



YIMBY LAW

YIMBY Law

2261 Market Street STE 10416
San Francisco, CA 94114
hello@yimbylaw.org

2/25/2025

Office of the City Clerk
City Hall
420 Litho Street
Sausalito, CA 94965
(415) 289-4165 or
cityclerk@sausalito.gov

Re: Sausalito Draft Amendment to 2023-2031 Housing Element

Dear City Council,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Element Law.

Today this Council will vote on whether to adopt its draft Housing Element amendment, along with a redrafted Environmental Impact Report. YIMBY Law renews its comments as to the insufficiency of that EIR, and raises new objections to the proposed Amendment, and the process by which it is to be adopted.

The City submitted a previous draft amendment to California's Department of Housing and Community Development in September of 2024. HCD's response letter in November of 2024 raised several points that could threaten compliance with state law: the amended sites inventory requires more thorough analysis and factual showing to prove that the changes will lead to actual development. HCD specifically cautioned the City against actions that would stall current or future proposals, and noted that the new

sites inventory necessitates discussion that ensures it does not hamper Sausalito's statutory obligation to allow for more housing. The letter similarly highlighted the ongoing Objective Design Standards, which single out multi-family developments without clearly demonstrating that the Standards will not represent a new constraint on housing.

Beyond the ongoing factual issues with the sites inventory and the Environmental Impact Report, Sausalito's procedure does not comply with state housing law. Following comments from California HCD, the City sent a new draft for review on January 23, 2025. Gov Code 65585(b) requires a local agency to submit such drafts at least 60 days before adoption. AB 2667 explicates the responsibilities of local governments: if HCD finds the draft does not meet Housing Element requirements, the agency may either amend the draft and resubmit to HCD with time for review, or adopt the draft which HCD has reviewed along with a resolution commenting on the draft's compliance.

Sausalito has not complied with this statutorily mandated timeline. 60 days following January 23rd, assuming HCD approval, places an allowable adoption date in late March, not February. That date would be after the March 14th deadline to add rezoning-related matters to the City's June ballot. Therefore, Sausalito would leave its staff in a state of uncertainty about their own responsibilities and compliance, while delaying their ability to fulfill those responsibilities.

Sausalito and its officials have many obligations that they committed to with the January 2023 Housing Element. That document went through many rounds of review with staff, members of the public, and California HCD before it was certified. Instead of following through on those commitments, you propose to expend far more effort and resources to stymie new housing and meet your RHNA responsibility. The proposed amendment does not meet those responsibilities, but it does threaten your compliance with Housing Element law. The options available are to continue with the pre-existing Housing Element and work to fulfill its programs, adopt the September draft despite specific HCD concerns, or adopt the January draft. The first option is the only one that doesn't bring the city dangerously close to noncompliance, subjecting it to AB 1886 Builder's Remedy projects.

We urge the City to take its commitments seriously, as well as state housing law. I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink, reading "Sonja Trauss". The script is fluid and cursive, with a prominent flourish at the end of the word "Trauss".

Sonja Trauss
Executive Director
YIMBY Law