

**SAUSALITO PLANNING COMMISSION
RESOLUTION NO. 2025-03**

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING CERTIFICATION OF THE
AMENDED 2023-2031 HOUSING ELEMENT EIR; ADOPTION OF CEQA FINDINGS, STATEMENT OF
OVERRIDING CONSIDERATION, MITIGATION MONITORING AND REPORTING PROGRAM AND
RECOMMENDING ADOPTION OF AMENDED 2023-2031 HOUSING ELEMENT AND RELATED
GENERAL PLAN AMENDMENTS.**

WHEREAS, state Housing Element Law requires that the City's General Plan include a housing element, which sets forth goals, policies and programs that address these needs and constraints, and plans for projected housing needs for all income levels based on the City's assigned Regional Housing Needs Allocation, and includes a program of rezoning to ensure that there is adequate capacity in the City to build enough housing to meet housing needs during the planning period; and

WHEREAS, failure to abide by state Housing Element Law requirements related to planning for housing can subject local jurisdictions to various penalties under state law, including the loss of local land use control, increased litigation risk from developers, loss of grant funding, and court-ordered monetary penalties until compliance is achieved, all of which could adversely affect the ability of the City of Sausalito to plan for the future and continue to provide services to its citizens; and

WHEREAS, on January 30, 2023, the City Council adopted the 6th Cycle Housing Element ("Housing Element") to meet state law requirements, and on April 28, 2023, the City received certification of its Housing Element from the California Department of Housing and Community Development ("HCD"); and

WHEREAS, following adoption of the Housing Element, the City directed De Novo to prepare an EIR to address the implementation of the program of rezoning and other housing element programs discussed in the 2023-2031 Housing Element; and

WHEREAS, on January 5, 2024, the City issued a Notice of Availability (NOA) that the Housing Element Programs Draft EIR (DEIR) was published on the State Clearinghouse website and the City's housing element webpage for public review; and

WHEREAS, in response to concerns raised and subsequent input from Councilmembers on the Housing Element Programs DEIR, the City determined to undertake amendments to the adopted Housing Element through the drafting of an Amended Housing Element and associated Environmental Impact Report; and

WHEREAS, the Amended Housing Element contains modifications to the opportunity sites inventory that assist in ensuring and prioritizing the preservation of the City's historic district and waterfront, and removes Sites with limited development potential (former Sites 85 and 209); and

WHEREAS, the proposed Amended 2023-2031 Housing Element has been assessed for potential environmental impacts as part of the Programmatic Environmental Impact Report for the Sausalito Amended 6th Cycle Housing Element (State Clearinghouse Number 2024070676) ("Program EIR"), which was prepared in compliance with the California Environmental Quality Act ("CEQA"); and

WHEREAS, the Program EIR identifies all potential impacts that would result from amendment of the Housing Element, adoption and implementation of the rezoning actions under Program 4 and the updates to the Zoning Ordinance in connection with Program 16, and identifies mitigation measures that future development would feasibly implement to reduce identified potentially significant effects; and

WHEREAS, the Draft Program EIR was circulated for a 45-day public review and comment period from September 4, 2024, to October 21, 2024, and also in part recirculated from December 13, 2024 to January 27, 2025, during which time 23 comment letters were received, none of which identified any new environmental issues requiring substantial revisions to the Program EIR or further environmental review; and

WHEREAS, a Final Program EIR has been prepared with responses to comments received on the Draft Program EIR; and

WHEREAS, on February 19, 2025, the Planning Commission held a duly advertised public hearing on the proposed Amended 2023-2031 Housing Element, related General Plan Amendments and ordinance, at which it considered the staff report, recommendations by staff, and public testimony.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

SECTION 1. Incorporation of Recitals. The recitals above are true and correct and are hereby adopted as findings by the Planning Commission.

SECTION 2. CEQA. The Planning Commission has reviewed and considered the Program Draft EIR, the Program Final EIR, and hereby adopts and incorporates them by reference as though fully set forth herein.

As such the Planning Commission recommends that, pursuant to CEQA Guideline section 15090, the City Council certify the Program EIR, and make the following findings in support of certification:

a) **CEQA Compliance:** As the referral body for the Sausalito Amended 6th Cycle Housing Element Update, the Planning Commission has reviewed and considered the information contained in the Program EIR. The Commission finds that the Program EIR was prepared in compliance with CEQA, and that the City complied with CEQA's procedural and substantive requirements.

b) **Independent Judgment of Lead Agency:** The Planning Commission has independently reviewed and analyzed the Program EIR and finds that the Program EIR is an accurate and objective statement that fully reflects the independent judgement of the City.

c) **Review by Decision-Making Body:** The Program EIR will be presented to the Council, the decision-making body of the City. The Council will review and consider the information contained in the Program EIR prior to taking any approval actions concerning the Sausalito Amended 6th Cycle Housing Element Update.

SECTION 3: Custodian of Record : The location and custodian of the documents and any other material which constitute the record of proceedings upon which the Planning Commission made its decision, is as follows: Secretary to the Planning Commission, 420 Litho Street, Sausalito, CA 94965.

SECTION 4. Recommendation for Amended 2023-2031 Housing Element. Based on the information provided for and at the public hearing, the Planning Commission finds the General Plan Amendments are consistent with the General Plan and recommends that, pursuant to the recommended certification of the Program EIR (Exhibit C), the City Council adopt the proposed Amended 2023-2031 Housing Element, specifically the Modified Amended Housing Element as identified in Exhibit A: Draft Amended City of Sausalito's 6th Cycle Housing Element; Housing Plan and Background Report (January 7, 2025) and Exhibit B: Draft General Plan Amendments (Land Use, Community Design, & Circulation and Parking Chapters) for Consistency with Amended Housing Element Updates, and related General Plan Amendments and subject to the following modifications:

- A. That the Amended Housing Element Housing Plan and Background Report, including revising figures, Housing Plan Program 4, Table 1, Background Report Chapter IV, including Table 57, and Appendices D1 and D2 shall reflect the following changes to Opportunity Sites:
1. Site 84 (MLK Property) shall retain the Housing-49 Overlay but is reduced from 94 to 80 units, with a preference that the project be designated for senior housing.
 2. Site 202 (Alta Mira) shall be changed from Housing-70 Overlay to Housing-49 overlay, reducing the total units to 51.
 3. Remove Site 63 (522 Olive Street) from the Opportunity Site inventory as requested by the property owners.
 4. Reallocate affordability levels of Site 303 to increase very low by 20 units, reduce moderate by 5 units, and reduce above moderate by 15 units, with no net increase in units.
- B. The Amended Page HBR-119, 2nd Bullet under Land Use Controls is revised to read: Opportunity-Housing-29: Maximum density of 29 units per acre. The realistic capacity of these sites is calculated at 23.2 units per acre (80% of maximum density) based on development trends and historical development patterns (discussed above). Standards for very low and low income sites will include a minimum density of 20 units per acre and requiring residential uses required for 85% of the site.
- C. That Amended Policy CD-1.3 of the Community Design Chapter is revised to read as follows: Establish a maximum height limit for all structures in Sausalito while recognizing that maximum height is not guaranteed for development proposals where view preservation, shadow impact, and scale are an issue, except sites identified in the Housing Element Appendix D1, Inventory of Residential and Opportunity Sites, may develop up to the maximum height pursuant to the Objective Design and Development Standards Title 10 (Zoning Ordinance).
- D. That Amended Program CD-1.3.1 of the Community Design Chapter is revised to read as follows: Continue to permit the 32-foot maximum height limit for residential and commercial zones, except sites identified in the Housing Element Appendix D1, Inventory of Residential and Opportunity Sites, may develop up to the maximum height pursuant to the Objective Design and Development Standards Title 10 (Zoning Ordinance).

RESOLUTION PASSED AND ADOPTED, at the regular meeting of the Planning Commission on the 19th day of February 2025, by the following vote:

AYES:	Commissioner Member:	Luxenberg, Vice-Chair Junius, Marlatt, Feller, Chair Saad
NOES:	Commissioner Member:	None
ABSENT:	Commissioner Member:	None
ABSTAIN:	Commissioner Member:	None



Brandon Phipps
Director of Community and Economic Development

ATTACHMENTS

1. Exhibit A – Amended 2023-2031 Housing Element
2. Exhibit B - General Plan Amendments (Land Use, Community Design, & Circulation and Parking Chapters)
3. Exhibit C – Final Environmental Impact Report