

APPENDIX C

Cultural and Tribal Cultural Resources Data

NATIVE AMERICAN HERITAGE COMMISSION

May 25, 2023

Governor's Office of Planning & Research

MAY 31 2023

Brandon Phipps
City of Sausalito
420 Litho St.
Sausalito, CA 94965

STATE CLEARINGHOUSE

Re: 2023050516, City of Sausalito 6th Cycle Housing Element Programs, Marin County

Dear Mr. Phipps:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52



ACTING CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Sara Dutschke
Miwok

COMMISSIONER
Isaac Bojorquez
Ohlone-Costanoan

COMMISSIONER
Buffy McQuillen
Yokayo Pomo, Yuki,
Nomlaki

COMMISSIONER
Wayne Nelson
Luiseño

COMMISSIONER
Stanley Rodriguez
Kumeyaay

COMMISSIONER
Vacant

COMMISSIONER
Vacant

COMMISSIONER
Vacant

EXECUTIVE SECRETARY
Raymond C. Hitchcock
Miwok, Nisenan

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cody.Campagne@nahc.ca.gov

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse



Senate Bill 18 Tribal Consultation CITY OF SAUSALITO AMENDED HOUSING ELEMENT ENVIRONMENTAL IMPACT REPORT

September 3, 2024

Federated Indians of Graton Rancheria

Buffy McQuillen

6400 Redwood Drive, Ste. 300

Rohnert Park, CA 94928

Sent via email: BMCquillen@gratonrancheria.com, THPO@gratonrancheria.com,
HGarcia@gratonrancheria.com, mgeary@jmandmplaw.com

Subject: City of Sausalito Amended Housing Element Draft Environmental Impact Report

Dear Tribal Representative,

The City of Sausalito (City) is updating its Housing Element consistent with the requirements of State law to address housing and to accommodate actions necessary to ensure the City's sites inventory accommodates the Regional Housing Needs Assessment (RHNA) requirements for the 6th Cycle Housing Element Planning Period. The City is reaching out to individuals and organizations listed with the Native American Heritage Commission (NAHC) who may wish to engage in consultation with the City pursuant to SB 18 for the Amended Housing Element project.

Government Code Sections 65352 and 65352.3 (SB 18)

The California Government Code establishes responsibilities for local governments to contact, provide notice to, refer plans to, and consult with tribes. The following list briefly identifies the contact and notification responsibilities of local governments, in sequential order of their occurrence.

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment.
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.

Below please find a description of the proposed project, a map showing the project location, and the name of our project point of contact, pursuant to PRC §21080.3.1(d).

Project Description

The Housing Element of the Sausalito General Plan establishes goals and policies, and identifies future actions to address the existing and projected housing needs of Sausalito. The goals, policies, and actions are required by state law to plan for the regional housing targets allocated to Sausalito by the

Association of Bay Area Governments (ABAG) and the Department of Housing and Community Development for the period of 2023 to 2031 and to affirmatively further fair housing.

The proposed project consists of the adoption and implementation of an Amended Housing Element.

The Amended Housing Element includes the following components:

- Amend Housing Plan Program 4, entitled “Ensure Inventory of Sites Accommodates RHNA throughout Planning Period,” to add housing and mixed use zones that correspond with slightly lower minimum densities to provide more variety in housing types, meet the City’s RHNA requirements, and affirmatively further fair housing.
- Amend Housing Plan Program 8, entitled “Public Property Conversion to Housing,” to address making publicly-owned sites available for development during the 2023-2031 planning period.
- Amend Housing Plan Program 19, entitled “Development Review Procedures,” to clarify implementation of housing streamlining provisions.

Actions to implement the Amended Housing Element will include:

- 1) Amendment of the Land Use, Circulation, and Community Design, Historic, and Cultural Preservation Elements to be consistent with the Amended Housing Element.
- 2) Implementation of Amended Housing Element programs, including but not limited to:
 - a) The rezoning of opportunity sites to implement Housing Plan Program 4 to create a capacity to accommodate the City’s Regional Housing Needs Allocation (RHNA) based on opportunity sites subject to the proposed rezoning. Sites proposed for rezoning include sites subject to a vote of the electorate under Ordinance 1022 and Ordinance 1128. Under Program 4, opportunity sites would be rezoned with new zoning districts as follows:
 - Housing-29 (minimum 20 du/ac and maximum of 29 du/ac);
 - Housing-70 (minimum 50 du/ac and maximum 70 du/ac);
 - Mixed Use-49/85% (minimum 43 du/ac and maximum 49 du/ac, allow 100% residential, and requirement a minimum of 85% residential); and
 - Mixed Use-70/85% (minimum 50 du/ac and maximum 70 du/ac, allow 100% residential, and require a minimum of 85% residential).

Rezoning would be subject to requirements of Government Code Section 65583.2(h,i), including the following requirements:

- Permit owner-occupied and rental multi-family uses by-right, consistent with Government Code Section 65583.2(i) for projects with 20% or more units affordable to lower income households;
- Permit a minimum density of 20 units per acre;
- Allow a minimum of 16 units per site; and
- Accommodate at least 50 percent of the lower income need on sites designated for residential use only, except that the City may accommodate the very low and low income

need on sites designated for mixed use if those sites allow 100 percent residential use and require residential use to occupy at least 50 percent of the floor area in a mixed-use project.

- b) Housing Plan Program 8, entitled “Public Property Conversion to Housing,” to address making publicly-owned sites available for development during the 2023-2031 planning period.
- c) Housing Plan Program 16 to amend the Zoning Ordinance.
- d) Housing Plan Program 19, entitled “Development Review Procedures” to adopt comprehensive Objective Design and Development Standards (ODDS) to address multi-family development at densities envisioned by the General Plan, Zoning Code, and Program 4.

Table 1 describes the development that could be constructed with the implementation of the proposed Project.

Table 1. Development Capacity

	PROGRAM 4 CAPACITY (AMENDED HOUSING ELEMENT REALISTIC CAPACITY)					MAXIMUM CAPACITY	
	EXTREME- LY/ VERY LOW	LOW	MODER- ATE	ABOVE MODERATE	TOTAL	UNITS	NON- RESIDENTIAL SQUARE FEET
RHNA	200	115	114	295	724		
EXISTING CAPACITY							
Approved/Entitled Projects	3	7	6	7	23	23	-
Inventory of Existing Residential Sites, including Pending Projects	1	1	47	73	122	126	-1,584
ADU & SB 9 Projected Units	12	27	30	47	116	187	-
Subtotal: Existing Capacity	16	35	83	127	261	336	-1,584
CAPACITY FROM OPPORTUNITY SITES							
Housing – 29 du/ac	12	6	5	5	28	37	2,456
Housing – 43-49 du/ac	54	28	39	45	166	200	-
Housing – 50-70 du/ac	69	33	13	15	130	149	-3,310
Mixed Use 29/85%	2	1	13	36	52	69	11,459
Mixed Use 49/85%	86	56	34	123	299	333	260
Mixed Use 70/85%	0	0	11	11	22	23	-4,110
Subtotal: Opportunity Sites	223	124	115	235	697	811	6,755
TOTAL CAPACITY (EXISTING CAPACITY PLUS OPPORTUNITY SITES)							
Total Capacity	239	159	198	362	958	1,147	5,171
Surplus ¹	39	44	84	67	234		

NOTE:

1. HCD recommends buffer in the housing element inventory of at least 15 to 30 percent capacity more than required, especially to accommodate the lower income RHNA. A modest surplus also allows various sites identified in the Housing Element to identify at different income levels than those anticipated, while still maintaining an adequate supply of available sites.

Project Location

The proposed project is located within the City of Sausalito. The City is located in southern Marin County. The 2.1-square mile City is located on the shores of Richardson Bay with a population of 7,114 people in 2020. The City is bound by San Francisco Bay (Richardson Bay) to the east, Golden Gate National Recreation Area to the west and south, and unincorporated Marin County, including the community of Marin City to the north and northwest. The proposed project focuses on actions and sites within the City limits and does not identify any sites for annexation.

Additional Information

There are policies and programs currently in place within the City's General Plan. The Federated Indians of Graton Rancheria directly contributed one policy and three programs into the General Plan to foster government-to-government communication, develop and implement consultation protocols with the Federated Indians of Graton Rancheria for the early review of development proposals, continue to refer development projects to the NWIC and NAHC, and comply with SB 18 and AB 52 (see Policy CD-6.6 and Programs CD-6.6.1 through CD-6.6.3). The full General Plan can be accessed here: <https://www.sausalito.gov/home/showpublisheddocument/29885/637504485173570000>.

The General Plan EIR Cultural and Tribal Cultural Resources section, available at <https://ceqanet.opr.ca.gov/2019100322/5>, does not cite any mitigation for the General Plan EIR; the analysis instead relies on implementation of the General Plan policies and programs to keep impacts at a less-than-significant level. We are currently anticipating taking a similar approach for the Amended Housing Element project. Any input that you have about mitigation measures that go beyond implementation of the General Plan policies and programs would also be helpful to further our conversation.

For more information regarding the project, including the approved 6th Cycle Housing Element, please visit <https://www.sausalito.gov/departments/community-development/housing-element-update-2023-2031> and refer to the attached Figure 1, Regional Location Map; Figure 2, Housing Element Programs Sites; and Figure 3, Proposed Zoning.

Please consider this letter notification as the initiation of the SB 18 process. Pursuant to Government Code Section 65352.3, your organization has 90 days upon receipt of this letter to provide a request for SB 18 consultation. The City, however, would appreciate receiving comments as soon as possible to inform the process and provide for input into the Amended Housing Element environmental documentation. If you have any questions, or would like to set up a consultation, please contact Brandon Phipps, the City's Community and Economic Development Director, at bhipps@sausalito.gov and provide the primary point of contact for the tribe. Additionally, a letter may be mailed to the City at:

Brandon Phipps, Community and Economic Development Director
City of Sausalito Community Development Department
420 Litho Street
Sausalito, CA 94965
bhipps@sausalito.gov

Thank you for your time reviewing this letter.

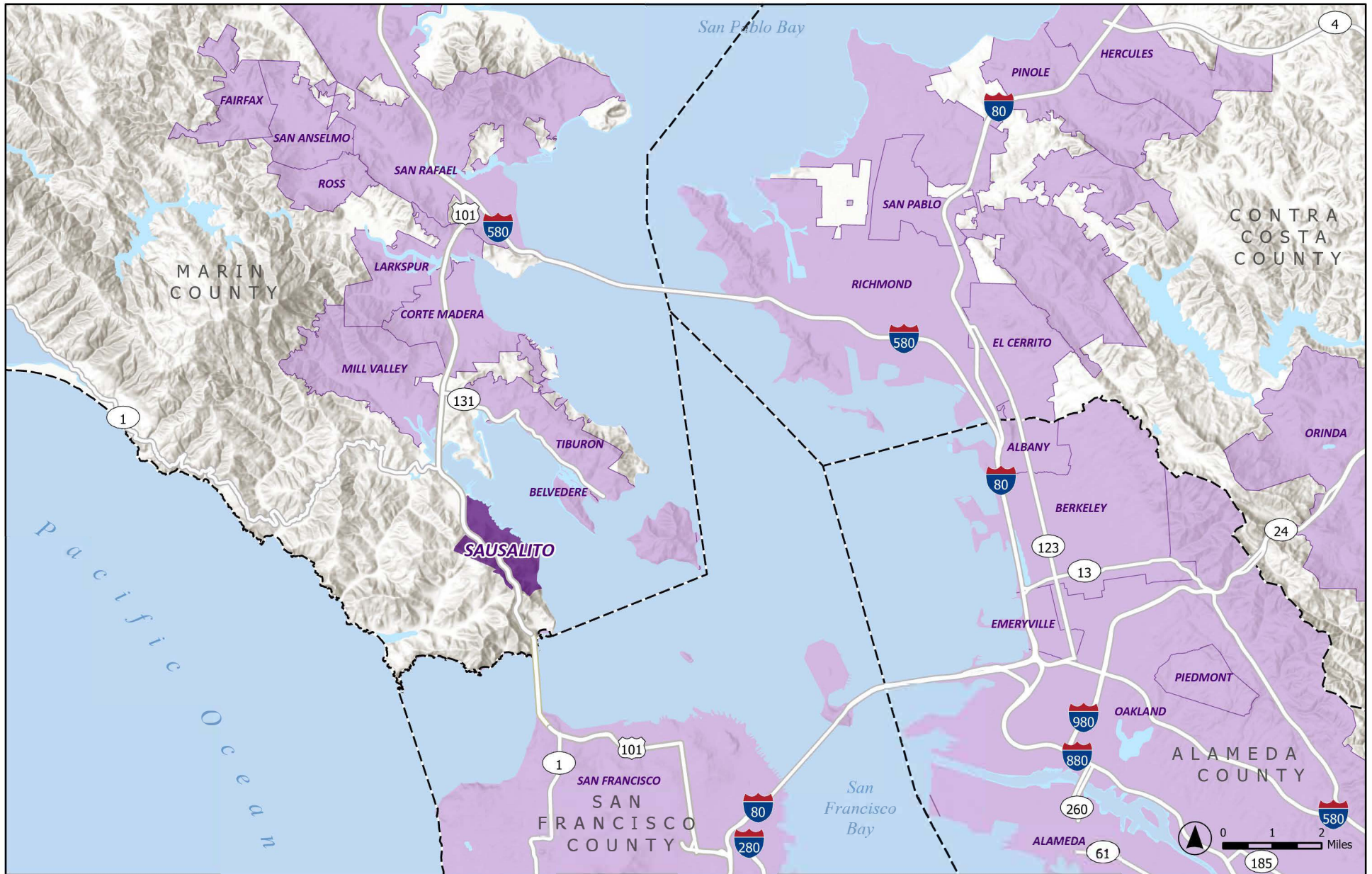
Sincerely,



Christina Erwin
De Novo Planning Group

Attachments:

Figure 1, Regional Location Map
Figure 2, Housing Element Programs Sites
Figure 3, Proposed Zoning



LEGEND

- City of Sausalito
- Other Incorporated Area
- County Boundary



CITY OF SAUSALITO AMENDED HOUSING ELEMENT EIR

Figure 1. Regional Location Map

Sources: City of Sausalito; Marin GeoHub. Map date: August 6, 2024.



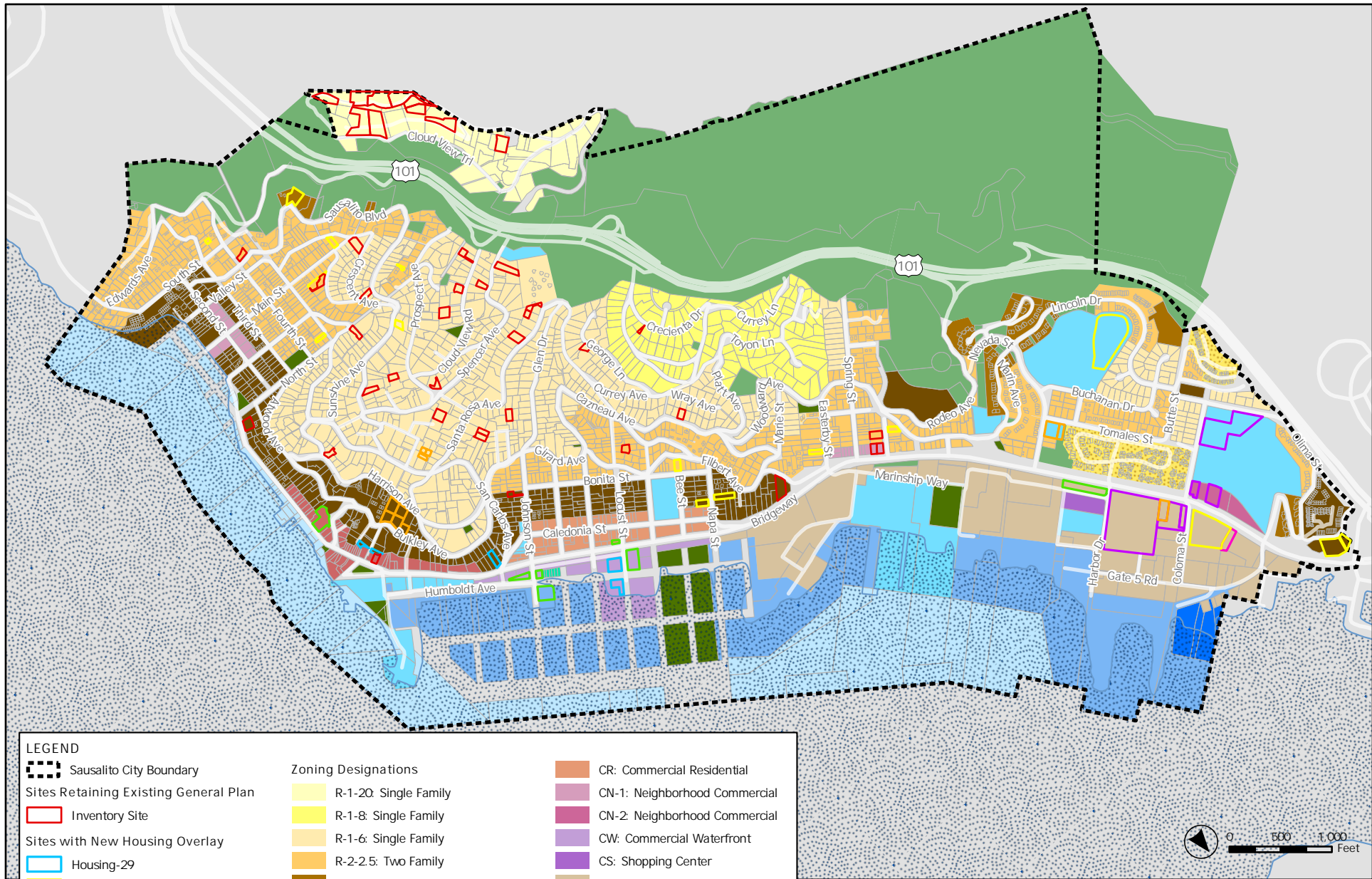
LEGEND

-  Sausalito City Boundary
-  Housing Element Sites

CITY OF SAUSALITO AMENDED HOUSING ELEMENT EIR

Figure 2. Housing Element Sites





CITY OF SAUSALITO AMENDED HOUSING ELEMENT EIR

Figure 3. Proposed Zoning

Sources: City of Sausalito; Marin GeoHub. Map date: August 14, 2024.



Senate Bill 18 Tribal Consultation CITY OF SAUSALITO AMENDED HOUSING ELEMENT ENVIRONMENTAL IMPACT REPORT

September 3, 2024

Guidiville Indian Rancheria
Donald Duncan
P.O. Box 339
Talmage, CA 95481
Sent via email: admin@guidiville.net

Subject: City of Sausalito Amended Housing Element Draft Environmental Impact Report

Dear Tribal Representative,

The City of Sausalito (City) is updating its Housing Element consistent with the requirements of State law to address housing and to accommodate actions necessary to ensure the City's sites inventory accommodates the Regional Housing Needs Assessment (RHNA) requirements for the 6th Cycle Housing Element Planning Period. The City is reaching out to individuals and organizations listed with the Native American Heritage Commission (NAHC) who may wish to engage in consultation with the City pursuant to SB 18 for the Amended Housing Element project.

Government Code Sections 65352 and 65352.3 (SB 18)

The California Government Code establishes responsibilities for local governments to contact, provide notice to, refer plans to, and consult with tribes. The following list briefly identifies the contact and notification responsibilities of local governments, in sequential order of their occurrence.

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment.
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.

Below please find a description of the proposed project, a map showing the project location, and the name of our project point of contact, pursuant to PRC §21080.3.1(d).

Project Description

The Housing Element of the Sausalito General Plan establishes goals and policies, and identifies future actions to address the existing and projected housing needs of Sausalito. The goals, policies, and actions are required by state law to plan for the regional housing targets allocated to Sausalito by the

Association of Bay Area Governments (ABAG) and the Department of Housing and Community Development for the period of 2023 to 2031 and to affirmatively further fair housing.

The proposed project consists of the adoption and implementation of an Amended Housing Element.

The Amended Housing Element includes the following components:

- Amend Housing Plan Program 4, entitled “Ensure Inventory of Sites Accommodates RHNA throughout Planning Period,” to add housing and mixed use zones that correspond with slightly lower minimum densities to provide more variety in housing types, meet the City’s RHNA requirements, and affirmatively further fair housing.
- Amend Housing Plan Program 8, entitled “Public Property Conversion to Housing,” to address making publicly-owned sites available for development during the 2023-2031 planning period.
- Amend Housing Plan Program 19, entitled “Development Review Procedures,” to clarify implementation of housing streamlining provisions.

Actions to implement the Amended Housing Element will include:

- 1) Amendment of the Land Use, Circulation, and Community Design, Historic, and Cultural Preservation Elements to be consistent with the Amended Housing Element.
- 2) Implementation of Amended Housing Element programs, including but not limited to:
 - a) The rezoning of opportunity sites to implement Housing Plan Program 4 to create a capacity to accommodate the City’s Regional Housing Needs Allocation (RHNA) based on opportunity sites subject to the proposed rezoning. Sites proposed for rezoning include sites subject to a vote of the electorate under Ordinance 1022 and Ordinance 1128. Under Program 4, opportunity sites would be rezoned with new zoning districts as follows:
 - Housing-29 (minimum 20 du/ac and maximum of 29 du/ac);
 - Housing-70 (minimum 50 du/ac and maximum 70 du/ac);
 - Mixed Use-49/85% (minimum 43 du/ac and maximum 49 du/ac, allow 100% residential, and requirement a minimum of 85% residential); and
 - Mixed Use-70/85% (minimum 50 du/ac and maximum 70 du/ac, allow 100% residential, and require a minimum of 85% residential).

Rezoning would be subject to requirements of Government Code Section 65583.2(h,i), including the following requirements:

- Permit owner-occupied and rental multi-family uses by-right, consistent with Government Code Section 65583.2(i) for projects with 20% or more units affordable to lower income households;
- Permit a minimum density of 20 units per acre;
- Allow a minimum of 16 units per site; and
- Accommodate at least 50 percent of the lower income need on sites designated for residential use only, except that the City may accommodate the very low and low income

need on sites designated for mixed use if those sites allow 100 percent residential use and require residential use to occupy at least 50 percent of the floor area in a mixed-use project.

- b) Housing Plan Program 8, entitled “Public Property Conversion to Housing,” to address making publicly-owned sites available for development during the 2023-2031 planning period.
- c) Housing Plan Program 16 to amend the Zoning Ordinance.
- d) Housing Plan Program 19, entitled “Development Review Procedures” to adopt comprehensive Objective Design and Development Standards (ODDS) to address multi-family development at densities envisioned by the General Plan, Zoning Code, and Program 4.

Table 1 describes the development that could be constructed with the implementation of the proposed Project.

Table 1. Development Capacity

	PROGRAM 4 CAPACITY (AMENDED HOUSING ELEMENT REALISTIC CAPACITY)					MAXIMUM CAPACITY	
	EXTREME- LY/ VERY LOW	LOW	MODER- ATE	ABOVE MODERATE	TOTAL	UNITS	NON- RESIDENTIAL SQUARE FEET
RHNA	200	115	114	295	724		
EXISTING CAPACITY							
Approved/Entitled Projects	3	7	6	7	23	23	-
Inventory of Existing Residential Sites, including Pending Projects	1	1	47	73	122	126	-1,584
ADU & SB 9 Projected Units	12	27	30	47	116	187	-
Subtotal: Existing Capacity	16	35	83	127	261	336	-1,584
CAPACITY FROM OPPORTUNITY SITES							
Housing – 29 du/ac	12	6	5	5	28	37	2,456
Housing – 43-49 du/ac	54	28	39	45	166	200	-
Housing – 50-70 du/ac	69	33	13	15	130	149	-3,310
Mixed Use 29/85%	2	1	13	36	52	69	11,459
Mixed Use 49/85%	86	56	34	123	299	333	260
Mixed Use 70/85%	0	0	11	11	22	23	-4,110
Subtotal: Opportunity Sites	223	124	115	235	697	811	6,755
TOTAL CAPACITY (EXISTING CAPACITY PLUS OPPORTUNITY SITES)							
Total Capacity	239	159	198	362	958	1,147	5,171
Surplus ¹	39	44	84	67	234		
<i>NOTE:</i>							
<i>1. HCD recommends buffer in the housing element inventory of at least 15 to 30 percent capacity more than required, especially to accommodate the lower income RHNA. A modest surplus also allows various sites identified in the Housing Element to identify at different income levels than those anticipated, while still maintaining an adequate supply of available sites.</i>							

Project Location

The proposed project is located within the City of Sausalito. The City is located in southern Marin County. The 2.1-square mile City is located on the shores of Richardson Bay with a population of 7,114 people in 2020. The City is bound by San Francisco Bay (Richardson Bay) to the east, Golden Gate National Recreation Area to the west and south, and unincorporated Marin County, including the community of Marin City to the north and northwest. The proposed project focuses on actions and sites within the City limits and does not identify any sites for annexation.

For more information regarding the project, including the approved 6th Cycle Housing Element, please visit <https://www.sausalito.gov/departments/community-development/housing-element-update-2023-2031> and refer to the attached Figure 1, Regional Location Map; Figure 2, Housing Element Programs Sites; and Figure 3, Proposed Zoning.

Please consider this letter notification as the initiation of the SB 18 process. Pursuant to Government Code Section 65352.3, your organization has 90 days upon receipt of this letter to provide a request for SB 18 consultation. The City, however, would appreciate receiving comments as soon as possible to inform the process and provide for input into the Amended Housing Element environmental documentation. If you have any questions, or would like to set up a consultation, please contact Brandon Phipps, the City's Community and Economic Development Director, at bhipps@sausalito.gov and provide the primary point of contact for the tribe. Additionally, a letter may be mailed to the City at:

Brandon Phipps, Community and Economic Development Director
City of Sausalito Community Development Department
420 Litho Street
Sausalito, CA 94965
bhipps@sausalito.gov

Thank you for your time reviewing this letter.

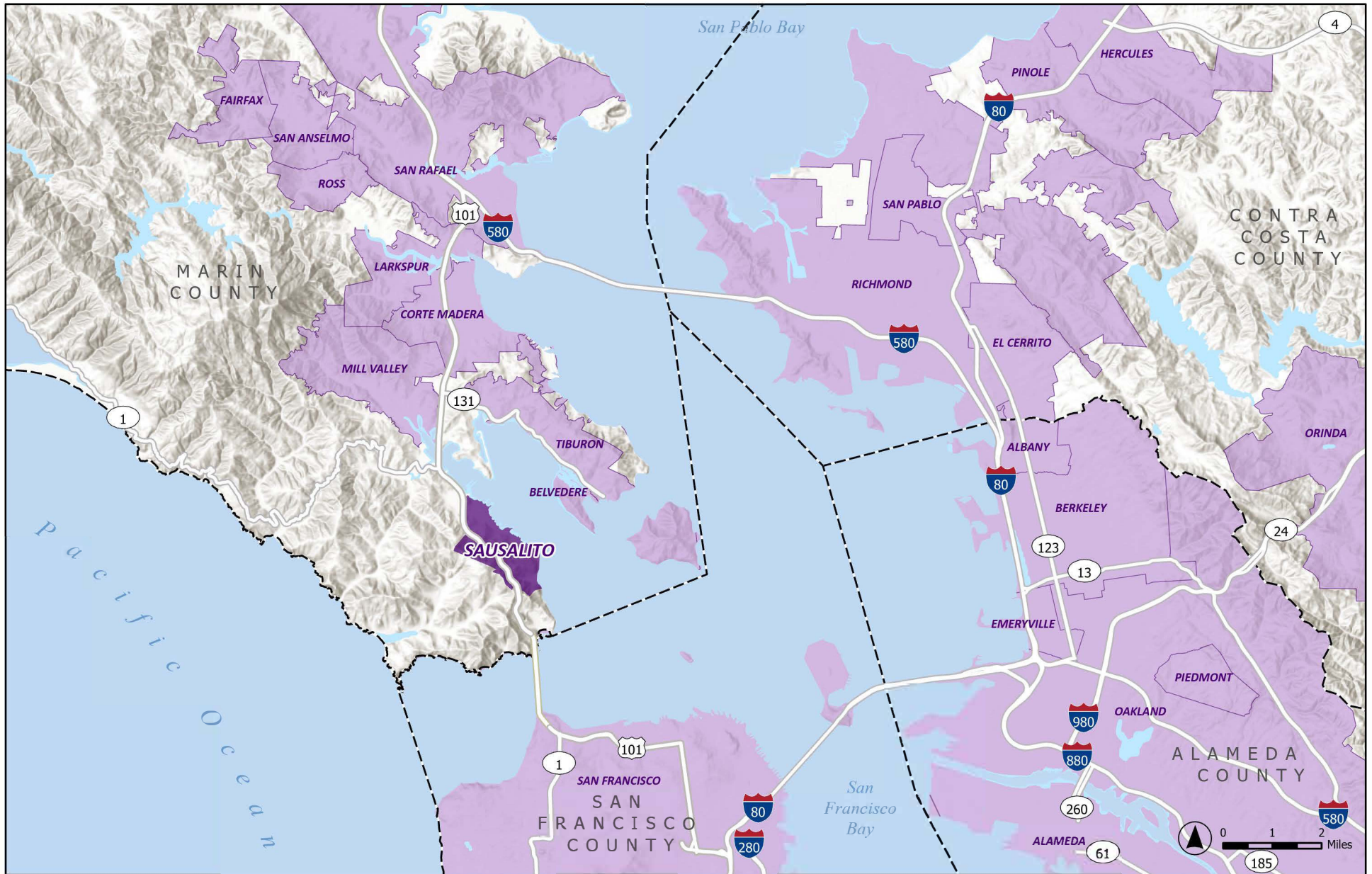
Sincerely,



Christina Erwin
De Novo Planning Group

Attachments:

Figure 1, Regional Location Map
Figure 2, Housing Element Programs Sites
Figure 3, Proposed Zoning



LEGEND

- City of Sausalito
- Other Incorporated Area
- County Boundary



CITY OF SAUSALITO AMENDED HOUSING ELEMENT EIR

Figure 1. Regional Location Map

Sources: City of Sausalito; Marin GeoHub. Map date: August 6, 2024.

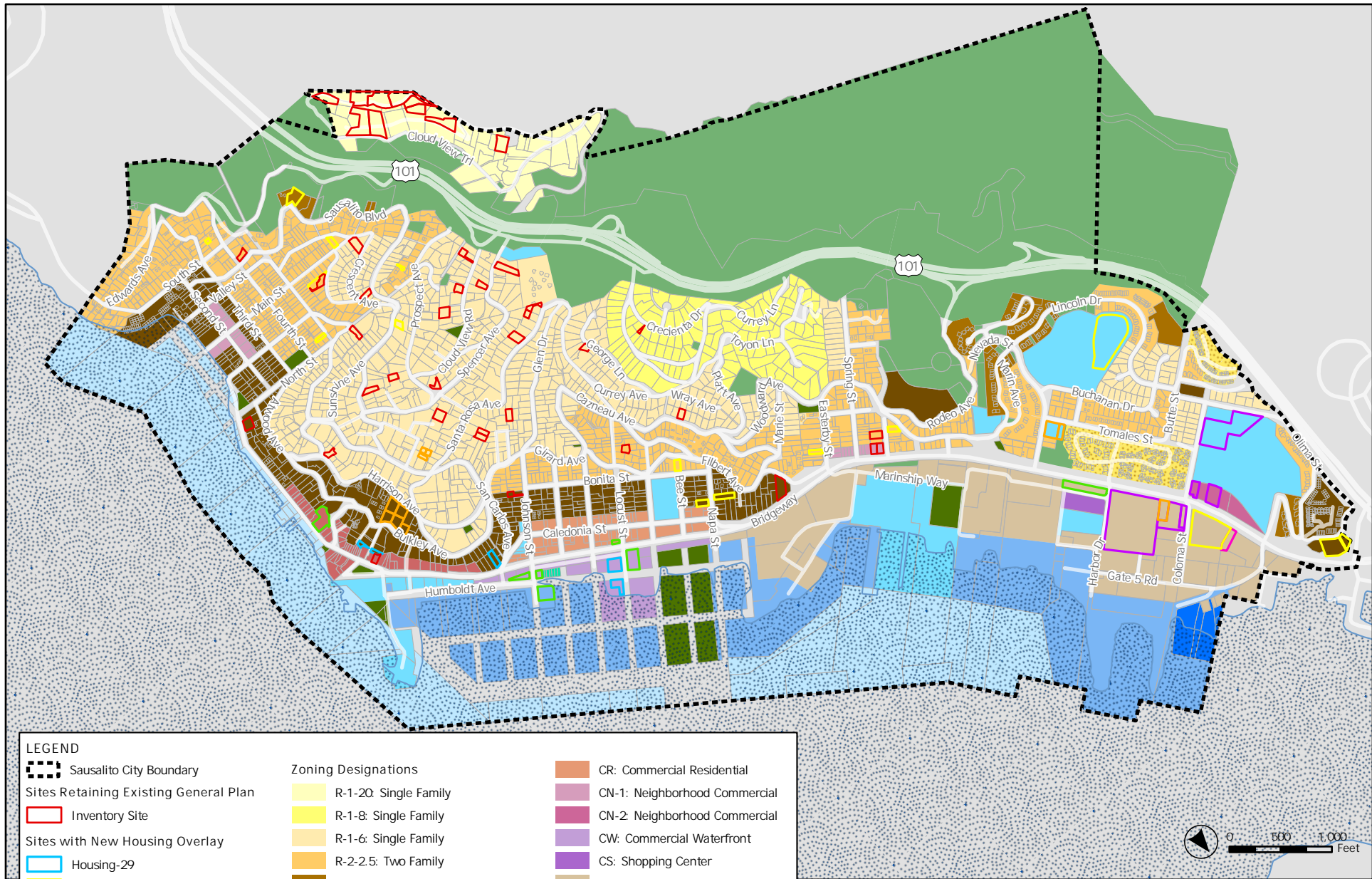


LEGEND

-  Sausalito City Boundary
-  Housing Element Sites

CITY OF SAUSALITO AMENDED HOUSING ELEMENT EIR

Figure 2. Housing Element Sites



LEGEND			
	Sausalito City Boundary		
	Sites Retaining Existing General Plan Inventory Site		
	Sites with New Housing Overlay		
	Housing-29		
	Housing-49		
	Housing-70		
	MJ-29/85%		
	MJ-49/85%		
	MJ-70/85%		
Zoning Designations			
	R-1-20: Single Family		CR: Commercial Residential
	R-1-8: Single Family		CN-1: Neighborhood Commercial
	R-1-6: Single Family		CN-2: Neighborhood Commercial
	R-2-2.5: Two Family		CW: Commercial Waterfront
	R-2-5: Two Family		CS: Shopping Center
	R-3: Multiple Family		I: Industrial
	R-A: Arks		W: Waterfront
	H: Houseboats		PI: Public Institutional
	PR: Planned Residential		PP: Public Parks
	CC: Central Commercial		OS: Open Space
			OA: Open Area



CITY OF SAUSALITO AMENDED HOUSING ELEMENT EIR

Figure 3. Proposed Zoning

Sources: City of Sausalito; Marin GeoHub. Map date: August 14, 2024.



Senate Bill 18 Tribal Consultation CITY OF SAUSALITO AMENDED HOUSING ELEMENT ENVIRONMENTAL IMPACT REPORT

September 3, 2024

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow
1179 Rock Haven Ct
Salinas, CA 93906
Sent via email: kwood8934@aol.com

Subject: City of Sausalito Amended Housing Element Draft Environmental Impact Report

Dear Tribal Representative,

The City of Sausalito (City) is updating its Housing Element consistent with the requirements of State law to address housing and to accommodate actions necessary to ensure the City's sites inventory accommodates the Regional Housing Needs Assessment (RHNA) requirements for the 6th Cycle Housing Element Planning Period. The City is reaching out to individuals and organizations listed with the Native American Heritage Commission (NAHC) who may wish to engage in consultation with the City pursuant to SB 18 for the Amended Housing Element project.

Government Code Sections 65352 and 65352.3 (SB 18)

The California Government Code establishes responsibilities for local governments to contact, provide notice to, refer plans to, and consult with tribes. The following list briefly identifies the contact and notification responsibilities of local governments, in sequential order of their occurrence.

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment.
- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.

Below please find a description of the proposed project, a map showing the project location, and the name of our project point of contact, pursuant to PRC §21080.3.1(d).

Project Description

The Housing Element of the Sausalito General Plan establishes goals and policies, and identifies future actions to address the existing and projected housing needs of Sausalito. The goals, policies, and actions are required by state law to plan for the regional housing targets allocated to Sausalito by the

Association of Bay Area Governments (ABAG) and the Department of Housing and Community Development for the period of 2023 to 2031 and to affirmatively further fair housing.

The proposed project consists of the adoption and implementation of an Amended Housing Element.

The Amended Housing Element includes the following components:

- Amend Housing Plan Program 4, entitled “Ensure Inventory of Sites Accommodates RHNA throughout Planning Period,” to add housing and mixed use zones that correspond with slightly lower minimum densities to provide more variety in housing types, meet the City’s RHNA requirements, and affirmatively further fair housing.
- Amend Housing Plan Program 8, entitled “Public Property Conversion to Housing,” to address making publicly-owned sites available for development during the 2023-2031 planning period.
- Amend Housing Plan Program 19, entitled “Development Review Procedures,” to clarify implementation of housing streamlining provisions.

Actions to implement the Amended Housing Element will include:

1) Amendment of the Land Use, Circulation, and Community Design, Historic, and Cultural Preservation Elements to be consistent with the Amended Housing Element.

2) Implementation of Amended Housing Element programs, including but not limited to:

a) The rezoning of opportunity sites to implement Housing Plan Program 4 to create a capacity to accommodate the City’s Regional Housing Needs Allocation (RHNA) based on opportunity sites subject to the proposed rezoning. Sites proposed for rezoning include sites subject to a vote of the electorate under Ordinance 1022 and Ordinance 1128. Under Program 4, opportunity sites would be rezoned with new zoning districts as follows:

- Housing-29 (minimum 20 du/ac and maximum of 29 du/ac);
- Housing-70 (minimum 50 du/ac and maximum 70 du/ac);
- Mixed Use-49/85% (minimum 43 du/ac and maximum 49 du/ac, allow 100% residential, and requirement a minimum of 85% residential); and
- Mixed Use-70/85% (minimum 50 du/ac and maximum 70 du/ac, allow 100% residential, and require a minimum of 85% residential).

Rezoning would be subject to requirements of Government Code Section 65583.2(h,i), including the following requirements:

- Permit owner-occupied and rental multi-family uses by-right, consistent with Government Code Section 65583.2(i) for projects with 20% or more units affordable to lower income households;
- Permit a minimum density of 20 units per acre;
- Allow a minimum of 16 units per site; and
- Accommodate at least 50 percent of the lower income need on sites designated for residential use only, except that the City may accommodate the very low and low income

need on sites designated for mixed use if those sites allow 100 percent residential use and require residential use to occupy at least 50 percent of the floor area in a mixed-use project.

- b) Housing Plan Program 8, entitled “Public Property Conversion to Housing,” to address making publicly-owned sites available for development during the 2023-2031 planning period.
- c) Housing Plan Program 16 to amend the Zoning Ordinance.
- d) Housing Plan Program 19, entitled “Development Review Procedures” to adopt comprehensive Objective Design and Development Standards (ODDS) to address multi-family development at densities envisioned by the General Plan, Zoning Code, and Program 4.

Table 1 describes the development that could be constructed with the implementation of the proposed Project.

Table 1. Development Capacity

	PROGRAM 4 CAPACITY (AMENDED HOUSING ELEMENT REALISTIC CAPACITY)					MAXIMUM CAPACITY	
	EXTREME- LY/ VERY LOW	LOW	MODER- ATE	ABOVE MODERATE	TOTAL	UNITS	NON- RESIDENTIAL SQUARE FEET
RHNA	200	115	114	295	724		
EXISTING CAPACITY							
Approved/Entitled Projects	3	7	6	7	23	23	-
Inventory of Existing Residential Sites, including Pending Projects	1	1	47	73	122	126	-1,584
ADU & SB 9 Projected Units	12	27	30	47	116	187	-
Subtotal: Existing Capacity	16	35	83	127	261	336	-1,584
CAPACITY FROM OPPORTUNITY SITES							
Housing – 29 du/ac	12	6	5	5	28	37	2,456
Housing – 43-49 du/ac	54	28	39	45	166	200	-
Housing – 50-70 du/ac	69	33	13	15	130	149	-3,310
Mixed Use 29/85%	2	1	13	36	52	69	11,459
Mixed Use 49/85%	86	56	34	123	299	333	260
Mixed Use 70/85%	0	0	11	11	22	23	-4,110
Subtotal: Opportunity Sites	223	124	115	235	697	811	6,755
TOTAL CAPACITY (EXISTING CAPACITY PLUS OPPORTUNITY SITES)							
Total Capacity	239	159	198	362	958	1,147	5,171
Surplus ¹	39	44	84	67	234		
<i>NOTE:</i>							
<i>1. HCD recommends buffer in the housing element inventory of at least 15 to 30 percent capacity more than required, especially to accommodate the lower income RHNA. A modest surplus also allows various sites identified in the Housing Element to identify at different income levels than those anticipated, while still maintaining an adequate supply of available sites.</i>							

Project Location

The proposed project is located within the City of Sausalito. The City is located in southern Marin County. The 2.1-square mile City is located on the shores of Richardson Bay with a population of 7,114 people in 2020. The City is bound by San Francisco Bay (Richardson Bay) to the east, Golden Gate National Recreation Area to the west and south, and unincorporated Marin County, including the community of Marin City to the north and northwest. The proposed project focuses on actions and sites within the City limits and does not identify any sites for annexation.

For more information regarding the project, including the approved 6th Cycle Housing Element, please visit <https://www.sausalito.gov/departments/community-development/housing-element-update-2023-2031> and refer to the attached Figure 1, Regional Location Map; Figure 2, Housing Element Programs Sites; and Figure 3, Proposed Zoning.

Please consider this letter notification as the initiation of the SB 18 process. Pursuant to Government Code Section 65352.3, your organization has 90 days upon receipt of this letter to provide a request for SB 18 consultation. The City, however, would appreciate receiving comments as soon as possible to inform the process and provide for input into the Amended Housing Element environmental documentation. If you have any questions, or would like to set up a consultation, please contact Brandon Phipps, the City's Community and Economic Development Director, at bhipps@sausalito.gov and provide the primary point of contact for the tribe. Additionally, a letter may be mailed to the City at:

Brandon Phipps, Community and Economic Development Director
City of Sausalito Community Development Department
420 Litho Street
Sausalito, CA 94965
bhipps@sausalito.gov

Thank you for your time reviewing this letter.

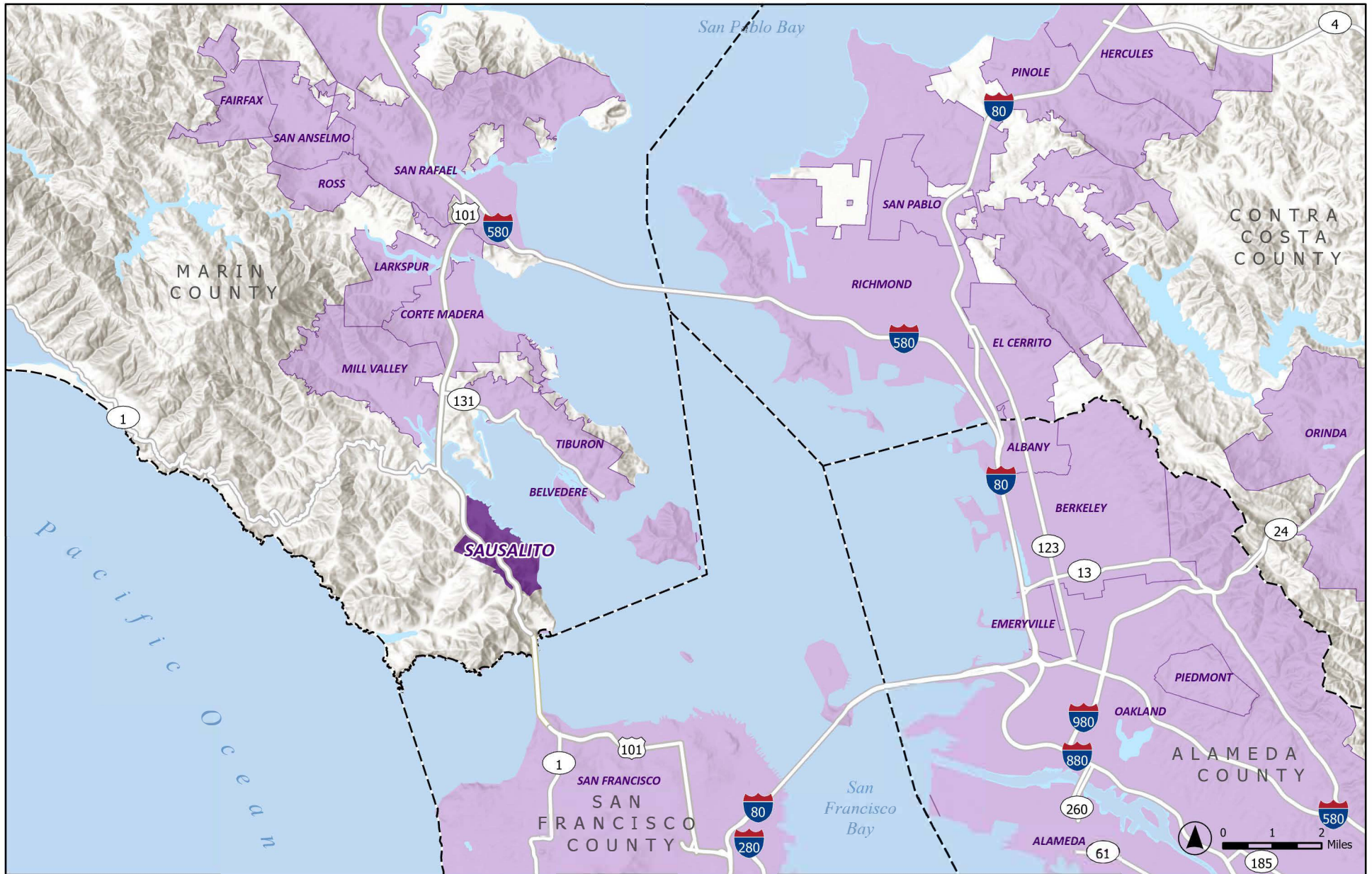
Sincerely,



Christina Erwin
De Novo Planning Group

Attachments:

Figure 1, Regional Location Map
Figure 2, Housing Element Programs Sites
Figure 3, Proposed Zoning



LEGEND

- City of Sausalito
- Other Incorporated Area
- County Boundary



CITY OF SAUSALITO AMENDED HOUSING ELEMENT EIR

Figure 1. Regional Location Map

Sources: City of Sausalito; Marin GeoHub. Map date: August 6, 2024.

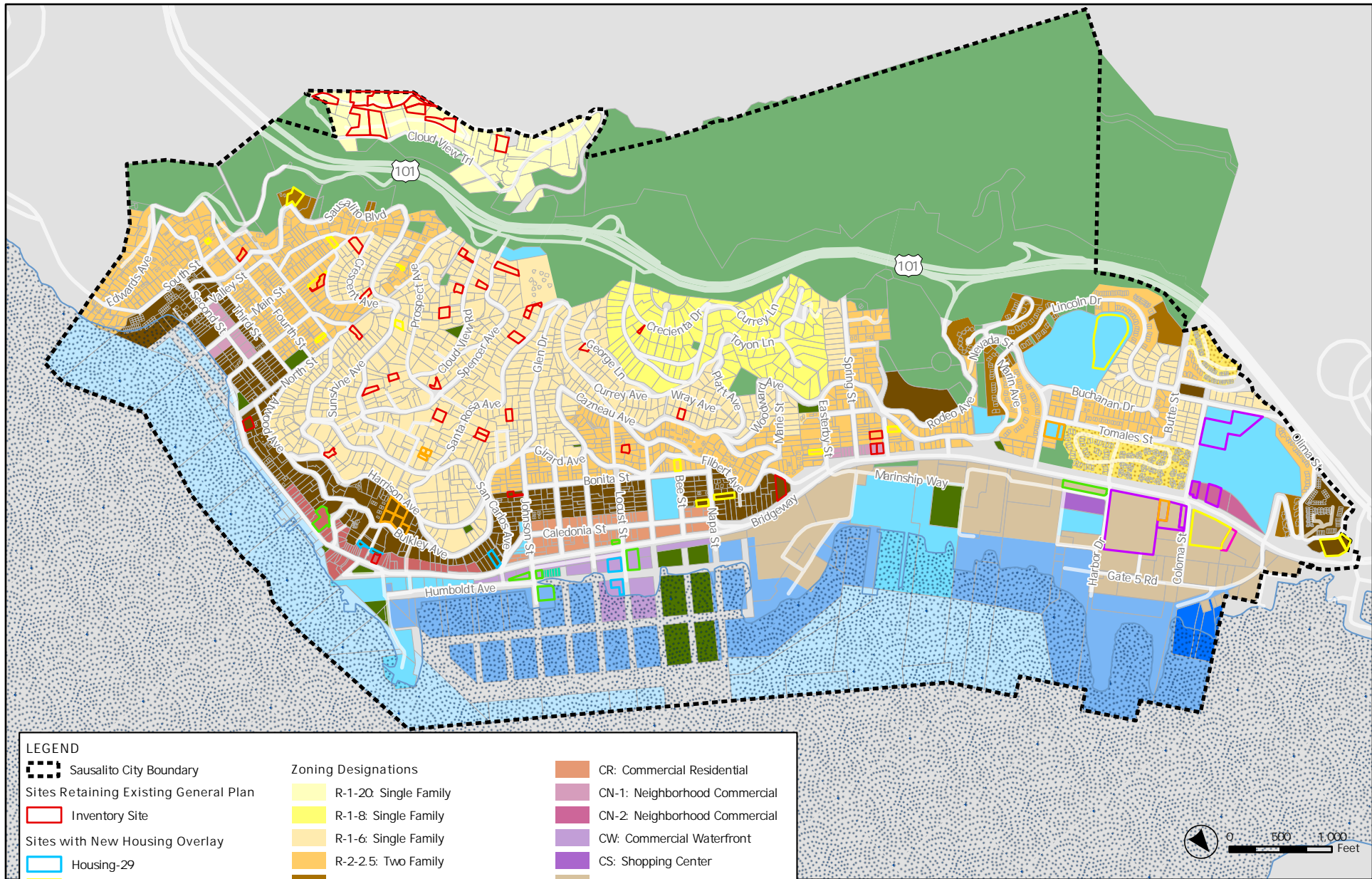


LEGEND

-  Sausalito City Boundary
-  Housing Element Sites

CITY OF SAUSALITO AMENDED HOUSING ELEMENT EIR

Figure 2. Housing Element Sites



CITY OF SAUSALITO AMENDED HOUSING ELEMENT EIR

Figure 3. Proposed Zoning