

Staff / Consultant Responses to Comments at January 23, 2012 Joint Planning Commission/City Council Meeting

Please see Appendix F of the Draft Housing Element for a glossary of terms.

Comments on Contents of Element	Response
Individual Council or Commission members identified concerns with the following programs: • #5 - Condominium Conversion Regulations • #12 - Affordable Housing Development Assistance • #13 - Local Affordable Housing Fund • #14 - Partnerships for Affordable Housing • #17 - Inclusionary Housing Regulations • #18 - Fee Deferrals and/or Waivers for Affordable Housing • #23 - Zoning Text Amendments for Special Needs Housing	• Housing Element statutes require communities to implement a sufficient number of strategies to assist in developing adequate housing to meet the needs of lower and moderate income households. • State HCD has indicated that because Sausalito is not proposing an Affordable Housing Overlay District, the City must have other strong incentives and mechanisms to facilitate affordable housing for a variety of housing types. • Annual reporting to HCD is required for the Housing Element; hence programs must be concrete and implementable.
• As this is a negotiation process with HCD, could certain policies and programs be removed first and only put them back in per HCD's request?	• The consultants have found that through working on over 100 housing elements, demonstrating a good faith effort to comply with the statutes from the outset is the most effective strategy to achieving HCD compliance. Submitting a review draft which does not comply with the statutes may put the City in a position of heavier scrutiny. • The City is already "pushing the envelope" by relying on non-traditional sites strategies, making it all the more important to have a comprehensive program strategy which sufficiently addresses all aspects of the law.

Homelessness and emergency shelters issues: • How was the count of homeless persons performed? • Has a multi-jurisdictional plan and partnership with Mill Valley been considered?	• In order to receive HUD funding, the Marin County Department of Health and Human Services conducts a field count “Point-in-time” Count of homeless persons every two years, with the most recent count conducted on January 27, 2011. • County staff, along with staff and volunteers from housing and service organizations, faith based groups and schools administer surveys on the day of the Count based on HUD’s guidelines. A detailed interview is conducted of each individual counted. • Organizations in Sausalito assisting in the count include St. Mary Star of the Sea and the Sausalito Marin City School District. • For more information about the Marin Point in Time Count, see http://www.co.marin.ca.us/depts/HH/main/coc/announcements/Count%20Information%202011.pdf • Development of a shelter under a multi-jurisdictional plan must be completed within the first 2 years (i.e., June 2011) of the planning period. As a result, deadline for this option passed. However, this option could however be pursued in the next housing element cycle. • More details can be found in Appendix A.
• CEQA Review for the Housing Element and Butte Street site.	• There is a distinction in CEQA between policy-level (e.g., general plan) review and project-level (e.g., a new commercial building) review. The Housing Element includes a variety of policies and programs encouraging the development of housing for all economic segments of the community and counts the potential for additional housing under the City’s existing regulations. However, the Housing Element does <u>not</u> authorize of development any parcel (including any parcel listed on the site inventory, such as the Butte Street site). As a result, a policy-level CEQA document will be prepared for review by the Planning Commission and review and approval by the City Council along with the final Housing Element for adoption. • The Housing Element does not propose any development on the Butte street site or any of the other parcels identified on the site inventory. If there was a development proposal in the future on the Butte street site, or any other site in the City, CEQA project-level review would be required at the time that the application is processed.

• What are the unique aspects of Sausalito's draft Housing Element?	• Listing liveaboards and existing ADUs in the Element's site inventory and taking credit for these housing units toward the RHNA is quite unique. • The site inventory includes small sites with potential for very few units of the scale not typically included in most Housing Elements. However, the inclusion of such sites is justified by past development trends which illustrate the small scale of infill development in Sausalito.
---	---

Comment – Proposed changes	Response																						
Emergency Shelters: - Research whether local churches in Sausalito have provisions for homeless persons. - Research Ross and Corte Madera’s zoning districts for shelters and church provisions for the homeless. - Consider creating a new zoning district for emergency shelters. - Check if there is any building in Sausalito’s commercial zones that can accommodate an emergency shelter.	- Staff/Consultants have conducted the requested research. The Sausalito Christ Episcopal Church, St. Mary Star of the Sea, Sausalito Presbyterian Church and the Sausalito Christian Fellowship (formerly Sausalito Baptist Church) have stated that they do not provide homeless shelter services. - Additional research has been conducted; all Marin County jurisdictions are represented in the table below: <table border="1" data-bbox="800 428 1892 1396"> <thead> <tr> <th data-bbox="800 428 1094 500">Marin County Jurisdictions</th><th data-bbox="1094 428 1892 500">Zone(s) where Emergency Shelters are permitted</th></tr> </thead> <tbody> <tr> <td data-bbox="800 500 1094 539">Marin County</td><td data-bbox="1094 500 1892 539">Planned Commercial (CP) and Retail Business (C1)</td></tr> <tr> <td data-bbox="800 539 1094 610">Fairfax</td><td data-bbox="1094 539 1892 610">Central Commercial (CC- previously Highway Commercial) and Public & Quasi-Public Districts</td></tr> <tr> <td data-bbox="800 610 1094 792">Tiburon</td><td data-bbox="1094 610 1892 792">All commercial zones – Neighborhood Commercial, Neighborhood Commercial with Affordable Housing Overlay, Village Commercial (these sites deemed highly suitable for emergency shelters in comparison with hillside single-family residential zones).</td></tr> <tr> <td data-bbox="800 792 1094 863">Larkspur</td><td data-bbox="1094 792 1892 863">Administrative Professional (A- P) and General Commercial (C-2) zones.</td></tr> <tr> <td data-bbox="800 863 1094 902">Belvedere</td><td data-bbox="1094 863 1892 902">Recreation (R) zone.</td></tr> <tr> <td data-bbox="800 902 1094 1006">San Rafael</td><td data-bbox="1094 902 1892 1006">Emergency Shelter Overlay District over area mainly composed of Light Industrial and some Office uses. Currently being considered by the City.</td></tr> <tr> <td data-bbox="800 1006 1094 1117">Corte Madera</td><td data-bbox="1094 1006 1892 1117">Allow emergency shelters in the P/SP (Public and Semi-Public) zone by right in churches and similar places of worship, subject to compliance with specific standards (April 2011 Draft).</td></tr> <tr> <td data-bbox="800 1117 1094 1188">Novato</td><td data-bbox="1094 1117 1892 1188">Has not yet decided on this issue. The housing element update process is ongoing.</td></tr> <tr> <td data-bbox="800 1188 1094 1331">San Anselmo</td><td data-bbox="1094 1188 1892 1331">Will allow emergency shelters as a permitted use in the area “along Greenfield Avenue and in Limited Commercial zoned areas along Sir Francis Drake Boulevard where the property is located within one-quarter mile of a transit stop” (2010 Draft)</td></tr> <tr> <td data-bbox="800 1331 1094 1396">Ross</td><td data-bbox="1094 1331 1892 1396">Allowed emergency shelters and transitional housing as a permitted use in the Civic District (adopted Nov 2010)</td></tr> </tbody> </table>	Marin County Jurisdictions	Zone(s) where Emergency Shelters are permitted	Marin County	Planned Commercial (CP) and Retail Business (C1)	Fairfax	Central Commercial (CC- previously Highway Commercial) and Public & Quasi-Public Districts	Tiburon	All commercial zones – Neighborhood Commercial, Neighborhood Commercial with Affordable Housing Overlay, Village Commercial (these sites deemed highly suitable for emergency shelters in comparison with hillside single-family residential zones).	Larkspur	Administrative Professional (A- P) and General Commercial (C-2) zones.	Belvedere	Recreation (R) zone.	San Rafael	Emergency Shelter Overlay District over area mainly composed of Light Industrial and some Office uses. Currently being considered by the City.	Corte Madera	Allow emergency shelters in the P/SP (Public and Semi-Public) zone by right in churches and similar places of worship, subject to compliance with specific standards (April 2011 Draft).	Novato	Has not yet decided on this issue. The housing element update process is ongoing.	San Anselmo	Will allow emergency shelters as a permitted use in the area “along Greenfield Avenue and in Limited Commercial zoned areas along Sir Francis Drake Boulevard where the property is located within one-quarter mile of a transit stop” (2010 Draft)	Ross	Allowed emergency shelters and transitional housing as a permitted use in the Civic District (adopted Nov 2010)
Marin County Jurisdictions	Zone(s) where Emergency Shelters are permitted																						
Marin County	Planned Commercial (CP) and Retail Business (C1)																						
Fairfax	Central Commercial (CC- previously Highway Commercial) and Public & Quasi-Public Districts																						
Tiburon	All commercial zones – Neighborhood Commercial, Neighborhood Commercial with Affordable Housing Overlay, Village Commercial (these sites deemed highly suitable for emergency shelters in comparison with hillside single-family residential zones).																						
Larkspur	Administrative Professional (A- P) and General Commercial (C-2) zones.																						
Belvedere	Recreation (R) zone.																						
San Rafael	Emergency Shelter Overlay District over area mainly composed of Light Industrial and some Office uses. Currently being considered by the City.																						
Corte Madera	Allow emergency shelters in the P/SP (Public and Semi-Public) zone by right in churches and similar places of worship, subject to compliance with specific standards (April 2011 Draft).																						
Novato	Has not yet decided on this issue. The housing element update process is ongoing.																						
San Anselmo	Will allow emergency shelters as a permitted use in the area “along Greenfield Avenue and in Limited Commercial zoned areas along Sir Francis Drake Boulevard where the property is located within one-quarter mile of a transit stop” (2010 Draft)																						
Ross	Allowed emergency shelters and transitional housing as a permitted use in the Civic District (adopted Nov 2010)																						

	• Based on the consultants' experience in Belvedere, the use of churches as temporary, rotating shelters does not lend itself to a specific solution relative to compliance with this requirement. • If the City can demonstrate capacity in a zoning district for emergency shelters, it is not obligated to build one. • Creating a new zoning district for emergency shelters would involve rezoning. The Housing Element Task Force is recommending a strategy that would avoid rezoning. • SB 2 requires that the City identify a zone or zones where emergency shelters are allowed as a permitted use and demonstrate that there is sufficient capacity to accommodate the need for emergency shelters. The City needs to demonstrate that there is adequate capacity, and identification of one or more buildings would not be sufficient in addressing this mandate. Additionally, Staff has concerns that principally permitting an emergency shelter in commercial areas could have conflicts with the vitality of visitor-serving commercial establishments.
• It should be mentioned somewhere in the Housing Element that the City's 1999-2006 RHNA included numbers within a prior sphere of influence, thereby inflating the RHNA for an area which is no longer in the sphere.	• This will be incorporated into the document.
• Technical Appendix G – Vacant and Underutilized Site Inventory Chart, is hard to read.	• The chart has been reprinted with a larger font.

Specific changes to Chapter II identified by Task Force Member Withy (<i>see Attachment A for the list of proposed changes</i>): • II-9 – remove Program 33 as the program has been removed • II-11 – “Ensuring” should be changed to “Encouraging” in two bullet points. • II-38 – Make the text for Program 10b Objectives consistent with II-18. The word “sites” should be removed per earlier Task Force direction. • Page numbers correspond to Tracked Changes version 1-23-12.	• These changes will be made.
Specific requests noted by Planning Commissioner Werner (<i>see Attachment B for list of questions and proposed changes</i>): • Review the document for consistency. • Consider using different charts for homeless persons statistics that reflect homeless persons as a percentage of the population.	• Item 1 of Commissioner Werner’s email is discussed in this memo. • Item 5 is noted. Staff and consultants have received Commissioner Werner’s email dated January 24, 2012. • Changes and corrections requested in Item 6, 7, 9, 10, 11, 12 will be addressed in the next draft. In response to Item 4, the words “at little cost” will be removed. • Items 2 and 3 will be discussed at the Planning Commission meeting on January 26, 2012. • Items 8 and 13 will be discussed under the Emergency Shelter topic at the upcoming City Council meeting on January 30, 2012.

Comment – Clarifications	Response
What is the difference between a rezoning and a zoning text amendment?	A rezoning is a change to the Zoning Map and changes what is allowed to be built on a piece of property. A zoning text amendment changes the requirements in the zoning regulations.
How would the value of in-lieu provisions be assigned?	A nexus study would be conducted to: a) demonstrate the legal relationship between development of market rate housing (or conversion of apartments to condos) and increased demand for affordable housing; and b) establish the maximum supportable in-lieu fee amount based on an affordability gap analysis. The City Council would determine the in-lieu fee amount to be adopted.
Why are fees and inclusionary policies required if the site inventory has a buffer of sites for housing?	- In addition to identifying adequate sites to address the RHNA, State Housing Element law requires strategies to assist in developing housing to meet the identified needs of lower and moderate income households. - Sausalito needs mechanisms and incentives that demonstrate its intent to facilitate the development of affordable housing when it is proposed.
Clarifications between emergency shelter use and hotel use.	Emergency shelters may be considered a commercial use and not a residential use. If the City Council makes this determination, an emergency shelter in the Marinship would not conflict with the Fair Traffic Limits Initiative. An emergency shelter provides short term overnight accommodations for the homeless. A hotel also provides short term overnight accommodations, and provides a very different form of accommodations. The use of the term “hotel” was a poor selection of terminology since an emergency shelter is not a hotel. Staff and consultants are not proposing the emergency shelter to be considered a hotel use and reference to a hotel or commercial hotel in relation to an emergency shelter will be removed from the element. The emergency shelter would be allowed as an “emergency shelter use.”
Are the sizes of housing units dictated by HCD?	No. However, the City needs to demonstrate that a range of housing types are being planned for to adequately address the needs identified in the Housing Element.
Is homesharing obligatory? Is there screening of tenants for homesharing?	Homesharing is voluntary. There is an existing program in place which provides screening services. Please see Program 26 for more details on the process and Sausalito’s role.

What is the difference between the existing requirements for condo conversions and what is being proposed in implementing Program 5 (Condo Conversion Regulations)?	Sausalito currently has Condominium Conversion regulations per Zoning Ordinance Chapter 10.66. These regulations set forth a series of tenant protections, such as the prohibition of evicting senior citizen tenants and the requirement to provide affordable units if five or more units are converted to condominiums (a low and moderate income inclusionary requirement). Program 5 contains objectives to assure that the <u>existing requirements continue to be met</u>, and to <u>evaluate</u> strengthening these requirements by extending the low and moderate income inclusionary requirements to projects with three or more units.
Why is the 2010 Census data used in some parts of the document and 2000 Census data used in others?	The 2010 Census was used for the majority of data, however 2010 data is not currently available for certain issues such as persons with disabilities, and specific topics under employment. Staff and consultants will make this note in Appendix A for the next draft.

I:\CDD\PROJECTS - NON-ADDRESS\Housing Element\2009 Update\Draft HE 2010\Draft Housing Element January 2012\PC and CC Draft 1-23-12\Summary of Concerns from Planning Commission - City Council Joint Meeting 1-26-12.docx

Attachment A

From: [Ray Withy](#)
To: [Lilly Schinsing;](#)
cc: [Jeremy Graves;](#)
Subject: some "nits"
Date: Tuesday, January 24, 2012 12:06:41 PM

Hi Lilly:

I mentioned to Karen Hong yesterday evening that I had a few more changes which amount to corrections rather than anything substantive.

Page #s refer to the redline version

Page II-9 Under policy 6.5 you list Program 33 as an Implementing program which has now been removed.

Page II-11 Near the top in the list of goal "headlines" bullet points – In the second bullet point "Ensuring" should be changed to "Encouraging" and in the sixth bullet point "Ensuring" should be changed to "Implementing" I think with this we will have caught all of this carryover.

Page II-38 in the table under program 10b ADUs – in column 3 "2009 -2014 Objective" the text at the end is inconsistent with the same objective on page II-18 – "site strategies" vs "sites" BTW, when Susan suggested this change, I understood her to want to remove the word "sites" and replace it with "strategies"

That's all for now. Would you please forward, as appropriate, these comments to the M group.

Thanks

Ray

William Arno Werner
213 Richardson Street
Sausalito, CA 94965-2422

January 24, 2012

MEMORANDUM

To: Jeremy Graves & Lilly Schinsing
Subject: Comments on the Draft Housing Element 2009-2014

1. M-Group Memo of Jan 23, 2012. Page 2, last sentence. "Commercial hotel use" in the I-M Zoning District of the Marinship Overlay is a prohibited use. Introducing it would probably create a firestorm of opposition.
2. Page II-3. "Policy 2.3 Adaptive Reuse". This is a very broad policy statement with many meanings. Having only one Program which addresses "Mixed Use Zoning in Commercial Districts" seems lame to the point of being evasive and opening the whole Policy to future misinterpretation.
3. Page II-17. 10a second to last paragraph. What are "stock ADU building plans" intended to accomplish? And, since when does the city become a design consultant?
4. Page II-29. 28. Middle of the page. "Visitability can be achieved at little cost..." If we focus on Sausalito's topography and the age of the housing stock, this statement is optimistic to the point of absurdity.
5. Page II-35 to 42. Programs. Per my email of 01/24/12:
For the record, my opposition to some of the proposed Programs listed in the City of Sausalito Draft Housing Element 2009-2014 was not rooted in an attempt to impede the objective of providing affordable housing as was implied by one of the council members. It was based on two specific issues.

First, the bureaucratic procedures between a city and HCD over Housing Elements are, in fact, negotiations. The HCD assures its standing by adding requirements to Draft Housing Elements, not by forgiving them. As in any negotiation, putting on the table everything that one side expects the other side wants, is a weak and losing strategy.

Second, and most importantly, like most governmental mandates, the financial consequences of compliance are given no consideration. Out of the 34 remaining Programs in the Draft Housing Element, 27 of them, 80%, list the "Funding Source" as the General Fund! My concern is for the unknown future cost to the city for each of the Programs, especially the proposed new ones. While there is a column identifying the source of the funds, there is no column estimating the actual increased Staff time and financial burden on the city to implement the Programs. HCD could care less about this – the City Council and the citizens of Sausalito should care deeply about it.
6. Page III-2. Table 3.1. Identifies 1,728 Disabled Persons in Sausalito and 24% of the population per the 2010 census. Maybe this is correct given the high percentage of seniors, but one quarter of the total population seems like a lot.

Page III-5, last paragraph, states: "The 2000 census documented 1,748 persons with one or more disabilities...representing 17 percent of the population". Based on a 2000 census population of 7,338, this should also be 24%.

Page A-19. Last paragraph. This shows up again but states that the 2000 census had 1,728 disabled for 17% of the population.

7. Page III-9. Table 3.3. Somehow the RHNA for 1999-2006 should reflect the fact that a substantial portion of the 207 housing needs number was from the "sphere of influence" which is now gone but since no credit is given for units built during that period in that area, Sausalito still carries the need while others get whatever credit there is.
8. Page IV-7. Last sentence. This notes that none of the Commercial Infill sites are located in the Marinship which is subject to the Fair Traffic Initiative, etc. If this is so, how can an "Emergency Shelter" for the homeless be located there under the guise of a "commercial hotel"?
9. Page IV-23. PG&E is mentioned but the Marin Energy Authority is not. They are allegedly the greenest power purveyors and, though I personally have little sympathy for their naïve approach to running a power business, they probably should be noted for completeness.
10. Page A-7. Table A.7. Last heading should probably read "Percentage of Units Built in Marin County" rather than "in Sausalito".
11. Page A-20. B. Seniors. Middle of the page. "As people reach 75 years of age there is a dramatic increase in dementia..." You might consider qualifying this so it doesn't appear to apply to all of us old farts.
12. A-23. Table A-14. This chart is probably all that anyone has to go by but it doesn't tell much of value. If the alleged number of "unsheltered homeless" is compared to the actual population of the various incorporated cities listed, the following is the ranking:

Belvedere	.000000%
Tiburon	.000223%
Larkspur	.000251%
Ross	.000414%
Mill Valley	.000431%
Corte Madera	.000648%
Novato	.001617%
Fairfax	.002015%
Marin County	.002274%
Sausalito	.004248%
San Rafael	.004453%

In other words, on the January 27, 2011, there were 20 times the number of homeless in Sausalito than in Tiburon and Larkspur, 10 times those in Ross and Mill Valley, 7 times those in Corte Madera, 3 times those in Novato, 2 times those in Fairfax and the County as a whole, and about the same percentage as San Rafael. This also doesn't convey anything material since the odds are pretty

good that the number would have been different the next day, or if a different person did the counting.

Therefore, even if HCD believes this gibberish, it is just plain irresponsible to conclude that Sausalito has an “unmet need of 30 emergency shelter beds” on Page A-25.

13. There is, however, an already built solution to the emergency shelter in the PI zone. The Sausalito Fire Station has 11,500 square feet. The Southern Marine Fire District lease with Sausalito states that they only need 6,000 to 7,000 square feet of the building. That leaves 4,000 to 5,000 square feet available to the city for whatever use they wish. Since the lease further states that a “partial taking” of 25% or less does not constitute a breach of contract, the city could commandeer 2,875 square feet for the emergency shelter.

30 beds at a generous 80 square feet per bed would be 2,400 square feet with 475 square feet left over for “onsite management”. Given the fact that the Fire House already has a large communal kitchen, plenty of restrooms and showers, is occupied and secured 24/7, is in close “proximity to transit and main thoroughfares”, “relatively flat land”, already built, and in “proximity to health services and grocery stores”, it is a perfect fit.

It is also one of the cheapest first class buildings on the planet. The rental rate to the SMFD is \$100,000 per year. That amounts to a monthly rate of \$0.75 per square foot – about the going rate for triple net bare unfinished warehouse space in San Francisco. And, since it was built to “essential services building” seismic structural standards, it is one of the safest places in the county to be when the big one hits.