

September 14th, 2022



Protecting Marin Since 1934

Department of Community Development
City of Sausalito
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Subject: City of Sausalito Draft Housing Element

To whom it may concern:

Thank you for the opportunity to review and submit comments on the City of Sausalito Draft Housing Element. The Marin Conservation League (MCL) acknowledges that development and adoption of a Housing Element is critical and important in this pivotal time of balancing the need for housing and the growing consequences of climate change.

MCL is an environmental organization, and housing is not its principal focus. Nonetheless, MCL follows its current policy position on housing, which is to: a) support a balance of commercial development and workforce employment with needed housing; b) avoid sprawl; c) correspond to the service capacity of Marin's infrastructure; and d) protect specific areas of environmental importance. As a result of the State's housing crisis, in the past five years there have been dramatic changes in mandated housing laws to promote housing development. These new laws prescribe public review processes that promote streamlining and "by-right" (ministerial) permitting processes. To fully understand these new housing laws, in January 2022, MCL hosted "MCL After Hours – The Impacts of the New State Housing Laws." This event was intended to educate interested attendees on the recent State housing laws and how they affect the review and development of housing at a local level in Marin County. Consequently, with the many changes in the housing laws, MCL is in the process of updating its housing policy position.

MCL has reviewed the Draft Housing Element for alignment with its adopted policy positions on, among others, housing, flooding/sea level rise, greenhouse gas emissions, and wildfire management. Further, the draft document has been reviewed for alignment with MCL's longstanding mission, which is, "*To preserve, protect and enhance the natural assets of Marin in a changing environment.*" MCL respectfully submits the following comments, which factor in the recent changes in State housing law:

1. Housing Plan – Goals, Policies, & Programs. MCL generally supports the draft goals, policies and programs presented in the draft document. MCL provides particular support for

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the goals, policies, and programs that: a) promote the greatest housing need which is the workforce housing for the lower wage earner that lives elsewhere; b) focus housing opportunities on reuse of existing developed resources occupied by non-residential uses that are declining in demand; c) protect the existing environmental resources of Sausalito.

2. Housing Needs Assessment. The Housing Needs Analysis reports that the greatest housing need in Sausalito is for the low-, very low-, and extremely low-income households. For the next Regional Housing Needs Assessment (RHNA) cycle, Sausalito's allocation is to plan for the development of 724 new housing units of which 315 units (43.5%) must be earmarked for low-, very low-, and extremely low-income households. These income levels support a high percentage of Marin's workforce that is required to travel far for affordable housing. The Draft Housing Element Background Report notes that Sausalito has a deficiency of workers and "imports" workers from other parts of the region. Further, a high percentage of the jobs are held by lower wage earners. Planning for housing opportunities to accommodate the workforce will promote a more sustainable balance in jobs and housing within Sausalito and within the County. Increasing housing opportunities for the lower wage-earning workforce would reduce distant job-to-work travel, which would reduce greenhouse gas emissions and the impacts of climate change.
3. Housing Constraints. This section presents the State-required constraints that must be identified and considered in the Housing Element. In addition to governmental and non-governmental constraints, as well as an assessment of available public facilities and infrastructure, the constraints assessment includes a discussion of environmental issues. MCL appreciates that known environmental conditions and constraints have been included in housing constraints assessment and carried over into the housing inventory (discussed below). While the information is broad, the constraints assessment provides an overview of known factors related to special status species, geology/seismic hazards, flooding/sea level rise, and wildfire. These environmental conditions are critical in planning for housing. Regarding wildfire, the text notes that most of Sausalito is located within the Wildland-Urban Interface (WUI) area. However, this is no mention of the High Fire Hazard Severity Zones. The CalFire maps show that Sausalito is not within the Very High Fire Severity zone, as there are in neighboring Mill Valley. This is surprising given that Sausalito contains steep, developed hillside neighborhoods with limited access.
4. Housing Inventory – Appendices D1 and D2. The site selection criteria presented in the housing inventory states that Sausalito is nearly built out, and that what is available to accommodate residential development is constrained by environmental factors including wildfire hazards, steep slopes, flooding/sea level rise, and sites subject to a voter initiative. Nonetheless, the opportunity site inventory in Appendix D1 is quite comprehensive and lengthy to accommodate 872 units. MCL offers the following comments on Appendices D1 and D2:
 - a. The table includes known environmental conditions, resources, and constraints for each inventoried site, which is helpful information for the City decision makers and the public.

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- b. The opportunity sites inventory includes properties that are subject to local Ordinances 1022 and 1128, which require a vote of the City residents to change the zoning. Sites subject to this “voter initiative” account for 400+ units in the inventory, which is over 55% of the RHNA and about 46% of the total units on the inventory (inclusive of the buffer). Property zoning dependent upon an affirmative vote of the community residents offers no guarantee that a site could be used. Including sites that are subject to a rezoning through a voter initiative may not be acceptable to the State Department of Housing and Community Development (HCD).
- c. It is unclear if the sites inventory includes sites that are being “carried over” from the current and past Housing Elements. It is our understanding that the State housing laws require that sites “carried over” from the current Housing Element are eligible for the “by-right” development review process. Please confirm if (and which) sites are being “carried over.”
- d. The Background Report provides a good summary of the liveaboards, houseboats and ark dwellings that are abundant along the working waterfront of Sausalito. However, this housing is not clearly addressed in the housing inventory presented in Appendices D1 and D2. It is noted in the Background Report that there are eight marinas in Sausalito and the current City of Sausalito and Bay Conservation and Development Commission (BCDC) regulations allow for up to 10% of the total marina berths to be used for permanent liveboard and houseboat housing. MCL is supportive of Sausalito’s efforts to work with BCDC to increase the amount of allowable liveaboards on vessels in the recreation marinas to 15% of the total marina berths. Properly permitted and complying with the health and safety requirements (e.g., wastewater pump out facilities), marina liveaboards on vessels provide an additional housing option, particularly to the lower-wage workforce. Allowing an increase in the number of liveaboards also provides more slips to be included (at the marina’s participation) in a program that has been successful in encouraging seaworthy vessels that are unauthorized anchor-outs to move in from the bay to a secure marina. The Richardson’s Bay Regional Agency (RBRA) has now adopted this as a strategy to transition boaters in their waters jurisdiction to reduce anchor-outs in the bay by 2026.

CEQA/Environmental Review

There is no mention in the draft documents or the City’s housing webpage about the anticipated California Environmental Quality Act (CEQA)/environmental review for the Housing Element. MCL recognizes that in 2021, Sausalito adopted the City of Sausalito General Plan, which included the preparation and certification of an Environmental Impact Report (EIR). However, the 2021 General Plan forecasts, and the supportive EIR assesses, a growth projection of up to 304 new housing units. The Draft Housing Element plans for a RHNA obligation that is more than double the housing units forecast in the 2021 General Plan. Please respond how CEQA/environmental review for the Housing Element will be addressed. MCL will be interested in reviewing the environmental document for the Housing Element, particularly in that the housing constraints analysis and housing inventory clearly incorporate known environmental conditions and constraints.

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Thank you for this opportunity to comment on this critical policy planning document.

Yours truly,



Robert Miller
President



Paul Jensen
Board Member