



SAN RAFAEL
THE CITY WITH A MISSION

Community Development Department – Planning Division
P. O. Box 151560, San Rafael, CA 94915-1560
PHONE: (415) 485-3085/FAX: (415) 485-3184

Meeting Date: February 28, 2023
Agenda Item: 2
Case Number: P23-001
Project Planner: Monica Ly
(415) 458-5048

REPORT TO PLANNING COMMISSION

SUBJECT: To review and accept the General Plan Annual Progress Report (GP APR) and Housing Element Annual Progress Report (HE APR) for 2022

EXECUTIVE SUMMARY

Government Code Section 65400 mandates local jurisdictions prepare an Annual Progress Report (APR) on the status of policies and programs identified in the City’s General Plan and the City’s progress toward meeting its share of the Regional Housing Need Allocation (RHNA) issued by the Association of Bay Area Governments (ABAG). A copy of the report must be submitted to both the Governor’s Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) by April 1st for the previous calendar year (January 1-December 31). Prior to submitting the APR to City Council, OPR, and HCD, the Planning Commission may make recommendations to City Council regarding reasonable and practical means for implementing the General Plan or may direct staff to provide more information prior to accepting the APR. This staff report summarizes the City’s progress in implementing the City’s General Plan during the 2022 calendar year and includes data on the City’s progress towards meeting its share of RHNA, including data on all housing development applications, entitlements, building permits, and completions. Included with this report, staff has also provided an update on progress made towards implementing the City Council’s housing policy priorities (Attachment 2).

RECOMMENDATION

It is recommended that the Planning Commission take the following action:

- Accept the General Plan Annual Progress Report (GP APR) and Housing Element Annual Progress Report (HE APR) for 2022 and direct staff to present the report to City Council at a public meeting.

BACKGROUND

All cities in California are required to prepare and adopt a General Plan. The General Plan, which is composed of both required and elective elements, or chapters, covering topics from Housing to Equity, Diversity, and Inclusion, is the city’s blueprint for meeting the community’s long-term vision for the future. The General Plan identifies policies and programs addressing the development and redevelopment of land, preservation of parks and open spaces, provision of housing for current and future residents, conservation of natural resources, improvement of the circulation and transportation system, control of noise, and protection of life and property from hazards. The City of San Rafael adopted General Plan 2040 in August 2021.

Government Code Section 65400 mandates local jurisdictions prepare an Annual Progress Report (APR) on the status of the City's General Plan. The purpose of the APR is to provide local legislative bodies and the public with information regarding the implementation of the General Plan and to inform the public of the progress in meeting the community's goals. An APR on the General Plan must be presented to the City Council for its review and acceptance. Prior to submitting the APR to City Council, the Planning Commission may make recommendations to the City Council regarding reasonable and practical means for implementing the General Plan. Additionally, the Planning Commission may direct staff to provide more information and/or to revise the APR, or the Planning Commission may accept the report and direct staff to present the report to City Council at a public meeting. The APR should provide enough information for decision-makers to assess how the General Plan was implemented during the 12-month reporting period.

There is no standardized format for the preparation of the General Plan APR, however OPR recommends developing an APR that is useful to the jurisdiction. The contents of San Rafael's General Plan APR include:

1. Introduction
2. Table of Contents
3. Date of presentation/acceptance by the local legislative body (agenda item or resolution)
4. The date of the last update to the General Plan
5. Measures associated with the implementation of the general plan with specific reference to an individual element
6. Housing Element APR reporting requirements

Housing Element Annual Progress Report

State law requires that all cities and counties in California have a compliant Housing Element as part of their General Plan. Government Code Section 65400 includes specific requirements for preparing a Housing Element Annual Progress Report (HE APR). The HE APR is reported on a form prescribed by HCD. This report includes the City's progress towards implementing the Housing Element and meeting its share of RHNA, including data on all housing development applications, entitlements, building permits, and completions. Additional data requirements for the HE APR were added in 2021 and 2022, which have been reflected in the new HE APR form. The HE APR now contains fourteen (14) tables; for the 2022 reporting period, San Rafael has applicable data to report in five of the tables, briefly described below.

1. Table A – Housing Development Applications Submitted. Table A includes data on housing units and developments for which an application was determined complete between January 1 and December 31 of the reporting year. In table A, an "application" is a formal submittal of a housing development for approval. This includes, but is not limited to, developments that involve no discretionary approvals and projects that involve both discretionary and nondiscretionary approvals.
2. Table A2 - Annual Building Activity Report Summary – New Construction, Entitled, Permits and Completed Units. Table A2 requires information for very low, low, moderate, and above-moderate income housing affordability categories and for mixed-income projects. This Table includes data on all net new housing units and developments that have received any one of the following:
 - An entitlement
 - A building permit
 - A certificate of occupancy or other forms of readiness issued during the reporting year

3. Table B – Regional Housing Needs Allocation Progress – Permitted Units Issued by Affordability. Table B is a summary of prior permitting activity in the current planning cycle, including permitting activity for the calendar year being reported.
4. Table D - Program Implementation Status Pursuant to Government Code Section 65583. Table D includes the Status/progress of housing element program and policy implementation for all programs described in the housing element.
5. Summary Table. The Summary Table automatically tallies the data from several of the tables listed above. The summary data focuses on the total of all permits issued and all applications submitted and approved for the 2022 reporting period.

Tables C, E, F, F2, G, H, I and J are blank in the attached report because the City of San Rafael did not have any relevant activity to report.

ANALYSIS

The APR (Attachment 1) comprises the General Plan goals and provides a summary of the status of the General Plan and the implementation programs contained in each General Plan Element. San Rafael has adopted eight State-required Elements and five optional Elements as follows:

- Land Use
- Neighborhoods
- Community Design and Preservation
- Conservation & Climate Change
- Parks, Recreation, and Open Space
- Safety and Resilience
- Noise
- Mobility
- Community Services and Infrastructure
- Arts and Culture
- Economic Vitality
- Equity Diversity and Inclusion
- Housing

Highlights of accomplishments in the implementation of General Plan programs in 2022 are included below with the corresponding references to the General Plan Element Implementation Program. The status of the Housing Element implementation has been reported on a separate form provided by HCD (see Attachment 1, pages 16-144).

- **LU-2.1A – Zoning Ordinance Amendments.** Amended Municipal Code to allow additional housing development on single-family zoned parcels through subdivisions and additional primary residential units in accordance with SB 9, the California Home Act.
- **NH-3.6A – Circulation Improvements.** Completed a multi-year project to address pedestrian safety by improving crosswalks at key locations in the Canal Neighborhood and on Mission Avenue behind San Rafael High School.
- **NH-3.15B – Canal Community Based Transportation Plan Update.** Spearheaded a community engagement effort and formed a Stakeholder Committee to update the Canal Community Based Transportation Plan.
- **NH-3.3A – Canal Dredging. CDP-1.4A – Canalfront Design Plan. CDP-1.48 – Canal Promenade.** Worked with the Army Corps of Engineers to secure \$7.7 million to dredge the federal channel. Coordinated an umbrella permit for all properties along the canal to secure environmental clearance to dredge between the federal channel and the shoreline.

- **C-4.2B – Green Building Standards.** Amended the Municipal Code to include 2022 California “reach” codes that help drive greenhouse gas reductions by requiring minimum levels of electric vehicle charging infrastructure for all new construction, limiting fuel gas in existing single-family homes and duplexes, and prohibiting fuel gas in new construction with limited exceptions.
- **C-5.7A – Public Outreach Campaign.** Created SanRafaelClimateAction.org and actively supported and promoted Resilient Neighborhoods, TAM’s Marin Commutes program, Ride and Drive Clean, and other behavior change campaigns.
- **PROS-1.1A – Parks and Recreation Master Plan. PROS-1.4B – Community Engagement.** Launched the Parks and Recreation Master Plan Process, including creating a Steering Committee, gathering public input through community meetings, focus groups, and surveys.
- **PROS-2.1B – Cultural Competency.** Expanded targeted programming including weekly bilingual storytime in English and Spanish, bimonthly virtual ESL conversation club, Spanish book club, outreach to people experiencing homelessness, outreach to queer people of all ages in Marin, and drag storytimes in partnership with the Spahr Center.
- **S-1.1C – Local Hazard Mitigation Plan Updates.** Began official participation in the Multi-Jurisdictional Local Hazard Mitigation Plan led by the County of Marin, including serving as part of the Steering Committee and Planning Team.
- **S-3.6A – Sea Level Rise Adaption Plan.** Prepared the Flood Risk & Sea Level Rise Adaptation Report and incorporated it into General Plan 2040. The report provides initial guidance on how to develop an adaptation plan and what to include.
- **CSI-4.16C – Reliability.** Established a redundancy City network at public safety facilities, including the installation of a FirstNet hub at the Public Safety Center in coordination with AT&T to designate that facility as an essential communications hub.
- **AC-1.8A – Arts District.** Provided support for the Downtown San Rafael Arts District (“DSRAD”) to receive funding from the California Arts Council as part of the State’s \$30 million allocation to support the Cultural Arts Districts of California.
- **EV-1.1A – Education about the Local Economy.** Initiated development of an Economic Development Strategic Plan that will outline the existing economic conditions and provide targeted programmatic efforts to support economic vitality.
- **EDI-1.4B – Collaborations.** Secured \$762,000 in grants in conjunction with Canal Alliance, Multicultural Center of Marin, and County of Marin for an equitable sea level rise assessment for the Canal neighborhood.
- **EDI-4.5B – Reduced Cost Meals.** Continued to host weekly food distributions and re-started congregate meal programs for older adults at the Boro and San Rafael Community Centers.

Regional Housing Needs Allocation (RHNA) Progress

Staff has completed the HE APR for the 2022 calendar year (see Attachment 1, pages 8-15). The following is a summary of the City’s progress on housing approvals/entitlements, building permits issued, and housing units completed for occupancy.

As shown in the Summary Table, 29 housing development applications were submitted to the City and deemed complete in 2022. These completed applications included: 23 Accessory Dwelling Units (ADUs)/Junior Accessory Dwelling Units (JADUs); one (1) Single Family-Detached Unit (SFD); two (2) 2- 4-Plexes (2-4); and three (3) 5 or more unit structures (5+). Some ADUs/JADUs qualified as low-income units due to size, as HCD allows accessory dwelling units that are less than 500 square feet in area to be reported for low-income (non-deed restricted) as rental prices for these units typically fall within the low-income rent rates.

Table 1: Summary Table of Calendar Year 2022 Housing Applications in San Rafael

Housing Applications Summary	
Total Housing Applications Submitted:	29
Number of Proposed Units in All Applications Received:	123
Total Housing Units Approved:	123
Total Housing Units Disapproved:	0

Table 2: Summary Table of Calendar Year 2022 Housing Units: Entitled, Permitted, & Completed

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	14	0
SFD	0	11	4
2 to 4	8	9	2
5+	282	68	65
ADU	26	45	24
Mobile Home	0	0	0
Total	316	147	95

Table 3 below summarizes housing permits issued for the purposes of determining progress towards meeting RHNA.

Table 3: Regional Housing Needs Allocation Progress

Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	240	2	-	-	1	-	4	-	30	69	171
	Non-Deed Restricted		-	-	-	-	-	-	32	-		
Low	Deed Restricted	148	10	5	-	1	-	2	1	37	138	10
	Non-Deed Restricted		4	-	7	22	6	7	11	25		
Moderate	Deed Restricted	181	-	-	-	-	-	-	-	-	11	170
	Non-Deed Restricted		10	-	-	1	-	-	-	-		
Above Moderate		438	94	21	20	14	22	69	22	55	317	121
Total RHNA		1,007										
Total Units			120	26	27	39	28	82	66	147	535	472

The 147 units that were issued building permits in 2022 include the 67 units of affordable housing currently under construction at 999 Third Street. Note that housing projects that have been approved/entitled are not necessarily reflected in the RHNA progress if they did not also receive a building permit. Those units will be counted in future reporting periods once building permits are issued. Entitlements were granted for the following key housing projects, but have not been counted toward the RHNA number as building permits for these projects were not issued in 2022:

- 88 Vivian Street (71 units)
- Los Gamos Drive Apartments (192 units)

Like many other jurisdictions in California, San Rafael is subject to the SB35 streamlined ministerial approval process for proposed developments with at least 10% affordability, based on insufficient progress toward Above Moderate income RHNA.

The City continues to take steps to reduce barriers to housing development, per Council direction – included with this report, staff has provided an update on progress made towards implementing the City Council's housing policy priorities (Attachment 2).

Housing Element Program Implementation

As reported in Table D (see Attachment 2, pages 10-14), there are several Housing Element programs that are ongoing and serve to streamline housing development within the City and provide housing protections to vulnerable communities. Highlighted below are key Housing Element programs that were part of the 2022 reporting period:

- **H-3b. Information and Outreach on Housing Issues.**
 - Developed a handout in English and Spanish that summarizes community services, including organizations providing legal and rental assistance. Distributed this flyer at community events and in response to public inquiries.
 - Attended evening meetings of tenant groups in the Canal neighborhood to raise awareness of the City's Opportunity Zone Relocation Assistance Ordinance.
 - Attended evening/weekend events with Legal Aid of Marin in the Canal neighborhood to consult with residents about housing code violations.
- **H-4a. Inter-Jurisdictional Housing Activities and Resources.** Responded to a Civil Grand Jury Report in coordination with the County and other Marin jurisdictions by identifying existing and future interjurisdictional collaborations for affordable housing production.
- **H-4b. Community Collaboration.** Funded 66 units of affordable senior housing at the Vivalon Healthy Aging Campus project at 999 Third Street, a collaboration between developer Eden Housing and nonprofit Vivalon, with land donated in fulfillment of BioMarin's affordable housing requirements for an adjacent commercial project. Marin County contributed funding for the project, and Marin Housing Authority provided project-based vouchers.
- **H-5a. Fair Housing Program.** Supported Community Development Block Grant funding for Fair Housing Advocates of Northern California (FHANC) and Legal Aid of Marin. Referred complaints to FHANC and Marin Mediation Services through the District Attorney's Office.
- **H-6c. Funding Applications.** Funded four affordable housing projects and 150 units through the Affordable Housing Trust Fund. The local award to the project at 3301 Kerner improved the competitiveness of the developer's application for State Tax Credits and enabled their award of Permanent Local Housing Allocation funds from the County, which requires a local match.
- **H-7b. Preserving Existing Rental Housing Affordable to Low Income Households At Risk of Conversion.** Awarded \$400,000 to Canal Alliance for the acquisition of an existing apartment building in the Canal neighborhood to preserve affordable housing and prevent tenant displacement.

- **H-8d. Relocation Assistance.** Enforced the City's Opportunity Zone relocation assistance requirements for a 100-unit rental property in the Canal neighborhood.
- **H-7c. Preserving Existing Rental Housing Affordable to Low Income Households through Ongoing Affordability Restrictions.** Assumed monitoring of BMR rental housing to assure compliance with affordability restrictions.
- **H-9d. Housing for Extremely Low Income Households.**
 - Awarded an additional \$350,000 in gap funding for Homeward Bound's project to develop a new emergency shelter and transitional housing at 190 Mill Street, completed in Fall 2022.
 - Awarded an additional \$850,000 in gap funding for the conversion of an office building at 3301 Kerner Boulevard into supportive housing through Project HomeKey.
- **H-12a. Countywide Efforts to Address Homeless Needs.**
 - Secured \$522,000 in grant funding for Intensive Case Management to help in housing placement through the State's Encampment Resolution Fund.
 - Allocated \$260,000 in funding to a regional Intensive Case Management effort involving contributions from all the jurisdictions in Marin.
- **H-18a. Inclusionary Housing Nexus Study.** Adopted an updated affordable housing in-lieu fee based on a joint study completed with other Marin jurisdictions.

2023-2031 Housing Element Update

Jurisdictions are required to update their Housing Elements every five years or eight years. The option to use an eight-year schedule was created to better align with the schedule local governments (or COGs/MPOs) have to meet to update their Regional Transportation Plans (which are updated every four years) now mandated to align with housing plans in Regional Sustainable Communities Strategies. HCD is responsible for reviewing and certifying Housing Elements to ensure that they substantially comply with State law. The City submitted its Draft 2023-2031 Housing Element for review on December 20, 2022. After the City receives HCD's comments, anticipated to be received in March 2023, the document will be revised and a Public Review Draft will be considered for adoption. Public comments on the Draft document may be submitted throughout the HCD review period and during the City's adoption process. The Draft will be presented to the Planning Commission for recommendation and then brought to the City Council for adoption and submitted to the State for certification.

ENVIRONMENTAL DETERMINATION

As required by State law (California Environmental Quality Act), review and action on the APR must be reviewed to determine if it is subject to environmental review. As the APR is an informational report, it will have no physical impact on the environment. The APR is classified as a planning study, which qualifies for a Statutory Exemption from the provisions of the CEQA Guidelines under 14 CRR Section 15262.

PUBLIC NOTICE / CORRESPONDENCE

Notice of the public meeting was fifteen (15) days prior to the meeting.

OPTIONS

The Planning Commission has the following options:

1. Accept the General Plan Annual Progress Report (GP APR) for 2022 and direct staff to present the report to City Council at a public meeting (recommended).
2. Direct staff to return with more information.
3. Take no action.

ATTACHMENTS

1. General Plan Annual Progress Report (APR)
2. Update on City Council housing policy priorities