

**What:** Summary of answers to all questions asked at the Community Meeting on the Housing Element which was held on Saturday, March 15, 2014 at the Bay Model

**For More Information on this process, the specifics of the update or amendments:** Visit <http://www.ci.sausalito.ca.us/index.aspx?page=703> or contact Lilly Schinsing, Analyst, at (415) 289-4134 or

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To watch the **video** from the Community Meeting visit: [www.ci.sausalito.ca.us/index.aspx?page=703](http://www.ci.sausalito.ca.us/index.aspx?page=703)

### **1. What are the consequences if the City does not adopt an updated Housing Element by January 31, 2015?**

If the City does not adopt an updated Housing Element and submit it to the California State Department of Housing and Community Development (HCD) by January 31, 2015 there are a number of consequences:

- (1) The City would not be eligible for an expedited review by HCD ("streamlined review"). For the first time, HCD is offering a focused review of the City's Element which allows the City to only update certain portions of the Element in a redlined format. This reduces costs to the City. It is important to note that the "streamlined review" is only streamlined on HCD's end—the normal process of community participation with community meetings/workshops, public subcommittee meetings, public Planning Commission meetings and public City Council meetings will occur.
- (2) The City will have missed the mandated deadline imposed by the State of California and therefore our Housing Element will be out of compliance and several things will/can happen:
  - (a) The City will have to submit an updated Housing Element to HCD every 4 years, instead of every 8 years, and each update must address the full **Regional Housing Needs Allocation (RHNA)**. This means that the City will have to spend additional time and money updating the Element twice as many times as we would if we adopted an updated Element on time. The City may only go back on to an 8 year cycle after adopting 2 consecutively revised Housing Elements by the required due date.
  - (b) The City may be subject to litigation due to not having a compliant Housing Element and in some cases the courts have taken away a City's local land use control (e.g., being able to issue Building Permits) until the City is compliant with Housing Element law.
- (3) The City will be ineligible for certain grants and funding opportunities.

### **2. How does the RHNA get distributed from the State to ABAG to the City?**

The RHNA is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its Housing Element. As part of this process, HCD identifies the total housing need for the San Francisco Bay Area for an eight-year period (in this cycle, from 2014 to 2023). The **Association of Bay Area Governments (ABAG)** and the **Metropolitan Transportation Commission (MTC)** must then develop a methodology to distribute this need to local governments in the Bay Area in a manner that is consistent with the development pattern included in the **Sustainable Communities Strategy (SCS)**. Once a local government has received its final RHNA, it must revise its Housing Element to show how it plans to accommodate its portion of the region's housing need. The City is not required to build the units. For the 2014-2023 cycle, Sausalito's RHNA is 79 units. This means that the City needs to show how we have developed opportunities for 79 new units (at varying affordability levels) in Sausalito over the next eight years.

### **3. The City had a buffer in it's RHNA in the last adopted Housing Element from 2012— how is that being used?**

The City's RHNA for the 2015-2023 Housing Element Cycle is 79 units. We anticipate that due to the buffer that was put in place in the last Housing Element, the City will be able to show that we can accommodate the 79 units through the programs which are already in our adopted Housing Element. These programs are in place/will be put in place prior to adopting the updated Housing Element. Therefore, at this point we anticipate that the City will be making only minor updates to the Housing Element by using the goals, policies and programs of the existing Housing Element in the update.

**4. Local control and minimal impact on the community is important— can the City opt out of this update process or any of the Zoning Ordinance amendments?**

The City is required to update the **Housing Element** pursuant to State Housing Element law. In order to gain certification from HCD, the city is also required to implement— or put in place— certain programs which were committed to in the most recently adopted Housing Element. Specifically, these programs are related to **Reasonable Accommodations** (e.g., allowing a ramp in a setback to allow access to an entry door for a wheelchair-bound resident), **Transitional and Supportive Housing** (i.e., cities are required to make transitional and supportive housing a residential use and allow “single room occupancy” facilities as a commercial use), **Density Bonuses** (i.e., cities are required to grant density bonuses ranging from 5% to 35% depending on the affordability provided by a residential development when request by a project sponsor), **Emergency Shelter** (i.e., cities are required by the State to identify a Zoning District where homeless shelters are permitted by right, subject to normal Design Review procedures), the **VMU program** (i.e., the City committed to requiring any upper level construction in the City’s commercial districts (CC, CR, CN-1) to be limited to residential use only, with a minimum of one affordable unit), and the **HMU program** (i.e., the City committed to creating an overlay zone where two commercial properties could utilize the ground floor level of buildings for residential use in exchange for providing a percentage of affordable units and three-bedroom units— see Question #13 and #14). The Housing Update provides the best tool for local control over land use decisions. If the City does not update the Housing Element by the specified timeframe the City will not be in compliance with Housing Element law (see Question #1). It is to the City’s advantage to adopt its own regulations which comply with State statutes in order to establish local control over the issues addressed by the State statutes. This allows the City to retain its discretion on certain issues instated of being forced to evaluate a residential development under the State statutes.

**5. Why doesn’t Marin City absorb Sausalito’s housing needs?**

The northern City limit of Sausalito is before Gate 6 Road. Marin City is outside of Sausalito’s City limits. Marin City is in unincorporated Marin County. Therefore, the County must plan for Marin City’s housing needs. Sausalito cannot take credit for housing built or planned in Marin City toward Sausalito’s Housing Element.

**6. How is the Sausalito Housing Element related to the Marin City Priority Development Area (PDA)?**

**Priority Development Areas (PDAs)** are areas considered by the local jurisdiction to be well suited to infill development due to their proximity to public transit, jobs, services or other amenities. PDAs are eligible for certain funding opportunities that non-PDA areas are not. Sausalito does not have a PDA and Sausalito's Housing Element is not related to the Marin City PDA.

**7. Were shared units (i.e., renting portions of a home) considered as a strategy?**

Yes, shared housing was discussed, but as the state specifies that cities plan for an additional number of units, shared housing does not count towards RHNA, as the number of units on a particular property is not increased.

**8. Will the end result of the Housing Element strategies be rent control?**

No, HCD would consider rent control as a constraint to housing. Therefore this is not a strategy that would be implemented in a Housing Element update to address the RHNA.

**9. What is the status of the three abandoned homes along Bridgeway between Napa and Filbert (1757 Bridgeway)?**

The City has received an application for a 16-unit residential project at that location. Planning Staff is reviewing the application for completeness. Once it has been deemed complete and an environmental review document has been prepared, public hearings with the Planning Commission will be scheduled and noticed. For more information on this project please contact the Community Development Department at (414) 289-4128.

**10. Have there been any traffic studies completed?**

Sausalito adopted a Negative Declaration with the last updated Housing Element in 2012. In order to fulfill the RHNA during the last Housing Element update there was no increase in the density on any property, nor was the City considering any actual development project, and therefore traffic studies were not required. If the City receives a project which requires a traffic study, one will be required and evaluated.

### 11. **Can we make Accessory Dwelling Units (ADUs) a larger component of our strategy to fulfill the RHNA?**

ADUs are small ancillary units to a primary unit on a residential property. They are otherwise known as “second units,” “mother-in-law units,” “granny units,” or “in-law units.” Sometimes ADUs are affordable due to their size (usually they are studio and one bedroom units). During the last Housing Element cycle the City attempted to aggressively count ADUs towards the City’s RHNA. However, due to the state’s requirement to address a multitude of housing types (not just studio and one bedroom units), HCD only accepted 12 new ADUs and 12 “amnesty” ADUs towards the RHNA. Looking forward to the upcoming cycle, in order to justify crediting ADUs toward the RHNA, the City must rely on past trends in ADU approval. To date, the City has approved 4 new ADUs since January 2013 and is processing applications for 2 additional ADUs. The City will be looking at permitting trends as the year progresses to decide how many ADUs we can reasonably justify will be constructed through 2023.

### 12. **What is the Density Bonus law and why are we incorporating it into our Zoning Ordinance?**

The State Density Bonus law applies to new development in Sausalito which can provide at least five (5) units. State statutes have required cities to offer density bonus incentives since the 1980’s. Periodically the State Legislature updates the statutes to require cities to offer greater incentives. The Zoning Ordinance update adopted in 2003 included Section 10.40.130 “Residential Density Bonuses and Incentives” which complied with the State statutes in effect at the time. In 2005 the State updated the statutes and as a result, the City needs to update its Zoning Ordinance to reflect the changes. The number of density bonus units allowed is on a sliding scale depending on the affordability of the units proposed. For example, for a project which is 10 units, a property owner could ask for a maximum 20% density bonus (two additional units), and would have to provide 10% of the units (one unit) as affordable to low income households (50-80% of the County Median Income). Density Bonus law also allows property owners of qualifying properties to request “concessions” from the City (e.g., relaxed development standards like parking, setbacks, coverage) if they can demonstrate that without the concessions the project would not be viable.

### 13. **What is the Horizontal Mixed Use (HMU) overlay zone?**

The **Horizontal Mixed Use (HMU) Overlay Zone** is a program that was committed to in the most recently adopted Housing Element in order to address HCD’s requirement that the City show that we have adequate sites for large households. The HMU program allows the sites at 1901 Bridgeway (the Seven-Eleven commercial strip at Bridgeway and Easterby) and 2015 Bridgeway (the three-story office building at Bridgeway and Olive) to utilize the ground floor of a building on the site for residential use, where today’s regulations for those sites only allow commercial use on the ground floor (therefore the change contemplated in this program is what the ground floor can be used for— residential or commercial). In exchange, the property owner must make a certain percentage of the units three-bedroom units to accommodate large households and a certain percentage of the units must also be affordable. It’s important to note that any project which is proposed on either of the HMU overlay zone sites (either using the HMU Overlay Zone requirements or the base zoning district requirements), must go through the City’s normal permitting procedures. In the case of a new structure, or a height increase to an existing structure, notification would be given via mail to all property owners and occupants within 300 feet, in addition to story poles being erected at the site. The Planning Commission would then consider a Design Review Permit, taking into consideration such factors as views, sunlight and privacy. The HMU program does not modify the process of review for any potential project, but would allow residential use, not just commercial use, on the ground floor of the two sites identified above in exchange for a three-bedroom requirement and an affordability requirement.

### 14. **How does the HMU) overlay zone affect the sites at 1901 Bridgeway and 2015 Bridgeway ?**

As stated in Question #13, the HMU program allows the sites at 1901 Bridgeway (the Seven-Eleven commercial strip at Bridgeway and Easterby) and 2015 Bridgeway (the three-story office building at Bridgeway and Olive) to utilize the ground floor of a building on the site for residential use, where today’s regulations for those sites only allow commercial use on the ground floor. If the property owner of either of the HMU overlay sites does not wish to avail themselves of the HMU requirements, they do not have to. There is no requirement of the property owner to build any housing units— the HMU Overlay Zone simply puts the opportunity in place to build residential units on the ground floor if the property wishes to (in exchange for the unit sizes and affordability requirements as described above). **The HMU Overlay Zone does not increase the potential number of units at either site from what is currently allowed today.** Both properties are designed as CN-1 (“Neighborhood-Commercial”) and today’s regulations (without the HMU Overlay designation) allow ground floor commercial and upper level commercial or residential, a maximum of 50% building footprint, a maximum of 70% floor area, and a maximum of 32-feet in height. Additionally, a property owner/applicant could, through the State Density Bonus provisions (see question #12), seek concessions from development standards like floor area, setbacks, parking, height, etc. without being designated as an HMU Overlay Zone site.