

City of Novato
City Manager's Housing Ad Hoc Working Group
Wednesday, June 1, 2011
6:30 – 9:30 pm
503 South Palm Drive
Hamilton Community Center

AGENDA

I.	6:30	Welcoming Comments Business <ul style="list-style-type: none"> ▪ Agenda Review ▪ Written Public Comment received prior to meeting (<i>Hand delivered at meeting</i>) 	David Wallace, City of Novato Community Development Director Susan Sherry, Executive Director and Collaborative Policy Specialist Center for Collaborative Policy California State University, Sacramento
II.	6:35	Housing Policy Discussion	Working Group, David Wallace, Susan Sherry ATTACHMENT: Draft Policy Recommendations
III.		Housing Sites Discussion (Time Permitting only)	Working Group, David Wallace, Susan Sherry
IV.	9:30	Adjourn / Closing Comments	David Wallace, City of Novato, Community Development Director

Draft Policy Recommendations for the Working Group

June 1, 2011

I. Development Regulations and Review Process

1. Proactively advocate with HCD for 2007-2014 approval of affordable housing densities appropriate for and feasible in Novato.
2. Prepare unique zoning designations for those multi-family housing sites with complicated development issues or locations with compatibility concerns.
 - a. Prepare zoning provisions that require special development standards around the periphery of properties, thereby providing a transition to adjoining uses. The transitional requirements may include increased setbacks, special height limits, density compatibility provisions, allowing only parking in the transition area, landscaping provisions, etc.
 - b. Implement zoning provisions for all residential sites to allow higher density if affordable housing is proposed. If market rate housing is proposed, a lower density would apply, if affordable housing is proposed, a higher density would be permitted.
 - c. Investigate zoning properties to allow different densities on different parts of the site. One area of a site may be appropriate for higher density, in another area it may be best to lower the density because of site constraints or compatibility with adjoining uses.
 - d. Prepare provisions to limit the possibility of market rate housing where affordable housing is intended
 - e. Consider zoning models such as Corte Madera's over-lay zones when fashioning the above provisions.
3. Prepare development standards for multi-family housing. Examples include:
 - a. Unit size restrictions based on density: for higher densities, the unit size shall be reduced
 - b. Common facilities should be required for projects over 30 units; facilities may include common room, outdoor play areas, pools, study areas, etc.
 - c. Three story maximum height; for structures near property line adjoining single family residential, building height should be compatible with adjoining use
 - d. Maximum site coverage and minimum setback provisions should be adopted
 - e. Floor area ratios in commercial areas should be compatible with the character of the downtown area
 - f. Development standards for parking should be based on density; parking attached to individual units should only be permitted at the low end of the density range
4. Prepare design guidelines for multi-family housing including:
 - a. Site planning, building massing and layout, height transitions, public safety design features, architecture and materials, landscape design, open space, lighting

II. Tenanting, Management and Safety for Multi-family Housing

5. Consider tenant preference programs for Novato residents and employees and other key community service workers (service districts, teachers, public safety workers)
6. Initiate City provisions for review, oversight and monitoring of multi-family housing to insure best management practices are implemented (see attachment for potential measures)
7. Investigate additional City and/or community based programs to reduce crime in multi-family housing, including Crime Free Program and voluntary programs initiated by multi-family housing managers.

III. Increase Incentives/Requirements for Affordable Housing

9. Implement programs to increase the feasibility and affordability of second units
 - a. Reduce City fees for second units
 - b. Consider an amnesty program
 - c. Work with service/utility districts to reduce their fees
10. Amend the inclusionary housing ordinance to increase the availability of inclusionary affordable housing
 - a. Increase the inclusionary requirement from 20% to 25%
 - b. Reduce or eliminate the ability of applicant's to "buyout" of inclusionary requirements
11. Institute a commercial linkage fee that requires commercial projects to pay a fee to support development of affordable housing. The fee should be based on the percentage of workers that the business will employ who will be compensated at rates in the low, very low and extremely low income ranges
12. Investigate ways to encourage and/or subsidize rehabilitation of existing housing that can be counted as affordable housing by the State HCD
 - a. City funding, private funds, community/non-profit sources, commercial linkage fees

IV. Advocate for Housing Law/Policy Changes the State and Regional Levels

13. Encourage changes to State and regional housing agency provisions so that housing law and policy and the housing allocation process are more transparent and understandable and are more responsive to local interests
14. Work with HCD to increase flexibility in how policies and regulations are implemented when reviewing local housing Elements

15. Advocate for:
 - a. State law changes so that Novato will receive a suburban/rural designation with a default density of 20 units per acre or,
 - b. An administrative appeal process that will allow Novato to achieve a revised, lower density provision.

16. Lobby for State law revisions so there is greater local control of housing provisions (e.g. amend "by right" provisions to insure local design review authority of development proposals)

17. Support policy revisions by HCD that will allow the following to count toward meeting the City's housing allocation numbers (RHNA)
 - a. State Density bonuses
 - b. City adopted Inclusionary zoning requirements
 - c. Senior care facilities
 - d. Mobile homes
 - e. Drug and other mental health rehab units
 - f. Foreclosed homes that are rehabilitated and made available for lower income households

18. Request that regional governments (in the Bay Area, MTC and ABAG) provide in writing the transportation place type designation and the housing allocation along with the data on which they are based to each jurisdiction every cycle plus a clear spelling out of what average annual housing growth rate for the cycle that would result, should all the housing which could be accommodated by the housing allocation be built. These data shall be posted prominently for the public. The historical growth rate which occurred during similar duration time periods should also be posted for the purposes of comparison. (policy submitted by a group member)

V. Miscellaneous

19. The city should endeavor to obtain property owner consent for rezoning that would allow affordable housing.

20. Adopt zoning provisions to allow emergency shelters to be accommodated in non-residential districts

Multi-family Housing Management Policies Attachment Submitted by Group Members

The City of Novato shall adopt guidelines that require housing developers and/or managers seeking financial or other assistance for deed-restricted, multifamily affordable housing to follow specified best practices in property management. Recipients of assistance must also have a demonstrated track record of creating successful, deed-restricted housing. The City's guidelines shall be written so as not to violate Fair Housing law or the Americans with Disabilities Act, but shall address the following seven performance measures:

1. Property management staffing.

All properties with 16 or more units shall have on-site managers, per state law. Properties with 50 or more units shall have professional property managers that maintain daily office hours. Recipients shall present a management plan to the City of Novato that includes how a property will be staffed.

2. Tenant selection plan.

Recipients shall present to the City a tenant selection plan. This shall include procedures for reviewing an applicant's:

- criminal background,
- sex offender status,
- credit and bankruptcy history,
- eviction history,
- rent payment history, and
- landlord references that cover issues such as lease violations, disturbances of others' rights to peaceful enjoyment of the property in their units, cooperation with management, housekeeping and maintenance of unit, and compliance with health and safety codes.

Grounds for rejected applications include:

- Conviction of any household member of a felony;
- Conviction of any household member of more than one (1) misdemeanor in the past three (3) years.
- Conviction of any drug, violent or other criminal activity that would threaten the household safety or right to peaceful enjoyment of the premises.

3. Lease agreement.

Recipients shall present sample tenant lease agreements to the City. These shall indicate procedures for grievance, appeal, and eviction; house rules; and visitation policy, which will include the number of visitors and the length of visitation allowed.

Causes for eviction shall include:

- Material failure by the tenant to carry out obligations under local, state or federal law;
- Illegal drug use on or off the property;
- A single substantial violation of the lease or habitual minor violations of the lease which:
 - adversely affect the health and safety of any person or the right of any tenant to the quiet enjoyment of the leased premises and related project facilities;
 - substantially interfere with the management, maintenance, or operation of the rental housing development; or
 - involves failure to pay rent or other permitted charges in a timely fashion.

4. Security-minded design.

Buildings must post adequate lighting and security cameras, as determined by the City of Novato. Buildings shall also seek to maximize visible and defensible space, following principles of Crime Prevention through Environmental Design (CPTED). The applicant shall also submit a plan for carrying out an effective maintenance and repair program.

5. Resident services.

Resident services shall be provided for all developments of 50 units or more. Resident services may include such services as programs that foster aging in place for seniors, computer room and technical skill training, assistance locating health care attendants, information referral services, job counseling, financial education, afterschool programs for kids, homework improvement programs, on-site technical skill training, and sports programs for kids.

6. Community and activity space.

All properties, regardless of project type (i.e. senior, family, or large family), must devote space for resident activities, for example: common kitchens, computer rooms, meeting rooms or general gathering space.

7. Communication.

Applicants will establish a transparent process by which concerned citizens can relay concerns about property management directly to the management.

Draft Policy Recommendations for the Working Group

June 1, 2011

I. Development Regulations and Review Process

1. Proactively advocate with HCD for 2007-2014 approval of affordable housing densities appropriate for and feasible in Novato.
2. Prepare unique zoning designations for those multi-family housing sites with complicated development issues or locations with compatibility concerns.
 - a. Prepare zoning provisions that require special development standards around the periphery of properties, thereby providing a transition to adjoining uses. The transitional requirements may include increased setbacks, special height limits, density compatibility provisions, allowing only parking in the transition area, landscaping provisions, etc.
 - b. Implement zoning provisions for all residential sites to allow higher density if affordable housing is proposed. If market rate housing is proposed, a lower density would apply, if affordable housing is proposed, a higher density would be permitted.
 - c. Investigate zoning properties to allow different densities on different parts of the site. One area of a site may be appropriate for higher density, in another area it may be best to lower the density because of site constraints or compatibility with adjoining uses.
 - d. Prepare provisions to limit the possibility of market rate housing where affordable housing is intended
 - e. Consider zoning models such as Corte Madera's over-lay zones when fashioning the above provisions.
3. Prepare development standards for multi-family housing. Examples include:
 - a. Unit size restrictions based on density: for higher densities, the unit size shall be reduced
 - b. Common facilities should be required for projects over 30 units; facilities may include common room, outdoor play areas, pools, study areas, etc.
 - c. Three story maximum height; for structures near property line adjoining single family residential, building height should be compatible with adjoining use
 - d. Maximum site coverage and minimum setback provisions should be adopted
 - e. Floor area ratios in commercial areas should be compatible with the character of the downtown area
 - f. Development standards for parking should be based on density; parking attached to individual units should only be permitted at the low end of the density range
4. Prepare design guidelines for multi-family housing including:
 - a. Site planning, building massing and layout, height transitions, public safety design features, architecture and materials, landscape design, open space, lighting

II. Tenanting, Management and Safety for Multi-family Housing

5. Consider tenant preference programs for Novato residents and employees and other key community service workers (service districts, teachers, public safety workers)
6. Initiate City provisions for review, oversight and monitoring of multi-family housing to insure best management practices are implemented (see attachment for potential measures)
7. Investigate additional City and/or community based programs to reduce crime in multi-family housing, including Crime Free Program and voluntary programs initiated by multi-family housing managers.

III. Increase Incentives/Requirements for Affordable Housing

9. Implement programs to increase the feasibility and affordability of second units
 - a. Reduce City fees for second units
 - b. Consider an amnesty program
 - c. Work with service/utility districts to reduce their fees
10. Amend the inclusionary housing ordinance to increase the availability of inclusionary affordable housing
 - a. Increase the inclusionary requirement from 20% to 25%
 - b. Reduce or eliminate the ability of applicant's to "buyout" of inclusionary requirements
11. Institute a commercial linkage fee that requires commercial projects to pay a fee to support development of affordable housing. The fee should be based on the percentage of workers that the business will employ who will be compensated at rates in the low, very low and extremely low income ranges
12. Investigate ways to encourage and/or subsidize rehabilitation of existing housing that can be counted as affordable housing by the State HCD
 - a. City funding, private funds, community/non-profit sources, commercial linkage fees

IV. Advocate for Housing Law/Policy Changes the State and Regional Levels

13. Encourage changes to State and regional housing agency provisions so that housing law and policy and the housing allocation process are more transparent and understandable and are more responsive to local interests
14. Work with HCD to increase flexibility in how policies and regulations are implemented when reviewing local housing Elements

15. Advocate for:
 - a. State law changes so that Novato will receive a suburban/rural designation with a default density of 20 units per acre or,
 - b. An administrative appeal process that will allow Novato to achieve a revised, lower density provision.

16. Lobby for State law revisions so there is greater local control of housing provisions (e.g. amend "by right" provisions to insure local design review authority of development proposals)

17. Support policy revisions by HCD that will allow the following to count toward meeting the City's housing allocation numbers (RHNA)
 - a. State Density bonuses
 - b. City adopted Inclusionary zoning requirements
 - c. Senior care facilities
 - d. Mobile homes
 - e. Drug and other mental health rehab units
 - f. Foreclosed homes that are rehabilitated and made available for lower income households

18. Request that regional governments (in the Bay Area, MTC and ABAG) provide in writing the transportation place type designation and the housing allocation along with the data on which they are based to each jurisdiction every cycle plus a clear spelling out of what average annual housing growth rate for the cycle that would result, should all the housing which could be accommodated by the housing allocation be built. These data shall be posted prominently for the public. The historical growth rate which occurred during similar duration time periods should also be posted for the purposes of comparison. (policy submitted by a group member)

V. Miscellaneous

19. The city should endeavor to obtain property owner consent for rezoning that would allow affordable housing.

20. Adopt zoning provisions to allow emergency shelters to be accommodated in non-residential districts

Multi-family Housing Management Policies Attachment Submitted by Group Members

The City of Novato shall adopt guidelines that require housing developers and/or managers seeking financial or other assistance for deed-restricted, multifamily affordable housing to follow specified best practices in property management. Recipients of assistance must also have a demonstrated track record of creating successful, deed-restricted housing. The City's guidelines shall be written so as not to violate Fair Housing law or the Americans with Disabilities Act, but shall address the following seven performance measures:

1. Property management staffing.

All properties with 16 or more units shall have on-site managers, per state law. Properties with 50 or more units shall have professional property managers that maintain daily office hours. Recipients shall present a management plan to the City of Novato that includes how a property will be staffed.

2. Tenant selection plan.

Recipients shall present to the City a tenant selection plan. This shall include procedures for reviewing an applicant's:

- criminal background,
- sex offender status,
- credit and bankruptcy history,
- eviction history,
- rent payment history, and
- landlord references that cover issues such as lease violations, disturbances of others' rights to peaceful enjoyment of the property in their units, cooperation with management, housekeeping and maintenance of unit, and compliance with health and safety codes.

Grounds for rejected applications include:

- Conviction of any household member of a felony;
- Conviction of any household member of more than one (1) misdemeanor in the past three (3) years.
- Conviction of any drug, violent or other criminal activity that would threaten the household safety or right to peaceful enjoyment of the premises.

3. Lease agreement.

Recipients shall present sample tenant lease agreements to the City. These shall indicate procedures for grievance, appeal, and eviction; house rules; and visitation policy, which will include the number of visitors and the length of visitation allowed.

Causes for eviction shall include:

- Material failure by the tenant to carry out obligations under local, state or federal law;
- Illegal drug use on or off the property;
- A single substantial violation of the lease or habitual minor violations of the lease which:
 - adversely affect the health and safety of any person or the right of any tenant to the quiet enjoyment of the leased premises and related project facilities;
 - substantially interfere with the management, maintenance, or operation of the rental housing development; or
 - involves failure to pay rent or other permitted charges in a timely fashion.

4. Security-minded design.

Buildings must post adequate lighting and security cameras, as determined by the City of Novato. Buildings shall also seek to maximize visible and defensible space, following principles of Crime Prevention through Environmental Design (CPTED). The applicant shall also submit a plan for carrying out an effective maintenance and repair program.

5. Resident services.

Resident services shall be provided for all developments of 50 units or more. Resident services may include such services as programs that foster aging in place for seniors, computer room and technical skill training, assistance locating health care attendants, information referral services, job counseling, financial education, afterschool programs for kids, homework improvement programs, on-site technical skill training, and sports programs for kids.

6. Community and activity space.

All properties, regardless of project type (i.e. senior, family, or large family), must devote space for resident activities, for example: common kitchens, computer rooms, meeting rooms or general gathering space.

7. Communication.

Applicants will establish a transparent process by which concerned citizens can relay concerns about property management directly to the management.