



April 21, 2023

Mayor Kate Colin
Vice Mayor Llorens Gulati
Councilmembers Kertz, Bushey, and Hill
Planning Commissioners Saude, Haveman, Mercado, Previtali, Samudzi, and Shalk
City Administration

San Rafael City Hall
1400 Fifth Avenue, Room 203
San Rafael, CA 94901

Re: Community Response to HCD Comments on San Rafael's Proposed Housing Element

Dear Mayor Kate and Team San Rafael:

We represent a coalition of Marin nonprofits working alongside and on behalf of thousands of Marin residents, especially the Latino immigrant community, Black, Indigenous, People of Color (BIPOC) and other lower-income residents disproportionately impacted by the current housing crisis.

First, let us congratulate City staff and consultants on what is largely an excellent Housing Plan. We have reviewed the State's letter dated March 30th ¹ and agree that the City is very close to having a compliant housing element. We recognize that much of the tangible work on housing will begin after the Element is adopted, and we are committed to working with the City on the implementation of its ambitious goals, policies and programs in a timely manner.

Regarding the City's reply to the State's letter, we find it important to highlight the State's reminder that under Gov. Code, § 65583, subd. (c):

Programs containing unclear language (e.g., "evaluate"; "consider"; "encourage"; etc.) or vague commitments should be amended to include more specific and measurable actions.

¹ California Department of Housing and Community Development. City of San Rafael's 6th Cycle (2023-2031) Draft Housing Element (Update). March 20, 2023. [Link](#).

As our organizations and community members have made it clear throughout this process,² the City of San Rafael needs to make a stronger commitment to passing renter protections allowed under state law, including stronger just cause eviction protections and stronger rent control. Language in Program Sections 10 and 11, which are the sections that deal with Just Cause Eviction and Rent Control, fall into this unclear or vague determination.³

The State also noted that, with respect to the need to strengthen Program 11 (Tenant Protection Measures):

The element should commit to implementing some or all these strategies, depending on the outcomes of the City’s feasibility evaluation and identify potential funding sources and timelines to secure funding to support some or all the actions identified by stakeholders in Program 11.

With a few simple changes, the City can align itself with the State’s response by shifting from consideration to commitment.

For example, the City of Concord— a city similarly situated to San Rafael demographically, socioeconomically and politically —made specific and time-bound commitments to advance tenant protections through their Housing Element.⁴ Program 20: Residential Tenant Protections commits to **“begin drafting rent stabilization and just cause for eviction ordinances within 90 days of Housing Element adoption, with adoption of ordinances by December 2023.”** We ask that San Rafael adopt language in line with Concord’s specific and time-bound commitment to considering, passing and implementing meaningful protections for San Rafael’s renters. These ordinances would improve housing stability for the City’s low-income and BIPOC residents, especially those residing in the Canal neighborhood.

Goals & Objectives

We also feel it is important to note that on May 15th, the City Council will consider both the Housing Element for adoption and begin setting their 2023–24 Goals & Objectives, outlining the City’s priorities for the next 24 months. We urge the Council to adopt tenant protections as a top priority for San Rafael in order to put the full weight of the City behind implementing this crucial component of the Housing Element.

We will be there to support the community’s voice at the Council meeting on May 15th, and we are also ready to work with staff on May 16th and beyond. While we insist on stronger and more committed language regarding tenant protections in the Housing Element, we know that building stronger programs for San Rafael will require intensive and consistent cross-sector collaboration after the Housing Element is adopted. The Canal Policy Working Group proved its

² See City of San Rafael. 6th Cycle 2023-2031 Housing Element Update HCD Draft November 2022, p. 6-23. [Link](#); San Rafael City Council Meeting, March 6, 2023. [Link](#); San Rafael Housing Element Comment Letter, August 5, 2022. [Link](#); San Rafael Housing Element Comment Letter, December 1, 2022. [Link](#); San Rafael Housing Element Comment Letter, February 16, 2023. [Link](#).

³ City of San Rafael. 6th Cycle 2023-2031 Housing Element Update HCD Draft November 2022, p. 6-20 – 6-24. [Link](#).

⁴ City of Concord. 6th Cycle 2023-2031 Housing Element Update HCD Draft August 2022, p. 38, [Link](#).

worth during the pandemic, and we are committed to playing a similar role in studying, designing and ushering implementation of stronger renter protections and the 44 housing programs proposed in the Element.

We very much look forward to our ongoing collaboration.

Sincerely,



Omar Carrera
Chief Executive Officer
Canal Alliance



Laura McMahon
Executive Director
Legal Aid of Marin



Chandra Alexandre
Chief Executive Officer
Community Action Marin

Gregory Andrew
[REDACTED] Las Gallinas Avenue, San Rafael, CA.
Comments on San Rafael 2023-2031 Housing Element; April 25, 2023

I am providing the following comments for: **Planning Commission Regular Meeting; Tuesday, April 25, 2023,**

The public notice and agenda packet for this meeting do not provide any staff report so I ask that the Planning Commission provide, at the meeting, a full and complete explanation of why the Housing Element is proposed to be revised for:

- Rezoning of 380 Merrydale (APN 179-041-22) from PD 1436 to Office (O) and 401 Merrydale (APN 179-041-05) from Light Industrial/ Office (LI/O) to Office (O)

In addition, I am reiterating my previous comments from 12/5/2022 on the Draft Housing Element and ask that these issues be addressed by the Planning Commission during the public meeting:

Table 4.1 should be revised to show the Total Buffer = 51%. Why is the Total Buffer on Table 4.1 shown as N/A? The total buffer = 51% (50.869%); why is this not shown in the table?

There is no justification for such a large buffer and it should be drastically reduced, down to the 15% buffer that is required. Why allocate a 51% when the State requirement is for a 15% buffer. What is the rationale and justification such a high buffer? Especially when the ABAG RHNA allocation of 3,220 units is already such an arbitrary and grossly inflated number to begin with.

The Housing Element needs to show and clearly define the income levels associated with Low, Moderate, and Above Moderate income households; the only mention of this is buried in tiny print in an asterix note at the bottom of Table 4.3. There needs to be better transparency of the incomes associated with the housing categories.

The City needs to reconsider its allocation of Moderate housing units. Table 4.2 shows that Moderate Income housing units have been left in the dark by the City, and almost completely left out of City-approved housing units, with only 3 out of 785 units being Moderate.. Table 4.3 shows that again Moderate housing units will be sidelined with only 11% of units in the approval pipeline designated for Moderate income levels. If the City wants to profess that it is making housing units available to safety & emergency service employees then how will there be enough Moderate Income units available given the City's track record? It seems to be a false argument for more housing if the City won't deliver on the housing for Moderate income families.

Figure 4-1 needs to be revised to show in a legend what the circled letter-number designations represent. There is no information on Figure 4-1 on what these designations are. The maps should also have basic and standard map references to a north arrow and scale.

The Housing Element needs to include maps showing what the zoning designations are for the areas around the units highlighted; there should be more transparent information about how the proposed zoning for the allocated sites compares to the areas around the sites.

Housing designations bordering single-family residential parcels should constraint building height so that new developments do not tower over and look into private residences, thus destroying privacy. An example site is the Dandy Market site at the corner of Merrydale Road and El Prado (Site E-20). Any new development at this site must not destroy the privacy of the single-family residences behind Dany Market.

Thank you.