Housing Element Update

Initial Environmental Study/ Negative Declaration

GPA/ENV 12-117

Approved October 9, 2012

City of Sausalito
Community Development Department
420 Litho Street
Sausalito, California 94965
415/289-4128

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INTRODUCTION

The project is an update of the Housing Element of City of Sausalito General Plan. The California Government Code requires all cities and counties to adopt a housing element as part of the jurisdiction's respective General Plan. The housing element establishes objectives, policies and programs addressing community housing conditions and needs. The Housing Element Update is a comprehensive statement by the City of Sausalito of its current and future housing needs and a listing of proposed actions to facilitate the provision of housing to meet those needs. The Housing Element Update is a policy-level document which provides policy direction for the implementation of various programs to accommodate the housing needs of current and future residents and to encourage the production of housing units in a range of prices affordable to all income groups.

The Housing Element Update is consistent with the General Plan. The Housing Element Update continues to allow development in locations which are currently designated for development. All new development analyzed in the Housing Element Update is in areas already designated for residential, mixed use, or public institutional development. The Housing Element Update contains policies and programs organized under the following seven goals:

- **Preserving housing and neighborhood assets.** Maintain and enhance the quality of existing housing and ensure that new residential development is compatible with Sausalito's small town character.
- **Encouraging diversity in housing.** Provide opportunities for a range of housing types in a variety of locations and densities to meet the diverse needs of the Sausalito community.
- **Enhancing housing affordability.** Expand and protect opportunities for households of all income levels to find housing in Sausalito and afford a greater choice of rental and homeownership opportunities.
- **Reducing governmental constraints.** Reduce governmental constraints on the maintenance, improvement and development of housing while maintaining community character.
- **Promoting equal housing opportunities.** Promote equal housing opportunities for all residents, including Sausalito's special needs populations, so that residents can reside in the housing of their choice.
- **Implementing environmental sustainability.** Promote environmental sustainability through support of existing and new development which minimizes reliance on natural resources.
- **Promoting community involvement.** Promote the active participation of citizens, community groups, and governmental agencies in housing and community development activities.

In accordance with the requirements of CEQA Guidelines Section 15071, this Initial Environmental Study/ Negative Declaration (IES/ND) describes the proposed project; and identifies, analyzes, and evaluates the potential significant environmental impacts that may result from the proposed project (i.e., adoption of the Housing Element Update). This IES/ND applies only to the Housing Element Update and does not apply to actual housing projects that may be proposed in the future, including those that are proposed as a result of Housing Element policies and programs. Any actual projects that are proposed must still undergo environmental review as required by CEQA, and the City's required zoning and design review process.

This IES/ND determines the adoption of the Housing Element Update will result in no impacts or less-than-significant impacts on the environmental resources and issues evaluated herein and hence, would not have a significant impact on the environment. As a result, this document serves as a Negative Declaration pursuant to Public Resources Code Sections 21064 and 21080(c), and Article 6 of the CEQA Guidelines.

Since the amount of residential development that would be allowed under this Housing Element Update is the same as the amount of development analyzed in the General Plan Environmental Impact Report (EIR), the impacts of that development have been disclosed, analyzed and mitigated to the extent feasible in the General Plan EIR. Pursuant to the requirements for tiering set forth in CEQA Guidelines Section 15152, a copy of the General Plan EIR is available for inspection in the Community Development Department.

A. PROJECT DESCRIPTION

1. Project Title Housing Element Update

2. Lead Agency Name and Address
City of Sausalito
420 Litho Street
Sausalito, CA 94965

3. Contact Person and Phone Number
Lilly Schinsing, Associate Planner (415) 289-4134

4. Project Location City-wide

5. Project Sponsor's Name and Address
City of Sausalito
420 Litho Street
Sausalito, CA 94965

6. Report Author
Lilly Schinsing, Associate Planner
Community Development Department
420 Litho Street
Sausalito, CA 94965
Phone: (415) 289-4134
Fax: (415).339-2256
Email: lschinsing@ci.sausalito.ca.us

7. Project Number GPA/ENV 12-117

8. Type of Approval Adoption of General Plan Amendment for Housing Element Update

9. Present and Previous Use of Site or Structures Vacant, mixed use, residential, and public institutional developed parcels throughout Sausalito

10. General Plan Designation Various General Plan land use categories allow residential uses. The project is a proposed amendment of the City of Sausalito General Plan to replace the Housing Element adopted in 1995 with a new Housing Element. The General Plan, including the Housing Element, covers all land within the City limits.

11. Zoning Various mixed use, residential, and public institutional zoning designations.

12. Description of Project The City of Sausalito is a community of approximately 7,000 residents located on 2.2 square miles consisting mostly of steeply sloping terrain with narrow roads and aging infrastructure, constrained between Richardson's Bay to the east and the Golden Gate National Recreation Area to the west. Neighborhoods vary in age from the late 1800s to the present.

The California Government Code requires all cities and counties to adopt a housing element as part of their respective General Plan. The housing element establishes objectives, policies and programs addressing community housing conditions and needs. The Housing Element Update is a comprehensive statement by the City of Sausalito of its current and future housing needs and a listing of proposed actions to facilitate the provision of housing to meet those needs. The Housing Element Update is a policy-level document which provides policy direction for the implementation of various programs to accommodate the housing needs of current and future residents and to encourage the production of housing units in a range of prices affordable to all income groups.

The Housing Element Update process was initiated in 2009 when the City Council established a Housing Element Committee, which subsequently was transformed into the Housing Element Task Force in 2011. The Task Force was composed of City Council representatives, Planning Commission representatives, and City residents. Over 45 public meetings were held to engage community residents and property owners in the discussion of topics related to the Housing Element Update. In addition, community workshops were held in February, July and December 2011 to obtain community input for the Housing Element Update. These meetings and workshops plus a field trip identified key issues and strategic directions pursued in the Housing Element Update.

The City's current Housing Element was adopted by the City Council in 1995 and was later certified by the California Department of Housing and Community Development (HCD). The 1995 Housing Element served as the "baseline" for environmental review purposes, and an environmental impact report was certified for the adoption of 1995 General Plan update, including the 1995 Housing Element. Key changes proposed in the Housing Element Update from the 1995 Housing Element include the following:

(A) **Accessory Dwelling Units.** The City adopted regulations in 1984 prohibiting the development of accessory dwelling units (ADUs) or second/granny units in all residential zoning districts. As part of the Housing Element Update, the City conducted a survey of residential property owners which indicated 15% of the 700+ survey respondents had an ADU on their property, and another 19% of respondents would be inclined to build an ADU if permitted by the City's regulations. The community has come to recognize ADUs as a low impact approach to addressing a portion of the community's very low and low income housing needs, and the Housing Element Update thus establishes programs to both allow new ADUs and legalize existing ADUs built without permits. Section 21080.17 of the CEQA guidelines stipulates that CEQA does not apply to the adoption of an ordinance by a city to implement the provision of Section 65852.2 of the Government Code regarding the construction of second units.

(B) **Liveaboards.** Sausalito has a well-established and vibrant marine culture that plays an important role in shaping the character of the community. There are eight marinas in the City where many boat owners reside in their boats as permanent housing. The San Francisco Bay Conservation and Development Commission (BCDC) and Sausalito Zoning Ordinance both allow for up to 10% of marina berths to be used as liveaboard housing. Liveaboards provide a valuable source of affordable housing in Sausalito, offering one of the few local housing options for marine workers employed in Sausalito's waterfront. The Housing Element Update recognizes liveaboards as a low impact approach to addressing a key segment of the City's affordable housing needs, and establishes actions to maintain and enhance liveaboards as a permanent form of housing

in the community.

(C) **Inclusionary Housing Regulations.** Inclusionary zoning is a tool used by cities to integrate affordable units within market rate developments. As a part of the current Housing Element Update the City will pursue adoption of inclusionary housing regulations to require a minimum percentage of units within new residential development above an established size threshold to be price-restricted as affordable to lower and moderate income households.

(D) **Multi-family Development in Multi-family Zones.** Encourage two-family and multi-family development on R-2-5, R-2-2.5 and R-3 residentially-zoned sites by evaluating the establishment of minimum density thresholds and/or varied development standards for multiple units on a sliding scale (e.g., reduced Floor Area Ratio or Lot Coverage Ratio for projects with a lower density). Encourage multi-family development on two selected commercial-zoned parcels by allowing ground floor residential by-right ("Horizontal Mixed Use--HMU" incentives). Encourage multi-family development on mixed use commercial/residential sites by requiring that new construction of levels above the ground level be limited to residential use and the prohibition of the conversion of existing upper level residential use to commercial use ("Vertical Mixed Use--VMU" regulations)

(E) **New and Ongoing Programs.** The Housing Element Update continues several successful programs from the 1995 Housing Element and proposes several new programs. These new and ongoing programs include the following:

- Maintain a current inventory of vacant and underutilized residential sites, and mixed-use sites within the City's commercial districts.
- Provide a site inventory and list of available development incentives to interested developers.
- Facilitate the development of alternative housing models suited to the community's housing needs by modifying zoning regulations to allow for such additional housing types.
- Upon adoption of a program that generates in-lieu housing fees, establish a dedicated Affordable Housing Fund for deposit of in-lieu fee revenues. Consult with Marin County on the County's Housing Fund, and establish implementing regulations to govern Fund oversight and expenditures.
- Explore partnerships with a variety of affordable housing providers, utilizing the Nonprofit Housing Association of Northern California as a resource to identify nonprofits with experience in developing small scale infill projects consistent with Sausalito's character.
- Conduct an Inclusionary Housing Nexus and In-Lieu Fee Study including an analysis of alternative strategies to address inclusionary requirements, such as the provision of ADUs above detached garages.
- Provide information to affordable housing developers that fee deferrals, reductions and waivers may be granted for affordable housing projects.

(F) **Updated Socio-Economic Data and Projections and Background Information.** The Housing Element Update contains updated statistics and analysis of housing issues including housing needs, affordability, land availability, governmental constraints, and non-governmental constraints per State law. The projections in the Housing Element Update are consistent with ABAG projections and the California Department of Finance.

State law establishes detailed content requirements for Housing Elements and requires a regional "fair share" approach to distributing housing needs. The Housing Element Update utilizes the Association of Bay Area Government's (ABAG) Regional Housing Needs Allocation (RHNA) for the 7-year planning period from 2007-2014. Assembly Bill 1233, which took effect on January 1, 2006, requires local governments to "carry over" RHNA allocations if a housing element fails to identify or make adequate sites available in a prior planning period. Since Sausalito did not adopt housing element for the prior 1999-2006 planning period, the City must evaluate a possible carry-over of the RHNA allocation from the prior planning period into the current 2007-2014 planning period. However, since the analysis within the Housing Element determined that there was not any unaccommodated need from the 1999-2006 planning cycle, there was no carry-over.

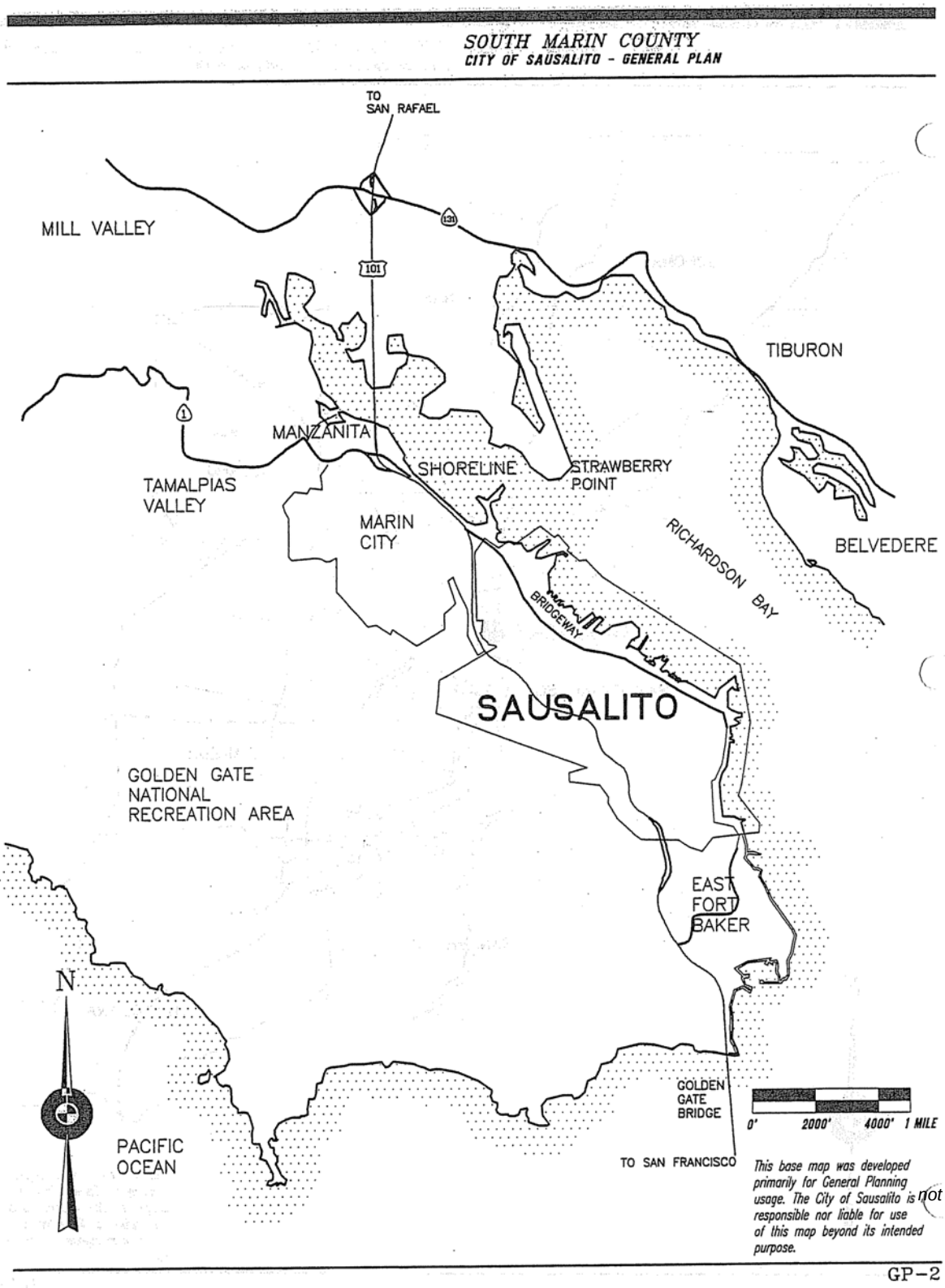
RHNA for 1999-2006 and 2007-2014 Planning Periods

RHNA	Very Low	Low	Moderate	Above Moderate	Totals
1999-2006	36	17	50	104	207
2007-2014	45	30	34	56	165

13. Surrounding Land Uses and Setting: Uses in the unincorporated areas surrounding the City of Sausalito city limits, include residential and open space.

14. Other agencies or utility providers whose approval is required (e.g., permits, financing approval, or participation agreement.): Review by the State of California Housing and Community Development Department (HCD), although the project does not require HCD approval or the approval of any other state agency. There are no responsible or trustee agencies for this project pursuant to CEQA.

Project Location and Vicinity Map - Figure 1


SOUTH MARIN COUNTY
CITY OF SAUSALITO - GENERAL PLAN
TO SAN RAFAEL
MILL VALLEY
101
131
1
TIBURON
MANZANITA
SHORELINE
STRAWBERRY POINT
TAMALPIAS VALLEY
MARIN CITY
RICHARDSON BAY
BELVEDERE
BRIDGEWAY
SAUSALITO
GOLDEN GATE NATIONAL RECREATION AREA
EAST FORT BAKER
N
GOLDEN GATE BRIDGE
0' 2000' 4000' 1 MILE
PACIFIC OCEAN
TO SAN FRANCISCO
This base map was developed primarily for General Planning usage. The City of Sausalito is not responsible nor liable for use of this map beyond its intended purpose.
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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

B. DETERMINATION

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an EARLIER EIR or NEGATIVE DECLARATION pursuant to applicable legal standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Jeremy Graves, AICP — Date
Community Development Director

C. REFERENCES

The following is a list of references used in the preparation of this document. Each of the topics addressed in Section D, Evaluation of Environmental Impacts, includes a list of references by number. The numbers for the reference sources correspond with the sources that are listed below by number.

1. City of Sausalito General Plan
2. City of Sausalito Zoning Ordinance
3. Draft City of Sausalito Housing Element
4. Marin Housing Workbook
5. Hazardous waste list website: http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm.
6. State Planning and Zoning Law
7. National Pollution Discharge Elimination System (NPDES)
8. Composite Flood Hazard Areas - HUD National Flood Insurance Program
9. Field Inspection
10. Experience with other projects of this size and nature
11. Aerial Photography
12. State of California Department of Conservation Marino County Important Farmland 2010 Map
13. Bay Area Air Pollution Control District
14. California Natural Areas Coordinating Council Maps
15. U.S. Census
16. ABAG Projections
17. BAAQMD CEQA Guidelines Assessing the Air Quality Impacts of Projects and Plans
18. Department of Fish & Game
19. US Army Corps of Engineers
20. USGS Data Contribution
21. California Natural Diversity Database
22. State/Federal Environmental Standards
    (a) Ambient Air Quality Standards
    (b) Noise Levels for Construction Equipment
23. Federal Environmental Standards
    (a) Water Quality Standards - 40 CFR 120
    (b) Low-Noise Emission Standards - 40 CFR 203
    (c) General Effluent Guidelines & Standards - 40 CFR 401
    (d) National Primary & Secondary Ambient Air Quality Standards - 40 CFR 50

D. EVALUATION OF ENVIRONMENTAL IMPACTS

Note: For each topic listed below, a reference source was used to complete the Environmental Checklist. The reference sources are listed by number in Section B of this document.

1. Aesthetics Would the project have:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect on a scenic vista? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☒	☐
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☒	☐

Discussion:

A substantial adverse effect to visual resources could result in situations where a development project introduces physical features that are not characteristic of current development, obstructs an identified public scenic vista, impairs views from other properties, or has a substantial change to the natural landscape. All new development under the Housing Element Update would be required to be consistent with the City's General Plan and current zoning standards (including findings for Design Review Permits, if applicable). The revisions to the current 1995 Housing Element that are proposed in the Housing Element Update will not result in a significant increase in visual impacts over those identified in the environmental impact report for the 1995 Housing Element or allowed by the City's current development review process. The Housing Element Update will not affect scenic vistas or damage scenic resources because any new development, including possible homeless facilities, would be subject to the City's zoning and design review requirements intended to protect the visual character and quality of areas and to limit light sources on any property to avoid any new sources of substantial light or glare. The City's current development standards are consistent with the Housing Element Update in the regulation of building height, setbacks, massing, and overall design in the City. These development standards provide property owners and project designers certain basic development and design criteria in order to reinforce the desired building forms and character of the community. Policies in the General Plan also protect open hillsides, open space, and environmentally sensitive land areas. No rezoning is proposed in the Housing

Element Update, including rezoning that would permit new or increased construction in areas near scenic vistas or State scenic highways. Any housing development analyzed in the Housing Element would not be of a higher density than is allowed by the current General Plan and Zoning Ordinance. Two selected parcels within the CN-1 (mixed use commercial/residential) district would be allowed to be developed without a commercial component. Additionally, new construction of levels above the ground level on parcels in mixed use commercial/residential zoning districts would be limited to residential use and there would be a prohibition of the conversion of existing upper level residential use to commercial use. As the anticipated density and building massing on these parcels would not be affected, the Housing Element Update would have a less than significant impact on aesthetics and visual resources.

2. Agriculture and Forestry Resources:
Would the project:

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources: 1, 2, 3, 9, 10, 11, 12)	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources: 1, 2, 3, 12)	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (Sources: 1, 2, 10, 12)	☐	☐	☐	☒
d) Result in the loss of forestland or conversion of forestland to non-forest use? (Sources: 1, 2, 10, 12)	☐	☐	☐	☒
e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources: 1, 2, 9, 10, 11, 12)	☐	☐	☐	☒

Discussion:
There is no land within the City of Sausalito that is shown as Prime Farmland, Unique Farmland or Farmland of Statewide Importance on the Marin County Important Farmland map produced by the State Department of Conversation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. There would be no impact. The Housing Element Update does not change any boundaries or the potential for agricultural activities. There are no proposals contained in the Housing Element Update to convert Prime Farmland or any farmland of unique or State-wide importance. In addition, there is no rezoning or development proposed on forest land or land or timber property zoned Timberland Production. There are also no proposals that would conflict with existing agricultural zoning or a Williamson Act contract, or result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, or conversion or loss of forest land. Based on the above, the Housing Element Update would result in no impacts to agricultural or forest resources.

3. Air Quality

Would the project:

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 1, 2, 3, 10, 13, 17)	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: 1, 2, 3, 10, 13, 17)	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: 1, 2, 3, 10, 12, 13, 17)	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 1, 2, 3, 9, 10, 11, 12, 13, 17)	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people? (Sources: 1, 2, 3, 9, 10, 11, 12, 13, 17)	☐	☐	☐	☒

Discussion:
The Housing Element Update would not conflict with or obstruct implementation of the *Bay Area Clean Air Plan* (BAAQMD, 2000). The City of Sausalito is within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the regional government agency that monitors and regulates air pollution within the air basin. The BAAQMD is responsible for measuring the air quality of the region. The closest monitoring station is the Fort Cronkhite Monitoring Site located in Marin County. More localized pollutants (e.g., carbon monoxide [CO], sulfur dioxide, and total

suspended particulates [TSP]) experienced a peak in 1981 and have decreased since then. Concentrations of CO and nitrogen oxides (NOX) in the Bay Area meet State/federal standards. In addition, PM10 concentrations meet the federal 24-Hour standards, but not the State 24-Hour standards. Ozone concentrations and PM2.5 concentrations have exceeded the State and federal standards, but they exhibit wide variations from year-to-year related to meteorological conditions. Both ozone and PM10 are considered regional pollutants, because their concentrations are not determined by proximity to individual sources, but show a relative uniformity over a region. Carbon monoxide is considered a local pollutant, because elevated concentrations are usually only found near the source (e.g., congested intersections).

The Housing Element Update will not generate more vehicle trips as compared with the 1995 Housing Element or create more vehicle trips than permitted under the City's current zoning or general plan. The number of dwelling units that could be developed under the Housing Element Update would not result in significant cumulative impacts to air quality as growth and land use intensity are consistent with the City's current General Plan and current zoning designations. Development under the Housing Element Update is also consistent with ABAG's projections for Sausalito. Since the Housing Element Update is consistent with ABAG projections and the General Plan and zoning designations, development under the Housing Element Update will not conflict with or obstruct implementation of the applicable air quality plans. Because they generate few vehicle trips traffic and few air pollutants, homeless facilities, transitional and supportive housing uses will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, nor would they result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in "non-attainment" under an applicable federal or state ambient air quality standard.

The Housing Element Update contains policies encouraging housing near transit. These policies are consistent with current General Plan policies as they relate to the identification of potential sites for housing. The Housing Element Update would not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people.

Any housing development analyzed in the Housing Element would not be of a higher density than is allowed by the current General Plan and Zoning Ordinance. Two selected parcels within the CN-1 (mixed use commercial/residential) district would be allowed to be developed without a commercial component. Additionally, new construction of levels above the ground level on parcels in mixed use commercial/residential zoning districts would be limited to residential use and there would be a prohibition of the conversion of existing upper level residential use to commercial use. As the anticipated development potential on these parcels would not be affected, the Housing Element Update would result in no impact or less than significant impact to air quality.

4. Biological Resources Would the project:	**Potentially Significant Impact**	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and	☐	☐	☒	☐

Wildlife Service? (Sources: 1, 2, 3, 9, 10, 11, 18, 21)				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources: 1, 2, 3, 9, 10, 11, 18, 21)	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources: 1, 2, 3, 9, 10, 11, 18, 22)	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Sources: 1, 2, 3, 9, 10, 11, 18, 21)	☐	☐	☒	☐

Discussion:

Depending on the location, any future urban development in the City has the potential to affect important biological resources by disturbing or eliminating areas of remaining natural communities. This could include (a) a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, (b) a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service, (c) a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, or (d) interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. However, the Housing Element Update would not modify the location or amount of residentially-designated land allowed in the City's current General Plan and Zoning Ordinance. Development of possible homeless facilities, transitional and supportive housing would be allowed in the Public Institutional Zoning District. All new development under the Housing Element Update would be consistent with the General Plan and current zoning designations, and would be consistent with local policies and regulations protecting biological resources, such as the tree preservation regulations, and it will not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. Biological impacts would not be intensified over those identified in the certified 1995 General Plan update environmental impact report. Based on the above, the Housing Element Update would result in no impact or less than significant impact to biological resources.

5. Cultural Resources Would the project:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5? (Sources: 1, 2, 3, 9, 10)	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☒	☐

Discussion

Depending on the location, any future development in the City has the potential to (a) cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5, (b) cause a substantial adverse change in the significance of an archaeological resource pursuant to Guidelines Section 15064, (c) directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, or (d) disturb any human remains, including those interred outside of formal cemetery. The General Plan contains policies for the protection of cultural resources and all new development must be consistent with these policies. Based on the above, the Housing Element Update would result in no impact or less than significant impact to cultural resources.

6. Geology And Soils Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to	☐	☐	☒	☐

Division of Mines and Geology Special Publication 42. (Sources: 1, 2, 3, 9, 10, 11, 20)				
ii) Strong seismic ground shaking? (Sources: 1, 2, 3, 9, 10, 11, 20)	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction? (Sources: 1, 2, 3, 9, 10, 11, 20)	☐	☐	☒	☐
iv) Landslides? (Sources: 1, 2, 3, 9, 10, 11, 20)	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil? (Sources: 1, 2, 3, 9, 10, 11, 20)	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Sources: 1, 2, 3, 9, 10, 11, 20)	☐	☐	☐	☒
d) Be located on expansive soil, as defined in California Building Code, creating substantial risks to life or property? (Sources: 1, 2, 3, 9, 10, 11, 20)	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (Sources: 1, 2, 3, 9, 10, 11, 20)	☐	☐	☐	☒

Discussion:

There are no Alquist-Priolo Earthquake Fault Zones within the City of Sausalito and the City is not near any known active faults. The nearest known active faults are the San Andreas fault, about 6.5 miles to the southwest, and the Hayward fault, about 13 miles to the northeast, and the Rodgers Creek fault, 22 miles northeast. Therefore, the potential for fault surface rupture (as opposed to ground shaking) within the City limits is low and there would be no impact from the approval of the Housing Element Update. Most lowland areas with relatively level ground surface are not prone to landslides. Other forms of slope instability, such as the formation of slumps, translational slides, or earth flows, are also unlikely to occur except along stream banks and terrace margins. The highland areas are more susceptible to slope instability. The strong ground motion that occurs during earthquakes is capable of inducing landslides and debris flow (mudslides). These types of failure generally occur where unstable slope conditions already exist. The City has in place geologic review procedures to address these hazards. Hillside areas with landslide potential are of particular concern, and slope stability requires appropriate treatment of vegetative cover during and after residential development. The City's General Plan and Zoning designations do not prohibit new development on areas of geologic hazard, however many precautionary recommendations and restrictions are established in the policies and City requirements in order to minimize potential impacts from developing on geologically hazardous land. City regulations and policies cover slope stability, landslides, earthquake faults, seismic shaking requirements, and expansive soils. All new development is required to be consistent with the General Plan and current Zoning and development regulations.

Depending on the location, any future urban development in the City has the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death. This could include (a) rupture of a known earthquake fault, strong seismic ground shaking, and seismic-related ground failure, including liquefaction, (b) result in substantial soil erosion or the loss of topsoil, (c) be located on a geologic unit or soil that is unstable, or that would become unstable as a result of future development, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse, (d) be located on expansive soil, as defined in the California Building Code (CBC), creating substantial risks to life or property, or (e) have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water. The Housing Element Update will not permit development in areas where development is currently prohibited in the General Plan, Marinship Specific Plan, and Zoning Ordinance. New development analyzed in the Housing Element Update would be in areas already designated for residential, mixed use, or public institutional development. Any new construction would be required to meet CBC requirements and all development regulations of the City of Sausalito. Based on the above, the Housing Element Update would result in no impact or less than significant impact on geology and soils.

7. Greenhouse Gas Emissions
Would the project:

	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Sources: 1, 2, 10, 17)	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Sources: 1, 2, 10, 17)	☐	☐	☐	☒

Discussion:
In June 2010, the Bay Area Air Quality Management District (BAAQMD) adopted new CEQA thresholds of significance addressing standards for ozone and particulate matter (PM) from the State of California and the US EPA. The BAAQMD new greenhouse gas thresholds were developed to ensure that the Bay Area meets the State's plan to address climate change. Any housing development analyzed in the Housing Element would not be of a higher density than is allowed by the current General Plan and Zoning Ordinance. Development analyzed in the Housing Element Update is consistent with ABAG projections, the General Plan, and current zoning designations and, therefore, will not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment over current projections. It will also not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. No BAAQMD threshold of significance would be reached. Based on the above, the Housing Element Update would result in no impact or less than significant impact on greenhouse gas emissions.

Hazards And Hazardous Materials

Would the project:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒

Discussion:

The Housing Element Update will not result in potential impacts from hazards and hazardous material that may endanger residents or the environment. No hazards are associated with the policies or programs contained in the Housing Element Update. Implementation of the updated Housing Element will also not generate significant quantities of hazardous materials, significantly affect the mitigation of hazardous materials manufacture, storage, transport or use within the City, or expose residences to hazardous materials. Development analyzed in the Housing Element Update would be consistent with the General Plan and current zoning designations. This includes the City's emergency response plan and any impacts related to air safety or risk from fire. No public airports are within two miles of the City of Sausalito. The nearest public airport is Gnoss Field, which is approximately 22 miles north of Sausalito. There would be no impact. No airstrips are located in the City of Sausalito. The nearest private airstrip is located at Smith Ranch, which is approximately 14 miles north of Sausalito. The sea-based helicopter landing area in Richardson's Bay north of the city limits would not affect or be affected by approval of the Housing Element Update. There would be no impact.

Development under the Housing Element Update is proposed in areas already designated for residential or mixed-use development. Areas designated for possible homeless facilities are already developed areas. Any new construction, such as homeless facilities, transitional and supportive housing, would also be required to meet CBC requirements. Based on the above, the Housing Element Update would result in no impact on hazards or hazardous materials.

8. Hydrology And Water Quality Would the project:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Violate any water quality standards or waste discharge requirements? (Sources: 1, 2, 3, 7, 9, 10, 11)	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Sources: 1, 2, 3, 7, 9, 10, 11)	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources: 1, 2, 3, 7, 9, 10, 11)	☐	☐	☒	☐
f) Otherwise substantially degrade water quality? (Sources: 1, 2, 3, 7, 9, 10, 11)	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources: 1, 2, 3, 8, 9, 10, 11)	☐	☐	☒	☐

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows? (Sources: 1, 2, 3, 8, 9, 10, 11)	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources: 1, 2, 3, 8, 9, 10, 11)	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow? (Sources: 1, 2, 3, 9, 10, 11, 20)	☐	☐	☐	☒

Discussion:

Development analyzed in the Housing Element Update will have no impact or less than significant impact in (a) violating any water quality standards or waste discharge requirements, (b) substantially depleting groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, (c) substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, (d) substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, (e) create or contribute runoff water which would exceed the capacity of existing or planned storm-water drainage systems or provide substantial additional sources of polluted runoff, (f) substantially degrade water quality, or (g) expose people to risks from flooding. The Housing Element Update is consistent with the General Plan and current zoning development standards. Any new development would be required to be consistent with City regulations and development standards related to flood control and drainage, including Chapter 11.17 of the Sausalito Municipal Code. The Housing Element Update will not generate a significant impact on hydrology and water quality over current projections for population and housing units. The Housing Element Update would not allow development where it is not currently permitted, and all development analyzed in the Housing Element Update is in areas and at densities already designated for residential, mixed use, or public institutional development.

Approval of the Housing Element Update will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, or inundation by seiche, tsunami, or mudflow. New housing proposed in locations within the 100-year flood hazard area would be regulated under current City policies and regulations protecting future development from flooding impacts. The policies and regulations regarding hydrology and water quality would continue to be implemented for future residential projects. Based on the above, the Housing Element Update would result in no impact or less than significant impact on or from hydrology and water quality.

9. Land Use And Planning Would the project:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Physically divide an established community? (Sources: 1, 2, 3, 9, 10)	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 1, 2, 3, 9, 10)	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒

Discussion:

The Housing Element Update will not expand the area in which development is permitted under the General Plan or Zoning Ordinance. Two selected parcels within the Commercial Neighborhood (CN-1) Zoning District, a mixed use commercial/residential district along Second Street, would be allowed to be developed without a commercial component. Additionally, new construction of levels above the ground level on parcels in mixed use commercial/residential zoning (i.e., CN-1, CC, and CR) districts would be limited to residential use and there would be a prohibition of the conversion of existing upper level residential use to commercial use. There would be no change to the maximum allowed density on any parcel with the Housing Element Update, All development analyzed in the Housing Element Update is in areas already designated for residential, mixed use, or public institutional development. Implementation of the Housing Element Update will not (a) physically divide an established community, (b) conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, or (c) conflict with any applicable habitat conservation plan or natural community conservation plan. The Housing Element Update is consistent with current City policy documents, including the General Plan and Marinship Specific Plan. It is also consistent with ABAG projections for Sausalito. No changes are made in the Housing Element Update related to the density or development potential on housing sites. Based on the above, the Housing Element Update would result in no impact or less than significant impact on land use and planning.

10. Mineral Resources Would the project:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources: 1, 2, 3, 9, 10, 11)	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Sources: 1)	☐	☐	☐	☒

Discussion:
There are no known mineral resources of significant value in the City, or categorized as locally important within the City that would be lost due to residential development under the current General Plan and the Housing Element Update. As a result, there would be no impact to mineral resources associated with adoption of the Housing Element Update.

11. Noise Would the project result in:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Sources: 1, 9, 10)	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources: 1, 9, 10)	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 9, 10)	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources: 1, 9, 10)	☐	☐	☒	☐

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1)	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1)	☐	☐	☐	☒

Discussion:
The Housing Element Update contains Implementation Programs which have requirements to reduce noise impacts on residents (e.g., code enforcement, residential rehabilitation loans, condominium conversion regulations). Since new residential development must be consistent with current noise regulations and standards, the Housing Element Update will not result in the exposure of persons to or generation of noise levels in excess of standards established in the general plan, noise regulations, or applicable standards of other agencies. The same is true regarding the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels, and for the same reasons. Changes from the 1995 Housing Element primarily relate to special needs housing (homeless, transitional and supportive housing, etc.), which is primarily non auto-generating. The location of homeless facilities (required under SB2) requires a facility to be located within one-quarter mile of a transit stop. These facilities generate minimal traffic and potential noise impacts. When construction occurs, noise regulations are in place to reduce to a less than significant level any substantial temporary or periodic increase in ambient noise levels in the City. Based on the above, the Housing Element Update would result in no impact or less than significant impact to the noise environment or on future residents of the housing that may be constructed.

12. Population And Housing Would the project:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Sources: 1, 2, 3, 4, 16)	☐	☐	☒	☐

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources: 1, 2, 3, 4)	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources: 1, 2, 3, 4)	☐	☐	☐	☒

Discussion:
The Housing Element Update utilizes the Association of Bay Area Government's (ABAG) Regional Housing Needs Allocations (RHNAs) for the 1999-2006 and 2007-2014 planning periods. Minimal population growth is projected in the General Plan. Since the Housing Element Update is consistent with the General Plan, it will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). The Housing Element Update proposes various housing programs to assist in providing housing for low and moderate income households. Therefore the Housing Element Update would likely not displace any existing residents, but would facilitate adequate housing for City residents. Implementation of the updated Housing Element will create a positive impact by addressing population and housing needs.

The Housing Element Update demonstrates the City could accommodate 165 new residential units within the current planning period. This represents a 4% increase in the number of housing units which is 4,112 based on the 2010 Census. Some of these units (24 units) are existing liveaboards and accessory dwelling units, which further decreases the potential for any significant impact from increases in population. If all of the residential units are developed, the population would be anticipated to increase by 281 people (based on 1.7 persons per household) for a 4% increase over the existing population of 7,061.

The Housing Element Update will not displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere. Based on the above, the Housing Element Update would result in no impact or less than significant impact to the population and housing environment, or on future residents.

13. Public Services				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	☐	☐	☒	☐
Fire protection? (Sources: 1, 2, 3, 4)	☐	☐	☒	☐
Police protection? (Sources: 1, 2, 3, 4)	☐	☐	☒	☐
Schools? (Sources: 1, 2, 3, 4)	☐	☐	☒	☐
Parks? (Sources: 1, 2, 3, 4)	☐	☐	☒	☐
Other public facilities? (Sources: 1, 2, 3, 4)	☐	☐	☒	☐

Discussion:
All potential impacts to public services, including fire and police protection, medical aid, schools, parks, maintenance of public facilities and other governmental services are considered in the Housing Element Update in determining whether a housing site is available for and appropriate for development. The Housing Element Update evaluates the zoning, the slope and topography, whether the site is sufficiently served by public facilities, such as sewer and water, and whether there are environmental barriers to development. The estimated unit capacity is based on all applicable land-use controls and site improvement requirements, including standards such as maximum lot coverage, height, open space, and parking.

Since all housing sites are consistent with the current General Plan and Zoning, the Housing Element Update will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services listed above (fire, police, parks, schools and others). For sites identified as being underdeveloped, the projected development considers existing development trends and site redevelopment potential. All new development projected under the updated Housing Element and special needs housing policies and

programs are consistent with the service levels established in the General Plan and zoning standards.

Based on the above, the Housing Element Update would result in no impact or less than significant impact to public services.

14. Recreation				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources: 1, 2, 3, 9, 10)	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment? (Sources: 1, 2, 3, 9, 10)	☐	☐	☒	☐

Discussion:
The Housing Element Update will not expand the area in which development is permitted under the General Plan or Zoning Ordinance. All development analyzed in the Housing Element Update is in areas already designated for residential, mixed use, or public institutional development. Implementation of the Housing Element Update will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

The Housing Element Update will not result in recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. The availability, maintenance, and management of park and recreation facilities are covered under the General Plan and the Capital Improvement Program. No specific recreational facilities or the construction or expansion of recreational facilities that might have an adverse physical effect on the environment are included in the updated Housing Element. Development under the Housing Element Update is consistent with the General Plan, and current zoning designations and, therefore, will not generate a significant impact on the recreation needs.

Based on the above, the Housing Element Update would result in no impact or less than significant impact on recreation.

15. Transportation/Traffic Would the project:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? (Sources: 1, 2, 3, 4, 5)	☐	☐	☐	☒
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Sources: 1, 2, 9, 10)	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources: 1, 2, 9, 10)	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Sources: 1, 2, 9, 10)	☐	☐	☐	☒
e) Result in inadequate emergency access? (Sources: 1, 2, 9, 10)	☐	☐	☐	☒
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Sources: 1, 2, 9, 10)	☐	☐	☐	☒

Discussion:

Approval of the Housing Element Update will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections). The Housing Element Update will not expand the area in which development is permitted under the General Plan or Zoning Ordinance. Two selected parcels within the CN-1 (mixed use

commercial/residential) District would be allowed to be developed without a commercial component. Additionally, new construction of levels above the ground level on parcels in mixed use commercial/residential zoning districts would be limited to residential use and there would be a prohibition of the conversion of existing upper level residential use to commercial use. There would be no change to the maximum allowed density on any parcel with the Housing Element Update, All development analyzed in the Housing Element Update is in areas already designated for residential, mixed use, or public institutional development.

Project specific impacts that could result from residential development under the Housing Element Update will be evaluated on case-by-case basis through an appropriate level of environmental review under the California Environmental Quality Act as projects come forward. All development analyzed in the Housing Element Update would be consistent with the General Plan and current zoning standards. The Housing Element Update will not increase hazards due to a design feature, result in inadequate emergency access, or conflict with adopted policies, plans, or programs supporting alternative transportation. Based on the above, the Housing Element Update would result in no impact on transportation/traffic.

16. Utilities And Service Systems Would the project:				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Sources: 1, 16)	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1)	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1)	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1)	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve	☐	☐	☐	☒

the project's projected demand in addition to the provider's existing commitments? (Source: 1)				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1)	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1)	☐	☐	☐	☒

Discussion:
The Housing Element Update will not expand the area in which development is permitted under the General Plan or Zoning Ordinance. All development analyzed in the Housing Element Update is in areas already designated for residential, mixed use, or public institutional development. All new development under the Housing Element Update would be consistent with the General Plan and zoning standards. Therefore, the Housing Element Update will not (a) exceed wastewater treatment requirements, (b) require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, or (c) require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. With the above policies associated with land use, impacts to the community as a result of implementing the Housing Element Update are less than significant.

Based on the above, the Housing Element Update would result in no impact on utilities and service systems, including compliance with federal, state, and local statutes and regulations related to solid waste.

Mandatory Findings Of Significance				
	Potentially Significant Impact	**Less Than Significant with Mitigation Incorporated**	**Less Than Significant Impact**	**No Impact**
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively	☐	☐	☒	☐

considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

Discussion:
The Housing Element Update will not expand the area in which development is permitted under the General Plan or Zoning Ordinance. All development analyzed in the Housing Element Update is in areas already designated for residential, mixed use, or public institutional development. All new development under the Housing Element Update would be consistent with the General Plan, zoning designations. Development would occur consistent with current regulations and development review procedures. Thus, the Housing Element Update does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As a result, adoption of the Housing Element Update will create No Impact in this category.

Any housing development analyzed in the Housing Element would not be of a higher density than is allowed by the current General Plan and Zoning Ordinance. Two selected parcels within the CN-1 (mixed use commercial/residential) District would be allowed to be developed without a commercial component. Additionally, new construction of levels above the ground level on parcels in mixed use commercial/residential zoning districts would be limited to residential use and there would be a prohibition of the conversion of existing upper level residential use to commercial use. No new sites for additional residential development are added, nor is the density increased on any sites from that in the General Plan or Zoning Ordinance.

The Housing Element Update carries forward many of the programs contained in the 1995 Housing Element and is consistent with other City policies related to environmental protection. The Housing Element Update better addresses special needs populations. The limited modifications contained in the Housing Element Update will create impacts which are Less Than Significant or non-existent (i.e., No Impact) on an individual basis as described in the above analysis. In addition, the limited modifications contained in the Housing Element Update will create impacts which are Less Than Significant on a cumulative basis since the development allowed pursuant to the Housing Element Update is consistent with the General Plan, Marinship Specific Plan, and Zoning Ordinance. Furthermore, the amount of residential development that would be allowed under the Housing Element Update is the same or less as the amount of development analyzed in the General Plan EIR and the impacts of that development have been disclosed, analyzed and mitigated to the extent feasible in the General Plan EIR.

The Housing Element Update will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly related to potential housing sites. As a result, there is No Impact for this Finding of Significance. The Housing Element Update is also consistent with and the California Department of Finance and ABAG projections for Sausalito. The updated Housing Element contains updated statistics and analysis of housing issues per State law, which provides a more up-to-date

foundation for future planning. Impacts to all of the City's resources are therefore considered less than significant.

Based on the above, the Housing Element Update will result in No Impacts or Less Than Significant Impacts on issues identified in the Mandatory Findings of Significance.

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E. COMMENTS AND RESPONSES

This section lists correspondence and comments as well as responses to the respective correspondence and comments regarding the *Housing Element Update Initial Environmental Study / Negative Declaration*, Public Review Draft dated July 2012. The public comment period ran from July 23, 2012 to September 5, 2012.

1. Written Correspondence and Responses
2. June 13, 2012 Planning Commission Public Hearing
3. July 25, 2012 Planning Commission Public Hearing
4. August 22, 2012 Planning Commission Public Hearing
5. September 5, 2012 Planning Commission Public Hearing

Terminology:
CEQA: California Environmental Quality Act
EIR: Environmental Impact Report
IES/ND: Initial Environmental Study / Negative Declaration

129 PROSPECT AVENUE
SAUSALITO, CALIFORNIA 94965-2332

May 23, 2012

Planning Commission
City of Sausalito
420 Litho Street
Sausalito, California 94965

RE: Proposed Negative Declaration, California Environmental Quality Act, for the Sausalito Housing Element Submission

Dear Commissioners:

I am opposed to the City of Sausalito submitting the Housing Element to the state authorities without conducting an environmental impact study. I regret I may be unable to attend your meeting this evening due to my attendance at a Historic Landmarks Board meeting scheduled for the same time.

The standard applied by the courts for determining whether an environmental impact study is required under the California Environmental Quality Act (CEQA) is the "fair argument" test, in other words, can or cannot it be *fairly argued* that the project may have a significant environmental impact. Before and at last night's City Council meeting on one area of the Housing Element submission, residents raised well-justified concerns regarding the impact of the Housing Element on:

- Traffic and parking;
- Sewer capacity; and
- Storm water capacity;

There are also issues raised by rising water levels and impacts on the wildlife and vegetation of the City and of the Bay.

The intent of CEQA is that it be considered as early in the development process as possible and the determination is not based on any "neighboring community" standard. Given the negation of CEQA reviews for certain projects under Senate Bill 375, the Housing Element submission level may be the only opportunity for an assessment of the environmental impact of the proposed addition of so many units to our small community.

Please reject the "negative declaration" and initiate the steps towards an independent assessment of the impact of the proposed Housing Element on our community. I have case law to support my request if you care to review it.

Sincerely yours,

John Flavin
Resident

Response to John Flavin, 129 Prospect Avenue, Letter received May 23, 2012

The commenter posits that it cannot be fairly argued that the project may not have a significant environmental effect. The letter lists several impacts that the Housing Element could create, including traffic and parking, sewer capacity, storm water capacity, and mentions that there are issues raised by rising water levels, and wildlife and vegetation.

The 'project' being analyzed under the California Environmental Quality Act (CEQA) is the Housing Element Update. It is a policy document, and while sites suitable for housing are required to be identified by State Housing Element law, no actual development projects are being proposed as part of the Housing Element. Therefore no traffic, noise, biological, view, etc. impacts, which are specific physical impacts of future projects, are created through the adoption of the Housing Element document.

The Housing Element has remained sensitive to rising water levels, wildlife and vegetation, by not identifying or rezoning any potential housing sites in the Marinship or areas designated as Open Space in the Zoning Ordinance.

Staff and consultants have worked closely with the Housing Element Task Force, Planning Commission, and City Council to ensure that the Housing Element does not propose programs that would increase the residential density of Sausalito beyond what is currently allowed by the General Plan and Zoning Ordinance. Therefore, no significant impacts are being identified beyond what has been already identified and mitigated under the existing General Plan and its EIR.

The commenter stated that CEQA reviews will be negated for certain projects under Senate Bill 375.

SB 375 is being implemented in the Bay Area. While it is true that SB 375 would create CEQA streamlining measures for certain types of transit-oriented housing projects, however, none of the CEQA streamlining measures would apply to Sausalito, as the City is not identified to be in a "Transit Priority Area" (TPA) or "Priority Development Area" (PDA). Therefore the CEQA streamlining process would not be applied to housing projects in Sausalito.

The commenter has stated that the Housing Element is the only opportunity for an assessment of the environmental impact of the proposed addition of so many units to our small community.

The environmental review of the Housing Element is <u>not</u> the only opportunity for an assessment of the environmental impact of future proposed projects. Future proposed projects will need to go through the necessary development review process, including review against the General Plan, Zoning Ordinance, design review, and environmental review. This is stated in the IES/ND.

The following wording has been added to the penultimate paragraph on Page 2 of the IES/ND to clarify that the document only applies to the Housing Element Update and not to future projects, which need to undergo environmental review as required by CEQA, and the City's required zoning and design review process.

> "This IES/ND applies only to the Housing Element Update and does not apply to actual housing projects that may be proposed in the future, including those that are proposed as a result of Housing Element policies and programs. Any actual projects that are proposed must still undergo environmental review as required by CEQA, and the City's required zoning and design review process."

Furthermore, the “housing units” stated in Chapter IV and the Site Inventory of the Housing Element that fulfill the Regional Housing Allocation Needs are not proposed housing units. Rather, they are an indication of the number of potential housing units that the City has the capacity to accommodate under its existing General Plan and Zoning Ordinance structures.

Lilly Schinsing

From: Thomas Roedoc (thomasroedoc@hotmail.com)
Sent: Monday, June 11, 2012 6:19 PM
To: Lilly Schinsing
Subject: High-Density Housing in Old Town

To the Mayor, City Council Members, City Attorney, City Manager, and Planning:

I have resided in Sausalito for 25 years, all of it on the corner of Bridgeway and Richardson in the Old Town section of the city. Since I'm unable to attend the meetings on Tuesday and Wednesday, I'm writing to express my thoughts. While there are many issues involved, those that affect most of us directly are parking (in particular) and traffic. For as long as I've lived here the parking situation has ranged from difficult to impossible, and the biggest impact of traffic is on crossing Second Street and Richardson, which is difficult at best.

I know these two (and other) issues would be explored in an EIR. *However,* I have heard that some folks want to waive this report, or (supposedly) delay it and include it in the process before construction begins. But I believe delaying the report is a ruse, as affordable-living unit construction can sometimes be exempted from such a review.

It is CRITICAL that an EIR be done prior to ANY decision-making regarding construction in Old Town, and indeed before construction anywhere in Sausalito. Without one, developers can expect to be dogged every step of the way, as the residents of Old Town (and many other residents of our fair city) will make their projects as difficult as the law allows.

Thanks for your kind attention to this matter.

Thomas Roedoc

Response to Thomas Roedoc, Email received June 11, 2012

The commenter states that parking and traffic have been difficult in his neighborhood (Old Town), which would typically be explored in an EIR.

The commenter states that he has heard that there are intentions to waive or delay the (EIR) report (for the Housing Element), and believes that this is to distract from the fact that affordable housing can sometimes be exempted from such a review.

Traffic impacts are specific physical impacts of future housing projects, and are not created through the Housing Element document as it is a policy document. No actual development projects are proposed as part of the Housing Element.

Existing parking and traffic circumstances, including those caused by tourism, should be analyzed separately when the City revisits its Circulation Element in the future.

An Environmental Impact Report (EIR) is not the appropriate environmental review document for this Housing Element Update. Based on the Initial Environmental Study, it was determined that the proposed Housing Element Update could not have a significant effect on the environment, and therefore a negative declaration has been prepared. As the Housing Element does not propose an increase in residential density beyond what is currently allowed by the General Plan and Zoning Ordinance, the level of development potential described in the Housing Element Update is therefore consistent with the General Plan and its EIR, which found no unmitigated cumulative impacts.

While categorical exemptions are allowed under CEQA, there is no categorical exemption for a affordable housing project. Only project-specific factors could possibly cause an affordable housing project to be exempt. For example, if a proposed affordable housing project already had pre-existing units and was analyzed to have no possible significant impacts in areas such as traffic and sewer, it could be exempt under CEQA. If another affordable housing project requested the demolition of a historic building, that project could be determined to have a significant impact.

Lilly Schinsing

From: Christine Durbin [chrisdurbin1111@gmail.com]
Sent: Tuesday, June 12, 2012 5:47 PM
To: Lilly Schinsing
Subject: Opposition to Negative Declaration that would bypass a cumulative Environmental Impact Review

Dear Ms. Schinsing,

I writing in reference to proposals to build new housing in the Old town area of Sausalito. It has just come to my attention that Sausalito City Staff have submitted a Negative Declaration that would bypass a cumulative Environmental Impact Review (EIR) meaning all development can proceed without considering the environment and the Bay. I am writing to voice my strong opposition to the Negative Declaration. I am absolutely in favor of a cumulative Environmental Impact Review being completed prior to any new building in our city. I sincerely hope you share my views and will work to see to it that a cumulative EIR is mandated.

Sincerely,
Chris Durbin
2nd Street Resident

Response to Christine Durbin, 2nd Street resident, Email received June 12, 2012

The commenter states that the Negative Declaration would bypass a cumulative Environmental Impact Review, which the commenter understands to mean that all development could proceed without considering the environment and the Bay. The commenter is in favor of a cumulative Environmental Impact Review being completed prior to any new building in the City.

Clarification of terminology: Environmental review refers to all levels of the examination of potential impacts of a project. The California Environmental Quality Act (CEQA) governs this process. If a project does not qualify for exemptions allowed under CEQA, an Initial Study (aka, Initial Environmental Study) is prepared to determine whether there are significant adverse impacts, resulting in a Negative Declaration or a Mitigated Negative Declaration. If there are significant adverse impacts that cannot be mitigated to a less-than-significant level, an Environmental Impact Report (EIR) would be prepared for the project. Projects may be determined to fall into any of these categories on a case-by-case basis, and an EIR is not a blanket approach for the environmental review of any project.

Both the Initial Environmental Study and the EIR documents are required to consider cumulative impacts. In this case, the level of development potential described in the Housing Element Update is consistent with the General Plan and its EIR, which found no unmitigated cumulative impacts.

A Negative Declaration for the Housing Element does **not** mean that future proposed projects will not be analyzed for environmental impacts. Future proposed projects will still be required by to go through the standard development review process, including review based on the General Plan, Zoning Ordinance, design review, and environmental review as required by State Law (CEQA). This is stated in the IES/ND.

The following wording has been added to the penultimate paragraph on Page 2 of the IES/ND to clarify that the document only applies to the Housing Element Update and not to future projects, which need to undergo environmental review as required by CEQA, and the City's required zoning and design review process.

> "This IES/ND applies only to the Housing Element Update and does not apply to actual housing projects that may be proposed in the future, including those that are proposed as a result of Housing Element policies and programs. Any actual projects that are proposed must still undergo environmental review as required by CEQA, and the City's required zoning and design review process."

Lilly Schinsing

From: jannjohnson@comcast.net
Sent: Tuesday, June 12, 2012 3:55 PM
To: Lilly Schinsing
Subject: housing element

I urge you to vote no on the new housing element proposal to rezone Old Town CN1 to HMU and VMU zones.

I ,and I believe many other Sausalito residents, chose to live here because we wished to live in a village, a small town with a small town atmosphere, some green, decreased traffic and better air quality, slower traffic, a place we could walk to local shops and restaurants, know our neighbors if we both so chose, find a place to park within several blocks of our homes. Those of us who bought here within the last 20 years have paid a very high price in years of labor and other deferred gratification in order to be here.

I cannot understand why the M Group, city staff, and housing element work group is set on destroying the character of Sausalito which drew most of us here. If we had wanted to live in a highly dense urban area we would have moved to San Francisco. The new housing element proposal is an affront to the 208 people who signed the last petition to stop over development and loss of Old Town commerce and the 75 people who attended the last city council meeting. This is madness.

Old Town should be excluded from rezoning. Old Town is dense enough. Many of us favor thoughtfully developed affordable housing, but the impact on our community must be taken into account.

Here are the reasons:

- There will be a substantial negative impact on primary views resulting in decreased home values , devastating effects on owner financial situations ,and realtor incomes,

- Parking problems : the addition of 12-36 new cars will critically exacerbate already crowded streets.
  The Bay/ East side of 2nd street has an estimated 19 units without parking whose residents already have to use street parking in Old Town. . Adding high density housing parking needs to this overcrowded area will parking all but impossible for all residents.

- 2nd St is already dangerous, constricted, and congested with cars usually going over the speed limit. Increasing residents and adding high density families with children will create significant
  safety concerns.

- The Sausalito general plan states that this area's buildings should be commercial and residential. We will lose and local neighborhood serving businesses and services . Adding residential units without these services will not make for a walkable community, but force current and additional residents into cars. Sausalito's commercial vacancy rate last year was only 7%. Losing these business spaces will reduce local services, lose businesses, and reduce and our tax base,

- Environmental impact in an already closely settled neighborhood will be negative :
  Our sewers are at over capacity and will be adversely affected
  Increased street and beach trash will enter the Bay,

  Increased residential density will have a negative impact on access for emergency vehicles (narrow street with no shoulder)

- There will be a negative impact on quality of life for neighbors: an increase in noise , commotion ,and a decrease in bay views, light, and serenity ,

- Large 3-story sites are out of context with the character of the neighborhood – we should preserve the historical character, serenity, and charm of Old Town, Sausalito's original settlement and the gateway to our historic downtown,
- No state law mandates large family units, and it states the housing element should reflect the demographic of the local area. Sausalito's demographic is 1.6 people per housing unit.

- Land -use legal counsel has advised that once sites are approved by the City as "feasible" and passed onto the State (with bonuses and incentives) there is little the City or residents can do to uphold standard restrictions and stop developers. In fact, the State dictates that once a site is designated, aggressive incentives, including marketing events to stimulate interest from developers, relaxation of building, zoning, setback and parking standards, must be provided along with expedited building design reviews. With backing from the State, a developer will overcome any local

HMU/VMU new zoning will decrease Old Town's quality of life and should not be considered feasible. It will forever negatively change the character of Sausalito.

The recent ADU (accessory dwelling unit/ granny unit) working group approval of the obstruction of 10% of a neighbor's primary views in order to build ADUs is also egregious.
Will the City refund 10% of the offended property owners home value as result of the view loss?

The new proposal places the burden of state law on small Old Town without addressing the problems it will cause nor the negative impact on the quality of our lives. City Council directed M.Group, City Staff, and the Housing Element Task Force to find low impact strategies. ADUs obstructing 10% of our views and high density development of 2nd St is not low impact; it is high impact.

- The General Plan's Housing Element Policy H-1.3 Public Participation states the city must encourage a high degree of public awareness and involvement from all economic segments of the community. No resident input was sought on these sites. No resident workshops were done.
Our community had only 2 weeks notice about the first Old Town rezoning proposal and 4 days notice about the second.

You were elected to represent us. I naively assume this means caring for our quality of life as opposed to destroying our town with overdevelopment.

- Please reject any proposal to rezone Old Town.
- Please completely remove 2nd Street sites from the Housing Element feasible list, and
- Please restore our view preservation to 100% as it is now.

- I respectfully request a cumulative EIR (environmental impact report) for the entire housing element proposal , not a case by case delayed evaluation.

Sincerely,
Jann Johnson
301 2nd St

Response to Jann Johnson, 301 2nd Street, Email received June 12, 2012

The Commenter states that M-Group, City staff, and the Housing Element work group is set on destroying the character of Sausalito which drew most residents to the City, and that the Housing Element proposal is offensive to the many residents.

Staff and consultants have worked closely with the Housing Element Task Force, Planning Commission, and City Council to create a Housing Element that does not propose policies or programs that would increase the residential density of Sausalito beyond what is currently allowed by the General Plan and Zoning Ordinance. By achieving a State-certified Housing Element, the current character of Sausalito is protected by encouraging contextual, small scale in-fill development, and also preventing the Regional Housing Needs Allocation from becoming cumulative.

The Commenter states that Old Town should be excluded from rezoning due to its impacts on the community. The Commenter states several potential negative effects and impacts that rezoning would bring.

Many of the Commenter's statements and concerns are valid. However, this response will make specific clarifications.

1. There is no rezoning (i.e., changing the zoning on a parcel from one zoning designation to a different zoning designation) proposed for the Old Town, or any part of Sausalito. Rezoning options were removed from consideration by the Housing Element Task Force at the November 21, 2011 meeting and have not been reconsidered since.
2. The Housing Element document, including the Vertical Mixed Use (VMU) and Horizontal Mixed Use (HMU) programs, does not propose an increase in residential density beyond what is currently allowed by the General Plan and Zoning Ordinance.
3. The Housing Element Update is a policy document, and while sites suitable for housing are required to be identified by State Housing Element law, no actual development projects are being proposed as part of the Housing Element.
4. The Housing Element document states in Chapter IV, B-6, that land designated for residential use can be linked up to the existing infrastructure grid easily, including sewer and water lines, streets, and storm drains. There is no shortfall anticipated during the 2009-2014 planning period in the ability of the Sausalito-Marin City Sanitary District (SMCSD) to provide necessary public services. While the SMCSD has been working on upgrading its sewage treatment plants, it is recognized that existing private later sewer laterals on private properties need to be repaired.
5. State law (California Government Code 65583) mandates the analysis of housing needs and provision of housing for large families, defined as 5 or more persons. This is discussed in Appendix A, 5c of the Housing Element.
6. Once sites are identified in a Housing Element, it does not mean that the City loses its zoning review and approval powers with future proposed projects on those sites. All proposed projects will need to go through the necessary development review process, including review based on the General Plan, Zoning Ordinance, design review, and environmental review. The Housing Element site inventory also offers a significant 88% buffer over the State-required Regional Housing Needs Allocation number, and therefore no particular site development application will be required to be approved based on the Housing Element.

7. Staff has confirmed that the Accessory Dwelling Unit (ADU) working group is no longer considering any percentage of obstruction of a neighbor's primary view for an ADU.
8. Notices for the original sites considered for rezoning were sent out on September 28, 2011. The sites were discussed at the Housing Element Task Force public meetings, and all sites were removed from rezoning consideration by November 21, 2011.
   Notices for the four original Mixed Use Opportunity sites (which was later termed HMU) including two Second Street sites were sent out on May 1, 2012. Four public hearings from early May to mid-June were held regarding HMU and VMU. VMU applies to all mixed-use zoning districts in the City that allow residential.

Lilly Schinsing

From: Mark Rushford [mrushford@fhallen.com]
Sent: Tuesday, June 12, 2012 4:42 PM
To: Jeremy Graves; Lilly Schinsing; Mike Kelly; Jonathan Leone; Herb Weiner; Carolyn Ford; Linda Pfeifer; Debbie Pagliaro; Mary Wagner; Adam Politzer
Subject: Housing Element Decisions for Old Town and elsewhere in Sausalito

Hello to all -

I am a resident of the Hurricane Gulch area, have been there for 9 years, and have attended previous meetings about this issue.

I now understand that the vehement protests from some of the 80 people who showed up (not one of them in favor of the project) to bringing more congestion and housing density to Old Town and other areas as protested in the meeting held at the city on 5/22 was not heard by the city council. I was there and it sounded like there was good understanding and progress at the time.

We live in a special area with a unique fabric of business and commercial. I can't imagine how further congestion and the rezoning that's being suggested would impact the area in any way other than negatively – and to a significant degree. Views could also be impacted.

As a real estate agent – I can tell you that potential buyers and sellers are very concerned about this particular issue. It's put a few of them on the fence as to whether it will be feasible to purchase in an area where views currently exist only to see them eradicated after they have purchased. And sellers are just as concerned since we've always been assured that our views are protected yet suddenly it seems that no longer may apply. Even if views were to not be impacted the congestion, makeup, and community of Old Town would be adversely affected thus causing the same negative impact on home value and desirability in the area as if views were removed. Neither is acceptable.

The suggestion of using Marinship was an excellent one and is the one that should be pursued. Finally I think a Cumulative Environmental Impact Review, as has been suggested by others, is a key element to being able to make an informed decision.

Thank you for your time.

Mark

MARK RUSHFORD | Realtor | DRE 01400112

Response to Mark Rushford, Resident of the Hurricane Gulch area, Email received June 12, 2012

The Commenter's email is based on the assumption that rezoning is being proposed for Old Town. The Commenter discusses views, congestion and character, which are important topics for Old Town residents.

There is no rezoning proposed for the Old Town, or any part of Sausalito. Rezoning options were removed from consideration by the Housing Element Task Force at the November 21, 2011 meeting and have not been reconsidered since.

The Housing Element document, including the VMU and HMU programs, does not propose an increase in residential density beyond what is currently allowed by the General Plan and Zoning Ordinance.

The Commenter mentions that Marinship should be considered for housing, and a cumulative Environmental Impact Review is important to making an informed decision.

The Marinship has been discussed at previous meetings. Due to ground stability issues, flooding, voter-approved land use restrictions and potential changes to community character, the Planning Commission and City Council have been reluctant to consider any part of the Marinship at this time for housing.

An Environmental Impact Report (EIR) is not the appropriate environmental review document for this Housing Element Update. Based on the Initial Environmental Study, it was determined that the proposed Housing Element Update could not have a significant effect on the environment, and therefore a negative declaration has been prepared. As the Housing Element does not propose an increase in residential density beyond what is currently allowed by the General Plan and Zoning Ordinance, the level of development potential described in the Housing Element Update is consistent with the General Plan and its EIR, which found no unmitigated cumulative impacts.

Lilly Schinsing

From: susan k [acksk@hotmail.com]
Sent: Wednesday, June 13, 2012 4:34 PM
To: Lilly Schinsing
Subject: EIR must be completed

I strongly oppose any action which avoids a complete EIR for any part of the Housing Element draft/project . Sausalito is a very small and unique space. Frankly in my opinion the HCD requirement has no place here at all. The principle behind it may be sound but the RHNA misguided. To further potentially degrade our community by not completing an EIR for the proposal as a whole or any individual project is a disservice to the people who have made this community home.

Susan Samols
145 Prospect Avenue
Sausalito

Response to Susan Samois, 145 Prospect Street, Email received June 13, 2012

The Commenter states strong opposition to any action which avoids a complete EIR for any part of the Housing Element draft or project.

An Environmental Impact Report (EIR) is not the appropriate environmental review document for this Housing Element Update. Based on the Initial Environmental Study, it was determined that the proposed Housing Element Update could not have a significant effect on the environment, and therefore a negative declaration has been prepared. As the Housing Element does not propose an increase in residential density beyond what is currently allowed by the General Plan and Zoning Ordinance, the level of development potential described in the Housing Element Update is consistent with the General Plan and its EIR, which found no unmitigated cumulative impacts.

Lilly Schinsing

From: Kerry Headington [kerryheadington@gmail.com]
Sent: Friday, June 22, 2012 9:57 AM
To: Lilly Schinsing
Subject: Fwd: Public Comment: Planning Commission Review of Housing Element Negative Declaration

From: **Kerry Headington** <kerryheadington@gmail.com>
Date: Fri, Jun 22, 2012 at 12:39 PM
Subject: Public Comment: Planning Commission Review of Housing Element Negative Declaration
To: lschinsing@ci.sausalito.ca.us, JGraves@ci.sausalito.ca.us, MWagner@ci.sausalito.ca.us, apolitzer@ci.sausalito.ca.us

To Sausalito Planning Commission and Staff:

There are strong and conflicting opinions among residents, city officials, and staff regarding the proposed Negative Declaration. In particular, there is concern that if this broad Negative Declaration on the "discretionary" changes to the Housing Element is approved, then future development projects that are proposed under the HMU and VMU plans will not have to undergo any environmental review. This is further complicated by SB 375's loosening of CEQA.

Residents in Old Town have raised well-justified concerns regarding the impact of high-density development along 2nd Street on:

- Traffic and safety related to the 2nd Street "funnel"
- Parking
- Views
- Sewer capacity
- Alteration of Old Town character

The residents of Old Town have spoken up in great numbers about these concerns – we cannot have them ignored. The City must preserve its ability to perform an Environmental Impact Review (EIR) of any project that is proposed.

We ask that the Planning Commission either reject the proposed Negative Declaration or add clarification language that ensures an EIR will be required for any future project, as follows: This Negative Declaration applies only to the changes to the Housing Element under discussion and in no way applies to actual projects that may be proposed under the HMU and VMU plans that are a component of these changes. Any actual projects that are proposed must still undergo full Environmental Impact Review as it relates to CEQA.

Further, there are fears that SB375 will water down CEQA and allow projects to proceed with limited or expedited Environmental Impact Review and potentially allow projects to circumvent Sausalito's Design Review process. We request that you ensure that the City preserves its ability to perform EIRs and Design Review on HMU and VMU projects by including confirmatory language in either the Negative Declaration or elsewhere as appropriate.

If the above requests cannot be met, the proposed Negative Declaration should be rejected.

Please address these concerns at your upcoming meeting on June 27th.

Thank you,

Kerry & Geoff Headington

108 3rd Street

Old Town Sausalito

Response to Kerry and Geoff Headington, 108 3rd Street, Email received June 22, 2012

The Commenters are concerned that the Negative Declaration, and SB 375, will cause limited or expedited environmental review and circumvented design review for future projects under the HMU and VMU. The Commenters have requested language in the Negative Declaration to confirm that future proposed projects will undergo full Environmental Impact Review as it relates to CEQA.

The following wording has been added to the penultimate paragraph on Page 2 of the IES/ND to clarify that the document only applies to the Housing Element Update and not to future projects, which need to undergo environmental review as required by CEQA, and the City's required zoning and design review process.

> "This IES/ND applies only to the Housing Element Update and does not apply to actual housing projects that may be proposed in the future, including those that are proposed as a result of Housing Element policies and programs. Any actual projects that are proposed must still undergo environmental review as required by CEQA, and the City's required zoning and design review process."

An EIR is not necessarily the appropriate environmental review document for all future projects due to project-specific factors. Each future project will be reviewed on a case-by-case basis and the appropriate environmental review document will be prepared.

SB 375 is currently being implemented in the Bay Area. SB 375 would create CEQA streamlining measures for certain types of transit-oriented housing projects, however, none of the CEQA streamlining measures would apply to Sausalito, as the City is not identified to be in a "Transit Priority Area" (TPA) or "Priority Development Area" (PDA). If Sausalito were in a TPA or PDA, that would allow the CEQA streamlining process to be applied to certain housing projects.

Lilly Schinsing

From: Rosalie Wallace [rosabee@sonic.net]
Sent: Wednesday, June 27, 2012 11:04 AM
To: Lilly Schinsing; Jeremy Graves; Mary Wagner; Adam Politzer
Subject: environmental impact report

Planning Commission
City of Sausalito
420 Litho Street
Sausalito, California 94965

RE: Proposed Negative Declaration, California Environmental Quality Act, for the Sausalito Housing Element Submission

Dear Commissioners:

I am opposed to the City of Sausalito submitting the Housing Element to the State without conducting an environmental impact study. I regret I will not be able to attend tonights meeting because of a work conflict. However, I would like to state that I feel this study to be very important as I feel that this project can have great environmental impact on Old Town with regard to : Parking & traffic, sewer & storm water capacity as well as issues raised by the rising water levels & the impact this will have on wildlife & vegetation of both the Bay & the City of Sausalito. We are already seeing an overload on our storm drains during the rains.

Please initiate any steps necessary to have an independent assessment of the proposed Housing Element on our much loved community.

Sincerely yours,

Rosalie Wallace

110 West St
rosabee@sonic.net

Response to Rosalie Wallace, 110 West Street, Email received June 27, 2012

The Commenter is opposed to the submission of the Housing Element to the State without an environmental impact study, as the Commenter feels that the project can have great environmental impacts on Old Town.

Environmental review has been conducted for the Housing Element Update, however, it has been determined that a Negative Declaration is the appropriate document to be prepared, and not an Environmental Impact Report (EIR). This is because the Housing Element does not propose an increase in residential density beyond what is currently allowed by the General Plan and Zoning Ordinance. The level of development potential described in the Housing Element Update is consistent with the General Plan and its EIR, which found no unmitigated cumulative impacts.

The 'project' being analyzed under the California Environmental Quality Act (CEQA) is the Housing Element Update. It is a policy document, and while sites suitable for housing are required to be identified by State Housing Element law, no actual development projects are being proposed as part of the Housing Element. Therefore no traffic, noise, biological, view, etc. impacts, which are specific physical impacts of future projects, are created through the Housing Element document.

Lilly Schinsing

From: KAREN A LEHNER [kael3@aol.com]
Sent: Thursday, July 19, 2012 9:37 AM
To: Mary Wagner; Adam Politzer; Jeremy Graves; Lilly Schinsing
Cc: KAREN A LEHNER; oldtownsausalito@gmail.com
Subject: Letter regarding concerns about the proposed negative EIR Declaration from the Housing Element

Please forward this letter to the Planning Commissioners: Chair Stafford Keegin, Vice-Chair Joan Cox, Commissioner Stan Bair, Commissioner Richard Graef, Commissioner Bill Werner.

To the Planning Commission,

As a resident of Old Town in particular and Sausalito in general, I wanted to state my concerns to you about the opinion by the Community Development Director that an environmental impact report (EIR) is not needed or required regarding proposed growth in Old Town.

I understand that the last time environmental standard were set was 1995. It is my belief - and an informal opinion by some at the NRDC (Natural Resources Defense Council)- that not doing an EIR at this time could lay the way open for lawsuits from interested parties in Sausalito (as it has been used by residents of other towns), since the 1995 standards are demonstrably out of date with current conditions in Old Town/Sausalito. There has been an exponential growth in traffic alone that impacts Old Town in particular. I believe our current level of safety needs in Old Town would not meet current State standards if traffic safety conditions created by the present real time mix of cyclist, tourist vehicles both car and bus, and local commuter were considered and applied. Current traffic safety standards hardly address this real threat to public safety as is. Simply applying old rules could be seen as negligent since we have a known, present and growing threat to the public's safety that the 1995 standards do not address. Why not address that possible route of legal challenge by doing an EIR? What damage does an EIR do, after all?

While the report by the Community Development Director lists no area with more than a less than significant impact in the 18 areas to be considered, there is such a thing as "cumulative impacts"; that all these things add up to a significant cumulative impact on the community under the 1995 guidelines.

The report states:

In #1 Aesthetic there is impact in ALL 4 items - not NO impact.
In #3 Air Quality there is impact in 3 of the 5 items to be considered - not NO impact.
In #4 Biological Resources there is impact in 2 of the 5 items - not NO impact.
In #5 Cultural Resources there is impact in 3 of the 4 items - not NO impact.
In #6 Geology and Soils there is impact in half or 4 of 8 items - not NO impact.
In #7 Greenhouse Gas Emissions there is impact in 1of 2 items - not NO impact.
In #8 Hydrology and Water Quality there is impact in half or 5 of 10 items - not NO impact.
In #10 Land Use and Planning there is impact in 1 of 3 items - not NO impact.
In #12 Noise there is impact in half or 3 of 6 items - not NO impact.
In #13 Population and Housing there is impact in 1 of 3 items - not NO impact.
In #14 Public Services there is impact in ALL or 6 of 6 items - not NO impact.
In#15 Recreation there is impact in ALL or 2 of 2 items - not NO impact.

Interestingly, it is the opinion of the Community Development Director that there is NO impact in any and all items in #16 Transportation/Traffic. I would draw your attention to the last item in #16 - f . Conflict with adopted policies, plans, or programs regarding public transit, bicycle or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. This area alone is not being adequately addressed by the current? 1995 standards as evidenced by the steady increase in recordable accidents in the Old Town area between cyclists and cyclists, cars and cyclists, and pedestrians and cyclists. To suggest that even a small number of vehicles added to the load is not worth investigating for their impact to safety to Old Town is disrespectful and devaluates the lives of current Old Town citizens. In 1995 we did not have even half of the cyclist influx that we experience now on a daily basis, let alone the tsunami of upwards of 35,000 cyclists over the 2 day weekends when other tourist traffic is highest. There are buses both commuter, local and tourist that nearly sideswipe cyclists and even pedestrians in the area on Main where there ceases to be any kind of sidewalk to offer safe harbor to the cyclists trailing kids behind them or strollers being pushed let alone the pedestrians. It begs the question how it can be determined that MORE traffic, more people in cars, deliveries, visitors, etc can truly be consider to have NO IMPACT?!

I realize that an argument that suggests there is greater density with the addition of more people living in a vertical sense is patently dismissed by the City Council majority which seem to consider density only on an horizontal plane. But please, let's be real. More people = greater density. Or are we to suggest that these people, these families will honestly not have visitors with cars, deliveries by trucks or cars or even own and have vehicles of their own where they live? Are we to mandate pedestrian only families? Are we to be sure they never open a window and let out their own just - being - human noise? No parties, no music, no grilling on the patios or balconies, no by-products of being alive? What are these proposed apartments/homes for? Housing ghosts? I truly don't mean to be insulting, but to suggest that more people, however they are stacked, does not equal greater density is to manipulate the definition of density to serve only a political or legal need and not the true meaning of the word and insults and marginalizes our real world experiences. I realize we are seeking to abide by a political agenda/legal edict sent from Sacramento, but I will forever argue that adding another person to someone's shoulders does impact the guy on the bottom - or in this case, the families who live above, below, side-by-side, and across the street. There most certainly will be more traffic, just as there will be more noise. Or to put it another way, less safety on the streets, less sound of the wind through the trees or of the birds on their branches. People make noise and however careful or considerate the neighbors, you know they are there.

Ultimately, are we just starting the great slide to Sausalito going vertical overall? Is Old Town the first step toward all of Sausalito being fair game for a higher limit in stories, in high rises? To accommodate Sacramento who believes all towns are equal in geography, it could well be the only way we will meet future edicts. Shouldn't we have the tool of an EIR to forestall a railroading, bulldozing, and avarice driven development company who uses Sacramento's decisions and our lack of previous EIR requirements to grandfather in all they want to do in our very desirable bedroom community of San Francisco? Is that what Sausalito will really become?

In the very last area of overall questions of the study report, Mandatory Findings of Significance - there is impact in 2 of 3 items - not NO impact.

B is the one area that the Community Development Director said there is no impact even though that item deals with the issue of cumulatively considerable. It goes on to state what cumulatively considerable means - and by it's definitions it means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of current projects and the effects of probably future projects. I ask quite sincerely how having some impact, however less than significant the individual item's effect may be judged by 1995 standards, in

TWELVE of the seventeen areas of consideration be considered less than cumulatively considerable given the current stressors on the Old Town area. In over two-thirds of the 17 areas to be consider there is enough impact to be mentioned. This is not NO impact. And it IS more than reasonable when you have to mention impact in such a large majority of areas to be considered that cumulative consideration should be noted and studied. The report more than justifies the need for an EIR.

One last thing, and I do appreciate your time in reading such a tome. I do have great respect for anyone who seeks to do public work and represent the will of the people for the greatest good.

I would throw one other consideration that has yet to be addressed for our safety and certainly not being considered or addressed by the Community Development Director's request for Negative Environmental Declaration proposal. The Golden Gate Bridge was listed by the State Attorney General as one of the prime targets when it comes to potential terrorist acts. Sausalito is the tail end of what could be considered a peninsula were it not for the GGB. Should there every be an incident that closed the GGB for any extended period of time, is there an evacuation route sufficient to handle our population density as exists today. Or what if the northern route was cut off to us out of town? In either case, could adequate safety, security and health service vehicles respond to our needs from other areas, since we have one very good but only one fire station/police station in town and they might need some help in a major disaster. AND should there be, say, a fire in our densely wooded hills, our homes in our hillsides, a civil event necessitating immediate evacuation for safety/security reasons, a toxic event such as oil, gas, toxic fumes, oil spill in the bay that floods our beach here in Old Town, is there a plan to help those of us who live here in the most congested traffic dense part of beautiful, tourist destination Sausalito get out FAST? Can we meet current evacuation and extreme event needs of Old Town residents in particular and all Sausalitan's in general?

We are a two road town and Old Town is where routes of egress bottles up rapidly. We are the reverse funnel barely able to handle weekend traffic, let alone, an emergency.

We are an evacuation route for San Francisco. Can we accommodate the traffic that would occur from the GGB as it would filter down Alexander through Old Town's bottleneck and mix with our own citizens? As is, we have but 2 roads out of town with the GGB functioning. What about an exodus from nearby Marin City, Strawberry, Tiburon etc? Should they be prevented from going north in an emergency, we're still only 2 roads out of town. Has the state plan met our current needs? Shouldn't Sacramento have to be sure we can meet our current needs before they ask us, demand of us, that we accommodate more people anywhere in Sausalito? Have we put that task to our leaders?

WIthout the GGB, we are one road out and those of us at the south end of town will be the very last cars in line, the last cyclists, the last people on foot. And should North 101 be closed past Alexander exit and there have been many many times accidents have closed the tunnel, there would be hundreds if not thousands of cars forced to funnel down the only by-pass road to get north, through Old Town where we who live there would see and breathe in bumper to bumper of idlying carbon spewing (well beyond standard or even emergency norms) vehicles for periods lasting many hours! Consider that and then tell me how more cars have negligible effects on people. Tell me how more people, however small you may consider the number to be, can be treated with all the services they need to be safe, healthy and happy. There is such a thing as a tipping point. Malcolm Gladwell made a study of it. And it is the reason impact studies are done.

It could be that the number of anticipated vehicles from the proposed increase in - let's call it what it really is - density - to Old Town might not be truly impactful in carbon emissions. And perhaps the noise coming from those households might not be over a threshold level the State finds harmful to residents. Maybe the loss of light and a view

might not drive the neighbors to plant only shade tolerant seeds in their gardens and lower the quality of life as they view concrete instead of trees. It could be. But things add up. The quality of life is not a study of isolated effects. We are a community that already has had to handle the crushing overload of traffic here in Old Town. And to be honest, we are at a breaking point already. Could we handle more? Will the added cumulative impact however "less than significant" in 12 of the 18 areas be considered the straw that breaks Old Town's back and sets up the domino effect through Sausalito? We don't know. But we'll never know if we don't make a study. The LEAST we can do is an environmental and safety study for the residents of Sausalito in general, and Old Town in particular. We are one town with two roads and many communities and neighborhoods. Let's make sure we can meet current needs before adding to the potential burdens.

Thank you for any consideration this letter receives.

Sincerely,

Karen Lehner

Karen Lehner
kael3@aol.com

Response to Karen Lehner, Resident of Old Town, Email received July 19, 2012

The Commenter is concerned that not preparing an Environmental Impact Report (EIR) for the Housing Element could open up the possibility of lawsuits as the 1995 standards are out of date with current conditions in Sausalito. The Commenter has also reviewed the EIR and concludes that there should be impacts in each section.

The 'project' being analyzed under the California Environmental Quality Act (CEQA) is the Housing Element Update. It is a policy document, and while sites suitable for housing are required to be identified by State Housing Element law, no actual development projects are being proposed as part of the Housing Element. Therefore no traffic, noise, biological, view, etc. impacts, which are specific physical impacts of future projects, are created through the Housing Element document. The Housing Element Update is also not calling for rezonings or major redevelopments to the City and therefore does not warrant a rework of its General Plan EIR.

If the Housing Element Update were to not exist, the City would still uphold the General Plan and its EIR, and new housing projects could still arise anytime. Each of those projects would still be analyzed for its environmental impacts.

The Commenter's letter discusses traffic, congestion, and evacuation. These aspects of circulation should be analyzed separately when the City revisits its Circulation Element.

Lilly Schinsing

From: shelah peters [shelahp17@gmail.com]
Sent: Wednesday, July 25, 2012 9:22 AM
To: Adam Politzer
Cc: Lilly Schinsing
Subject: Housing Element Declaration

Good Morning,
I am a home owner on Main Street and would like to comment on adopting a"Negative Declaration" for our Neighborhood.
We all know that Second Street is the MOST CONGESTED narrow street in all of Sausalito.
Second Street is the HIGHEST NEGATIVELY IMPACTED area regarding SAFTY FOR OUR NEIGHBORS and TOURISTS!

It is Very difficult to cross the street because of the HUNDREDS of Tourist Bikes, Racing bikes,Runners,Cause Walkers, Dog Walkers (who drive here)and then the rest of us that live here in the surrounding Neighborhoods.
Being so close to a TOURIST LANDMARK, OUR GOLDEN GATE BRIDGE, how in the world could we safely evacuate with THOUSANDS OF PEOPLE HEADING UP 2nd.
There are SEVERAL accidents from bikers, walkers and cars, all year round in this area.
I HONESTLY CANNOT UNDERSTAND
WHO WOULD EVER CONSIDER THIS AREA TO RECEIVE A
"NEGATIVE DECLARATION"

Thank You
Shelah Peters
612 Main St
shelahp17@gmail.com

A FULL EIR MUST be completed before any such Declaration is even considered!!!

Response to Shelah Peters, Resident of Main Street, Email received July 25, 2012

The Commenter states that a Negative Declaration does not seem to be the appropriate way to acknowledge the congestion on Second Street. The Commenter is also concerned about evacuation.

It has been determined through the environmental review process that a Negative Declaration is the appropriate document to be prepared, and not an Environmental Impact Report (EIR). This is because the Housing Element does not propose an increase in residential density beyond what is currently allowed by the General Plan and Zoning Ordinance. The level of development potential described in the Housing Element Update is consistent with the General Plan and its EIR, which found no unmitigated cumulative impacts. The Housing Element Update is also not calling for rezonings or major redevelopments to the City and therefore does not warrant a rework of its General Plan EIR.

The Commenter's letter discusses traffic, congestion, and evacuation. These aspects of circulation should be analyzed separately when the City revisits its Circulation Element.

Lilly Schinsing

From: shelah peters [shelahp17@gmail.com]
Sent: Thursday, August 02, 2012 11:35 AM
To: Lilly Schinsing
Subject: Housing Element Update

After reading entire proposal, I have many comments, however, two main comments and one question.

Evaluation of Enviornmental Impacts
Aesthetics
One statement in particular, should be amended.
"The Revisions to 1995 etc. that are proposed in the Housing Element Update will not result in a SIGNIFICANT increase in VISUAL IMPACTS etc."
The word SIGNIFICANT can be abused, it SHOULD BE REMOVED!
The word and concept of SIGNIFICANT can be interpreted to suit any one person on a Design Commitee and can have an adverse effect on the approximate 7000 people who live here.
ANY DECREASE in any residents views would be SIGNIFICANTLY DETERMENTAL to HOME VALUES and to the general enviornmental beauty that encouraged all of us to move here in the first place.
PLEASE REMOVE THE WORDS "WILL NOT RESULT IN A SIGNIFICANT INCREASE"

Regarding TRANSPORTATION/TRAFFIC
We all know that 2nd street is the MOST CONGESTED STREET in Sausalito. because of the HIGH DENSITY TRAFFIC!
Ask the fire and Police Departments for the number of accidents that occur.
Because Emergency access is very difficult and we do hear the sirens pretty constantly, I would suggest we mark the box SIGNIFICANT IMPACT on the Enviormental report.

Question: I have been told that any Development of Low or Moderate, or even Homeless Housing, would not have to comply with any Ordinances of the General Plan, Zoning, Design etc.
Is that True.

Thank You
Shelah Peters
shelahp17@gmail.com
612 Main St.

Response to Shelah Peters, 612 Main Street, Email received August 2, 2012

The Commenter comments on the interpretation of the word "Significant" in the Initial Environmental Study/Negative Declaration. The Commenter also states that due to the traffic, accidents, and congestion on Second Street, there should be a significant impact for traffic.

A "significant effect on the environment" means a substantial, or potentially substantial, adverse change in the environment. The criteria set forth for evaluating traffic impacts as a result of the Housing Element Update are mainly whether the Housing Element Update (as the 'project') conflicts with applicable plans.

As the 'project' being analyzed is the Housing Element Update as a policy document, no actual development projects are being proposed as part of the Housing Element. Therefore no traffic, noise, biological, view, etc. impacts, which are specific physical impacts of future projects, are created through the Housing Element document. The Housing Element programs also do not allow additional residential density over what is currently allowed by the applicable plans (and therefore there is no conflict with these plans), which are the General Plan and Zoning Ordinance.

As mentioned in the previous response to the Commenter, the mentioned aspects of circulation should be analyzed separately since it is established that the Housing Element does not contribute impacts to this area. The City could analyze and propose ways to alleviate traffic and congestion issues, when it revisits its Circulation Element.

The Commenter asked if the development of low, moderate, and homeless housing would need to comply with City ordinances.

Future proposed projects will need to go through the necessary development review process, including review against the General Plan, Zoning Ordinance, design review, and environmental review. This is stated in the IES/ND.

Albert Viana

RECEIVED
AUG 2 1 2012
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

From: jeffrey fessel [jeffreyfessel@gmail.com]
Sent: Friday, August 17, 2012 10:10 PM
To: Lilly Schinsing
Subject: 8/22 meeting

Dear Ms Schinsing

I want to remind you that the draft "Negative Declaration" must explicitly state that all future projects must be subject to full environmental review. As you are well aware, residents (voters) of Sausalito have raised well-justified concerns regarding the impact of high-density development along 2nd Street on traffic and safety related to the 2nd Street "funnel", parking, views, sewer capacity, and alteration of Old Town character.

I ask that you make these concerns clear at the 8/22 and subsequent meetings.

Sincerely

Jeffrey Fessel MD.

Response to Jeffrey Fessel MD, Resident of Sausalito, Email received August 21, 2012

The Commenter requests that the Negative Declaration should state that all future projects must be subject to full environmental review.

The following wording has been added to the penultimate paragraph on Page 2 of the IES/ND to clarify that the document only applies to the Housing Element Update and not to future projects, which need to undergo environmental review as required by CEQA, and the City's required zoning and design review process.

> "This IES/ND applies only to the Housing Element Update and does not apply to actual housing projects that may be proposed in the future, including those that are proposed as a result of Housing Element policies and programs. Any actual projects that are proposed must still undergo environmental review as required by CEQA, and the City's required zoning and design review process."

An EIR is not necessarily the appropriate environmental review document for future projects due to project-specific factors. Each future project will be reviewed on a case-by-case basis and the appropriate environmental review document will be prepared.

RECEIVED
AUG 2 2 2012
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

129 PROSPECT AVENUE
SAUSALITO, CALIFORNIA 94965-2332

August 22, 2012

Planning Commission
City of Sausalito
420 Litho Street
Sausalito, California 94965

RE: Proposed Negative Declaration, California Environmental Quality Act, for the Sausalito Housing Element Submission

Dear Commissioners:

I remain opposed to the City of Sausalito submitting the Housing Element to the state authorities without conducting an environmental impact study (reference my letter to you of May 23rd). I repeat that the standard applied by the courts for determining whether an environmental impact study is required under the California Environmental Quality Act (CEQA) is the "fair argument" test, in other words, can or cannot it be *fairly argued* that the project may have a significant environmental impact[1]. The act or decision for your review here is not the decision that the project may or may not have a significant environmental impact, but the decision that it can or cannot be fairly argued that the project may have a significant environmental impact[2]. The courts have a preference for *resolving doubts in favor of environmental review*[3].

The Staff has argued that the potential density of the current Housing Element is not greater than that approved in the General Plan in 1995. I find this difficult to accept given the proposed current approval of accessory dwelling units not contemplated in 1995 and of bonus density levels for certain qualifying projects. The Programs and Provisions component of the current Housing Element potentially establishes a "development authority" with little oversight and provides this authority funding and an array of tools to incent development. The potential creation of such an authority was not in the previous Housing Element and constitutes a substantial change.

In its Draft Initial Environmental Study/Negative Declaration, the Staff lists the items below as areas to review and concludes there are no significant environmental impacts:

☐ Aesthetics	☐ Agriculture and Forestry	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards and Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

The study must also provide documentation of the factual basis for the finding in a Negative Declaration that a project will not have a significant effect on the environment[4]. The Staff relies heavily on the above-mentioned 1995 General Plan point for its "factual basis".

It is not reasonable to rely on a seventeen-year old plan and the accompanying environmental report to support the current Housing Element for the following reasons, including but not limited to:

1. Parking is an increasingly serious and commonly acknowledged problem in this city. The proposed Accessory Dwelling Unit program as well as bonus density will put even more pressure in the areas of town already suffering. The planning effort to increase density around transit hubs is noble in concept but to the best of my knowledge has not proven effective. Even executives of the Association of Bay Area Governments have apparently publicly acknowledged that "One Bay Area" will not reduce traffic or greenhouse gasses. Absent full amenities proximate to such dwelling concentrations, the low income population will still require vehicles to secure the staples of life. To proceed without a parking analysis is not warranted.
2. Traffic flow. In 2008, a traffic consulting firm[5] assessed the intersection of Bridgeway Boulevard and Napa Street at an "E" level of service at a peak period. "E" does not stand for "excellent" but is rather nearly at the bottom of intersection ratings.
   > "An "E" level of service is defined as operations with control delay greater than 55 and up to 80 seconds per vehicle. Such high delay values generally indicated poor progression, long cycle lengths, and high-volume-to-capacity ratios. Individual cycle failures are common."

   This condition is indicative of a problem along Bridgeway which could well be exacerbated by the proposed new development.
3. Sewage treatment. The City has an identified sewage problem even if the service is being provided by an independent authority. To proceed with the Housing Element approval without knowledge of the current or projected treatment capacity and the cost to provide it is an environmental hazard.
4. Storm water runoff. The City has a problem with storm water runoff, again producing a threat to the Bay, and there should be a study of this capacity vis a vis new development.
5. Water utility. Periodically the firemen flush out the hydrants along the lower areas of the City apparently to address water quality issues for residents at higher elevations. Reports of water shutoffs to areas are not uncommon. This is a clear indicator of an item worthy of further study.
6. The Marinship. The Marinship area appears to offer new development opportunities but no one mentions the apparent fact that the area is slowly sinking. The possible environmental consequences on water quality, marine life and vegetation raise serious issues.

I understand that you are considering an approach that would essentially approve the current Negative Declaration but require each individual project to prepare a project environmental impact report. I urge you to reconsider this approach. Even if the Housing Element, a general plan amendment, is treated merely as a first phase with later developments having separate approvals and environmental assessments, it is apparent that an evaluation of a first phase-general plan amendment must necessarily include a

consideration of the larger project, i.e., the future development permitted by the amendment. Only then can the ultimate effect of the amendment upon the physical environment be addressed[6]. CEQA mandates that environmental considerations not become submerged by chopping a large project into many little ones, each with a minimal potential impact on the environment, which cumulatively may have disastrous consequences[7].

Should you still opt to proceed with this approach, you may well find your edict countermanded by Senate Bill 375 which negates the need for CEQA review for certain projects. While not always true, the common standard is state overrules city.

I repeat my request that you reject the "negative declaration" and initiate the steps towards an independent assessment of the impact of the proposed Housing Element on our community.

Sincerely yours,

John Flavin
Resident

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[1] City of Redlands v. County of San Bernardino, supra, 96 Cal.App.4th at p. 405, fns. omitted; see also 21082.2, subd. (d).
[2] City of Livermore v. Local Agency Formation Com. (1986) 184 Cal.App.3d 531, 541
[3] Pocket Protectors v. City of Sacramento, supra, 124 Cal.App.4th 903 at p. 928.)
[4] City of Redlands v. County of San Bernardino, (2002) 96 Cal.App.4th 398, 406, fns. omitted
[5] Parisi Associates, memorandum regarding 300 Locust Street, dated December 17, 2008
[6] Christward Ministry v. Superior Court (1986) 184 Cal.App.3d 180, 194 [EIR required for general plan amendment, even though amendment required a special use permit and additional EIR before any specific development could take place]
[7] Bozung v. Local Agency Formation Com. (1975) 13 Cal.3d 263, 283-284.

Response to John Flavin, 129 Prospect Ave, Letter received August 22, 2012

The Commenter does not accept the argument that the potential density of the current Housing Element is not greater than what was approved in the General Plan in 1995 as ADUs and density bonus levels were not considered back then.

ADUs and density bonus provisions were both part of the 1995 Housing Element. ADUs (termed "second units" in the 1995 General Plan) were also addressed in the 1995 General Plan EIR as a mitigation measure to the lack of affordable housing. The 1995 ADU program was not adopted, however it is required as a condition of certification in the current Housing Element.

Density bonus law has been a component of the State Government Code since 1979. Policy H-3.5 and Program H3.5.1 in the 1995 Housing Element stated that the Zoning Ordinance should be amended to be consistent with State density bonus law provisions. This program was analyzed in the 1995 EIR. In 2003, amendments to the Zoning Ordinance incorporated density bonuses for affordable housing projects, and the current Housing Element Update has a program for the City to adopt regulations to specify how compliance with the current density bonus law provisions will be implemented.

The Commenter states that the programs in the Housing Element potentially establish a development authority with little oversight and provides this authority funding and an array of tools to incentivize development. The Commenter states that the creation of such an authority is new and constitutes a substantial change.

Program 13 of the Housing Element Update has a goal to establish a local Affordable Housing Fund to receive monies which would be used to provide affordable housing. The objective is to first adopt a program that generates in-lieu housing fees, and then establish a dedicated affordable housing fund. The City would need to consult with Marin County to develop regulations to govern fund oversight and expenditures. At this point in time, no other authority other than the City Council has been considered to be the authority overseeing such a fund.

The Commenter also states specific reasons why reliance on the General Plan and its EIR should not be accepted.

- *The Commenter states that plans to increase density around transit hubs is noble but ineffective, and that executives of the Association of Bay Area Governments (ABAG) have apparently publicly acknowledged that "One Bay Area" will not reduce traffic or greenhouse gases.*

  Plan Bay Area is the joint effort by ABAG and the Metropolitan Planning Commission (MTC) to address SB 375, which requires California's 18 metropolitan areas to reduce greenhouse gas (GHG) emissions from cars and light trucks, as the transportation sector represents about 40 percent of GHG pollution in California. The Bay Area region must develop a Sustainable Communities Strategy to promote compact, mixed-use commercial and residential development aligned with transportation alternatives. Transit priority areas and transit hubs were marked out in initial vision scenarios, but none of them involve Sausalito. Also, there is no evidence that ABAG has acknowledged that Plan Bay Area (or One Bay Area) would not reduce traffic or greenhouse gases.

- *The Commenter states that in 2008 a traffic consulting firm assessed the intersection of Bridgeway and Napa Street to be at a Level of Service (LOS) "E" at a peak period, defined as control delay between 55 to 80 seconds per vehicle, indicating traffic problems along Bridgeway.*

  The subject traffic study, prepared in 2008, assessed traffic for a proposed warehouse at the intersection of Locust Street and Bridgeway. As a result, nearby street intersections (such as Napa and Bridgeway) were also analyzed. The report states that LOS E has a control delay (difference between actual travel time and theoretical travel time through intersection) of 55 to 80 seconds, and a delay per vehicle (total delay divided by the number of vehicles) of 35-50 seconds. The report shows that, for existing conditions in 2008, the afternoon peak period Northbound approach on Napa Street to turn (either way) onto Bridgeway has a delay per vehicle of 41.3 seconds and therefore at LOS E. The report shows that at all other peak periods, Eastbound Bridgeway at Napa and Locust Streets are at LOS A, and Northbound Locust and Napa Streets are at B or C. This gives a fuller picture of the traffic conditions along this specific segment of Bridgeway.

- *The Commenter states that the City has issues with Infrastructure, including sewage capacity, storm water capacity, and water supply capacity.*

  Chapter IV of the Housing Element addresses the availability of infrastructure and public services. As Sausalito is an urbanized community, land already designated for residential use can be linked up to the existing infrastructure grid easily. There is no shortfall anticipated during the 2009-2014 planning period in the ability of the Sausalito-Marin City Sanitary District (SMCSD), Marin Municipal Water District, and Bay Cities Refuse to provide these necessary public services.

  The text also acknowledges that Sausalito's private lateral sewer lines on private properties are old and in need of repair. While there are programs in place to help address this issue, it will take an effort on the part of the individual property owner. The SMCSD website states that holes in private lateral sewer lines (due to age or caused by tree roots) allow rain and stormwater to seep in, overloading the sewage system and contributing to overflows. It should be considered that a new and properly functioning lateral sewer line would not be the cause of distress in the sewer system. Again, the Housing Element does not propose the addition of residents to the City beyond what is already planned for within the General Plan and Zoning Ordinance framework.

- *The Commenter states that the Marinship appears to offer new development opportunities but no one discusses the problems with the area.*

  The Marinship was discussed at a few meetings, specifically when discussing the appropriate zone for emergency shelters (January 9, 23, 26, and 30, 2012), and when the Council directed that all other options should be considered for housing (June 12, 2012). Due to ground stability issues, flooding, voter-approved land use restrictions and potential changes to community character, the Planning Commission and City Council have stated that they are reluctant to consider any part of the Marinship at this time for housing.

The Commenter cited case law to state that the general plan amendment must include consideration of the future development permitted by the amendment. The Commenter also cited case law to indicate that

a larger project should not be divided into many smaller ones, which cumulatively would have disastrous consequences.

The cited cases cited described:

1) An amendment to a land use designation made in the City of San Marcos to allow an additional use of solid waste management facilities, which had potentially significant environmental impacts beyond what was analyzed in the relevant EIR (Christward Ministry vs. Superior Court, 1986). This differs from the Sausalito Housing Element where no rezoning has been proposed.
2) An EIR was required for a change of sphere of influence for a particular property within Ventura County in preparation for future annexation, due to anticipated future development (Bozung vs Local Agency Formation Commission, 1975). This case is unrelated to Sausalito as the discussion surrounded the definition and authority of a public agency. Secondly, while the subject property in the case already had a master plan, in Sausalito's case, no actual development project is being proposed as part of the Housing Element Update.

To summarize, the cited cases describe issues with the adequacy of EIRs where the respective projects involved changing land uses and construction of actual development projects. However, the Housing Element Update does not propose a change in land uses or an increase in residential density beyond what is currently allowed by the General Plan and Zoning Ordinance. The level of development potential described in the Housing Element Update is consistent with the General Plan and its EIR, which found no unmitigated cumulative impacts.

The Commenter also stated that SB 375 will negate the need for CEQA review for certain projects.

SB 375 is currently being implemented in the Bay Area. While it is true that SB 375 would create CEQA streamlining measures for certain types of transit-oriented housing projects, however, none of the CEQA streamlining measures would apply to Sausalito, as the City is not identified to be in a "Transit Priority Area" (TPA) or "Priority Development Area" (PDA). Therefore the CEQA streamlining process would not be applied to housing projects in Sausalito.

Jeremy Graves

RECEIVED
AUG 3 1 2012
CITY OF SAUSALITO
COMMUNITY DEVELOPMENT

From: Kerry Headington [kerryheadington@gmail.com]
Sent: Thursday, August 30, 2012 11:16 PM
To: Lilly Schinsing; Jeremy Graves; Mary Wagner; Adam Politzer
Subject: Public Comment: HE Negative Declaration

Sausalito Planning Commission and Staff:

We are writing in regard to the problem that the current version of the Negative Declaration suggests that there is no environmental impact of any of the construction proposals that will come as a result of the changes to the Housing Element. Many residents of Sausalito, have reasonably requested that environmental impact reviews (and also, of course, design review) take place with any proposed construction or development. The Negative Declaration, does not, in plain English, give us comfort that this will happen.

Therefore, we are asking that the Planning Commission either reject the proposed Negative Declaration or add clarification language that ensures an EIR will be required for any future project, as follows: <u>This Negative Declaration applies only to the changes to the Housing Element under discussion and in no way applies to actual projects that may be proposed under the HMU and VMU plans that are a component of these changes. Any actual projects that are proposed must still undergo full Environmental Impact Review as it relates to CEQA.</u>

If the above requests cannot be met, the proposed Negative Declaration should be rejected.

Also, given the fact that Sausalito's General Plan Environmental Impact Report was last completed in 1995 and that there have been significant changes in our community over the past 17 years, it would make sense for the City to update the General Plan in a way that protects our neighborhoods from traffic dangers and <u>any</u> further loss of residents' Bay views.

Thank you,

Geoff and Kerry Headington

108 3rd St.

Response to Geoff and Kerry Headington, 108 3rd St, Email received August 31, 2012

The Commenters are concerned that the Negative Declaration suggests that there is no environmental review for future construction projects. They have requested the Planning Commission to either include language in the Negative Declaration to confirm that future proposed projects will undergo full Environmental Impact Review as it relates to CEQA, or else reject the Negative Declaration.

The following wording has been added to the penultimate paragraph on Page 2 of the IES/ND to clarify that the document only applies to the Housing Element Update and not to future projects, which need to undergo environmental review as required by CEQA, and the City's required zoning and design review process.

> "This IES/ND applies only to the Housing Element Update and does not apply to actual housing projects that may be proposed in the future, including those that are proposed as a result of Housing Element policies and programs. Any actual projects that are proposed must still undergo environmental review as required by CEQA, and the City's required zoning and design review process."

However, an EIR is not necessarily the appropriate environmental review document for future projects due to project-specific factors. Each future project will be reviewed on a case-by-case basis and the appropriate environmental review document will be prepared.

The Commenters state that the General Plan is 17 years old and should be updated to protect neighborhoods from traffic dangers and further loss of views.

General Plans must reflect current conditions and cities have the ability to update the General Plan, based on their own circumstances.

June 13, 2012 Planning Commission Public Hearing

On June 13, 2012 the Planning Commission held a public hearing to discuss the public review draft of the Housing Element Update IES/ND.

Commission questions and comments to staff:

- *It is the opinion of some that the Negative Declaration is not an adequate approach for the environmental review of the Housing Element. Is staff going to review that issue?*
  Staff responded it believes the Initial Environmental Study/Negative Declaration (IES/ND) continues to be adequate for the Housing Element. An EIR would be required if there are significant and avoidable adverse impacts as a result of the project, and staff does not believe that adoption of the Housing Element would result in any significant and avoidable adverse impacts .

- *It would be helpful to the Planning Commission if the IES/ND addressed some of the concerns, such as traffic and noise, and explain why the Housing Element Update not create any negative impact in those areas and therefore does not merit a full EIR.*

  Additional Response from staff and consultants (not provided at the hearing);
  The IES/ND contains the following explanations:

  ***Traffic:** There is no increase in the maximum allowed density of any site (including VMU and HMU policies) that is beyond what is allowed in the General Plan. Project-specific traffic impacts will be evaluated at the time an actual development proposal is submitted.*

  ***Noise:** The Housing Element contains programs that have requirements to reduce noise impacts on residents (code enforcement, residential rehabilitation loans, condominium conversion regulations). New development and construction must also be consistent with existing noise regulations. Therefore, the Housing Element Update would not result in exposure of persons to noise or generate noise beyond standards already established in the General Plan and the Municipal Code.*

  The IES/ND addresses these and other concerns adequately and has found that the Housing Element Update would not result in significant effects on the environment.

- *At last night's City Council meeting, the City Council approved a vertical mixed-use approach that has never been presented to the Planning Commission. Staff is now asking t**he Planning Commission to hold hearings on a Housing Element that the Planning** Commission has not yet reviewed and approved. Now the first time the Planning Commission will hear this component of the Housing Element will be after HCD has already weighed in on it.*
  Staff responded that after the comments are provided by HCD, staff will schedule Planning Commission public hearings and the Commission will go through the different aspects of the Housing Element. Staff and the consultant feel the vertical mixed-use is a good program, but the Planning Commission will have three options: the program is fine as it is, this program needs tinkering, or this is not a good program at all.

- *Some members of the City Council expressed concern that they did not have the Planning Commission's opinion on that aspect. The process was short circuited to some extent. Staff responded that was not the majority position of the City Council.*

- *How does the Negative Declaration fit into this process?*
  Staff responded that there are two tracks – one for the IES/ND and one for the Housing Element. The IES/ND has a 30-day public review period. The Planning Commission will accept comments from the public during this period. After the comments on the Housing Element are received from HCD, the Planning Commission will hold public hearings to review the Housing Element. The Planning Commission will provide recommendations to the City Council on both the IES/ND and the Housing Element. After the Planning Commission completes its work, the City Council will hold public hearings on the Housing Element. At the conclusion of the hearings, the Council must approve the IES/ND prior to their adoption of the Housing Element. After the Council approves the Housing Element as part of the General Plan, the Element must go back to HCD for a 90-day period in which HCD will hopefully certify the Element.

During the public testimony period, the following comments were raised.

- *Jan Johnson, 301 Second Street, indicated the following: It would be helpful to laypersons in understanding the Housing Element if when the negative impact is publicized there could be a concise list of what exactly are the potential sites and what is going to happen.*

  The Commission responded that would be a comment to bring back to the Planning Commission when it holds public hearings on the Housing Element, but at this time the Commission does not have any jurisdiction because the Housing Element in its current draft form has already been approved by the City Council for transmission to HCD.

After the public testimony period was closed, Commission questions and comments to staff included:

- *In the Negative Declaration almost every section says that the Housing Element update is consistent with the General Plan, but is being consistent with a General Plan that was written in 1995 a valid argument for saying that there is no impact?*

  Staff responded one of the requirements for the General Plan is that its elements must be mutually consistent. There is also the Government Code requirement that the General Plan accurately portray existing conditions. There has not been a large amount of growth in Sausalito since 1995.

Additional Response from staff and consultants (not provided at the hearing);
*While the General Plan **was prepared in 1995**, it is also true that there has not been a large amount of growth in Sausalito. The existing urban fabric in Sausalito is consistent with the amount of development allowed by the General Plan of 1995. Sausalito's population was 7,152 in 1990, rose to 7,330 in 2000, and fell to 7,061 in 2010.*

The General Plan EIR is the document that analyzed the impacts as a result of the development allowed in the General Plan, including cumulative impacts. It is appropriate from a CEQA standpoint for the

Housing Element Update to tier off the previous General Plan EIR, based on the consistency between the Housing Element Update and the General Plan. Even if the Housing Element Update were to not exist today, the City finds that the General Plan and its EIR are still valid and development would still be considered against that backdrop.

- *The Negative Declaration also frequently states that it is consistent with the projections of the Association of Bay Area Governments (ABAG), which are not consistent with reality in the least. There is a conflict in there.*

Additional Response from staff and consultants (not provided at the hearing);
The IES/ND contains projections, statistics, and analysis of socio-economic data and projections and background information. Association of Bay Area Governments (ABAG) projections, California Department of Finance, Census data, and other sources are used, mainly in Appendix A, to describe changes in the population (which was minimal), different segments of the population such as percentage of elderly, special needs groups, and a breakdown housing unit types.

ABAG job and housing projections were used to address the issue of matching housing costs and types to the needs and incomes of the community's employed residents in the Housing Element Update.

It is also ABAG's responsibility to assist the State in the calculation of the Regional Housing Needs Allocation (RHNA), which each jurisdiction needs to show its ability to fulfill in each seven/eight year Housing Element planning cycle. ABAG works with the Metropolitan Transportation Commission (MTC), Bay Area Air Quality Management District (BAAQMD), Bay Conservation Development Commission (BCDC), local governments and stakeholders on the RHNA. The RHNA takes months to be shaped and solidified. Sausalito and other jurisdictions have commented on their 2014-2022 RHNA numbers and the current draft number for Sausalito has been reduced from prior drafts.

July 25, 2012 and August 22, 2012 Planning Commission Public Hearings

Minutes from July 25, 2012 Planning Commission Public Hearing are not available since the recording equipment malfunctioned. Using staff notes from the meeting, the following questions and comments from the Planning Commissioners and members of the public are provided. At the August 22, 2012 Planning Commission meeting, staff and the consultants provided the responses listed below to the questions and comments from the July 25, 2012 meeting.

At the August 22, 2012 Planning Commission meeting, time was provided for public comment, however no members of the public spoke. All other Planning Commissioner concerns are addressed in the comments and responses listed below.

DISCUSSION BY TOPIC

Topic: CEQA

Questions raised:

- **Can we add language: "The IES/ND applies only to the changes to the Housing Element and in no way applies to the actual projects. Any actual projects must undergo any CEQA review." [G. Headington]**
- **How does the ND/IES ensure that Design Review Procedures are upheld for future projects? [K. Headington]**

Consultant Bradley stated that the (IES/ND applied only to the Housing Element document and not to actual development projects. State law requires all projects to be subject to environmental review.

- **Designation of VMU and HMU along Second Street will create view impacts. [K. Headington]**
- **Views are not covered by CEQA [Planning Commission]**

CEQA is concerned with views mainly from public vantage points considered to be community resources, such as roads, trails, and scenic vistas. There is case law of private views rising to a significant impact. Both private and public views in Sausalito are important and private, and are analyzed for each individual project. This is also mentioned in the IES/ND.

- **The public is afraid that development will automatically be developed. The concept that any project would be required to go through the normal review process should be emphasized. [Planning Commission]**

The IES/ND makes several mentions of the General Plan, the existing Zoning Ordinance, and the development review process for all proposed projects.

- **If someone applies for an affordable development project will they be required to complete an EIR? [Arnold]**

As projects are evaluated under CEQA, some projects could be exempted from CEQA based on specific criteria and no further action would be required.

Planning Commission: Describe how a low-income housing project might be exempt from CEQA. Response: Look at two scenarios: If a low-income housing project had pre-existing units, and was consistent with the General Plan, on a site less than 5 acres, had no habitat value, and had no significant impacts on traffic, noise, air quality, or sewer, the project could be exempt under the CEQA exemption for infill projects (CEQA Guidelines §15332). If the same low-income housing project proposed demolition of a historic building, it could be determined to have a significant impact. These are examples of how site-specific factors affect whether CEQA exemptions are applicable to specific projects.

Planning Commission: Please confirm that there are no categorical exemptions for low-income housing projects, but rather project-specific factors could cause a low-income housing project to be exempt. Consultant Bradley agreed and added that the potential development allowed under the proposed Housing Element Update is the same as that allowed under the existing Housing Element, with the exception of two parcels (Vertical Mixed Use sites on Bridgeway). He stated that Accessory Dwelling Units (ADUs) have a special protection under CEQA, which states that ordinances that allow ADUs are exempt from CEQA (per CEQA Guidelines §15282).

Topic: SB 375 and CEQA

Questions raised:

- **How does SB 375 impact CEQA review for future projects identified in the Housing Element? [K. Headington]**
- **How does SB 375 and low-income housing designations relate to CEQA categorical exemptions? [K. Headington]**

Consultant Bradley stated that this was a new area, and SB 375 is currently being implemented in the Bay Area. He stated that while there was language in SB 375 that would create CEQA streamlining measures for certain types of housing projects, none of it applied to Sausalito as the city is not identified to be in a "Transit Priority Area" (TPA) or "Priority Development Area" (PDA). If Sausalito were in a TPA or PDA, that would allow the CEQA streamlining process to be applied to certain housing projects.

Planning Commission: Are transit hubs considered? Consultant Bradley stated that all the transit hubs and transit priority areas currently identified in the One Bay Area Plan, prepared by the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) are north of Sausalito. A Planning Commissioner concurred that there are currently no PDAs identified in Sausalito.

Topic: Significant Impacts and Mitigation, and whether the ND should be an MND

Questions raised:

- **The IES/ND states that the project "could not" have a significant effect. This is very strong language. Is there a possibility to upgrade the report to an IES/MND? If we did this, what type of mitigation measures could we put in place that are not already present (i.e., Design Review procedures, CEQA review) [Planning Commission]**

- **Should mitigation be that all projects need to undergo environmental review? [Planning Commission]**

Consultant Bradley clarified what mitigation measures should be. He stated that mitigation measures should go above and beyond standard City operation requirements such as the building permit procedure or design review process. For example, applying for a building permit is standard and should not be considered a mitigation measure, but if the condition of approval is that a building permit should be applied for before a certain date, such a condition of approval with a time element could be applied as a mitigation measure.

Planning Commission: How many Housing Elements M-Group worked on had been MNDs or NDs. Consultant Bradley responded that of the ten Housing Elements M-Group had done, almost all were NDs. Consultant Warner had worked on over a hundred Housing Elements, and only one was an Environmental Impact Report (EIR).

Consultant Bradley also referred to the "Determination" on Page 9 of the IES/ND, which is the determination of the IES/ND that would be filed with the County.

The evaluation for an ND states, "I find that the proposed project could not have a significant effect on the environment and a Negative Declaration will be prepared. The evaluation for an MND states, "I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A Mitigated Negative Declaration will be prepared." Consultant Bradley stated that the so-called "revision process" for the Housing Element had already been worked out through the past Housing Element Task Force, Planning Commission and City Council meetings.

Planning Commission: Consultant Bradley has been observed speaking to the Task Force in Mill Valley regarding their Housing Element, and Bradley had mentioned an MND for the Housing Element. Consultant Bradley clarified that he tended to use the terms MND and ND interchangeably.

Planning Commission: Have any of the Housing Elements done by M-Group been tied to General Plans that were 17 years old? Consultant Bradley stated that some Housing Elements he had worked on were linked to General Plans that went back even further.

Topic: Density & Density Bonus Law

Questions raised:

- **The VMU/HMU will result in a higher residential density. Residential use has a higher impact than commercial use. This is an impact greater than initially analyzed in the 1995 General Plan. [Planning Commission]**
- **Was the Density Bonus law in place at the time of the 1995 EIR? [Planning Commission]**
- **Density Bonus – When did it become law? Was it analyzed in the 1995 EIR? [Planning Commission]**

Consultant Bradley addressed the perception that Vertical Mixed Use requirements (VMU) and Horizontal Mixed Use incentives (HMU) would result in a higher residential density compared to commercial use. He stated that M-Group had worked within the City's existing density parameters for the Housing Element. As Sausalito has "healthy" existing densities, meaning they are adequate to accommodate and meet default densities for affordable housing. The default density is 20 dwelling units

per acre (du/ac), while the City allows up to 29 du/ac in certain Zoning Districts, hence densities did not have to be increased. He also stated that the VMU and HMU programs allowed for some variability of how projects could be developed, but the actual densities were not increased at all. He also stated that any proposal in the past that required special zoning tools to increase density was met with a lot of community resistance.

Consultant Bradley stated that the Density Bonus law had been around since 1979. Density Bonus was included in the 1995 General Plan as well as in the General Plan EIR as a mitigation measure.

Topic: Second units

Questions raised:

- **Did the 1995 General Plan address second units? [Planning Commission]**
- **Did the 1995 EIR for the General Plan analyze the impact of second units? [Planning Commission]**

Consultant Bradley stated that the 1995 General Plan EIR did not address second units from an impact standpoint, but discussed it as a means of addressing affordable housing stock. One of the mitigation measures to address the lack of affordable housing was policy language to allow second units. He also stated that second units have special standing in CEQA and are exempt from CEQA (under CEQA Guidelines §15282). He stated that it was a valid argument that the second units would have very minimal impact.

At the August 22, 2012 Planning Commission meeting, time was provided for public comment, however no members of the public spoke.

September 5, 2012 Planning Commission Public Hearing

This section includes an excerpt from the draft minutes from the public hearing for the Initial Environmental Study/Negative Declaration.

1. **ENV 12-117, Housing Element Update – Initial Environmental Study/Negative Declaration, City of Sausalito.** Review of the revised public review draft of the Housing Element Update—Initial Environmental Study/Negative Declaration.

Presentation was made by Geoff Bradley of the M-Group.

- He will summarize responses to letters received at the meeting on August 22nd up until tonight. These letters fit into two broad categories.
- Whether the Housing Element itself could have a physical impact on Sausalito, in particular the Old Town.
    - Under CEQA the project is analyzed. In this case the project is the Housing Element itself, which is a policy document. CEQA also allows tiering off of previous environmental work done on other policy documents. In this specific case they are working with the EIR that was done for the General Plan in 1995. As consultants, they worked closely with the Housing Element Task Force, the community, the Planning Commission, and the City Council to ensure that the strategies, programs, and policies within the Housing Element fit within the existing structure of the City's General Plan and Zoning Ordinance.
    - Questions about cumulative impacts. Letter writers are concerned that one or two projects may not create impacts as defined by CEQA, but what about three or six projects? Since the Housing Element is so closely intertwined with the City's existing development policies and existing development framework, the Initial Environmental Study / Negative Declaration makes the case that all the development is consistent with what was envisioned in the General Plan. In addition, the General Plan EIR covers the cumulative scenario from a CEQA perspective.
    - Concern has been raised about the Vertical Mixed-Use with housing over retail, and Horizontal Mixed-Use strategies with housing on the lot next to commercial uses. These strategies do not result in higher residential densities than what the City currently allows, but seeks to allow for residential uses on sites that already allow for residential use and development but also allow for non-residential use and development. This is a fine grain approach of working with the existing development framework of the community to provide housing in a way that fits within what could already be built on the site.
- Second: Whether future development will be automatically approved and will not need to go through the standard CEQA review process.
    - The Initial Environmental Study/Negative Declaration does make the statement on Page 29 that individual projects would go through the normal development review process. This is also required by state law. If during that process, the analysis prepared by staff or an environmental consultant determines that based on project-specific facts there would be an impact, then a Mitigated Negative Declaration or an EIR would need to be prepared.

Commission questions to Mr. Bradley:

- With respect to the issue of an EIR not being required for insignificant projects, how do you reconcile that with what you said about cumulative impacts? *Mr. Bradley responded with or without the Housing Element going forward there could still be a situation of four or five houses being built, and for that to be deemed a cumulative impact would be saying that the City's General Plan and related EIR is no good anymore. The City believes the General Plan and the EIR are adequate for that normal level of development, absent big developments that would require changes to the City's development policies. The Housing Element fits under the umbrella of the General Plan and the Zoning Ordinance and from a development standpoint is a no net change. If you have a development going on and you have project-specific facts based on traffic, noise, biology studies, etc. it could be said after the fourth or fifth project there is evidence of a cumulative impact and require mitigation, but on a policy basis we do not have that ability.*
- If a single project comes along and the City is concerned that it may, when added to the other projects the City has already approved, create an adverse environmental impact, the City could require that particular project to have an EIR whereas the other one did not require it? *Mr. Bradley responded that is correct.*
- How did the assumption come into being that the 1995 EIR is adequate in view of where we are today when the facts that were examined in 1995 must be significantly different than what exists today in terms of traffic, sewage, and many obvious issues and were not covered by the 1995 EIR? *Mr. Bradley responded the 1995 EIR is the document that provides the environmental clearance for the City's existing General Plan. Every time the City issues a Building Permit it is affirmatively asserting that that EIR and General Plan are still valid and in good standing. In terms of what can be quantified, not that much has changed. The analysis would need to be redone if whole increases in the City's density were proposed.*
- So the fact that the Housing Element provides for Accessory Dwelling Units is not an increase in density, even though it is more people in a single parcel? *Mr. Bradley responded under state law ADUs are exempt from CEQA. The term literally means it is deemed an accessory use to the house.*

Commission comment:

- Accessory Dwelling Units will not increase the density already permitted on any given parcel. The ordinance says there can only be one ADU per parcel. There are size restrictions that will limit the number of people that can live in the ADU.

The public testimony period was opened.

Geoff Headington, 108 Third Street, indicated the following:

- He does not believe that the 1995 EIR addressed low-income housing and the high-density projects that are being conceived today, the VMU and HMU plans.
- Regarding the cumulative environmental review of each proposal as they come along, the City could get three to five projects deep before a review is sought. What he has asked for in letters and previous testimony is to clarify in this document that environmental review will be considered with each project to prevent misinterpretation. As he reads the document, it suggests that it does not need to be reviewed. He would not want a developer to gain momentum based on that assessment.
- He continues to ask that an environmental review be sought for each and every project that falls under the VMU or HMU plans.

Additional Response from staff and consultants (not provided at the hearing);

The 1995 General Plan EIR did address low-income housing. In fact, the insufficient provision of affordable housing was described as an impact (Impact 5.2-c: "Inadequate provision of affordable housing for very low, low and moderate income households"), and several mitigation measures were proposed to address this issue, including Housing policies proposed in the General Plan and the Housing Element at that time. For example, the inclusion of a policy allowing second units (aka, Accessory Dwelling Units (ADUs)), while preserving the basic density and character of single family areas, was one mitigation measure that addressed the lack of affordable housing.

The reference to 'high density projects' is inaccurate. Firstly, no actual development projects are proposed as part of the Housing Element Update. During the discussions for Vertical Mixed Use (VMU) and Horizontal Mixed Use (HMU), massing simulations were shown in presentations to indicate that the discussed HMU sites (of which both 2nd Street sites were removed) had the capacity to accommodate a certain number and mix of housing unit types, but no housing development was proposed. Further, neither the massing simulations nor the VMU and HMU policies indicate or propose any residential density beyond what is currently allowed in the General Plan and Zoning Ordinance.

The following wording has been added to the penultimate paragraph on Page 2 of the IES/ND to clarify that the document only applies to the Housing Element Update and not to future projects, which need to undergo environmental review as required by CEQA, and the City's required zoning and design review process.

> "The IES/ND applies only to the Housing Element Update and does not apply to actual housing projects that may be proposed in the future, including those that are proposed as a result of Housing Element policies and programs. Any actual projects that are proposed must still undergo environmental review as required by CEQA, and the City's required zoning and design review process."

Karen Lehner, 202 Valley Street, indicated the following:

- Not having EIRs that address current standards have been used by other communities to challenge in court developments from single to multiple units and it opens the City up for litigation, which would cost far more than $100,000 for a new EIR.
- Why hasn't there been a new EIR since 1995?
- Doing a general assessment that would affect the whole of Sausalito is not adequate since we are talking specifically about the Old Town area.

Additional Response from staff and consultants (not provided at the hearing);
*While the General Plan **and EIR were approved in 1995**, it is also true that there has not been a large amount of growth in Sausalito. The existing urban fabric in Sausalito is consistent with the amount of development allowed by the General Plan of 1995. Sausalito's population was 7,152 in 1990, rose to 7,330 in 2000, and fell to 7,061 in 2010.*

The General Plan EIR is the document that analyzed the impacts as a result of the development allowed in the General Plan, including cumulative impacts. It is appropriate from a CEQA standpoint for the Housing Element Update to tier off the previous General Plan EIR, based on the consistency between the Housing Element Update and the General Plan. Even if the Housing Element Update were to not exist today, the City finds that the General Plan and its EIR are still valid and development would still be considered against that backdrop.

There is no special focus on Old Town in the Housing Element Update document. The Housing Element Update's site inventory shows sites for potential housing that are throughout the City, and are not concentrated in Old Town. No actual development has been proposed. There was previous discussion of two sites on 2nd Street considered for the Horizontal Mixed Use (HMU) incentives, but these two have been removed from consideration altogether. The Vertical Mixed Use (VMU) requirements are for all commercial districts that allow residential units, which include CN-1, CR, and CC zoning districts.

Vicki Nichols, 117 Caledonia Street, indicated the following:

- In light of the public's concerns has anyone looked at the possibly of potential impact in Old Town? The lots in Old Town, as they were originally laid out, are substandard. There will not be enough FAR entitlements to do many, if any, ADUs there.
- The issue with building up vertically is anyone can do that now, but to alleviate the public's concerns has the City looked at the lot size to see potentially what areas would see ADU requests? She does not believe they will be seen in Old Town.

Comments by Mr. Bradley:

- They did take a detailed look on a lot-by-lot basis, mostly focused on the commercial properties directly on Second Street as opposed to the smaller residential properties.
- Based on the City's past surveys there is a good amount of interest in ADUs.
- ADUs can be small and sometimes people can squeeze them in.
- On the commercial side they found that even though the lots are bigger than the residential lots, by commercial standards they are still very small, in the quarter-acre range.
- When they did analysis and mockups to determine what would fit on the site using normal unit sizes they found that mostly the projects maxed out at two stories. The FAR kicks in and

becomes the limiting factor, so what theoretically could be a three-story building gets reduced to a two-story building and still achieves the type of unit mixes being proposed.

The public testimony period was closed.

Commission comments:

- The Housing Element itself is in fact a program for expansion. The issues being raised of safety, traffic, the overburdened and collapsing sewer system, the overburdened storm water system that dumps everything into the Bay, no sidewalks on most of the streets are and will be impacted by the Sacramento-driven notion that Sausalito should have 165 units because Sausalito was projected to grow from 2000 to 2010, but in fact Sausalito has shrunk.
- The Housing Element Task Force's purpose was not to increase housing, it was to identify where the required number of units could be placed without changing the existing zoning and permitted density in any neighborhood, which they did. Even the VMU and HMU do not result in a higher residential density in the areas in which those zoning text amendments were enacted. The reason it was so important to identify where the required new number of units could be placed if someone were to go out and build them is that if they did not the number of units that would be assigned to the City next time would incrementally increase. By coming up with an Housing Element that fulfilled Sausalito's allotted number of units the City is now in compliance and its numbers will be substantially lower for years to come because it has now met its quota. The Housing Element Task Force has identified where 372 units of housing could be built. The next time the City quote will only be 90. The City can reuse any of those 372 units that have not been built towards that quota. If the City is assigned a huge quota of, for example, 200 units, unless all of those 372 units have been built, as long as the City stays in compliance by passing a Housing Element with each cycle the City can reuse unbuilt potential sites to meet the quota in the next element. The intent was not to increase permissible density or adversely impact existing neighborhoods, rather it was to decrease the impact of these intolerable quotas over the future years.

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