

City of Sausalito

SHARE OF REGIONAL HOUSING NEED MET, 1999-2006				
	Very-low Income	Low-Income	Moderate- Income	Above- Moderate Income
RHNA Share	36	17	50	104
Units Produced (1999-2006)	22 (61%)	0 (0%)	0 (0%)	51 (49%)

Housing Production

The City of Sausalito was alone among Marin jurisdictions in not adopting a Housing Element at all during the 1999-2007 planning period. It submitted a draft to HCD, which HCD disapproved in 2005, and evidently the City took no further action to adopt or implement any of the programs in its draft Element. This is particularly disappointing, as the City's draft Element included a program to adopt an affordable housing overlay zone along the lines of Corte Madera's successful model.

Sausalito claims it has met 61% of its very-low income need. Since none of the sites listed in its draft Housing Element developed, it appears likely that all of the 22 units it has counted toward its very-low income need are second units. The City met none of its low- and moderate-income need. It met about half of its market-rate (above-moderate) need.

For the planning period that ran from 1989 to 1999, Sausalito reported meeting five percent of its very-low income RHNA need, 17% of its low-income need, and ten percent of its moderate-income need.

Sites

Sausalito conducted no site rezoning since issuing its draft Housing Element in May 2005. (As noted above, Sausalito's Housing Element, along with that of Fairfax, was one of the two in Marin that did not receive state compliance certification.)

Only two sites, both characterized as "underutilized," are zoned R-3, permitting multi-family residential development at a density of up to 22 units per acre, subject to design review. Neither of those sites developed, possibly due to viable existing uses – for instance, one, the 83 Princess site, already included market-rate housing. In the new Housing Element, amendments to State law require the local government, with respect to sites with existing uses, to "specify the additional development potential for each site

within the planning period and [to] provide an explanation of the methodology used to determine the development potential. The methodology shall consider factors including the extent to which existing uses may constitute an impediment to additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites.”¹⁰⁸

Nor did any other site listed in the inventory of the draft Housing Element develop during this period.

Zoning Districts

Only one zoning district, R-3, permits multi-family residential development at a density of 22 units per acre, subject to design review. (Mun. Code, § 10.22.0202 (D).) The R-3 zone does not appear to impose any density floor.

It appears from the City’s responses that multifamily housing is not permitted under any circumstance in any other zone, apart from lower-density residential zones such as R-2.5 (two family housing).

Our analysis concludes that the City is subject to the requirements of AB 1233, which requires it to rezone sites in the first year of the new Housing Element planning period to make up for the very-low, low-, and moderate-income housing need it failed to accommodate in the prior period. AB 1233 applies because the City failed to adopt a Housing Element at all, and because the sites it designated were not adequate. The only two sites that were zoned to permit multifamily housing at a maximum density of 22 units per acre were “underutilized” sites, that in the aggregate amounted to only 1.15 acres, which appear to have had viable existing uses and thus were not truly available for development.

Sausalito must rezone sites for high-density residential use (minimum density of 20 units per acre) to accommodate the 36 very-low and 17 low-income units that it failed to accommodate in the last period, on top of its new Regional Housing Need of 45 very-low and 30 low-income units, for a total of 81 very-low and 47 low-income units.

Other Programs

Sausalito has not implemented any affordable housing funding, inclusionary zoning, or jobs/housing linkage fee programs in this Housing Element period.

¹⁰⁸

Gov’t Code § 65583.2 (g).