

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**Division of Housing Policy Development**

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December 29, 2004

Mr. Rod Gould
City Manager
City of San Rafael
P.O. Box 15160
San Rafael, CA 94515-1560

Dear Mr. Gould:

RE: Review of the City of San Rafael's Adopted Housing Element

Thank you for submitting the City of San Rafael's housing element, adopted on November 15, 2004 and received for review on November 18, 2004. As you know, the Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h). Also, pursuant to Government Code Section 65585(c), the Department received and considered third party comments from several public and private entities and individuals. The review was facilitated by a December 21, 2004 meeting with Ms. Linda Jackson, the City's Senior Planner and Ms. Barbara E. Kautz, the City's Attorney.

The revisions included in San Rafael's adopted housing element adequately address the statutory requirements described in the Department's October 29, 2004 review. The element now clarifies that the zoning designation of the Elks Club parcel restricts future development to high-density multifamily use and indicates that the Elks Club Board is discussing a housing proposal with a local, nonprofit developer. The element also contains an expanded analysis of underutilized lots located in the downtown area, including information about 256 mixed-use and multifamily units that are currently in pre-development; a description of a 200 unit lower- and moderate-income development proposed for the Marin Square Shopping Center; and a program (H-18c) to rezone 17 parcels in the vicinity of Brookdale Avenue for high density residential use. As a result of these and other revisions, the Department is pleased to find San Rafael's housing element in compliance with State housing element law (Article 10.6 of the Government Code). The Department acknowledges the City's efforts to facilitate the construction of workforce housing by adopting a program to encourage the development of residential projects at mid to maximum density ranges and the City's continuing collaboration with Ecumenical Association for Housing and other affordable housing developers. San Rafael should continue to collaborate with the County of Marin to develop long-term strategies to maximize the effective use of important land resources for future residential development.

However, the Department's finding of compliance is conditioned on the successful implementation of strategies (H9g, H18, H21, H22, and H23) to facilitate housing development on identified sites in the land inventory. This is particularly critical because according to our records, as of the end of this year the City has met only 36 percent of its total share of the regional housing need.

Aggressive and effective implementation of strategies to promote housing development, particularly in commercial zones, is necessary to ensure San Rafael can meet its projected housing needs. If the City's next and future general plan implementation reports, required pursuant to Government Code Section 65400, (due annually in October) do not demonstrate significant progress in approving housing developments, the element will require amendment to provide additional incentives or alternative sites.

For your information, recently enacted legislation (Chapter 706, Statutes of 2002, Government Code Section 65863) requires San Rafael to ensure that the element's inventory of adequate sites can accommodate the City's share of the regional housing need throughout the planning period. Furthermore, Government Code Section 65863(b) prohibits local governments from lowering a residential density below that utilized by the Department in determining compliance with housing element law unless the locality makes certain findings.

The Department greatly appreciates the assistance provided by Ms. Jackson during the course of the review and thanks the City staff for arranging a tour of downtown housing sites. The Department looks forward to following the City's progress in implementing the element's programs through the annual general plan report required pursuant to Government code Section 65400. If the Department can provide any assistance in the implementation of San Rafael's housing and land-use strategies, please contact Michelle Woods, of our staff, at (916) 327-8881.

In accordance with requests pursuant to the Public Records Act, we are forwarding copies of this letter to the persons and organizations listed below.

Sincerely,



Cathy E. Creswell
Deputy Director

cc: Linda M. Jackson, Principal Planner, City of San Rafael
Stephen L. Kostka, Consultant, Bingham McCutchen
Fredric C. Divine of Fredric C. Divine Associates
Dirck Brinckerhoff, Marin Consortium for Workforce Housing
David Grabill, Law Office of David Grabill
Dwayne Hunn
Reverend Thomas A. Daly, Marin Catholic High School
Betty Pagett, Marin Housing Council
Elissa Giambastiani, President, San Rafael Chamber of Commerce

James E. Stark, Urban Planning/Urban Economics
Thomas P. Mannion, Spolter, McDonald and Mannion
Steven Schoonover
Reverend Paul E. Perry, St. Sebastian Catholic Church
Marie Richard
Reverend Michael Keane, Church of St. Isabella
Alice Vipiana
Allan G. Bortel
Father Paul Rossi, Church of Saint Raphael & Mission San Rafael Archangel
Virginia Brunini, Virginia Brunini Real Estate
Roy Chernus, Legal Aid of Marin
Michael Rawson, The Public Interest Law Project
Father John Cloherty, Our Lady of Mount Carmel Parish
Renee Silveira, Silveira Ranches
Reverend William H. McCain, Our Lady of Loretto Church
Carol M. Hovis, Marin Interfaith Council
Deborah and David Rawson
Father Neil Healy, St. Anselm Church
Dwayne Hunn
Ian M. Sammis
William J. McCubbin, Orion Partners, Ltd.
Tom Wilson, Canal Community Alliance
Jana Haehl, Marin Conservation League
Roger A. Smith, Circle Bar Trust
Norman P. Jensen
Joanne Webster, Citizens Advisory Committee on Redevelopment
Steve Watanabe, Department of Boating and Waterways
Thomas J. Lohwasser, Dixie School District
Jenny Callaway, San Rafael City Schools Superintendent's Office
Michael Marovich
Patrick Lee, D.D.S.
Patricia and William Hasler
Sybil Garrett
Ms. Gerald
Tiffany Wright, Remy, Thomas, Moose and Manley, LLP
Reverend James T. Tarantino, Saint Hilary Church
Ernest Glover, GRC Redevelopment Consultants
Joan Kay
Jeanne Emmons Cohn, Lock Lomond Homeowners Association
Ted A. Murray, Jr., D.D.S.
Mark Stivers, Senate Committee on Transportation & Housing
Suzanne Ambrose, Supervising Deputy Attorney General, AG's Office
Terry Roberts, Governor's Office of Planning and Research
Nick Cammarota, California Building Industry Association
Marcia Salkin, California Association of Realtors

Marc Brown, California Rural Legal Assistance Foundation
Rob Weiner, California Coalition for Rural Housing
John Douglas, AICP, Civic Solutions
Deanna Kitamura, Western Center on Law and Poverty
S. Lynn Martinez, Western Center on Law and Poverty
Alexander Abbe, Law Firm of Richards, Watson & Gershon
Michael G. Colantuono, Colantuono, Levin & Rozell, APC
Ilene J. Jacobs, California Rural Legal Assistance, Inc.
Richard Marcantonio, Public Advocates
David M. Booher, California Housing Council
Mark Reisenfeld, Marin County
Marin County Housing Authority
Rory Anne Walsh, City of Mill Valley
Reba Wright-Quastler, City of Sausalito
Scott Anderson, Tiburon Community Development
Bob Brown, San Rafael Planning Department
Diane Henderson, Belvedere City Planning Department
Lorraine Weiss, Corte Madera Planning Department
Lisa Montali, Ecumenical Association for Housing
Northbay Family Housing
Margaret Jones, League of Women Voters of Marin County
Sue Hestor, Attorney-at-Law
Paul Campos, Home Builders Assoc. of Northern California
Shannon Dodge, Non-Profit Housing Association of Northern California
Eve Bach, Arc Ecology
William Litt, Bay Area Legal Aid
Allison Brooks, Livable Communities Initiative
Charlie Carson, Home Builders Association – Northern Division