Density bonuses are not a constraint to development and have been an effective incentive for both affordable and market rate housing in recent years. However, since the changes to State density bonus laws in 2021, developers have been opting to use State rather than local bonuses in their applications. The City may need to revisit its bonus programs so they are more competitive, especially in Downtown San Rafael. The City could also consider local bonuses on some of the Housing Opportunity Sites listed in this Housing Element, as it did with Northgate Mall in Marin Square in the past General Plan. In the past, Staff has also suggested the concept*

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<sup>3</sup> On lots that are 20,000 square feet in larger and at least 150 feet wide

*of density bonuses for projects with fewer than five units (for example, allowing an additional unit of 500 square feet or less).*

## **5.2.6 Affordable Housing Ordinance**

San Rafael adopted a voluntary affordable housing program in 1980 and made that program mandatory in 1985. The program requires that market-rate units contribute to the development of affordable housing. The City's Affordable Housing Ordinance has been one of the City's most effective tools for creating affordable housing and resulted in more than 600 deed-restricted affordable units between 1980 and 2009. This includes below market rate (BMR) ownership units in projects like Redwood Village and Chapel Cove and BMR rental units in projects like San Rafael Town Center.

Prior to 2020, the City's Affordable Housing Ordinance required a ten percent affordable housing set-aside for projects with 2-10 units, a 15 percent set-aside for projects with 11-20 units, and a 20 percent set-aside for projects with 21 or more units. Policies and regulations favored on-site construction so that the units were integrated into the project and throughout the community. Where the requirement could not be met on site, construction of off-site affordable units was a second choice option, and payment of an in-lieu fee was a third choice option.

By 2019, it was becoming apparent that rising land and construction costs were making it more difficult for the development community to meet the 20 percent inclusionary requirement. In discussion forums organized by staff, developers expressed that the requirements were too high and inflexible, and that the City had not supported or encouraged the option of paying an in-lieu fee. Several projects that received entitlements but did not proceed to building permits noted that the on-site affordable housing obligation made their projects financially infeasible. Developers expressed that paying into the fee would significantly reduce their costs and boost the affordable housing fund balance in a way that could subsidize the construction of 100 percent affordable projects, which could ultimately result in more affordable units.

In early 2020, the City considered a number of options for making the existing Ordinance more flexible. This was underpinned by financial feasibility studies to explore the impacts of 10, 15, and 20 percent set-aside requirements, and alternatives to providing the units on-site (including land conveyance as well as off-site construction and in-lieu payments.) Although every option emphasizes the City's preference that the units be provided on-site, a number of developers with previously entitled projects approached the City with requests to pay in-lieu fees rather than building units on-site. Ultimately, the City agreed to allow buyouts for several projects. The subsequent increase in the City's affordable housing trust fund helped the City provide financial assistance to three more deeply affordable projects in other parts of San Rafael.

An amended Affordable Housing Ordinance was adopted in 2021, reflecting the input received from the development community, Planning Commission, and City Council during the prior two years. The revised Ordinance establishes the following requirements:

- All projects with 2-15 units must set aside 10% of the proposed units (excluding density bonus units) as affordable to low-income households

- All projects with more than 15 units must set aside 5% of the proposed units (excluding density bonus units) as affordable to low-income households. These projects also must meet a “secondary” requirement through one of the following alternate means (all of which exclude density bonus units):
  - Provide an additional 5% of the proposed units as lower income
  - Provide an additional 10% of the units as moderate income
  - Pay an in-lieu fee equivalent to 5% of the proposed units
  - Provide an equivalent or larger number of off-site affordable units within ½ mile
  - Donate land to the City, provided the land is valued equal or greater than an equivalent in-lieu fee and can be feasibly developed with affordable housing

The ordinance also establishes that fractional units are rounded up to the nearest whole number if they are greater than 0.5 and converted to an in-lieu fee if they are less than 0.5. It further requires that affordable units must be dispersed throughout the project (unless clustering would further affordable housing opportunities) and should be if a similar mix, type, design, and bedroom count to other units in the project. The affordable units must be built concurrently (or prior to) the market rate units and must be subject to regulatory agreements ensuring their long-term affordability.

### **Findings and Recommendations**

*The revised terms of the Affordable Housing Ordinance have had a positive effect, with the number of projects in the pipeline increasing since its approval. While a 10% inclusionary requirement may mean fewer affordable housing units per project, more overall housing units will be built under this scenario, increasing the net affordable housing stock. Builders and developers have consistently stated that the 20% requirement presented a substantial challenge to getting a project financed and built. The updated ordinance allowed developers with previously entitled projects to request an amendment to their entitlements reducing their BMR obligations. Several developers have used this provision, making it more likely that these projects will proceed.*

*This Housing Element includes a program to continue to evaluate the Inclusionary Ordinance every three years to determine if additional amendments are needed. The Annual Progress Report likewise includes an update on the number of BMR units produced, and the effectiveness of the recent changes on overall development in the city.*

### **5.2.7 Accessory Dwelling Units**

Accessory dwelling units (ADU), also referred to as second units and “in-law” units, have been regulated in San Rafael since 1983. ADUs typically contain a living/sleeping area, a small kitchen and a bathroom and are less than 1,000 square feet. San Rafael was the first jurisdiction in Marin County to adopt an ADU Ordinance. Initially, ADUs required approval of a Use Permit, Design Review, and substantial utility and traffic mitigation fees. All of these requirements have been removed by the State, making it much easier to add an ADU in the city.

ADUs provide numerous benefits, including:

- A source of income for the homeowner
- A housing resource for extended families, including housing for grown children, elder parents, or other relatives
- A housing option that can be affordable “by design”, given the lower cost to create an ADU compared to a new multi-family apartment
- An effective strategy to create lower-cost housing in high-resource neighborhoods without changing the character of the neighborhood
- An option for older adults who wish to remain on their properties but downsize their living space—or “age in place” with a live-in caregiver on site.

In 2008, the City of San Rafael surveyed its ADU owners and found that a quarter of the roughly 200 units that existed in the city were occupied by tenants paying no rent. Additionally, a 2021 survey of ADUs in the Bay Area conducted by ABAG found that half were affordable to lower income households. ADUs are an essential resource for lower-income households and households with special needs.

Over the past 40 years, the City has amended its ADU regulations several times to facilitate ADU construction. In 2003, the City removed use permit requirements for ADUs and eliminated public hearing requirements for units meeting specific standards. At that time, the City also reduced the parking requirements, allowed detached units, and allowed ADUs to be built in higher density residential districts as well as single family districts. Despite these amendments, ADU production remained sluggish in the city, with an average of only five new units a year between 2004 and 2016. Homeowners continued to face challenges such as the cost of construction, utility connections, off-street parking requirements, and traffic mitigation fees.

In 2016, the City adopted an ordinance establishing “junior” ADU (JADU) regulations. A JADU is a small, self-contained living space within an existing home that is under 500 square feet in size. JADUs were exempt from some of the requirements that previously applied to ADUs, making them a more attractive option. Also in 2016, new State laws required major revisions to ADU regulations. Local regulations were effectively repealed across the state in 2017 as the new State regulations became effective. The most significant changes were elimination of the off-street parking requirement for units within ½ mile of public transit, allowances for garage conversions without replacing parking, further limits on a local government’s ability to require a use permit or notify adjacent neighbors, and a prohibition on utility connection fees for attached ADUs.

In 2018, a year after the new State laws became effective, the City received 27 ADU applications. Twenty-one of these units received final building permits. Between 2019 and the end of 2021, an average of 19.3 units per year received final building permits. These units count toward the City’s RHNA allocation and have been an important part of housing production in the last five years.

Additional state laws relating to ADUs were passed in 2019 and 2020, further limiting the scope of local regulatory authority. These laws included a prohibition on minimum lot size requirements for ADUs, a prohibition on requirements that at least one unit on the property be owner-occupied, further limits on impact fees, and a prohibition on requirements for fire sprinklers if sprinklers are not required in the primary dwelling. In addition, the newer legislation

limited maximum size limits of less than 850 square feet for ADUs, or less than 1,000 square feet for ADUs with more than one bedroom.

San Rafael adopted an updated ADU ordinance in November 2021. An initial draft of the Ordinance included a prohibition on ADUs on certain narrow hillside streets due to concerns about emergency vehicle access. This prohibition was removed prior to adoption due to other measures being taken by the City to mitigate emergency access constraints.

The standards for ADUs and JADUs are shown in Table 5.6. The standards establish a size range from 150 square feet (minimum) to 1,000 square feet (maximum). Consistent with State law, there is no limit on the size of an ADU that involves the conversion of an existing detached structure or the conversion of portions of an existing primary residence. ADUs are subject to 4-foot side and rear setback standards. Detached ADUs are subject to an 18-foot , but may not exceed the height of existing homes on the property if they are located in the Eichler-Alliance overlay district in Terra Linda.

**Table 5.6: Development Standards for Accessory Dwelling Units (ADUs)**

	Attached ADU	New Detached ADU	Conversion of Existing Space	Junior ADU
Minimum Floor Area	150 SF	150 SF	150 SF	150 SF
Maximum Floor Area	Lesser of 1,000 SF or 50% of primary unit floor area	1,000 SF	N/A	500 SF
Lot Coverage	None			
Minimum Setbacks				
	Front	Same as primary dwelling		N/A
	Side	4 feet	4 feet	N/A
	Rear			
	Rear entry	10' from any ROW		N/A
Maximum Height	16 feet (a)		N/A	
Parking	1 space (b)		None	
Separate independent entrance required?	Yes			
Interior access allowed?	No			Yes
Separate bathroom required?	Yes			No
Kitchen required?	Yes			

Source: City of San Rafael, 2022

Notes: (a) may not exceed primary residence if in Eichler-Alliance Overlay; (b) exclusions apply to units meeting specific criteria. See text.

Pursuant to State law, off-street parking is not required for an ADU if it is located within one-half mile of a public transit stop. This includes approximately 80 percent of the city. The only areas excluded are the San Pedro Peninsula, Gold Hill Grade, portions of Sun Valley, and Southern Heights Ridge between San Rafael, Ross and Larkspur. Even in these areas, replacement off-street parking cannot be required for an ADU created through the conversion of a garage, carport or covered parking structure. In addition, there are no lot size limits for parcels with ADUs. Each single family parcel may include both an ADU and a JADU.

Consistent with State law, ADUs up to 750 square feet are exempt from impact fees. ADUs that are 750 square feet or larger may be charged impact fees but such fees must be proportional to the size of the unit. In addition, the requirement that JADUs be created through conversion of a bedroom has been removed, as has the requirement for an interior connection between the JADU and primary residence. The Code also permits the conversion of non-habitable multi-family space (such as storage rooms, basements, or garages) to ADUs, provided that not more than 25% of the units are ADUs. Up to two detached ADUs also may be built on multi-family lots.

For projects that meet the standards, an ADU may be approved by applying for a building permit and remitting a \$300 ADU review fee. The City has developed a data sheet/ checklist to assist applicants in submitting complete applications. Once an application is deemed complete, the City has 60 days to make its determination.

### ***Findings and Recommendations***

*The City has strongly supported ADUs as a housing option and is committed to expanding the number of ADUs in the future. San Rafael has conservatively estimated that it will produce 25 ADUs annually through the planning period, or 200 ADUs between 2023 and 2031. However, the City aspires to produce a larger number through education and outreach, new incentives, and potential grant programs that could create below market rate units. There are over 11,000 single family detached housing units in the city; adding an ADU to just ten percent of these homes would result in 1,100 new units—a third of the City's RHNA. The City is working with the County and local non-profits to expand homeowner awareness of the benefits of ADUs, the process of designing and approving an ADU, and resources available for construction. It has expanded web-based information on ADUs and participated in workshops and webinars to educate homeowners about best practices from around the State.*

### 5.2.8 Standards for Different Housing Types

Housing Element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population. This includes a number of specific housing types, including manufactured housing, emergency shelters, supportive and transitional housing, and residential care facilities. Table 5.7 summarizes the range of housing types permitted within San Rafael's zoning districts.

#### Single and Multi-Family Housing

As shown in Table 5.7, single family housing is permitted in all residential zoning district. It is generally not listed as a permitted use in commercial districts, as residential development opportunities in these areas are reserved for multi-family housing.

Duplexes are permitted in the Duplex Residential district, in all multi-family districts, and in Downtown San Rafael. Multi-family housing is permitted in the Medium- and High-Density Residential districts, in Downtown San Rafael, and in the Office and Office/Residential Districts. It is permitted with an Administrative Use Permit in the General Commercial and Neighborhood Commercial districts, and in the Commercial/Office and Francisco Boulevard West districts. The AUP is considered a ministerial approval, as it simply requires that the Planning Director find that the project meets objective standards with respect to noise, lighting, access, trash storage, and parking.

Single and multi-family housing is not permitted in the City's industrial districts. However, the Zoning Code includes allowances for live-work uses in the Lindero Mixed Use district just south of Downtown.

#### Manufactured Housing

Manufactured homes are addressed by Section 16.240 of the San Rafael Municipal Code. The Code states that manufactured homes are permitted within all zoning districts that allow single family homes, provided that the lot and structure meet the property development standards and requirements of the district, the home is on a permanent foundation, and the home meets federal safety standards. In addition, the roof and exterior siding and trim must use materials and treatment compatible with adjacent residential structures, and the roof overhang must not be less than 12" (unless surrounding homes have smaller eaves). Manufactured homes are subject to the same design requirements that would be required for single family homes on the same lot.

Mobile home parks are conditionally permitted in the High-Density Residential districts and the Francisco Boulevard West district. The City's two mobile home parks are located in these districts.

**Table 5.7: Allowance for Different Housing Types in San Rafael Zoning Districts**

Zoning District	Single Family Home	Duplex	Multi-Family	Live-Work	Residential Care, <6	Residential Care, 6+	Boarding House or SRO	Mobile Home Park	Emergency Shelter, Permanent	Emergency Shelter, Temporary/ Rotating
Single Family Residential (R-)	P				P	P <sup>(A)</sup>				C
Duplex Residential (DR)	P	P			P	P <sup>(A)</sup>				C
Medium Density Residential (MR-)	P	P	P		P	P <sup>(A)</sup>	C			C
High Density Residential (HR-)	P	P	P		P	P <sup>(B)</sup>	C	C	C	C
Downtown Mixed Use (DMU)	P	P	P	P	P	C	A			C
General Commercial (GC)			A	A	P	P <sup>(B)</sup>	A		P <sup>(C)</sup>	C
Neighborhood Commercial (NC)	C		A	A	P	P <sup>(B)</sup>	C			C
Office (O)			P	A	P	P <sup>(B)</sup>	A			C
Commercial/Office (C/O)			A	A	P	P <sup>(B)</sup>	A		C	C
Residential/Office (R/O)	C	C	P	A	P	P <sup>(B)</sup>	A		C	C
Francisco Blvd W. Comm (FBWC)			A	A	P	P <sup>(B)</sup>	A	C		C
Industrial (I)									C	C
Light Industrial/Office (LI/O)									P <sup>(C)</sup>	C
Core Canal Industrial/Office (CCIO)									C	C
Lindero Mixed Use(LMU)				A					C	C
Marine (M)			A	A	P	P <sup>(B)</sup>	C		C	C
Public/Quasi-Public	C	C	C	A	P	P <sup>(B)</sup>	A		C	C

Source: City of San Rafael Municipal Code, 2022

**KEY:**

P = Permitted

C= Conditional Use Permit

A= Administrative Use Permit (subject to conditions for residential uses in commercial zones)

**Notes:**

(A) Only permitted if for handicapped;

(B) Permitted if for handicapped; CUP otherwise;

(C) Permitted within a specific geographic area south of Bellam and east of I-580. Conditionally permitted elsewhere.



## **Transitional and Supportive Housing**

Transitional housing is temporary housing (generally six months to two years) for a homeless individual or family transitioning to permanent housing. Residents are provided with one-on-one case management, education and training, employment assistance, mental and physical services, and support groups. Transitional housing can take several forms, including group housing and multi-family units.

Supportive housing is permanent, affordable housing, with no limit on the length of stay, occupied by the target population (persons with disabilities, AIDS, substance abuse, or chronic health conditions). It is linked to on-site services that allow residents to live independently.

SB 2 (2008) requires transitional and supportive housing to be treated as residential uses that are only subject to those restrictions that apply to other residential uses of the same type in the same zone. For example, a single family house occupied by formerly homeless veterans is subject to the same rules as a single family house occupied by a traditional family.

San Rafael currently accommodates both transitional and supportive housing. Examples of transitional housing include multi-unit residences operated by the Center for Domestic Peace, Homeward Bound of Marin, and Center Point. Examples of supportive housing include apartments operated by the St. Vincent de Paul Society and the Marin Housing Authority.

The City has added definitions of transitional and supportive housing to its zoning code. Both uses are treated as residential uses of property subject only to those restrictions that apply to other residential uses of the same type in the same zone.

## **Residential Care Facilities**

Consistent with State law, the City has defined residential care facilities in its zoning regulations as being either “large” or “small.” Both are licensed by the State to provide 24-hour non-medical care to persons in need of personal services, supervision or assistance to help residents sustain their daily lives. Large facilities have seven or more clients and small facilities have six or fewer clients.

As shown in Table 5.7, small residential care facilities are permitted in all zoning districts where housing is allowed. Large residential care facilities are permitted or conditionally permitted in most zoning districts. The large facilities are permitted by right if they serve residents with disabilities but require a use permit if they serve other populations.

## **Single Room Occupancy (SRO) Hotels**

San Rafael does not have a use classification for SROs and treats these facilities under the definition of “boarding house.” The definition of boarding house indicates that rooms and/or meals are provided for compensation but the units do not have complete cooking and sanitary facilities. A separate use classification for SROs should be considered, as such facilities often do have complete cooking and sanitary facilities and function as transitional or long-term housing for extremely low-income households.

As a subset of boarding houses, SROs are permitted with an AUP in most commercial zoning districts and with a CUP in the Neighborhood Commercial and High-Density Residential zones. Approval is conditioned on the provision of a management plan to ensure 24-hour on-site management, security, and necessary social services. The development must provide usable outdoor open space consistent with the requirements of the district in which it is located.

## **Emergency Shelter**

California Health and Safety Code Section 50801(e) defines an emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less.” The definition further states that no individual or household may be denied emergency shelter because of an inability to pay. The City has adopted this definition in its Municipal Code and has further distinguished between “permanent” shelters and “temporary” shelters. A permanent shelter is a facility operated by a non-profit provider that provides emergency housing year-round to homeless persons or families. A temporary shelter is likewise operated by a non-profit but is set up for limited duration, not to exceed six months. Both types of shelters are intended to serve unhoused residents, rather than persons temporarily displaced by a disaster.

SB 2 requires the Housing Element to address planning and approval requirements for emergency shelters. All jurisdictions in California, regardless of the size of their unhoused population, must designate at least one zone where emergency shelter is a permitted use. The identified zone must have sufficient capacity to accommodate the shelter need and provide capacity for at least one year-round shelter. Permit processing, development, and management standards for emergency shelters must be objective and facilitate their development.

San Rafael currently allows emergency shelters “by right” in a 70-acre area that is partially zoned Light Industrial/Office and partially zoned General Commercial located in southeast San Rafael. This area is located south/east of Bellam Boulevard and north/east of Interstate 580. The area includes the County of Marin Wellness Center, single-story light industrial buildings, warehouses, offices, and miscellaneous retail and service uses. There are a number of vacant buildings in this area and several undeveloped properties.

Emergency shelters are permitted in several other zones with a conditional use permit. These zones include High Density Residential, General Commercial, Commercial/Office, Residential/Office, Lindero Mixed Use, Core Canal Industrial/Office, Marine, Public/Quasi-Public, and the remainder of the Light Industrial/Office Zone. Temporary shelters are permitted with a conditional use permit in every zoning district listed in Table 5-7.

The City is currently home to three permanent emergency shelters. The newly relocated Mill Street shelter is a 40-bed facility at 190 Mill Street (it also includes 32 units of supportive housing). The Family Center at 430 Mission Avenue accommodates nine families (roughly 27 people). There is also a 10-bed shelter at the Carmel Hotel (830 B Street). This is equivalent to roughly 77 shelter beds citywide. The 2019 Point in Time count identified an unmet need for 161 emergency shelter beds in San Rafael. Sufficient land capacity exists to meet this need in the 70-acre LI/O and GC area in southeast San Rafael, both on vacant land and through adaptive reuse of existing structures.

The City's standards for permanent emergency shelters are defined in Section 14.16.115 of the Municipal Code. These standards include:

- On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
- Adequate exterior lighting shall be provided for security purposes (i.e., one foot-candle at all doors and entryways and one-half foot-candle at walkways and parking lots). The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the surrounding area.
- The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
  - Central cooking and dining room(s)
  - Recreation room
  - Counseling center
  - Child care facilities
  - Other support services
- Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees and the surrounding area, and consistent with the requirements of Section 14.18.040 (Parking Requirements).
- A refuse storage area shall be provided that is completely enclosed with masonry walls not less than five feet high with a solid-gated opening and that is large enough to accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the review authority. The refuse enclosure shall be accessible to refuse collection vehicles.
- The agency or organization operating the shelter shall comply with the following requirements:
  - Shelter shall be available to residents for no more than six months. No individual or household may be denied emergency shelter because of an inability to pay.
  - Staff and services shall be provided to assist residents to obtain permanent shelter and income.
  - The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.
- No emergency shelter shall be located within three hundred feet (300') of another emergency shelter; unless permitted through review and approval of a conditional use permit where it is determined that the additional shelter location is appropriate and necessary to serve the intended population and would not result in an over-concentration in the community.
- The facility shall be in good standing with City and/or state licenses, if required by these agencies for the owner(s), operator(s), and/or staff of the proposed facility.

- The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall comply with the occupancy limit established by the building code.

In 2019, the State legislature passed AB 139, which limited the range of development and performance standards a local jurisdiction may place on emergency shelters. Parking requirements must be based on the number of staff, rather than the number of beds. San Rafael currently requires one space for each employee plus one space per ten beds for shelters in commercial and industrial zones. This will need to be modified following Housing Element adoption. Cities may still impose limits on the number of beds in the shelter, although San Rafael has not adopted such a limit. Under AB 139, the City can retain its requirements for on-site management, lighting, length of stay, and proximity to other shelters.

The City's ordinance links the number of beds or clients served by an emergency shelter to occupancy limits established in the California Building Code which require 100 square feet (10-foot x 10-foot area) per client. Thus a 5,000 square foot shelter would be permitted to have 50 beds or 50 clients. Approximately 16,000 square feet of floor space would be needed to satisfy the unmet need for shelter in San Rafael based on the 2019 point-in-time count data.

### **Low-Barrier Navigation Centers**

A Low-Barrier Navigation Center (LBNC) is defined by the State as a “service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.” Low-barrier shelters provide more flexibility than a traditional emergency shelter, such as allowing pets or allowing partners to share living space. Assembly Bill 101 (2019) established that local jurisdictions must allow low barrier navigation centers by right in all zones that allow mixed use development and in non-residential zones that permit multi-family housing, provided the facility meets certain standards. The provisions of AB 101 extend through the end of 2026, at which time they are repealed.

LBNCs are not addressed in the San Rafael zoning regulations. As such there is a program in the 2023-2031 Housing Element to permit them as required. In the interim period, the City will comply with AB 101 in a manner that supersedes local zoning to the extent necessary.

### **Farmworker and Employee Housing**

Local jurisdictions are required to treat employee housing for six persons or fewer no differently than other housing types permitted in each zoning district (Health and Safety Code Section 17021.5). This is similar to the requirement for transitional and supportive housing. San Rafael's zoning regulations have no restrictions on unrelated individuals sharing a home, but they do not explicitly reference employee housing. The City does not have any occupancy standards in the zoning code that apply specifically to unrelated adults.

Similarly, farmworker housing is not currently listed as a use type in San Rafael's Municipal Code. There is no agricultural land in the city, and most local farming activity is located in the western part of Marin County. The 2017 USDA Census reported that there were 1,274 hired

farmworkers in Marin County. This population primarily resides in the unincorporated area of Western Marin, but it is possible that some of this labor force lives in San Rafael. The provisions for employee housing described above would include farmworkers, though since there are no local agricultural operations it is unlikely such housing would be proposed in the city.

A program in this Housing Element has been included to expressly treat employee housing of six or fewer people as a residential use. As such, it should be treated the same as other residential structures of the same type in the same zone.

### **Findings and Recommendations**

*The City allows, supports, and encourages a diverse range of housing types. No constraints were identified in this analysis, but the following recommendations are made to ensure compliance with recent State laws and to further support housing for extremely low-income households:*

- *As required by AB 101, Low Barrier Navigation Centers should be defined in the zoning regulations and identified as a permitted use in mixed use commercial districts.*
- *A separate use classification for SROs should be considered, rather than including them in the definition of “boarding houses.” Individual kitchens and bathrooms should be allowed in SRO units, rather than requiring communal facilities.*
- *The parking standards for emergency shelters should be revised to comply with State law (parking may not be based on the number of beds)*
- *A definition of “employee housing” is required, to clarify that it is a residential use subject to the same standards as other residential uses in the same zone.*

### **5.2.9 Housing for Persons with Disabilities**

Residents with disabilities have a number of special housing needs related to the accessibility of dwelling units; access to transportation, employment, and commercial services; and alternative living arrangements that include on-site or nearby supportive services. Since 2002, localities have been required to analyze potential and actual constraints upon the development, maintenance, and improvement of housing for persons with disabilities in their Housing Elements. This includes local efforts to remove relevant governmental constraints.

San Rafael’s current policies and regulations support the development of new housing for persons with disabilities. This includes compliance with Title 24 of the California Code of Regulations, and federal requirements for accessibility such as the Americans with Disabilities Act (ADA). The City actively enforces provisions of the Building Code that regulate access and adaptability to accommodate persons with disabilities and has made no local amendments that impede such construction. The City also complies with AB 3002 (2019), which requires local jurisdictions issuing commercial building permits or business licenses to make available a notice containing specified information regarding disability access.

As required by state law, the City has removed any local discretion for the approval of small group homes for persons with disabilities. San Rafael has also removed local discretion for the

approval of large (more than six persons) group homes for persons with disabilities and allows large group homes for the disabled by right in all districts where housing is a permitted use.

San Rafael accommodates requests for special structures or appurtenances (e.g. access ramps or lifts) serving disabled persons on a ministerial basis. For example, the City would allow displacement of required on-site parking in order to accommodate ADA accessible ramps. The City has developed an on-line complaint form for any resident who feels their current housing is non-compliant with accessibility requirements. Both the Marin Center for Independent Living and Fair Housing Advocates of Northern California are based in San Rafael and advocate on behalf of persons with disabilities at the local and regional levels.

Several projects in the city specifically serve residents with disabilities. Other projects include individual housing units that are designed for residents with mobility impairments and other specific disabilities. Examples include the 11-unit Ecology House for residents with environmental sensitivities, ten units of housing for disabled residents at 1103 Lincoln, ten units at 7 Mariposa, and 11 units at 410 Mission operated by EAH Housing, as well as housing at a Marin Housing Authority operated property on Golden Hinde Boulevard in North San Rafael. The City also strongly supports “age in place” retrofits to make it easier for residents to remain in their homes as their physical abilities change.

Chapter 14.26 of the San Rafael Municipal Code specifically addresses housing for disabled persons. Any person with a disability, or their representative, may make a request for *reasonable accommodation* when the application of a zoning law or other land use regulation, policy or practice acts could be a barrier to their housing. Chapter 14.26 allows exceptions to any rules, standards, or practices if they would eliminate regulatory barriers. This requires submittal of an application explaining the nature of the request and basis for the claim. The Community Development Director reviews the request, provided that no other planning approvals are being requested concurrently. Written notice is provided to adjacent property owners.

The decision to grant or deny a request for reasonable accommodation is based on six conditions specified by the Ordinance. These include whether the housing will be used by an individual with a disability, whether the request is necessary to make the housing available to that individual, whether there is an alternative with an equivalent benefit, whether there would be negative impacts, whether there would be a financial burden to the City, and whether the change would fundamentally alter a City program or law. Conditions of approval may be placed on the reasonable accommodation by the Planning Director, and the decision may be appealed.

### ***Findings and Recommendations***

*San Rafael’s policies and regulations do not pose a constraint to the development of housing for persons with a disabilities, and its Reasonable Accommodation procedures comply with State law. This Housing Element includes a program to continue working with organizations serving residents with disabilities in the future. The intent is not only to remove obstacles to housing construction and adaptation, but to work proactively to improve transportation, supportive services, and other provisions that foster independent living. The Housing Element program also calls for all future projects receiving City funding to include a specified percentage of units*

*that are "adaptable" for persons with disabilities. Adaptable units are designed to accommodate changing future needs and be easily modified over time for disabled and older occupants.*

### **5.2.10 Building Codes**

San Rafael's building regulations are codified in Title 12 of the Municipal Code. The City has adopted the 2019 California Building Code by reference, as well as the Electrical Code, Green Building Code, Energy Code, Mechanical Code, Plumbing Code, and Historic Building Code. These codes establish minimum standards for residential development and all other structures. While building codes add material and labor costs, they are essential to provide minimum levels of safety for those occupying the structures.

The City has made several amendments to the Building Code that may affect the cost of residential construction. These are generally addressed in Chapters 12.200-12.265 of the Municipal Code. Local amendments include requiring automatic fire sprinkler systems in all new buildings, as well as Class A fire-retardant roofs for fire protection. Fire sprinkler systems also may be required for substantial remodels, which are defined in the Code. These amendments are important given the high wildfire hazards present in San Rafael, the extended drought emergency, and recent experiences with wildfire in Northern California over the past five years.

The City enforces energy conservation standards enacted by the State. The standards may increase construction costs but over time will result in energy savings. The City's Climate Change Action Plan includes a number of recommendations that could affect future construction costs, including recommendations for building electrification, renewable energy, and energy conservation. Its Wildfire Action Plan recommends additional measures to reduce wildfire hazards, which are considered essential to make the community more fire-safe.

San Rafael also has a very active Code Enforcement program intended to respond to code violations and proactively support housing maintenance. The program requires remedial actions or abatement to maintain the safety of all housing units.

### ***Findings and Recommendations***

*Building codes are necessary to protect public health and safety, and ensure the long-term habitability of the City's housing stock. They do not pose a constraint to housing development or maintenance in San Rafael.*

### 5.2.11 Processing and Permitting Procedures

Processing and permit procedures can be a constraint to the production and improvement of housing due to the time they add to the development process. Unclear permitting procedures, layered reviews, multiple discretionary review requirements, and costly conditions of approval can increase the final cost of housing, create uncertainty in the development process, and increase the overall financial risk assumed by the developer.

Over time, the City has worked to streamline its procedures to remove obstacles to housing development and simplify the process for applicants. The Department has moved an increasing number of its services and functions on-line, making it easier for applicants to receive information, submit plans, and get their projects approved. The City's "e-trakit" on-line system allows applicants (and the public) to track the progress of applications in real time.

In San Rafael, proposals for new housing development require review by the Planning Division of the Community Development Department. Most applications for larger-scale development require review and approval by designated hearing bodies, including the Design Review Board (DRB), the Planning Commission, and/or the City Council. The function of the DRB is to advise staff, the Planning Commission, and the City Council on major physical improvements requiring environmental and design review permits. The function of the Planning Commission is to advise the City Council on land use matters, including implementation and amendment of the General Plan and zoning ordinance. The Commission also convenes public hearings and issues environmental and design review permits, conditional use permits, and decisions on appeals.

The level, cost, and time required for processing and permitting review depends on the type of application and scope of the project. Smaller projects can be reviewed and approved by staff without a public hearing. Larger projects, such as major multi-family housing developments, typically require DRB and Planning Commission hearings. Recent changes to State law limit the City's ability to require such hearings as well as the City's discretion to deny projects that are consistent with adopted plans and standards.

Planning permits for development (Design Review Permits) generally require completion of an application form, payment of fees, preparation of a written statement/narrative describing the project, photographs, a site plan, project data, floor plans, roof plans, landscape plans, and elevations or sections. Depending on their location and scope, larger projects may also require grading plans, boundary surveys, historic resource evaluations, geotechnical/soils reports, arborist reports, and local traffic assessments. Prior to receiving a building permit, projects creating new housing units typically require an environmental and design review permit.<sup>4</sup>

Design review permits are classified as follows:

- Administrative Design Review permits are approved by the Community Development Director or designated staff. These permits generally do not require a public hearing, although the Community Development Director may refer an application to the Design Review Board for recommendations if needed. Typical projects requiring such permits are single-story new homes on flag lots, conversion of single family residences to duplexes, and additions that include a bedroom or are over 500 square feet in hillside areas.

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<sup>4</sup> ADUs can be approved with a building permit alone.



- Minor Design Review permits are approved by the Zoning Administrator through a public hearing. These improvements may be referred to the Design Review Board, at the discretion of the Zoning Administrator. Examples include large multi-family and second story additions, new two-story homes and duplexes, and additions over 500 square feet located in hillside areas.
- Major Design Review permits are approved by the Planning Commission in a public hearing, typically following a recommendation from the Design Review Board. Their action may be appealed to the City Council. Major Design Review is typically required for hillside development, new residences near ridgelines, and larger multi-family structures.

Applications for design review permits are approved if it is determined that the project design:

- Is in accord with the general plan and zoning
- Is consistent with all applicable site, architecture and landscaping design criteria and guidelines for the district in which the site is located
- Minimizes adverse environmental impacts; and
- Will not be detrimental to the public health, safety or welfare, nor materially injurious to properties or improvements in the vicinity.

Over the years, the City has developed design guidelines to facilitate these findings. The guidelines indicate the City's expectations for new projects to applicants, while serving as a benchmark for staff, the DRB, and the Planning Commission for evaluating new projects. These include Guidelines for the San Rafael Canalfront (2009), a Hillside Design Guidelines Manual (1991), and the Civic Center Station Area Plan Guidelines (2013).

In 2004, the City consolidated design guideline documents developed over the prior 25 years into a single set of short and very basic guidelines for residential and non-residential uses. In some cases, these guidelines incorporated direction from neighborhood plans developed decades earlier. The guidelines cover such topics as building design, scale, height, rooflines, building entrances, additions, windows, driveways, and lighting. They were intended to encourage creative design rather than prescribe specific standards.

While the guidelines have been helpful in helping architects, developers, and homeowners understand the community's design objectives, they are inherently subjective. The City is working on replacing these guidelines with objective standards that are more prescriptive, but more conducive to expedited approval.

Processing time for approval varies depending on project complexity, level of review, initial completeness, whether multiple zoning entitlements are required, and the complexity of environmental issues, as well as the volume of projects under review. Table 5.8 indicates the approximate processing time for most applications based on staff estimates. All processing times are fully compliant with State requirements. Once design review permits are approved, they remain in effect for two years. Applicants may request a different approval term and may apply to extend permits if they are unable to start construction within two years.

**Table 5.8: Processing Time for Planning Applications**

Level of Approval Required	Approximate Timeframe
Staff Level Approval	4-6 weeks
Staff Level with DRB Meeting	6-10 weeks
Administrative Design Review with Zoning Administrator Approval	10-12 weeks
Minor Design Review with DRB meeting	14-18 weeks
Major Design Review with DRB and Planning Commission hearing	20-25 weeks
Major Design Review with DRB, Planning Commission hearing, and Environmental Review	24-48 weeks
Major Design Review for application requiring City Council action	28-55 weeks

Source: City of San Rafael, 2021

The time required for project approval is impacted by the level of environmental review required. Many smaller projects are categorically exempt from the California Environmental Quality Act (CEQA), meaning no environmental review is necessary. Mitigated Negative Declarations (MNDs) and Environmental Impact Reports (EIRs) are most commonly associated with projects on sites that require rezoning or General Plan Amendments, or that are located on hillside sites, in wetland or riparian areas, near important historic and/or archaeological resources, or in areas where natural hazards such as flooding and wildfire are present. CEQA mitigation requirements, such as special requirements for construction to avoid impacts to special status species, may add time and cost to the development process. Fees for the preparation of environmental impact reports also may be substantial, as they cover the City’s costs for contracting out the service.

As noted earlier, the City currently requires an Administrative Use Permit (AUP) for mixed use projects and multi-family housing in commercial zoning districts outside of Downtown. This is a staff-issued permit that requires conformance with specific performance standards. While the AUP is not a development constraint, this requirement could potentially be removed by incorporating relevant AUP findings into objective design and development standards. The requirement has already been removed in Downtown San Rafael. The Form-Based Code allows housing “by right” throughout Downtown, with limitations only for housing on the ground floor within 30 feet of the sidewalk in designated “Main Street” (MS) sub-districts.

The City has developed a number of tools to expedite project approval over the years. Since 1989, it has had a “Neighborhood Meeting Procedure” intended to reduce delays caused by concerns raised during the public hearing process. These meetings are not mandatory but are strongly recommended so that applicants can learn about local concerns and suggestions for

improvements. The City has also offered a Conceptual Design Review process through the Design Review Board, providing timely feedback to applicants before detailed plans and studies are prepared. It also has had a longstanding Development Coordinating Committee (DCC) comprised of City staff from Planning, Building, Public Works, and Fire that meets every other week to discuss upcoming applications, identify potential issues, and provide feedback to applicants.

The City has also eliminated what was formerly known as the “Project Selection Process” (PSP). This was a growth management mechanism initially adopted in 1988 to manage congestion at specific intersections. The PSP effectively metered the number of housing units that could be built in parts of North San Rafael and southeast San Rafael during the 1990s and early 2000s. As the remaining vacant sites in these areas were developed, the need for this program diminished and it was ended in 2011. More recently, the City has shifted to a Vehicle Miles Traveled (VMT) standard for new development and has refocused its transportation planning to emphasize low-emission travel modes and pedestrian/bicycle safety. Under State law (SB 743), level of service (LOS) is no longer a valid metric for determining that a project may have a significant impact on the environment.

### **Findings and Recommendations**

*San Rafael has worked proactively to streamline its development review and permitting processes. The adoption of objective design and development standards creates opportunities to further expedite project approvals, and eliminate administrative use permit (AUP) requirements for mixed use projects and multi-family housing in commercial zones. The next section of this chapter summarizes actions the City has taken over the last few years to improve the application and entitlement process.*

#### **5.2.12 Recent Measures Taken to Expedite Processing and Permitting**

In August 2018, City staff presented the San Rafael City Council with a comprehensive informational report on housing, including an assessment of challenges to housing production. Staff’s evaluation was based on data collection and analysis, interviews with stakeholders, a review of best practices in other cities, and a number of specialized studies. Each year since 2018, the City has delivered updates to the Council on its progress in removing potential constraints to housing development. Some of these changes have been compelled by State legislation such as SB 35 and SB 330, while others were locally driven.

#### **Timing of Design Review Board / Planning Commission Hearings**

Prior to 2018, the City’s procedures called for Design Review Board (DRB) hearings to occur *before* Planning Commission hearings. The logic was that the DRB recommendations would inform subsequent Planning Commission decisions, since the DRB is advisory to the Commission. However, since these hearings were the first time projects were discussed in a public forum, the DRB often found itself receiving public testimony on issues outside their purview such as parking, density, and traffic.

Beginning in 2019, the City reversed the order of public hearings so that the Planning Commission considered the merits of new applications prior to the DRB. The Commission's meetings were considered "study sessions" and provided a forum for the Commission to address the major policy issues raised by the public. This provided the applicants with high-level feedback, allowing the DRB to focus on the details of project design. The City further established that a planning commissioner attend all DRB meetings as a liaison to offer advice and direction on matters of Commission concern.

The City has further expedited the design review process by adopting a streamlining process for certain residential projects, including residential structures of three to ten units and additions to multi-family residential structures, where the addition constitutes no more than 40 percent of the building and would not increase the unit count by more than three units. The streamlined review process allows for design review to occur a joint meeting of the Planning Commission and two DRB members.

Over the last three years, the City has considered other changes to the DRB to expedite decision-making. During the initial year of the COVID-19 pandemic, the DRB was replaced by a Design Review Subcommittee including two DRB members advising on Planning Commission applications. A subsequent pilot program created a Design Review Advisory Committee to consider smaller residential projects. The City will continue to evaluate ways to improve the efficiency of DRB and Planning Commission review as needs and conditions change.

### **Streamlining Environmental Review**

Environmental review processes and practices have been identified by stakeholders as a potential development constraint. All project applicants are required to comply with CEQA. In the past, this has required costly technical studies and reports (such as traffic studies), which in some cases are redundant or confirm findings that are already known. For projects requiring an EIR, it is not uncommon for the approval process to take more than a year and add several hundred thousand dollars to the cost of approval.

The City has been pursuing ways to streamline this process, including relying on CEQA urban infill exemptions (Section 15332) and allowing projects to tier off the General Plan and Downtown Plan EIR. This allows for more focused environmental review based on the characteristics of individual projects. Projects may rely on the General Plan EIR to assess and mitigate broader impacts (such as greenhouse gas and air quality emissions) for projects that are consistent with the General Plan. In such cases, the City may still require site-specific studies related to geology/soil conditions, stormwater drainage, ingress and egress, and other issues of local concern.

In recent years, the City has relied on CEQA categorical exemptions for projects such as Northgate Walk and 703 Third Street. Both of these projects involve the addition of more than 100 units of housing. Since they are located on previously developed sites in urban settings, are served by transit, did not require rezoning, and are consistent with the General Plan, an EIR was not required.

In Downtown San Rafael, requirements for multiple, repeated historic resource assessments had been identified as a potential challenge. The area's historic buildings contribute to its character

and charm, but often resulted in requirements for costly historic surveys for every development project. The City addressed this constraint by completing a comprehensive inventory of Downtown historic resources as part of the Downtown Precise Plan in 2019. More than 500 properties were evaluated and each building was rated based on its historic attributes. This provided a resource for CEQA streamlining as well as development standards for projects adjacent to historic buildings and future projects that could impact historic buildings.

The City does not have comparable historic resource data for the rest of the city. An action program in General Plan 2040 calls for a citywide update of historic resources data, which would facilitate similar streamlining of applications in areas outside of Downtown where historic resources may be present.

### **Pre-Application Review Process**

Pre-application review is recommended for most infill and large residential projects. This process provides prospective applicants with early feedback from City departments and services before a formal application is submitted. The review requires submittal of schematic drawings, concept plans, and an application fee, followed by review by the Development Coordinating Committee (DCC). A summary of pre-application comments is provided to the applicant, usually within 30 to 60 days.

In response to a review of best practices, the City has established a second, higher-level “concept review” process for housing projects. This does not replace the formal pre-application process but provides a more affordable option for a prospective applicant who is simply seeking preliminary verbal feedback from City staff on a potential application. The approach provides quick feedback to the applicant (7-14 days) and allows modifications to projects before the formal pre-application process begins.

### **Objective Development and Design Standards**

Objective design standards for Downtown San Rafael were adopted through the Precise Plan Form-Based Code in August 2021. The Downtown standards provide a streamlined path to approval for residential and mixed use projects, as they allow for ministerial review for projects meeting the criteria. Elsewhere in the city, the guidelines and criteria that have been used to evaluate proposed projects include many subjective references, such as compatibility with adjacent uses, creation of visual interest, and variation in building facades. The City is in the process of developing and adopting Objective Design and Development Standards (ODDS) for multi-family projects outside of Downtown San Rafael.

The Draft ODDS are expressly intended for SB 35 applications. SB 35 requires that local jurisdictions that have not met their RHNA goals have a “by right” process for qualifying residential development near major transit stops. Eligible projects must include two or more dwelling units, provide certain levels of affordable housing, and pay prevailing wages for construction. SB 35 applications are also eligible for streamlined processing and are not subject to CEQA review or a DRB public hearing. To qualify for SB 35 approval, a project must set aside ten percent or more of its units for lower income households. This threshold may rise to 50 percent in the future in the event the City begins producing market rate housing in line with its Regional Housing Needs Allocation.

The City has also implemented a pilot program to provide by right approval for projects that are 100 percent affordable. This enabled expedited approval of the 32-unit extremely low-income housing project at 190 Mill Street in 2019.

### **Findings and Recommendations**

*The City has made substantial progress in removing process-related constraints and facilitating project review and approval. Community development and planning staff will continue to provide regular updates to the City Council on further ways to improve development review, and the progress the City is making on programs to expedite housing construction.*

#### **5.2.13 Fees and Exactions**

Development fees, including planning fees, building fees, and impact fees have been identified as a factor in the financial feasibility of housing development throughout the Bay Area. Because of Proposition 13 and other State-imposed limits, the City, School districts, and other special districts must levy fees to help fund the expansion of infrastructure needed to support housing. HCD indicates that the effects of such fees can be ameliorated by ensuring that they are scaled to reflect the true impact of a project and avoid using a “one size fits all” formula in their calculation. The State has also limited the applicability of fees on ADUs, with smaller units exempt from most impact fees.

Table 5.9 lists the major planning fees in San Rafael. Some are calculated as “flat fees”, while others are scaled based on the actual cost of providing the service to the applicant. In such cases, an initial deposit representing roughly 70 percent of the total cost is collected. The deposit is based on actual data on the cost of processing permits for comparable projects in the recent past. The remaining 30 percent (or other balance due) is paid later, based on the actual time and materials cost, assuming a fully burdened hourly rate for staff positions.

The City also collects development impact fees to cover the cost of capital improvements that may be attributable to each new project. These fees are necessary to equitably distribute the costs of growth to new development rather than to existing taxpayers. City impact fees include a parkland dedication fee, a traffic mitigation fee, a street maintenance fee, and a general development impact fee used to cover impacts on overall public facilities and services. The latter is calculated based on the number of bedrooms and is sometimes referred to as the “bedroom tax”. The City also has a General Plan maintenance and implementation fee, which is collected as a surcharge on City building permits (see Table 5.9). There is also an affordable housing in-lieu fee for projects that do not meet their inclusionary housing obligation on-site. Additionally, development is subject to fees collected by other public agencies, including the School Districts, the Sanitary (sewer) Districts, and Marin Municipal Water District. These fees are typically calculated on a per dwelling unit or per square foot basis.

**Table 5.9: Major Planning Fees, 2022**

Fee	Amount	Comments
Lot Line Adjustment	\$3,131	Flat fee
Small Subdivision Map	\$3,735	Initial deposit, based on 70% of typical cost, which is based on staff time at a fully-burdened hourly rate (Note 1)
Tentative Map	\$7,293	
Development Agreement	\$11,534	
Administrative Use Permit (AUP)	\$1,420	Flat fee
Planning Commission Use Permit	\$4,305	See Note 1 above
Minor Variance	\$2,508	Flat fee
Planning Commission Variance	\$3,767	See Note 1 above
Reasonable Accommodation	\$964	Flat fee
Zoning Exception	\$1,023	Flat fee
Staff Design Review-Administrative	\$398	Over the counter
	\$1,167	Conventional
Design Review – with DRB	\$3,564	See Note 1 above
Design Review – Zoning Admin with DRB	\$4,693	
Design Review – SF home with Planning Commission hearing	\$6,872	
Design Review—all other applications with Planning Commission hearing	\$8,523	
Design Review with exception to Hillside Standards	\$8,493	
Conceptual Review (Pre-application review)	\$1,750	Flat fee
Appeal to Planning Commission	\$300	For resident
	\$4,834	For applicant/non-resident
Appeal to City Council	\$350	For resident
	\$4,476	For applicant/non-resident
Negative Declaration	\$10,346	See Note 1 above
EIR	Actual cost plus 25% surcharge for admin	
General Plan Amendment	\$8,646	See Note 1 above
Rezoning	\$7,176	
Planned District (PD)	\$11,194	
General Plan Maintenance	35.5% surcharge on building permit fee (9.6% for maintenance, 25.9% for implementation)	
Pre-Application Meeting (for applicants to receive preliminary staff feedback prior to application filing)	\$1,191	Reflects 60% discount as an incentive for developers
Neighborhood Meeting	\$1,444	See Note 1 above

Source: San Rafael Master Fee Schedule, 2022. Fees are subject to change.

Table 5.10 summarizes impact fees in San Rafael. Impact fees represent a greater share of development costs than planning and building fees and are typically the largest component of fees collected on new residential development.

San Rafael increased its traffic mitigation fee in 2021. The fee had been set at \$4,246 per AM and PM peak hour trip generated in 2004, with exemptions for affordable housing. The fee remained the same for 17 years, losing ground against inflation during that period. The updated (October 2021) fee raises the amount to \$6,909 per trip based on anticipated growth and capital facility needs under General Plan 2040. The Council approved a phased approach to the fee increase to minimize increases in development costs, with incremental increases of roughly \$553 a year over five years to reach the higher amount by 2027. The fee was \$4,779 per trip in 2022 and will increase to \$5,312 per trip in 2023. A typical single family home generates two AM/PM peak hour trips, meaning that the fee per new single family dwelling is about \$9,500. This is comparable to the traffic mitigation fees per new home collected in Novato (\$9,151) and Santa Rosa (\$9,009) and well below the fees collected in Petaluma (\$18,656). No fees are collected for Accessory Dwelling Units.

San Rafael has not increased its parkland dedication fee in many years. The fee is currently \$1,967 per dwelling and is only collected on for-sale projects that require a subdivision. An action program in General Plan 2040 recommends a nexus study to update this fee and potentially collect it as an impact fee (for all residential units) rather than a Quimby Act fee (limited to subdivisions). The current fee is well below the fees collected in other Marin County jurisdictions and does not cover costs for parkland improvement or renovation.

Other agency fees represent more than half of the impact fee total. These include school impact fees (\$3.79/square foot), water connection fees (roughly \$7,000 per unit), and sewer connection fees (\$7,000-\$10,000 per unit). Total (City + Special District) impact fees on a new 2,000 square foot townhome would be roughly \$42,800 per dwelling. Assuming a sales price of \$1.1 million, this would represent about four percent of the total home price.

Table 5.10 does not show the “fractional” fees that are often required for larger projects that are complying with the City’s inclusionary housing requirements. For example, in a 24-unit project, the inclusionary requirement would be 2.4 units. The applicant would be required to set aside two units for lower-income households and pay a fractional fee equivalent to 0.4 units. Using the current fee of \$343,969.47 per unit, this would equate to a fee of \$137,587.79, or about \$5,700 per unit. The City could potentially modify its fractional fee policy in the future to reduce the burden on applicants. The downside of such a reduction is that this fee provides an essential source of revenue for affordable housing, with the proceeds going directly to the City’s Affordable Housing Fund.

Table 5.11 shows actual permit data for four recently approved projects. The table only shows fees collected by the City of San Rafael and excludes school and utility connection fees, which are controlled by other agencies. The table also excludes fees that may have been collected prior to project entitlement, such as those required for design review or use permits. The projects represent a range of project types, including a new single family home on a vacant lot, a four-unit apartment building, a nine-unit Downtown condominium, and a 67-unit affordable housing development for seniors.



**Table 5.10: Development Impact Fees in San Rafael, 2022**

<b>Fee</b>	<b>Purpose</b>	<b>Amount</b>
<b>CITY FEES</b>		
San Rafael Traffic Mitigation Fee	Compensates for the impacts of new traffic generated by a development upon the City’s transportation network, including streets, and bike/ped system. Funds used for Citywide traffic improvements.	\$4,779/peak hour trip (roughly equivalent to \$9,558/SF unit)
Parkland Dedication Fee	Used for acquisition and improvement of parkland for additional population generated by new development.	\$1,967.98/unit (the fee is only collected on for-sale units in new subdivisions that do not provide on-site public parkland)
Street Maintenance Fee	Covers the cost of maintenance of City streets due to impacts of construction-related vehicles.	\$.01 x Valuation Improvements (first \$10,000 in valuation is exempt). A \$750,000 house would pay \$7,400
General Development Impact Fee	Covers the cost of new development’s impact upon public facilities and services in the City.	\$127.50 per Bedroom for Residential Uses (\$255 in a 2-bedroom home and 382.50 in a 3-bedroom home)
<b>OTHER AGENCY FEES</b>		
School Districts	Covers the cost of new development’s impact upon school facilities. May be used for maintenance and/or expansion.	\$3.79/ SF (\$1.17 HS, \$2.62 Elementary) or \$7,580 for a 2,000 square foot home
Marin Municipal Water District	Covers the cost of upgrading water system capacity to serve new housing	\$7,040-\$7,720 depending on meter size
San Rafael Sanitation District (excludes North San Rafael)	Covers the cost of connecting a new home to the sanitary sewer system	\$10,306/ unit
Las Gallinas Sanitary District (North San Rafael Only)	Covers the cost of connecting a new home to the sanitary sewer system	\$7,106 plus \$500 application fee/ unit

Source: City of San Rafael, 2022

**Table 5.11: Local Planning, Building, and Impact Fees for Four Recent Projects<sup>(a)</sup>**

Fee Category	Single Family Home (2019)	4-unit apartments (2022)	9-unit condo project (2021)	67-unit Affordable Senior Housing (2022)
Est. Valuation	\$520,000	\$1,000,000	\$2,500,000	\$28,300,000 <sup>(b)</sup>
Bldg Permit Fee	\$4,865	\$8,386	\$14,476	\$122,836
CA Green Bldg Fund	\$21	\$40	N/A	\$1,132
SMIP (Seismic)	\$68	\$280	\$325	\$7,924
Street Maintenance Fee	\$5,106	\$9,900	\$24,900	\$282,900
Long Range Planning Fee	\$1,260	\$805	\$3,749	\$31,815
GP Maintenance Fee	\$467	\$2,172	\$1,390	\$11,792
Electrical Fee	\$208	\$800	\$1,125	\$500
Plumbing Fee	\$125	\$800	\$1,125	\$500
Mechanical Fee	\$125	\$800	\$1,125	\$500
Plan Checking	\$3,649	\$6,290	\$10,857	\$92,127
Bedroom Tax	\$510	\$1,020	N/A	\$8,670
Traffic Mitigation Fee	N/A	\$16,984	\$38,214	Exempt
Fire Department	N/A	N/A	N/A	\$600
Planning Review of Building Application	\$813	\$327	\$1,314	N/A
Planning Inspection at Final	N/A	\$255	\$284	N/A
Parkland Dedication Fee	N/A	N/A	\$17,712	N/A
<b>TOTAL</b>	<b>\$17,217</b>	<b>\$48,859</b>	<b>\$116,595</b>	<b>\$561,296</b>
<b>Fee Per Unit</b>	<b>\$17,217</b>	<b>\$12,215</b>	<b>\$12,955</b>	<b>\$8,378</b>

Notes: (a) The four projects are: 2 Capri Ct, 10 E. Crescent, 1628 5<sup>th</sup> Av, and 999 3<sup>rd</sup> St.; (b) 999 3<sup>rd</sup> also includes community facilities, offices, and a wellness center

The fees for these four projects ranged from \$8,300 per unit in a large multi-family project to \$17,200 per unit for an individual single family home. The total of all fees on a typical project, including City fees, school district fees, utility connection fees, planning fees that precede entitlement, and affordable housing fractional fees, may exceed \$60,000 per unit. This is comparable to the planning, building, and development fees collected by other Bay Area cities.

A review of other area draft housing elements indicates some with higher fees than San Rafael's and some with lower fees. Total fees for single family homes exceed \$100,000 per dwelling unit in some Bay Area cities and are almost always over \$40,000 per unit.<sup>5</sup> This is a statewide issue, resulting from statewide limits on increasing property taxes to cover public facility costs. For example, a 2021 report by the Building Industry Association reported average fees per single family home of \$95,000 in the Sacramento Area and \$50,000 in the Central Valley.

Over the past several decades, the City has explored ways to mitigate the effects of high development fees on housing costs. In 2001, it adopted a resolution establishing the conditions under which fees could be waived, including impact fee exemptions. This resolution was

<sup>5</sup> In Contra Costa County, the C4 Housing Collaborative reported total fees of \$100,496 per single family home in San Ramon and \$113,158 in Brentwood. Several San Mateo County cities also report fees exceeding \$100,000 per unit.

subsequently rescinded due to budget constraints and replaced with a new resolution placing new limits on fee waivers. Current policy allows waivers of planning and building fees, but not mitigation fees (e.g., impact fees). Waivers may be considered for affordable housing projects and affordable units within market rate developments. In practice, waivers are rarely granted as there is not an alternative source of funding to cover the City's costs (for plan checking, inspections, etc.).

### **Findings and Recommendations**

*Planning and development fees, including impact fees, contribute to the high cost of housing in the Bay Area and California. Fee waivers for affordable housing often are not viable, since alternate funding sources are not available to cover the cost of processing applications or providing services and capital improvements to these projects. Other ways to reduce the burden of high fees could be considered in the future, such as deferring certain impact fees until a project is completed rather than collecting them at the time a permit is issued. The City could also consider reductions, rather than waivers, for projects with certain features such as affordable housing projects located within a certain distance of transit. The fiscal impacts of fee reductions and waivers must be carefully evaluated. Waivers result in decreased resources for City services and infrastructure, with the shortfall potentially compounding over time. The City should continue to evaluate its fee waiver, reduction, and deferral policies.*

#### **5.2.14 On-Site and Off-Site Improvement Requirements**

New residential development typically requires on-site improvements such as new or repaired curbs, sidewalks, driveways, crosswalks, bike lanes, and utility connections. New public streets are rarely required, as most development is occurring on infill sites with street frontage (and in some cases, existing development). Where new streets are required, they are typically constructed by developers in accordance with the City's Subdivision Ordinance (Chapter 15.06) and Public Works specifications. The extent of on-site improvements varies with the project's setting and characteristics. Larger projects may require new traffic control devices, emergency vehicle access and fire-fighting improvements, and turning lanes to ensure safe ingress and egress. All projects are reviewed by the City's Development Coordinating Committee (DCC) to ensure compliance with Public Works and Fire Department standards and determine the need for improvements.

### **Findings and Recommendations**

*Given the developed nature of the city, site improvement requirements are generally not a development constraint. Most sites have utilities and do not require extension of services or off-site improvements. Over the course of the Housing Element, the City did receive feedback that regional stormwater controls and local utility undergrounding requirements were potentially onerous and should be re-evaluated in the future.*

## 5.3 Non-Governmental Constraints

### 5.3.1 Land and Construction Costs

The San Francisco Bay Area is one of the most expensive real estate markets in the United States. Between 2000 and 2022, Bay Area home prices rose 84.3 percent faster than inflation.<sup>6</sup> High housing costs have been fueled by rising land and construction costs, a labor shortage, financing, rising fees and sales commissions, and increased profit margins. The last 10 years have also seen an imbalance between supply and demand due to regional job growth outpacing construction, pushing prices even higher.

Within the Bay Area, sales prices and rents in Marin County are substantially higher than the regional average. A contributing factor is the limited amount of developable land in the County. Almost 85 percent of Marin County's land has been protected from development through open space purchases, federal parkland, watershed lands and strict agricultural zoning. Most of the remaining area is urbanized, leaving very little vacant land available for development. San Rafael's General Plan 2040 identified 291 acres of vacant land in the City limits, representing 2.7 percent of the City's land area. This includes land zoned for industrial and commercial uses, as well as land zoned for housing. Most of the vacant residentially zoned land consists of steep parcels with limited access. The City's best development prospects are on sites that are already developed. These sites are more expensive than raw land due to the value of existing improvements. They also require demolition and site preparation expenses prior to redevelopment.

Data on raw land cost in San Rafael is limited because there are so few vacant properties for sale. A scan of commercial and residential data bases indicated only a few choices, primarily vacant single family lots in hillside subdivisions. Typical cost for a 10,000 square foot lot with single family zoning was \$250,000-\$350,000. Most for-sale commercial and multi-family residential properties include buildings, typically selling for \$300 to \$500 per square foot (including land and improvements). A scan of office buildings for sale in San Rafael indicates properties ranging from \$1.6 to \$7.0 million, on sites ranging from 0.13 to 1.5 acres. These properties include buildings, amenities, tenant improvements, and parking, making demolition less feasible.

In addition to high land costs and few available sites, the cost of construction in Marin County is very expensive. In 2018, Marin County was reported to be the fourth most expensive place to construct a home in the Bay Area, behind New York City, San Francisco, and San Mateo County.<sup>7</sup> It is even more expensive today. In August 2022, CBRE real estate reported that San Francisco had the highest construction costs in the world. The City's average of \$440 per square foot exceeded Tokyo, New York, and London.

The COVID-19 pandemic, coupled with the North Bay wildfires and various global events, have contributed to supply chain interruptions, labor shortages, and high construction costs in 2020, 2021, and 2022. For example, the price per 1,000 board feet of lumber topped \$1,500 in 2021,

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<sup>6</sup> Source: S&P Case Schiller Index, *bankingstrategist.com*, Aug 2022

<sup>7</sup> Source: *North Bay Business Journal*, 2018

nearly three times the pre-pandemic record.<sup>8</sup> According to the Associated General Contractors of America, a national source for industry data, construction costs increased by 21.5 percent between 2021 and 2022, with particularly large increases for aluminum, steel, and fuel. Gypsum, and asphalt costs also increased by over 20 percent during this time period. The International Code Council's building cost valuation data reflects a 16 percent increase for Type V (single family) construction between February 2021 and February 2022 alone. Similarly, the prices of services used in home building, including trade services, transportation, and warehousing, is up 45.6 percent since the start of the pandemic and increased 18 percent between May 2021 and May 2022 alone.

In the wake of these increases, the level of subsidy needed to construct “affordable” housing has increased dramatically. In September 2022, the San Francisco Chronicle reported that the average cost to construct an affordable housing unit in the Bay Area was \$1.2 million. The high cost of materials has led to growing interest in modular construction, accessory dwelling units, tiny homes, and other methods to reduce building costs. It has also led to an increased need for gap financing, causing some projects to delay the start of construction.

### 5.3.2 Availability of Financing

In general, there are two types of financing used in the housing market: (1) financing used by buyers to purchase housing and (2) financing for site preparation and construction. Interest rates and lending terms can substantially impact both types. A small change in rates can have a dramatic impact on the ability to qualify for a loan, as well as the ability to make monthly payments.

When work on the 2023-2031 San Rafael Housing Element began, interest rates were at near record lows. Through 2021 and 2022, rates rose significantly, resulting in higher development costs and lowering the purchasing power of many home buyers. This has impacted the viability of new construction while also affecting the local housing market. In January 2021, mortgage interest rates for a 30-year fixed loan mortgage were 2.65 percent. By October 2022, interest rates had topped 7.0 percent. The monthly payment on an \$800,000 30-year mortgage is \$5,322 at 7.0 percent, compared to \$3,223 at a 2.65 percent rate. This represents an increased cost of over \$25,000 per year for the purchaser, or \$750,000 over the life of the mortgage.

Although interest rates have increased, financing is generally available for new market-rate construction and rehabilitation projects. Funding is more limited in the affordable housing/ non-profit sector. Most affordable housing developments require multiple funding sources, including bank loans, government funds, and philanthropic or foundation funding. Major sources of funding include federal (HOME and CDBG) funds, and State Sustainable Communities funding. Access to these funds is extremely competitive.

Local sources, such as Housing Trust Funds seeded with money from local transient occupancy taxes, transfer taxes, and in-lieu housing fees, can also help close the funding gap for affordable projects. In addition, low-income housing tax credits are issued to the State of California by the federal government. The State awards the tax credits to developers of affordable rental projects

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<sup>8</sup> Source: *Pew Charitable Trusts, April 25, 2022*

on a competitive basis. Developers sell the credits to private investors to obtain funding for their projects. These investors can then claim the tax credit deduction over a 10-year period.

Currently, State formulas for allocating tax credits favor “high-resource” areas, as these areas have historically had the most limited opportunities for lower income households. Although most of San Rafael is considered a “moderate resource” area, the supply of tax credits remains very limited. In addition, a few of the City’s opportunity sites are in “low” resource areas where affordable housing is strongly supported but tax credit funding may be harder to secure.

Another issue related to financing is the eligibility of prospective buyers for home mortgage and home improvement loans. Following the 2008-9 global financial crisis, access to credit became more limited due to high rates of default. Data from the Home Mortgage Disclosure Act (HMDA) indicates that 10 percent of all home purchase and improvement loan applications in Marin County were denied in Marin County in 2020. At the Countywide level, about 21 percent of the loan applications were withdrawn or closed for incompleteness and 69 percent were approved. Most of the loan applications processed were for refinancing. The highest rates of loan denial were for home improvement loans; conventional home purchase loans had a denial rate of just 5.6 percent countywide, and government-backed mortgage loans had a denial rate of just 3.2 percent.

HMDA data for San Rafael in 2021 is shown in Table 5.12. At the citywide level, approximately 77 percent of all conventional home loan applications in San Rafael were approved and 4.5 percent were denied. Another 19 percent were either withdrawn by the applicant or closed for incompleteness. A majority of the loan applications in 2021 were for refinancing, and fewer than 10 percent of these applications were denied.

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**Table 5.12: Disposition of Home Purchase and Improvement Loan Applications in San Rafael, 2021**

Loan Type	Total Applications	Approved	Denied	Other
Government-Backed Purchase	22	77.3%	4.5%	18.2%
Conventional Purchase	815	76.4%	4.3%	19.3%
Refinance	3,776	67.2%	9.1%	23.7%
Home Improvement	272	55.1%	21.3%	23.5%
<b>Total</b>	<b>4,885</b>	<b>68.1%</b>	<b>9.0%</b>	<b>22.9%</b>

Source: Home Mortgage Disclosure Act (HMDA) data for San Rafael, 2022

Note: Data is by Census Tract and includes homes in unincorporated tracts partially within San Rafael (Santa Venetia, Country Club, Bayside Acres, and Los Ranchitos)

### 5.3.3 Community Opposition

Community opposition to housing may result in proposed projects being scaled back or withdrawn entirely. Opposition can also add to the number of meetings required and extend the approval process, resulting in additional costs to the applicant, higher financing costs, and potentially changed market conditions by the time the project is approved. Community members may also have specific objections to affordable housing or housing for persons with special needs. Residents may express that proposed housing does not “fit in” with the community, or that it will negatively affect property values, schools, traffic, parking, fire safety, and the availability of services such as water. The consequence of such opposition is often less development—or even no development—at a time when the community desperately needs more housing.

The City of San Rafael has worked proactively to address community opposition through processes that facilitate dialogue and conflict resolution between applicants and neighbors, raising awareness about the essential need for more housing, and providing data and information regarding commonly raised neighborhood concerns. The City has also developed design standards and guidelines that respond to many of these concerns, addressing issues such as building height, mass and parking through its zoning standards. The development review process has been structured to consider neighborhood concerns early on, to listen and respond to these concerns, and incorporate reasonable changes in project design through public hearings.

Opposition may be rooted in legitimate issues that can be ameliorated through project design, construction, and operation. However, opposition may also be rooted in misinformation, prejudice, or simply a desire to keep things as they are. Education and advocacy are essential strategies to inform the community of the benefits of more housing, and affordable housing in particular. The National Low Income Housing Coalition has published a guide for overcoming neighborhood opposition, emphasizing:

- General audience education campaigns, increasing the understanding of the positive impacts that affordable housing has on individuals, families, and communities, including credible research, local data, and anecdotal information about community residents.
- Garnering support from a broad range of interests, including the business community, labor, the faith community, the media, educators and health care professionals, and social service providers.
- Engaging elected officials in conversations about affordable housing and housing needs.
- Engaging neighborhood groups proactively in discussions about specific development proposals, and addressing all legitimate concerns
- Understanding the law and legal protections to ensure that state and federal civil rights and fair housing requirements are being met.

San Rafael has implemented practices and procedures that incorporate all of these recommendations. The City has worked with local non-profits and volunteer housing advocacy groups to support education and outreach campaigns. Over time, these sustained efforts have led to positive changes and increased support for affordable and multi-family housing in the city.

Another strategy for addressing opposition is to create more pathways for ministerial (“by right”) project approval rather than requiring discretionary hearings, or by placing limits on the number of discretionary hearings that may be required for a project. Such measures are required by State law for many types of projects and have been implemented at the local level. The Housing Element Action Plan (Chapter 6) identifies additional programs facilitating by-right approval.

#### **5.2.4 Other Considerations**

State Housing Element law requires that other potential constraints be considered as part of this analysis. These include requests to develop at densities below the ranges set by the General Plan and Zoning, and the time lapse between when a project is entitled and when permits are issued. These are generally considered to be non-governmental constraints as they are not directly affected by local regulations.

##### **Requests to Develop at Lower Densities**

In some cities, new development projects on vacant and underutilized land may be proposed at densities that are well below what is allowed by zoning. This may be a reflection of the real estate market, developer and builder preferences, environmental conditions, or regulatory constraints that make it difficult to build the allowable number of units. This has not been an issue in San Rafael. The City has taken a number of steps to ensure that its land supply is used efficiently, including requiring that projects be developed within the density ranges set by the General Plan. Single family detached homes are not permitted in most of the higher density districts, including commercial zoning districts where housing is allowed.

Chapter 4 of the Housing Element provides data for recent projects comparing the “theoretical” capacity of sites based on zoning with the actual number of units that were built. The table indicates that development is occurring at or above the theoretical capacity on most sites due to density bonuses. Among projects recently completed or now under construction, the median built or proposed density exceeds the base densities allowed by zoning by 142 percent.

##### **Delays Between Entitlement and Construction**

Given the high cost of construction, recent rise in interest rates, and supply chain disruptions associated with the COVID-19 pandemic, there have been delays between when projects are entitled and when they are actually constructed. Applicants may postpone their projects for a number of reasons, including high material costs, supply shortages, and a lack of skilled construction workers and tradespeople. The economic upheaval of the COVID-19 pandemic also caused projects to stall over the last two years. Occasionally, projects are cancelled altogether, or properties are sold to new owners who may modify or abandon previously approved plans. In the case of affordable housing projects, delays may occur due to the limited availability of tax credits and competition for grant funding.

These factors are out of the City’s control but can have a real impact on housing supply and construction. A number of large-scale multi-family projects in San Rafael were approved in 2018 and 2019 and have yet to start construction. The City regularly reaches out to developers to identify potential challenges, and to determine if there are steps the City can take to facilitate



construction. In a few cases, this has included modifying previously entitled projects to reduce the percent of BMR units required (in accordance with changes to the citywide ordinance), and to allow additional units (in accordance with changes to density bonus law). The City also works with applicants to facilitate permit extensions and to avoid the expiration of previously approved projects.

### **Environmental and Infrastructure Constraints**

Environmental and infrastructure constraints are addressed in the Sites Inventory (see Section 4.8). Environmental constraints include wildfire hazards, sea level rise and flooding, landslide and seismic hazards, and the potential disturbance of sensitive plant and animal species on undeveloped sites. The principal infrastructure constraint facing the City is a constrained water supply, exacerbated by a multi-year drought. Other infrastructure constraints include road capacity and congestion, stormwater management and water quality needs, an aging power grid, and the need for continued investment in the sanitary sewer collection and treatment system.

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# 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 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.

Policies and programs in the Housing Element should be considered in the broader context of the San Rafael General Plan 2040. Housing is one of the 13 "elements" of this Plan. Although it is formatted as a free-standing document and has been prepared through a separate process, its implementation must occur in tandem with the other elements. Thus, policies in the Housing Element to create more housing and meet evolving housing needs must be balanced with policies elsewhere in the General Plan to grow more sustainably, protect wildlife and natural resources, prepare for natural hazards such as wildfire and sea level rise, and respect the fundamental qualities of San Rafael's neighborhoods. The Housing Element is also aligned with the Equity, Diversity, and Inclusion Element of the General Plan, which strives to create a fairer and more inclusive community in the future.

Additionally, the Housing Element recommends new and expanded programs that will require additional funding and staff resources. A central principle of this Element is to leverage existing resources to the greatest extent possible. This includes grants available through private industry, the non-profit sector, charitable foundations, state and federal agencies, and other public funding sources. It also includes partnering with the County of Marin and other service providers to achieve economies of scale in the delivery of services. The Element also identifies potential new funding sources that may be pursued in the future.

## 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 range of housing choices and affordability levels throughout the city.

## 6.3 Policies

The policies are organized around the four goals listed above. These policies are implemented in tandem with those in other parts of the General Plan.

### 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

Consistent with General Plan Policy EDI3.1 (*Preventing Displacement*), 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, including 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:

- Develop and implement 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: 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.

<p>Specific Actions and Timeline</p>	<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> <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> </ul>
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	<ul style="list-style-type: none"> <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 3: 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 4: 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. The City is committed to funding and pursuing funding opportunities for similar projects in the future.

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 5: 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.

Examples of policies and programs to be highlighted 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 outreach 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 – including ADA and reasonable accommodation requirements.</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, including 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> <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</li> </ul>
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	<p>members understand how housing services are delivered and what resources they may access.</p> <ul style="list-style-type: none"> <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 6: 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.
Primary Responsible Departments/Divisions	Community Development Department, Non-Profit Service Provider
Resources	CDBG
Relevant Policies	2.4 Fair Housing Administration and Enforcement



**Program 7: 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 8: 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 9: Interjurisdictional Housing Activities**

**Collaborate with Marin County, cities and towns to address regional planning and housing issues. Remain open to alignment on programs to increase housing supply and further 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. Given the County’s greater funding and staffing resources, the City will work with the County to supplement local resources and implement multi-jurisdictional programs where feasible.

<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</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 10: Just Cause for Eviction**

**Maintain and monitor effectiveness of local just cause for eviction regulations. Require rental property owners to provide relocation assistance to low-income tenants in no-fault evictions.**

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.

**Relocation Assistance**

Section 14.16.279 of the San Rafael Municipal Code requires that demolitions or renovations that permanently displace low-income tenants from their residences must provide relocation assistance to those tenants. Eligible tenants must 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. While relocation assistance is an essential tenant protection strategy, it should be viewed as a “last resort” that should only be used when it is infeasible for tenants to remain in their existing housing. The City’s priority is to avoid displacement in the first place by helping tenants retain their housing.

<p>Specific Actions and Timeline</p>	<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. The next evaluation will occur in 2023-2024, in tandem with Program 11: Tenant Protection Measures. The focus of the next evaluation will be to assess the need for:             <ul style="list-style-type: none"> <li>○ additional relocation assistance and longer notice periods for seniors, persons with disabilities, households with school-aged children</li> <li>○ increasing relocation payments to match current rental market conditions</li> <li>○ increasing right-to-return protections, reducing incentives for Owner Move-In evictions, withdrawal from the rental market, and substantial remodels</li> </ul> </li> <li>• Work with landlords to provide support for tenants in cases of “no fault” evictions, including through the City’s relocation assistance requirements.</li> </ul> <p>Relocation Assistance</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 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> </ul>
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	<ul style="list-style-type: none"> <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> <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.</li> <li>• Analyze multi-family rental property ownership, including larger corporate owners and non-resident investors, to help shape and inform policies.</li> </ul>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development Department: Housing Division</p>
<p>Resources</p>	<p>Staff time, partnerships with private entities (for relocation assistance)</p>
<p>Relevant Policies</p>	<p>1.4 Prevention, 2.5 Landlord-Tenant Relations, 4.2 Preventing Displacement</p>

**Program 11: 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. Given the urgency of the issue, particularly in the City's most vulnerable Census tracts 1122.01 (Opportunity Zone) and 1122.02, this program is a priority for the City in 2023-2024.

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 support and participate 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, analyze and evaluate renter protections, including anti-displacement measures. Where possible, partner with the County, since County staff also have committed to undertake an evaluation of potential renter protection measures and can bring additional staff and funding resources to this effort.</li> <li>• Review existing tenant protection measures as a way to inform additional measures .             <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>• Research approaches by other cities to prevent displacement in Opportunity Zones.</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 12: 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 13: 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.

<p>Specific Actions and Timeline</p>	<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>• Pilot weekly walk-in hours in the Canal, possibly at nonprofit partners’ existing walk-in services, so that tenants can easily access code enforcement officers in-person to inquire about potential violations.</li> <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>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development (Code Enforcement, Building), Fire Department</p>
<p>Resources</p>	<p>Fee-supported</p>
<p>Relevant Policies</p>	<p>3.1 Health Homes, 3.2 Code Enforcement</p>

**Program 14: 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 15: 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>• 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
- increase access to the benefits of new technologies, such as electric appliances and at-home charging for electric vehicles.

Specific Actions and Timeline	<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>
Primary Responsible Departments/Divisions	Community Development Department, Sustainability Division, Building Division
Resources	Community Development Block Grant, private sector, grants, rebates, tax credits
Relevant Policies	3.4 Reducing Home Energy Costs, 3.5 Housing and Greenhouse Gas Emissions, 3.6 Sustainable Design

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

#### Program 16: 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.

As noted above, the City has used Affordable Housing Trust and CDBG funds in the past to fund acquisition and rehabilitation and will continue to seek opportunities to do so. The City is willing and eager to work with other agencies to secure funding for preservation. It supports changes to State law which allow the acquisition and rehabilitation of housing to be credited toward RHNA, thus recognizing the essential value of such projects to preventing displacement and expanding the State’s inventory of affordable housing units.

<p>Specific Actions and Timeline</p>	<p>Preservation</p> <ul style="list-style-type: none"> <li>• In 2023, support local application for ABAG Bay Area Housing Finance Agency’s (BAHFA) 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>Affordable Housing Trust Fund</p> <ul style="list-style-type: none"> <li>• By 2031, issue at least four NOFAs from the Affordable Housing Trust Fund totaling at least \$4 million.</li> <li>• By 2031, contribute local funding towards at least 150 units of housing for lower income households.</li> </ul> <p>Federal CDBG and HOME Funding</p> <ul style="list-style-type: none"> <li>• Identify San Rafael projects, especially multi-family housing projects and housing projects in the Canal</li> </ul>
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	<p>neighborhood, that align well with funding priorities for federal CDBG and HOME programs and encourage developers to apply through the County-issued NOFA process.</p> <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, including preservation. 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 17: Affordable Housing Requirements for Residential and Commercial Development**

**Maintain affordable housing requirements for market-rate residential and commercial developments. Monitor the effectiveness of the City’s affordable housing policy 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 18: 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.
Primary Responsible Departments/Divisions	Community Development
Resources	Staff time
Relevant Policies	2.7 Leadership

**Program 19: 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 2028, 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>By 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 20: 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. The City has applied for the next round of One Bay Area Grants (OBAG) to fund the completion of this plan.

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 21: 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 also 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. The City has applied for the next round of One Bay Area Grants (OBAG) to fund the completion of this plan.

Specific Actions and Timeline	<ul style="list-style-type: none"> <li>• By 2027, adopt completed plan, regulatory framework, and environmental document.</li> <li>• Coordinate plans for housing in the sea level rise overlay zone with the upcoming (2023-24) Resilience Plan for the Canal.</li> </ul>
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 22: 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.

<p>Specific Actions and Timeline</p>	<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>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development</p>
<p>Resources</p>	<p>General Fund (regular staff function)</p>
<p>Relevant Policies</p>	<p>2.3 Public Information and Education</p>

**Program 23: 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, present Housing Opportunity Sites to the public online in more dynamic ways, such as by making the GIS map layer available. Maintain information on other development opportunities and major real estate transactions, including properties that become available for sale.</li> <li>• Continue to update the City’s 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>• Continue to 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 24: 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 1,000 units on corridor sites.
Primary Responsible Departments/Divisions	Community Development
Resources	Staff Time
Relevant Policies	4.14 Commercial to Residential Conversion

**Program 25: 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 26: 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	Create (or legalize) at least 25 ADUs a year through 2031, or 200 over the planning period, by: <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 27: Lot Splits and Duplexes**

**Implement Senate Bill 9 (SB 9) regulations and update the City’s 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>• In 2024, include fair housing fact sheet in SB9 applications.</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 28: 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	<p>By 2031, develop at least 100 multi-family housing units on institution-owned (school, university, religious institution) properties by:</p> <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 29: 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 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, reduce fee burden and streamline the process for property owners seeking to convert homes in non-residential use back to their original use as housing.</li> </ul>
Primary Responsible Departments/Divisions	Community Development
Resources	Staff time
Relevant Policies	4.14 Commercial to Residential Conversion



**Program 30: 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. It further recognizes that much of the housing stock occupied by lower income households in San Rafael is privately-owned without subsidy (see Appendix A, Section H.2). Part of preserving at-risk housing is implementing measures to protect tenants in these units from displacement through such measures as acquisition and rehabilitation of existing housing and increasing the number of housing choice vouchers. These activities are addressed by other housing programs in this document.

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.

<p>Specific Actions and Timeline</p>	<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>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development – Housing Division</p>
<p>Resources</p>	<p>State funding and City in-lieu housing funds</p>
<p>Relevant Policies</p>	<p>1.4 Prevention, 4.2 Preventing Displacement, 2.6 Community Partnerships</p>

**Program 31: 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 32: 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 2023-2031, the City will focus on simplifying the permitting process and cost of retrofitting homes to meet the needs of older adults. It will also encourage new multi-family housing construction in general, so that older adults who may be downsizing or seeking single level living units have more options.

<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 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 33: 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> <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), including additional outreach to housing providers regarding their obligations under state and federal law.</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>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development/ Building and Housing Divisions</p>
<p>Resources</p>	<p>Staff time, grants</p>
<p>Relevant Policies</p>	<p>4.17 Accessible Units</p>

**Program 34: 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, adopt 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 35: 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> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ Provide the option of calculating the inclusionary housing requirement based on the number of bedrooms rather than the number of units.</li> </ul> <p>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.</p>
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 36: 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 37: Follow-Up to Developer Forums**

**In response to feedback received during past developer and community forums, provide updates 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>• By 2025, publish specific metrics showing the impacts of changes made in response to feedback received from developer forums and provide an update to City Council and the public. This includes changes in the number of building permits issued and the timeframe between entitlement and construction. Evaluate on a recurring basis, at least every three years.</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 38: 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, some 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.

<p>Specific Actions and Timeline</p>	<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>
<p>Primary Responsible Departments/Divisions</p>	<p>Community Development/ Economic Development/ City Manager</p>
<p>Resources</p>	<p>Staff time</p>
<p>Relevant Policies</p>	<p>2.6 Community Partnerships</p>



**Program 39: 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.

Specific Actions and Timeline	Increase use of density bonuses to produce affordable housing by: <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>
Primary Responsible Departments/Divisions	Community Development – Planning Division
Resources	Staff time
Relevant Policies	4.7 Community Benefits, 4.11 Incentives for Affordable Housing

**Program 40: 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 41: 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 benefitted 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 25 on Objective Development and Design Standards*

<p>Specific Actions and Timeline</p>	<ul style="list-style-type: none"> <li>• By 2024, evaluate a “by right” overlay for affordable housing.</li> <li>• Allow for informal review of projects by the Development Coordinating Committee.</li> <li>•</li> <li>• Continue to reduce or eliminate the fee for discussing concept plans with staff in advance of a formal application. Allow for verbal comments from staff rather than a written report.</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>• Following completion of objective design and development standards (ODDS) for mixed use and multi-family housing are completed, eliminate the Administrative Use Permit requirement for housing in the General Commercial and Neighborhood Commercial zoning districts (a “checklist” to verify compliance with the ODDS would still be required)</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 23: Monitoring and Marketing of Housing Opportunity Sites)</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 42: 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. While this action is not required to meet the RHNA, it would expand the range of housing options in the city, especially in high-resource neighborhoods.
- **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 43: 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 Matrix

### 6.5.1 Summary of Quantified Objectives

Quantified objectives for 2023-2031 are summarized in Table 6-1 below.

**Table 6-1: Quantified Objectives for New Construction, Rehabilitation, and Preservation**

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction	429	428	492	521	1,350	3,220
Rehabilitation Assistance	40			--	--	40
Preservation of At-Risk Housing	1,659			--	--	1,659

### 6.5.2 Affirmatively Furthering Fair Housing Action Matrix

The following table summarizes the City’s implementation actions to further fair housing. Fair housing actions are grouped into the five themes:

- Fair housing outreach and enforcement
- Housing mobility through expanded choices in housing types and locations
- New opportunities in high resource areas
- Place-based strategies for neighborhood improvements
- Tenant protection and anti-displacement

Several fair housing actions in the table reflect City initiatives that are not explicitly listed in the Housing Element but support the goal of affirmatively further fair housing. Contributing factors to each of these fair housing issues are identified in Appendix A (Fair Housing Analysis).



**Table 6-2: AFFH Action Matrix for 2023-2031**

ID	Program	Specific Commitment(s)	Timeline	Geographic Targeting	Metrics
<b>FAIR HOUSING OUTREACH AND ENFORCEMENT</b>					
5	Public Information and Engagement	<ul style="list-style-type: none"> <li>Attendance at 6+ community events</li> <li>Updated English/Spanish services handout</li> <li>Materials posted in 10+ public places and distributed to community-based organizations</li> </ul>	Annually	Citywide (including libraries, recreation centers, City Hall, community events), priority in areas with greatest housing needs	Fair housing inquiries increase by 20%
		<ul style="list-style-type: none"> <li>Two Fair Housing Workshops with FHANC</li> <li>Fair housing outreach to 10+ groups</li> <li>Revised Notice of Tenant Rights</li> <li>Present “Housing 101” during CDD staff meeting</li> <li>Expanded fair housing information available online</li> </ul>	2023	Citywide	
6	Fair Housing Program Administration	Direct CDBG funds to administer a fair housing program that includes counseling, complaint investigation, technical assistance, enforcement	Ongoing	Citywide	
7	Affirmative Marketing of Housing Opportunities	<ul style="list-style-type: none"> <li>Require Trust Fund applicants to submit an Affirmative Action Marketing Plan</li> <li>Require awardees to provide project demographics and affirmative marketing plans as part of annual reporting</li> </ul>	Ongoing	Citywide	For every BMR housing opportunity, at least 30% of outreach occurs in areas outside of Marin County
		Identify a contractor to administer the BMR rental program with expertise in affirmative marketing	2023	Citywide	

ID	Program	Specific Commitment(s)	Timeline	Geographic Targeting	Metrics
8	Latinx Community Capacity Building and Engagement	<ul style="list-style-type: none"> <li>Complete series of six capacity-building meetings on housing</li> <li>Develop strategies to sustain momentum and communication. Incorporate what City staff learns into City policies and practices.</li> </ul>	2023-2024	Canal neighborhood and Latinx community	<p>20 community leaders reached through workshops</p> <p>Increase number of tenant inquiries/ dialogue with City Council and City Staff by 20%</p>
<b>TENANT PROTECTION AND ANTI-DISPLACEMENT</b>					
10	Just Cause for Eviction	Meet with tenant advocacy organizations to understand issues and gaps. Maintain an open channel of communication.	Annually/ongoing	Citywide	Tenant protection strategies adopted and/or revised
		Review and revise regulations as needed to ensure that they are achieving desired outcomes	Every three years, next in 2023-2024	Citywide	
		Work with landlords to provide support for tenants in cases of “no fault” evictions	Ongoing	Citywide, especially in Opportunity Zone Census Tract	All eligible tenants receive required notice and relocation assistance
		<ul style="list-style-type: none"> <li>Develop internal process and train staff to implement the Opportunity Zone Relocation Assistance Ordinance</li> <li>Evaluate and regulate buyout practices</li> <li>Consider expanding Opportunity Zone Relocation Assistance to other low-income census tracts</li> </ul>	2023-2024	Census Tract 1122.01, other low-income census tracts with large renter populations	<p>All eligible tenants receive required notice and relocation assistance</p> <p>City establishes regulations for buyout agreements between landlords and tenants</p>
		Evaluate relocation assistance policies, including to ensure payment amounts match cost of living	Every three years	Citywide	All eligible tenants receive required payment amounts that match cost of living

ID	Program	Specific Commitment(s)	Timeline	Geographic Targeting	Metrics
11	Tenant Protection Measures	Convene stakeholders to provide input, review existing measures, and provide recommendations to the City Council	Begin outreach in 2023 Adopt/revise strategies in 2024	Citywide, with focus on areas such as the Canal where risk of displacement is high	Tenant protection strategies adopted and/or revised
12	Periodic Housing Inspection Program	Inspect each rental unit in San Rafael at least once every 5 years (applies to buildings with 3 units or more)	Every five years	Citywide	All rental units inspected for buildings with 3 or more units
		Increase the frequency of inspections for properties that have more than one reported and verified violation in a year for 10% of units and extended noncompliance	2024	Citywide	All properties with 1+ verified violation and extended noncompliance for 10% of units are inspected at least every 2 years
13	Code Enforcement Program	Respond within two business days of receiving a complaint from a landlord or tenant. If necessary, schedule a site visit within two business days.	Starting in 2023	Citywide	<ul style="list-style-type: none"> <li>90% of all violations not requiring a permit are corrected within 30 days</li> <li>90% of all violations requiring a permit are corrected within 6 months</li> </ul>
		<ul style="list-style-type: none"> <li>Maintain staff in the Code Enforcement Division who speak Spanish; continue to support efforts by existing staff to learn Spanish</li> <li>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>Pilot weekly walk-in hours in the Canal so that tenants can easily</li> </ul>	Ongoing  2024	Canal neighborhood	Increase inquiries/contact with Canal residents to 20 per week; 90% of respondents rate service as good or excellent



ID	Program	Specific Commitment(s)	Timeline	Geographic Targeting	Metrics
<b>NEW OPPORTUNITIES IN HIGH RESOURCE AREAS</b>					
16	Funding for Affordable Housing	<ul style="list-style-type: none"> <li>By 2031, issue at least four NOFAs from the Affordable Housing Trust Fund totaling at least \$6 million</li> <li>Work with community-based organizations, the County of Marin, philanthropy, and other jurisdictions to identify and pursue funds for affordable housing</li> </ul>	Ongoing	Citywide	By 2031, contribute local funding towards at least 150 units of housing for lower income households
					By 2031, secure grants totaling at least \$500,000 for housing-related services
18	Pro-Housing City Designation	Apply for HCD's Pro-Housing City designation and associated financial benefits	2023	Citywide	
17	Affordable Housing Requirements for Residential and Commercial Development	<ul style="list-style-type: none"> <li>Adopt updated commercial linkage fees that align with other jurisdictions in the County</li> <li>Evaluate the success of the policy changes for residential projects and propose adjustments as needed</li> </ul>	2023	Citywide	By 2031, produce at least 320 BMR units (10% of RHNA) through the inclusion of affordable units in market-rate projects
			2024		
19	Air Rights Strategic Plan	<ul style="list-style-type: none"> <li>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</li> <li>Reach out to the owners of large private parking lots in Downtown who may be interested in joint development</li> </ul>	2029	Downtown	Initiate two Air Rights projects (100 units)
			2030		



ID	Program	Specific Commitment(s)	Timeline	Geographic Targeting	Metrics
28	Housing on Institutional and Religious Properties	<ul style="list-style-type: none"> <li>Conduct outreach to schools, universities, and religious institutions</li> <li>Provide technical support to those owners who are interested in developing housing</li> </ul>	2024	Citywide	By 2031, develop at least 100 multi-family housing units on institution-owned properties
36	Review of Development Fees and Waiver/Deferral Policies	Review and update the master fee schedule to reduce fee burdens for affordable housing projects, where possible	2025	Citywide	Achieve RHNA targets for below market rate housing
39	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	2024	Citywide	Achieve RHNA targets for below market rate housing
38	Incentives for Lot Consolidation	Develop tools to facilitate the consolidation of small lots into larger, more developable sites, including a voluntary merger process that allows two parcels to be combined into a single parcel	2026-2027	Citywide, especially in Downtown San Rafael	500 units created on consolidated lots
41	Streamlining of Development Approval	Implement measures to streamline the development approval process	2024-2025	Citywide	Reduce the time required between project proposal and project entitlement by 60-90 days
40	Water and Sewer Priority	Adopt a policy resolution recommending that housing affordable to low- and very low-income households or possibly all residential projects receive priority for new water and sewer connections in the event of future service limitations	2024	Citywide	Achieve RHNA targets (3,220 units)
42	Zoning Text and Map Revisions	Complete recommended zoning changes that facilitate the full range of General Plan densities	2025	Citywide	

ID	Program	Specific Commitment(s)	Timeline	Geographic Targeting	Metrics
43	Revisions to Parking Standards	Complete an evaluation of residential off-street parking standards to reduce parking as a housing development expense	2023	Citywide, especially within one-half mile of SMART stations and high-frequency bus corridors	
<b>PLACE-BASED STRATEGIES FOR NEIGHBORHOOD IMPROVEMENTS</b>					
15	Increasing Equity in Home Maintenance: Residential Rehabilitation Loan Program	Direct CDBG funds to provide property improvement loans and technical assistance to very low income homeowners	Annually	Citywide	Assist 40 households by 2031
21	Precise Plan for Southeast San Rafael	Adopt completed plan, regulatory framework, and environmental document	2027	Southeast San Rafael	Create housing capacity for at least 250 additional units
N/A	<i>AFFH Action: Small Business Assistance</i>	<i>Work with the Economic Development Department and/or Chamber of Commerce to prevent displacement of small businesses in mixed use projects</i>	<i>Ongoing</i>	<i>Citywide</i>	<i>100% of small businesses impacted by mixed use projects are successfully incorporated or relocated</i>
N/A	<i>AFFH Action: Neighborhood Lighting Improvements</i>	<i>Improve lighting in the Canal neighborhood based on community feedback (Public Works)</i>	<i>2023 - 2024</i>	<i>Canal neighborhood</i>	<i>Assess and address better lighting conditions at 42 existing poles that have no lighting</i>
N/A	<i>AFFH Action: Digital divide</i>	<ul style="list-style-type: none"> <li><i>Canal Neighborhood Public Wi-Fi Network; Work with County as part of Digital Marin to address digital equity/divide</i></li> <li><i>Grant funding for dedicated broadband infrastructure to the Canal</i></li> <li><i>City-wide language access; Hybrid communications engagement strategy</i></li> </ul>	<i>2023 - 2024</i>	<i>Canal neighborhood; Citywide</i>	<i>Establish Wi-Fi access for Canal residents; apply for grants from the PUC for a feasibility study for broadband infrastructure in the Canal; hire community engagement staff for Strategic Communications Plan</i>

N/A = These are non-housing strategies being implemented by the City to achieve more equitable and just outcomes. They are listed here because they complement and advance AFFH principles and facilitate fair housing citywide.



ID	Program	Specific Commitment(s)	Timeline	Geographic Targeting	Metrics
N/A	<i>AFFH Action: Park Master Plan Improvements</i>	<i>Develop a City-wide Parks and Recreation Master Plan that incorporates environmental justice and social equity as key elements in the operation and planning of San Rafael’s park and recreation network</i>	2023	Citywide	<ul style="list-style-type: none"> <li>• <i>Develop guide to further develop parks and recreational programs for all ages, abilities, and activities. Create and maintain funding and set priorities for the future.</i></li> </ul>
N/A	<i>AFFH Action: Sea Level Rise and Resilience Study</i>	<i>Conduct feasibility study for nature-based, hybrid, and hard infrastructure protection of the Canal District. Build capacity in CBOs. Engage and educate residents and youth in the study to learn about and give input on the study, and choose options to pursue.</i>	2024	Canal neighborhood	<ul style="list-style-type: none"> <li>• <i>Establish a community-based adaptation planning team with the City and County</i></li> <li>• <i>Develop at least one option/project for further development and to seek funding for implementation</i></li> <li>• <i>Codify resident feedback and choices into City of San Rafael adaptation, neighborhood, and land use planning policies and documents</i></li> </ul>
N/A	<i>AFFH Action: Implementation of Canal Based Transportation Plan</i>	<i>Pedestrian and bicycle bridge/Canal crossing to Third Street; traffic calming and bicycle and pedestrian crossing improvements; transit bus stop improvements and maintenance; expanded transit service; transportation to schools</i>	2027	Canal neighborhood	<ul style="list-style-type: none"> <li>• <i>Secure funding and complete feasibility studies</i></li> <li>• <i>Implement quick-build crossing projects and traffic calming programs</i></li> <li>• <i>Implement bus stop improvements at Medway/Mil and Kerner/Larkspur</i></li> <li>• <i>Streamline maintenance process</i></li> <li>• <i>Conduct focused ridership survey on the 35 and 23x</i></li> <li>• <i>Secure funding and add additional morning run to route 645</i></li> </ul>

ID	Program	Specific Commitment(s)	Timeline	Geographic Targeting	Metrics
<b>HOUSING MOBILITY THROUGH EXPANDED CHOICES IN HOUSING TYPES AND LOCATIONS</b>					
2	Extremely Low-Income Housing Resources	Identify site for interim housing pilot project and install interim housing units	Identify sites in 2023; Install units in 2024	Citywide	20 new interim housing units for ELI households
3	Funding and Resources to Prevent and Reduce Homelessness	Actively seek funding for strategies that prevent homelessness and help San Rafael residents experiencing homelessness in securing a place to live and access to services	Ongoing	Citywide	By 2031, seek at least one million dollars in funding.
26	Accessory Dwelling Units (ADUs)	<ul style="list-style-type: none"> <li>• Provide expanded resources on ADUs on the City’s website</li> <li>• Develop incentives such as fee waivers or tax abatements for owners who agree to rent their ADUs to qualifying lower income households</li> <li>• Pursue grant funding to help homeowners add ADUs with a deed restriction that limits occupancy to a lower income tenant</li> </ul>	2024	Citywide, especially single-family neighborhoods	<p>Create or legalize at least 25 ADUs a year through 2031, or 200 over the planning period.</p> <p>70 ADUs affordable by design to lower- income households.</p>
31	Monitoring the Status of BMR Units	<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>	Ongoing	Citywide	All tenants and homeowners qualify as lower or moderate-income households. All property owners charge appropriate rents for BMR units.



ID	Program	Specific Commitment(s)	Timeline	Geographic Targeting	Metrics
35	Affordable Housing for Large Families	Develop thresholds for requiring three-bedroom affordable rental units in new construction for certain types of projects. When considering proposals for projects that are 100 percent affordable, express preference for a mix of housing units that include units designed for larger families.	2024	Citywide	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)