

January 15, 2025

Mr Toft:-

Thank you for the opportunity to comment, and to further government by the people for the people.

Turning to the matters at hand:-

As other commenters have noted, the documentation provided for the public meeting relating to the second Housing Element, and ODDS, raises very serious concerns. These concerns relate both to the substance of the City proposals, and importantly the impression that the documentation leaves about the state of housing approvals in Sausalito.

On Program 19 referenced in the draft response to HCD— one of the most important programs for housing approval – City staff have not documented a process, with public input, or at all, to make clear to applicants how the process works in Sausalito, what the timetable is, nor any aspect of reducing the significant and almost overwhelming friction in approving valid housing applications. My own application has greatly suffered in part as a result of this lack of fulfillment of the City's promise. This is a breach of the Housing Element. This process documentation is very long overdue, and well well beyond the timetable promised in the Housing Element.

On the ODDS, *each section* has a preamble that defines subjective standards. Assumedly in the case of doubt in hearings or review (and there are many many such doubts that City staff and the City always raise) the City would be entitled (under the proposed ODDS) to defer to these subjective standards – at least how they're currently written. There is at present a committee for the ODDS comprising Joan Cox and Steven Woodside. Both of these individuals, who have important roles in the City, with their legal background are fully aware that the purpose of the ODDS is to REMOVE subjective criteria, and not add them. Yet the very opposite is being proposed. These ODDS, if adopted, would be unlawful and in fact invalid ab initio. All references to subjective criteria must be removed from the ODDS (as advised to the City by HCD). There are multiple other compliance issues with the ODDs, including that sample multi family residential sites need to be gamed out as to whether the ODDs would in any sense work. Many of the multi family zoned sites are in the hillsides of Sausalito, as you know.

The documentation from City staff states that 'Sausalito is a largely built-out community'. Yet the City Council, and Planning Commission, after considerable time and money was spent, approved a plan that would deliver (if City staff actually acted on it) 724 new additional homes to the City – much needed housing of various types. The documentation also glosses over that what would customarily be single family zones, years ago were zoned as multi-family – dual family and upward. As the General Plan shows, there is an *unusually* high percentage of multi family zoning where many Cities would simply have single family zoning. Our own project on Sausalito Blvd is just one example – it would normally have single family zoning, but in fact is

not in a single family zone. *Even a quick glance at the City's zoning map confirms that a majority of the residential zones are not zoned single family.* Thus, SB 9 (as confirmed by CDD at the time) is NOT available to applicants in the majority of the residential districts – which is very unfortunate. Thus the ODDS, which have been under development since at least as far back as 2018, are even more important – yet, they appear as distant as ever from compliance.

And these are just *some* of the issues with Sausalito's non-compliance with current Statute.

The City has held up on a pretext, our application on Sausalito Blvd, on the purported basis that it doesn't comply with ODDs – which everyone in the world knows do not exist. Indeed, the writer of the 'interim ODDs' Andrew Junius – a qualified and experienced California land use attorney and practitioner - stated on the public record that the City needs '*real* objective design standards' – this was stated after completion of the interim 'ODDs' in 2021.

Equally as important, the review of decision timelines. This was due over a year ago, but has not been completed, and is now proposed deleted in the second Housing Element. A Public Records Act request made around 2 years ago for this data has not been fulfilled (other commenters comment on lack of City compliance with the Public Records Act). The PRA is a basic and important tool to ensure that the government is by the people and for the people, and that government is following the law. It is highly concerning that the City is not releasing information under this important democratic provision.

Combined with this, the decision timelines for housing approvals in Sausalito represent a major breach of State Planning and Zoning law. The City, which has ignored Public Records Act requests, particularly for housing production subjects, attempts to assure the applicants, the regulators, and the public by this published documentation for this meeting that a statement that its rushed update of SMC 10.54 provides a new process, a better process. However the confusing language of the amendment simply provides that the City allows a ministerial process (which it did not prior to the amendment). The clause is difficult to read, does not clearly state the law, and can lead to several different interpretations – to wit, two Planning Commissioners had many many questions at the time it was proposed, and the writer also had such questions for the City Council – all of which were ignored, with Joan Cox concluding that there were no issues at all with the new wording – and overriding the public comment at the City's own Planning Commission. Our own application on Sausalito Blvd has been delayed and unlawfully denied in part due to the lack of process, and the City's utter failure to document a process for ministerial applications.

It would not be unreasonable at all to read into the totality of these presented documents that the City simply doesn't want to approve any housing in Sausalito. Indeed, members of the City Council have recently stated from the dais that this is a slow growth City that will keep its local control. The same City Council members have stated that a person buying into the community has to recognize that other people have been here a long time, that applications for housing must be seen as having to conform to the 'community rules', and the character of Sausalito (which character is undocumented as far as we know) must be preserved - this

doesn't sound like a statement that has respect to the extensive new Planning and Zoning laws governing Cities in California. These rules have to be documented in objective form so that applicants can understand them as they design their new homes – that is why the ODDs are so important – but as everybody knows - there are no ODDs.

The documentation suggest that delays 2 years ago and prior were due to *lack of staffing*. However the City appears to now have permanent staffing in planning – yet the delays have got worse. Highly delayed discretionary approvals under the prior allowed discretionary and subjective processing have given way to zero approvals under current Statute by right housing entitlements. It is difficult to identify even when the latest discretionary ground-up housing approval was made – as we all know ADUs are not going to address the housing crisis nor are the projects to demolish a single family home and rebuild a different design – an SB 9 was eventually approved on Sausalito Blvd, but other than that – what ground up construction has been approved in the last 5, 6, 7 years? We know that Portofino has gone – 44 homes lost – but where is the increase in housing supply in the City of Sausalito?

Specifically

- 215 Sausalito Blvd has been held up due to misrepresentations by City staff about non-conformance with non-existent objective design standards, and many other – we allege - procedural shenanigans by City Staff to delay or defeat the application. Recently, despite two requests, the Community Development Director has not responded at all on a point of important SB330 vesting (our application has vested)
- 605 Bridgeway was held up for a year with multiple different 'incompletes', raising new subjects. The applicant and a very experienced attorney firm provide clear and compelling analysis in the public comments about the current alleged shenanigans
- 1755 Bridgeway has been held up for approximately 15 years. The 2021 'ODDs' were rushed through in two meetings at the time that application resurfaced.
- 599 Bridgeway is being held up because that application for senior housing purportedly doesn't comply with Sausalito code, though it very strongly appears at every level that it does in fact comply
- 426 Pine a necessary extension of an existing residence has been with the City for *four years*, with the City staff not resolving issues necessary for it to gain building permits. Joan Cox at one point suggested that the applicant needed to figure it out with the neighbors, she could not approve this needed housing. Recently a police report was filed by Sausalito police with a note that included the words 'attempted murder' as to a neighbor's actions against the applicant. This is getting serious.

That is the whole domain of applications for housing in Sausalito.

Yet City Staff state in today's documentation that it undertakes weekly reviews of the Planning project application list, that the City maintains permit processing procedures to ensure compliance.... as required by State law. But that is not correct – that is evidently not correct – City staff *appear* in fact to be hell bent on denying all existing housing applications – see the project descriptions above.

City staff need to reflect on their compliance with the social contract - and more. City staff and the City may well indeed find themselves in a maelstrom of litigation and financial claims (and likely negative publicity) over the applications cited above, including those that are ministerial and by-right.

By the way - we haven't spoken since you did our application intake in February 2023 for our home, immediately following which you appeared to disappear, following which you did not answer questions, were unreachable, and after which staff claimed our SB330 filing was incomplete – and later confessed that it was complete.

I understand that you have a multi decade history consulting for the City as key member of the Planning department.

I believe it is appropriate to note that during this period the City has lost housing, not added housing. Of course, that has nothing to do with you.

To finish - the situation is *very very* different to what is described, and what is implied in the City staff produced documentation for this meeting.

Sincerely



Chris Sullivan, a current applicant
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