

CITY OF SAN RAFAEL

Case Study: 700 Irwin Street

How state housing laws affected the City's ability to review and shape a proposed 17-story, 200-home development

200 units

State law allowed twice the number of units than the original 100 unit base figure

180 ft

More than three times the City's normal 50-foot height limit

11

11 requested exceptions to local development rules

30 days

Time allowed for the City to make its decision under state law (AB 130)

How State Law Allowed a Much Larger Building

100 base units/homes

The number the developer proposed under the City's existing development standards.

+ 100 bonus units

State law allowed the developer to double the project by including income-restricted housing (15% very low-income and 15% moderate-income units)

= 200 units

Including 30 affordable homes with affordability restrictions lasting 55 years

Standard	Required	Approved
Height	50 ft	180 ft
Upper floors must set back	10 ft at 45 ft	No set back
Bicycle parking	271 spaces	60 spaces
Standard car parking	Standard stalls	Robotic tandem
Irwin St frontage	Street facing building design	Storefront glass

Under state law, the City generally could not reject these exceptions unless it could demonstrate a specific, serious health or safety problem that couldn't be resolved

Discretion: State Law Severely Limited What the City Could Require

HOUSING ACCOUNTABILITY ACT (HAA)

Denial needs a quantifiable health or safety impact

The City could not reject the project simply because it was too tall, too large, or unpopular. State law sets a very high standard for denying housing projects

OBJECTIVE STANDARDS ONLY (HAA)

Subjective design rules couldn't be enforced

The City could enforce specific, measurable requirements, but not general design preferences about how a building should look

AB 130 (2025)

CEQA exemption and a 30-day decision clock

A new state law eliminated the usual environmental review (CEQA) and gave the City just 30 days to make its decision

AB 2097 (2022)

No parking minimums near transit

Because the project is close to the Transit Center and SMART train, state law prevented the City from requiring a minimum number of parking spaces; the applicant chose to provide 226.

What About Traffic, Parking, and the Canal?

Traffic

817 **112**

daily trips peak-hour trips

- The project is expected to generate approximately 817 vehicle trips per day, including 112 during the busiest hour.
- The automated parking garage raised concerns about cars backing up onto Second Street. The City required additional planning to address those concerns, but could not use traffic congestion alone to reject the project.
- Tier 3 traffic study (incl. LOS) within 5 years of occupancy: informational only

San Rafael Canal

- The developer proposed extending part of the building and an outdoor terrace over the San Rafael Canal
- The Canal is federally owned, outside City control and the developer must obtain federal and state permits
- If permits not granted, an alternative building design must be used
- Part of the property is in a designated flood zone, so the building must comply with federal flood-protection requirements (FEMA)

Why Traffic Congestion Couldn't Be Used to Reduce the Project

1 · SB 743

CA law changed how traffic impacts are measured

Instead of focusing on intersection delays and congestion, state environmental rules now emphasize how much driving a project generates



2 · AB 130

No CEQA review at all

That meant the City could not require traffic improvements through that environmental review process



3 · HHA

Congestion isn't grounds for denial

Under state housing law, the City needed evidence of a specific, serious health or safety impact meeting strict legal requirements

Key Takeaway: The City can address certain traffic concerns but could not require a smaller building simply because of increased congestion. City imposed traffic fees will still apply.

What Could the City Do About Traffic?

- 1** No traditional environmental traffic review: State law exempted this project from the usual environmental impact review.
 - 2** Traffic studies could still help: The City reviewed traffic information to understand potential problems and identify allowable conditions.
 - 3** Limits on required improvements: The City could not impose the usual environmental traffic mitigation measures through CEQA.
 - 4** Traffic fees still apply: The developer must pay applicable transportation impact fees under the City's established rules.
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What about Water, Sewer and Other Infrastructure?

- 1** State law exempted this project from the usual project-specific environmental analysis of impacts on utilities and public services.
- 2** Citywide planning isn't the same as project review: The City's General Plan considers future growth across San Rafael, but doesn't necessarily identify every infrastructure issue created by an individual development.
- 3** Planning for future improvements: The City continues to explore where and how it can require additional infrastructure improvements and development fees to help support future growth.
- 4** Other agencies still have a role: Water, sewer, and other agencies may have additional permitting and capacity requirements.
- 5** Approval doesn't guarantee construction: A project may receive approval but still face challenges if necessary infrastructure isn't available.

Key Takeaway: Under the Housing Accountability Act, the City generally cannot deny or reduce a housing project over infrastructure capacity concerns unless it can demonstrate a specific, serious health or safety risk.

How Will Growth Affect Police, Fire, Schools, and Parks?

What state law limits

The City could not require the usual environmental review of how the project might affect police, fire, schools, parks, and utilities (AB 130)

What can the City still do?

The City can collect legally authorized development fees, enforce building and safety codes, coordinate utility approvals, and plan for additional infrastructure and services as Downtown grows

What about schools?

State law limits the fees developers can be charged for school facilities and generally prevents cities from denying housing projects because schools may lack capacity.

Key Takeaway: The challenge is making how our infrastructure and public services can keep pace with the housing growth required by state law

What Can San Rafael Do Going Forward?

Work with other cities to advocate for better state housing laws

Use our newly approved Pro-housing designation as a forum to unite designated cities.

Improve our local planning tools

Identify where clearer development standards, infrastructure planning, and updated impact fees could help the City better prepare for future development.

Make sure Sacramento hears from communities like ours

Use the experience of 700 Irwin to work with Assemblymember Connolly and other state legislators on housing laws that better balance new housing with local infrastructure and public safety needs.