

Evaluation of the 1995 Housing Element

Introduction

The first step in updating the Housing Element is to conduct a thorough and critical evaluation of the existing Housing Element. What worked well? What didn't? And what could be done better? What's missing?

State law requires that three major areas of consideration be addressed through the evaluation process and reflected in the updated Housing Element:

- **Appropriateness of Goals, Objectives, and Policies** (65588(a)(1)). A description of how the goals, objectives, policies, and programs of the updated element incorporate what has been learned from the results of the prior element.
- **Effectiveness of the Element** (65588(a)(2)). A review of the actual result of the earlier element's goals, objectives, policies and programs. The results should be quantified where possible (e.g., rehabilitation results) but may be qualitative where necessary (e.g., mitigation of governmental constraints).
- **Progress in Implementation** (65588(a)(3)). An analysis of the significant differences between what was projected or planned in the earlier element and what was achieved.

The evaluation of the existing Housing Element can help focus discussion on the issues that need the most attention. While some policies and programs in the existing Housing Element may be identified as needing only minor modification, others may be identified as requiring more extensive review and change, or additional policies or programs may need to be added. This can serve as an initial short list of the key policy areas that need to be addressed in the update effort.

Evaluation of Policies and Programs

Policy Issue 1.1: Restrict Condominium Conversion

Implementation: Implementation occurred through continued enforcement of the Town's Condominium Conversion Ordinance. Key points in this ordinance are as follows:

- (a) Conversions are permitted only when the Town's proportion of multi-family rental units (exclusive of second units) is 25% or more of the total housing stock).
- (b) Conversions are permitted when the proportion of multi-family rental units is above 20% if at least 3/4 of current tenants in the property approve the conversion.
- (c) When conversions are allowed, the exclusive right of first refusal to purchase must be offered to current tenants. Tenants are offered rights to continued rental occupancy under the following conditions: If the rental stock is 25% or greater, non-elderly tenants are guaranteed 18 months continued rental occupancy with rent increase

limitations; if the rental stock is 20% or greater, non-elderly tenants are guaranteed continued rental occupancy for five years with rent increase limitations; or, in either case, elderly tenants (over 60) are guaranteed a five-year lease with rent increase limitations.

Evaluation: The Town's Condominium Conversion Ordinance was adopted in 1980. Units at 84 Madrone Avenue were converted in 198. Since then two apartments were converted to condominiums. This policy has been effective and no change is needed.

What Can be Learned: Consider allowing exemptions for opportunities that provide affordable housing, such as limited equity cooperatives or other forms of affordable ownership housing.

Policy Issue 1.2: Housing Rehabilitation

Implementation: The Town encourages use of residential rehabilitation loan programs administered by the Marin Housing Authority (MHA) for the rehabilitation of older housing while protecting low and moderate income residents. The program uses Community Development Block Grant (CDBG) funds. The Town also requires an inspection of all residential units upon sale. The inspections concentrate on safety related matters and Uniform Building Code conformance.

Evaluation: The Town continues to participate in the CDBG Rehabilitation Loan Program, which has served 60 residents in San Anselmo up through 2001. Specific programs include single family home repair loans, emergency repair and accessibility grants, exterior enhancement rebates, weatherization and home security grants for seniors, and a multi-family rehabilitation loan program. There have been 533 Residential Rehabilitation Loans made to low income homeowners throughout the County (San Anselmo has received over 11% of the loans). Town policies have continued to support and expand these efforts. The Marin County Housing Authority expects the funding to support this program at the existing rate, to continue into the near future.

Town's pre-sale inspection program has been very successful in addressing basic health and safety conditions. An average of about 220 inspections per year have been undertaken over the past five years by Town staff.

What Can be Learned: Possible increased advertising and distribution of information regarding rehabilitation loan programs would provide opportunity for more San Anselmo residents. These programs could also be linked to ways to legalize existing illegal second units.

Policy Issue 1.3: Energy Conservation

Implementation: The Town promotes energy conservation through specific design requirements for new home construction, enforcement of Title 24, and support for programs providing energy conservation improvements for low-and moderate-income housing units.

Evaluation: The Town has successfully implemented Title 24 requirements. There are a number of programs offered locally, through the local energy provider (PG&E) and through the State of

California, provide cost-effective energy saving programs. Due to deregulation in California, utility costs have skyrocketed. State budget cuts could negatively effect some of these programs as a result.

What Can be Learned: Effective energy conservation can make a house more affordable. The Housing Element could provide publicity for the following and other energy programs:

- (a) Marin County “Building Energy Efficient Structures Today (BEST)” Program
- (b) Marin County “Green Business” Program
- (c) Weatherization programs (such as the California Human Development Corporation program based in Rohnert Park)
- (d) Solar Energy
- (e) Tree Preservation
- (f) Recycling and Salvage

Policy Issue 1.4: Protection of the Rental Housing Stock

Implementation: The Town encourages protection of the rental housing stock through policy decisions that limit the displacement of existing residential uses to other uses or to higher priced housing unless there is a clear public benefit or equivalent housing can be provided.

Evaluation: Over the past ten years there has been some loss of rental housing, although at a relatively low level. Two rental units were lost due to construction of a new kindergarten building at Saint Anselm’s school. In addition, 18 units in an unsound apartment structure at 60 Park Way. However, 14 one-bedroom units, 13 of which rented to low income developmentally disabled adults and financed in part with public funds were built on the same property.

What Can be Learned: The Town may want to evaluate policy to require replacement housing when units are demolished for replaced by other uses.

Policy Issue 2.1: New Home Construction

Implementation: The construction of new housing units of all types and prices have helped to achieve the Town’s housing goals and objectives, and are consistent with the General Plan and other Town policies. Implementation has occurred through the review and processing of projects in a timely manner and encouraging a mix of market rate and below market rate housing projects through private non-profit and public agency construction of new housing.

Evaluation: Much of the San Anselmo planning area’s remaining land available for development has significant physical constraints, such as geologic instability, inaccessibility, inadequate street capacity, drainage problems, steep slopes, etc. This requires close review and approval of projects which adequately mitigate these problems. Few sites remain which would be suitable for multiple-family unit construction. The initial cost or the limited land still available can be prohibitive, especially to non-profit affordable housing developers.

What Can be Learned: The Town may want to evaluate ways of encouraging new housing in locations that support other Town goals. This would include mixed use in Downtown and other commercial areas, second units, and small infill multi-family development. In addition, “in-lieu” fees could provide funding for the Town’s housing programs.

Policy Issue 2.2: Facilitate New Affordable Housing

Implementation: This policy has been implemented through the Town’s support and take facilitation of the development of new affordable housing units, including working with non-profit developers.

Evaluation: The Town contributes \$3,000 on an ongoing basis to Tam House, a home for 10 disabled adults. Residents must be independent and 55 or more years of age to live at Tam House. There are several possible projects currently in the pipeline -- a 10 unit affordable development at 19 Ross, and a 12 or more unit development called Hunter House.

What Can be Learned: Possible assistance from non-profits or the proposed countywide Housing Assistance Team (HAT) could augment Town resources in facilitating new affordable housing.

Policy Issue 2.3: Inclusionary Housing

Implementation: The 1984 San Anselmo General Plan included an Inclusionary requirement which applies to developments of ten or more units. The Town continues its inclusionary policy requiring a percentage of units in new development to be sold or rented at prices affordable to low and/or moderate income households.

Evaluation: Two BMR inclusionary units were built in 1989 as part of the Sohner Court development. An additional unit was built as part of Willow Glen in 1998. All three are owner-occupied units. No other housing projects of ten or more units were built in San Anselmo during the last ten years.

What Can be Learned: As with many other communities facing limitations on the supply of larger sites, the Town may want to consider other ways to implement its inclusionary requirements. Recommendations contained in the *Marin Housing Workbook* that could be considered as part of the San Anselmo Housing Element include:

- (a) Establishment of an in-lieu fee for residential projects involving one to six units.
- (b) All residential projects of 7 to 12 units will be required to provide units at a rate of 15 to 20 percent affordable.
- (c) All residential projects of 12 or more units will be required to provide units at a rate of at least 20 to 25 percent affordable.
- (d) Some flexibility is desirable in implementing this program, depending on the size of units (number of bedrooms and size of unit), affordability, and consideration of very low, low and moderate income housing need.
- (e) Apply inclusionary requirements to licensed care facilities.

- (f) Payment of in-lieu fees, or for fractional unit requirement, shall be at a rate adequate to create the affordable units off-site.

Policy Issue 2.4: Government Programs for Housing

Implementation: The Town continues to encourage developers to utilize available government programs for development of low and moderate income housing.

Evaluation: Town staff has worked with the Marin Housing Authority, Marin County Planning Department and non-profit housing groups to utilize state and federal housing program funds where available.

What Can be Learned: Participation in countywide efforts to address housing needs, including lobbying and other means, can provide a more proactive role for the Town in implementing this program. Possible assistance from non-profits or the proposed countywide Housing Assistance Team (HAT) could augment Town resources in the effective use of government programs.

Policy Issue 2.5: Special Housing Needs

Implementation: The Town, through policy, continues to encourage projects which meet the special housing needs of the physically disabled, single parents, large families and the elderly.

Evaluation: San Anselmo has a long and exemplary track record in providing opportunities for special needs facilities, programs and housing. The North Bay Rehabilitation project is an example where the Town supported such a project through its grant of a density increase and fee reduction. Other projects include Tam House developed for seniors, and Oak Hill, which contains 13 units for the developmentally disabled.

What Can be Learned: Participation in countywide efforts to address housing needs, including lobbying and other means, can provide a more proactive role for the Town in implementing this program. In addition, the Town can participate in countywide efforts to address homelessness through the Continuum of Care. Possible assistance from non-profits or the proposed countywide Housing Assistance Team (HAT) could augment Town resources in providing special needs housing.

Policy Issue 2.6: Surplus School Sites

Implementation: The Town has recognized existing school sites as important assets to the community. These sites also present opportunities for the Town to continue working with the Ross Valley School District on decisions to surplus appropriate parcels or portions of parcels for teacher or other housing. Sites, such as Redhill, will be considered if they acquire surplus status.

Evaluation: This program has not been implemented to date.

What Can be Learned: The Town could establish a working group or liaison with the school district to seek opportunities for teaching housing. This has been done successfully in Sunnyvale and is currently being considered in Mill Valley.

Policy Issue 2.7: Public Information Program

Implementation: Distribution of pamphlets and other material at Town Hall and the library.

Evaluation: Material has been made available at public locations.

What Can be Learned: This program has been successful, but additional ways could be considered for outreach to special groups. The Town could also provide information in handouts. In addition, possible assistance from non-profits or the proposed countywide Housing Assistance Team (HAT) could augment Town resources in this regard.

Policy Issue 3.1: Second Units

Implementation: The Town's second unit requirements are contained in the Zoning Ordinance. The purpose is to continue to encourage smaller, affordable secondary rental dwellings on single-family lots in appropriate locations in order to provide housing for elderly households, single persons, etc., and to help support some of the costs of maintaining the primary residence.

Evaluation: In 1976 San Anselmo was the first community in Marin County to adopt an ordinance legalizing such second units. The Town continues to administer its ordinance to permit second units in single-family zones. Key provisions include:

- (a) The new second unit must fall within the maximum number of second units established for each San Anselmo neighborhood by Town Council resolution.
- (b) One of the units must be owner occupied, unless the owner is not physically capable of living on the property.
- (c) New second units must be covered by a rent guarantee contract between the owner and the Town, which limits the rent and the income of the tenant to schedules established by Town Council resolution.

A total of 43 new second units could be built in San Anselmo's various neighborhoods. Over the past ten years approximately 2 second units have been approved per year. The Town's 1995 Housing Element contained a program to reevaluate the Second Units Ordinance in order to change or increase the neighborhood and town-wide allotment. The 1995 Element also included an action to consider an amnesty program for illegal second units. Neither of these programs was implemented.

What Can be Learned: Second units, when designed well, are an easy way to provide infill, workforce or senior housing. In fact, studies show that half of all second units have no rent and would be affordable to very low income households. The Town will consider eliminating neighborhood caps on second units and will reevaluate rent control.

Policy Issue 3.2: Rental Housing Programs

Implementation: Town policy continues to support programs which make existing rental units affordable to low income households and the physically handicapped. Programs include Section 8 and Rebate for Marin Renters.

Evaluation: The continues to provide support and publicity for rental housing assistance programs. About 5% of the Section 8 vouchers available countywide are used in San Anselmo, which is about the same proportion that San Anselmo comprises of Marin's population. About 4% of the people on the MHA waiting list are currently from San Anselmo. The Town also contributes about \$5,000 annually to the Rebate for Marin Renters program.

It is noteworthy that San Anselmo's electorate in a November, 1980 referendum, required by Article 34, voted by better than two to one to approve the Isabel Cook mixed income family housing development at a former school property purchased by the Town with CDBG funds. The Town contributes a significant amount of money from the rents from the Community Center and the multi-purpose room at the Recreation Center, and some general fund money, to help support the maintenance, operating expenses, repairs and capital improvements in the development.

What Can be Learned: Continued support and publicity for rental programs as needed will continue to help these vital programs in providing affordable housing within San Anselmo.

Policy Issue 4.1: Non-Discrimination

Implementation: Town policy is implemented on an as-needed basis.

Evaluation: The Town continues to be committed to providing housing opportunities for all people and taking appropriate action as needed to prevent housing discrimination.

What Can be Learned: Identification of a specific contact person responsible at Town Hall for implementing this policy and referring people to appropriate agencies would be an effective way to help in implementation. Additional publicity would also make this policy more effective as many times people in the housing market do not know their rights.

Policy Issue 5.1: Citizen Participation in the Town's Housing Program

Implementation: The Town continues to encourage active public participation and review of housing programs and in the review of development proposals.

Evaluation: The Town continues to support this concept. The Planning Commission and Council held numerous public hearings and workshops for the 1995 Housing Element update. The Town also encourages developers of new housing to have meetings with neighborhood residents as part of the development review process.

What Can be Learned: All activities associated with increasing effective community involvement in housing matters are important. The updated Housing Element can continue this effort.