

Sausalito City Council
420 Litho Street
Sausalito, CA

February 24, 2025

RE: Public Comment – Agenda Item 1-A, Council Meeting 2/25/2025, Please Post Publicly

Dear Sausalito City Council Members,

Thank you for the opportunity to provide public comment on agenda item 1-A Meeting 2/25/2025. Over the past year, many residents have voiced concerns about the City Council's lack of transparency. Unfortunately, this meeting represents a pinnacle of that problem. One major issue is that residents are only allowed to provide public commentary, with no opportunity to receive direct responses to their questions. Additionally, the public is prohibited from asking questions directly to the housing consultant, DeNovo, or the City Attorney.

For the sake of transparency, I urge the City Council to implement a policy change allowing residents to submit questions and receive answers—potentially in posted written form.

1. Housing Element & Lack of Public Education

Repeated requests for town hall events—where independent legal and industry professionals could provide clarity on California's housing laws—have gone unanswered. Other Southern Marin cities have proactively held such forums, yet Sausalito has limited public engagement due to only presenting a **one-sided narrative that does not fully explain the laws, their benefits, or the consequences of noncompliance.**

At the last City Council meeting, a council member asked the City Attorney if there were consequences for failing to build 724 RHNA units. The City Attorney's response was misleading. The City is not required to build housing, but according to the certified Housing Element, it must **permit** 724 units by 2029 to comply with state law.

I respectfully request that the City Attorney publicly and clearly answer the following question: **What are the consequences if Sausalito fails to permit 724 housing units during the 6th Cycle of the Housing Element?**

2. How Much Housing Has Sausalito Approved in the 6th Cycle?

This question has been asked repeatedly—twice by the Planning Commission and once by the City Council—yet remains unanswered. Though not presented by Staff, a recent report to HCD shows that ZERO multi-residential permits have been issued in Sausalito in over 10 years. The limited response provided at the last Planning Commission meeting was as follows, with multi-residential totals added:

Year	ADUs	SB9 Units	Single-Family Residences	Multi-Residential
2021	9	0	?	0
2022	17	0	?	0
2023	9	0	?	0
2024	11	2	?	0
Total	46	2	Unknown	0

Key missing information includes:

- The number of single-family residences permitted.
- The number of **new** ADUs versus **amnesty** ADUs (since HCD distinguishes between them because it is assumed that amnesty units would be limited to increase year over year).

If Sausalito has only permitted 48 total units in four years, that represents just **6.64%** of the required total for this Housing Cycle. Based on the current average of **11.5 units per year**, the City would need to **permit over 135 units per year for the next five years** to comply with state law.

Please provide a full accounting of how many total units (both amnesty and new) have been approved to date in the 6th Housing Cycle.

3. Impact of Housing Opportunity Site Rezoning on Property Owners

Property owners have not been fully informed about the consequences of their properties being designated as Housing Opportunity Sites. Several owners have requested removal from this zoning change and change of use designation, yet the City has ignored them and continues to change zoning and up-zone their properties to the highest residential density levels in the city, for the Housing Element document. Is this in essence an Unlawful Taking of Property Rights through a process where property owners have only received partial information from the City? Why have Opportunity Site property owners only received the one written communication, with limited information, from the City just days ago, in this long Housing Element process?

A few critical questions:

- **For industrial properties proposed to be rezoned to residential:** Would the owner still be allowed to expand industrial use or rebuild their industrial business property if the structure were destroyed? How is the FAR impacted for industrial and housing?
- **For residential properties proposed to be up-zoned to higher density:** Could the owner still build a single-family home below the required housing density/FAR?
- **Why hasn't the City removed properties (e.g., Olive St and 1 & 3 Harbor Dr) from the Housing Opportunity Site list despite written and verbal requests from owners to do so? Why do these sites continually get up-zoned to the highest level in the City?**

Additionally, **Site 110** consists of two landlocked lots that have been rezoned to the highest density (H-70). **How can these lots be developed without legal access? Why would the City consider these lots as appropriate to be zoned at the highest level in the City?**

Lastly, Ordinance 1022 has been publicly clarified with Resolution 3407 just days after enactment and publicly discussed and confirmed by the City Attorney to not apply to the CC or any residential zoning district. It was then re-affirmed in paid reports (M-Group 2017)—as not applying to CC-zoned or residential properties. Recently this was revisited and reaffirmed by City Staff, City Council member and City Attorney with HCD, as not applying to CC zoned or residential properties. **So, why is the City now claiming that CC-zoned properties are impacted by Ordinance 1022?**

These questions must be answered in a public meeting by the City Attorney.

4. Unnecessary Revisions to the Certified Housing Element & EIR

Sausalito is spending **hundreds of thousands of dollars** to revise an already certified Housing Element for reasons that do not hold up to scrutiny:

- **Mayor Cox claimed the City was responding to issues in the YIMBY lawsuit.** Does this mean the City is conceding the YIMBY lawsuit? If so, what are the details of the settlement?
- **The City claimed HCD required a Housing Element revision due to the CalTrans site being non-buildable in this cycle.** This is false—HCD never mandated Sausalito to create a revised Housing Element. The City already had a sufficient buffer in the original document without this property being a listed site.
- **The only accurate reason given was complaints about a single Housing Opportunity Site project submittal- the only Housing Opportunity Site submittal that the City has received for a multi-residential development.** Given the track record of Sausalito not approving any multi-unit project in over 50 years, even a project deemed by Sausalito as developable to this density in their Housing Element, demonstrates the disingenuous pattern and practice of not approving housing applications in Sausalito- even if the City declared it as developable at this density.

Instead of making costly, unnecessary revisions to down-zone this approximately 50 unit project through a Housing Element revision, the City should be prioritizing approvals for **well-located, sustainable housing** that:

- **Is near transportation hubs** (reducing congestion in Sausalito).
- **Supports local businesses** through walkability of residents.
- **Not located in a High Fire danger area and uses fireproof building materials.**
- **Located on the main transportation and evacuation corridor**
- **Maintains and improves existing structures** instead of demolishing them.
- **Provides parking beyond minimum requirements.**
- **Meets high ecological standards with solar energy and green infrastructure.**

Sausalito cannot afford endless delays and lawsuits. Every other city in Marin County has approved housing—Sausalito must decide whether to **comply with state law** or **waste dwindling city funds fighting an unwinnable battle**.

Conclusion

Transparency is essential for good governance. Residents and property owners deserve clear, factual answers from city officials—not closed-door deals and legal ambiguity. If housing is to be approved, it should be:

- **In low-fire-risk areas.**
- **Near public transit and walkable districts.**
- **Structured to benefit local businesses and the city's economic sustainability.**

Sausalito is struggling to maintain its sub-par roads and ageing infrastructure. Responsible housing development can provide much-needed annual reoccurring revenue, while protecting our neighborhoods, parks, and green spaces.

I urge the City Council to:

1. **Implement transparency reforms**—residents must receive direct answers to their questions.
2. **Stop unnecessary wasteful spending on Attorneys, consultants and Housing Element revisions**—focus on approving well-planned housing instead of playing politics for unwinnable battles.
3. **Provide public education on state housing laws**—hold unbiased town halls with independent experts that allow question and answer sessions.

Sausalito must move forward with integrity, fiscal responsibility, and a clear commitment to the well-being of its residents.

Thank you,

Linda Fotsch
Willys LLC, Managing Member