DRAFT
HOUSING ELEMENT TASK FORCE MINUTES
December 5, 2011
5:30 p.m.
City Council Chambers
City Hall at 420 Litho Street

1. **CALL TO ORDER** – *5:32 p.m., all present except as noted*

Chair Stan Bair (Planning Commission Rep)
Mike Kelly (City Council Rep) (arrived 5.34pm)
Susan Cleveland-Knowles (City Resident)*
Kim Stoddard (City Resident)
Ray Withy (City Resident)
Vice-Chair Joan Cox (Planning Commission Rep)
Vacant (City Council Rep)
Steve Flahive (City Resident)*
Chris Visher (City Resident)
** absent*

2. **PUBLIC COMMENT ON ITEMS NOT ON AGENDA**
None.

3. **APPROVAL OF MINUTES** – November 21, 2011
Chair Bair made a motion to approve the minutes. Vice-Chair Cox seconded the motion. Motion passed 5-0.

4. **HOUSING ELEMENT TABLE OF CONTENTS**

Glossary:
HCD: California Department of Housing and Community Development
RHNA: Regional Housing Needs Allocation
ADU: Accessory Dwelling Unit
ABAG: Association of Bay Area Governments
FAR: Floor Area Ratio
CEQA: California Environmental Quality Act
APN: Assessor's Parcel Number
BCDC: Bay Conservation and Development Commission

Associate Planner Schinsing briefed the Task Force on the table of contents.

Member Withy and Vice-Chair Cox asked about the timeline for reviewing draft chapters and which chapters have been modified since the consultants have come on board, such as the vacant and underutilized sites analysis and Chapter 4 on housing resources.

Associate Planner Schinsing stated that the chapter that has not been reviewed and approved is the Goals, Policies and Implementation Measures chapter, which was being reviewed this evening and also on December 19. After the Task Force has reviewed the documents, the Planning Commission and the City Council would review the documents.

Consultant Bradley stated that the updates would include:
- Updates to the City's Vacant and Underdeveloped sites analysis, including modified assumptions especially for underutilized land.
- Chapter IV.a (Availability of Sites for Housing) would have minor changes reflecting recently issued building permits.
- Updates reflecting recent research on marinas, with updated info from BCDC.
- Updated strategies stating how City is meeting its RHNA.

Item 3
(6 PAGES)

Consultant Bradley also stated that a draft of Chapter II would be given to the Task Force at the next meeting. Chapter III would include updates on staff efforts. Chapter IV would include additional detail on top of the two memos previously prepared for the Task Force on the methodology for achieving the RHNA. Consultant Bradley added that the Task Force, staff, and consultants have heard from the community through meetings and workshops. While there may be differing perspectives on the assumptions for the sites analysis, there is a clear awareness of what the assumptions are.

Associate Planner Schinsing also stated that it would be possible to add a meeting on January 16 if the Task Force preferred.

No public comments on this item.

5. DISCUSSION OF GOALS, POLICIES AND IMPLEMENTATION MEASURES / COMMUNITY INPUT AT WORKSHOP 3

Consultant Bradley noted that staff had distributed an 8-page preliminary summary of community input on the Goals, Policies, and Implementation Measures. He stated that around 100 people attended the workshop, and that the participants were divided into 6 smaller working groups with about 15 people each, to each discuss one goal topic.

Consultant Bradley also stated that a letter from the public was received at the meeting, and was distributed at this evening's Task Force meeting.

Issues discussed by Task Force members, City staff and consultants:

- There is significant concern with parking, especially when adding new ADUs. It would be useful to define in writing what an ADU is, and clarify whether it would involve rezoning R-1 parcels. To ensure that people to sign up for the ADU amnesty program, the City would need to make sure that incentives are useful and attractive.
- Sanitary issues for liveaboards, and whether the bay would be more polluted.
- Confusion and concern still exist with regards to the infill strategies, and better communication is needed. Residents feel that the sites analysis is a secret list, and are very concerned that their properties are on it.
- Consultant Bradley stated that a feedback form was handed out at the workshop, and residents could fill it out at the workshop and the deadline was extended to Wednesday this week.
- Chair Bair stated that Consultant Bradley had explained that the submission cut-off date is not meant to restrict public input. Public input would still be taken throughout the process, but for administrative purposes the input needs to be collected early. Input given later in the process would be less effective.
- The City is experiencing issues with access, for example drivers are now entering the City through Monte Mar and Spencer Ave. The City has narrow roads and there are concerns about congestion and accessibility.
- Clarifications were made regarding three properties (Butte St, Woodward Ave, 1700 block of Bridgeway).
    - These three sites are being treated exactly like any other property that the Task Force and the consultants are considering as vacant under the vacant and underutilized sites analysis.
    - Nine sites were previously removed from the potential sites for rezoning, including these three sites.

- These three sites are still being considered under their respective existing zoning.
- These three sites still appear "special". However, there is also a danger of triggering the fear of a "secret list" if the sites are simply listed with an APN and address on the sites inventory. Some explanation should still be provided for these sites.

- The Task Force is not considering rezoning or the Affordable Housing Overlay, however there is some confusion with the housing density bonus.
  - The Implementation Measure that provides for a density bonus is simply to bring the City into compliance with existing State law, and point developers to possible incentives.
  - The density bonus is different from the Affordable Housing Overlay designation, although the terminology is similar.

- Vice-Chair Cox stated that the comments that the Task Force made at the last meeting were not reflected in the Goals, Policies, and Implementation Measures matrix.

Public Comments included:

- Walt Freedman, 20 Marin Ave, stated that he lives near the Woodward site, and participated at the Community Workshop as part of the group that looked at regulation changes. He stated that some group members were concerned about relaxation of environmental impact requirement. He referred to Page 5, Goal 4, Measure 6 of the preliminary Workshop summary that "the control is ultimately with the Planning Commission and City Council". He asked what the City was trying to change with this environmental measure.

  Consultant Bradley stated that he was the facilitator for this group. He explained that the intent of the policy language under State law, the California Environmental Quality Act (CEQA), is designed to protect the environment and disclose to public when the environment is impacted or changed in any way. Under CEQA, there are three levels of measuring impacts:
  - Exempt projects (projects too small, e.g., building a garage in your backyard which meet setbacks and does not damage any trees or views.),
  - Projects which require preparation of a Negative Declaration (ND) or Mitigated Negative Declaration (MND). An ND means that the City declares that there are no impacts on the environment as a result of the project. An MND means the City adds mitigation measures in order to ensure that there are no impacts on the environment from the project (e.g., a small subdivision, a commercial building where noise and traffic and geotechnical studies are done).
  - Projects which require preparation of an Environmental Impact Report (EIR). This could take a year and costs $100 - $150K, requires many technical reports, and an in-depth look at environmental impacts.

  He clarified that this implementation measure addresses infill projects, where typically a small project would fit into one of the discrete exemption categories. There are over 30 exemption categories. For example the Class 32 Exemption category allows infill projects up to 5 acres to be exempt from CEQA. City staff can determine whether the environmental review should be raised to the level of an ND, MND, or EIR.

- John Flavin, resident, stated that a fair argument test should determine whether CEQA should be applied. He stated that CEQA mandates that large projects should not be divided into small projects where cumulatively there would be a disastrous impact. Hence, general plan amendments should consider related future projects. The Housing Element is a general plan amendment, and it would have physical changes in the environment. He urged the Task Force to consider the environmental issues carefully.

He felt that the Goals, Policies, Implementation Measures go beyond the Housing Element as a plan, and opined that the consultants were not preparing the Task Force to deal with the potential impacts.

- Pat Zuch, resident, recalled the consultant's explanation that state mandates such as density bonus programs and relaxations of development constraints, would not necessarily be a burden on the City until they are included in the housing plan, and would be incorporated with Sausalito's view on how they should be implemented. She felt that this implied flexibility on the types of bonus programs that would be adopted, and asked if the City could minimize density bonus programs and maximize the community's ability to comment on any adoptions.

  Consultant Bradley responded that the City could provide guidance on this.

Further discussion among Task Force and consultants:

There was a discussion that a clearer indication needs to be provided on which implementation measures are required by state mandate.

Task Force comments included:

- It was noted that the consultants had put in "State Mandate" in the Goals, Policies and Implementation Measures document.
- The 1995 Housing Element was certified without any of the new programs stated by the consultants.
- Would the sites inventory be sufficient to meet the RHNA? If so, why would the City still need these new programs?
- Different statements made regarding CEQA and Planning Commission authority.
  - Vice-Chair Cox raised concerns with Goal 4 (Remove Governmental Constraints), including the CEQA exemption measure. The community treasures its cottage-like environment, but this measure seems like it could change it.
  - Member Kelly's stated that CEQA is required nonetheless, and the Planning Commission could only grant an exemption on the basis of facts to allow such an exemption.
  - Vice-Chair Cox stated that environmental factors are not closely examined when a project is labeled as exempt from CEQA. She stated that the Task Force should look at the policy language carefully and perhaps determine specific project sizes for such exemptions to be given.

Consultant responses included:

- Consultant Bradley explained that this is a difficult assignment as it could be argued that a certified Housing Element needs most measures. Another approach, based on specific statues, could show that only 20% - 25% of the measures are required. If the City took the latter approach, the State reviewer could argue it the other way.
- M-Group wishes to provide ideas for implementation measures. He stated that some items are dependent on staffing levels and expertise, and larger cities can often do more than smaller jurisdictions.
- Internally, M-Group had taken out measures that would not work in Sausalito, and the rest are suggested for consideration or elimination.
- Having a balanced approach in the Element means that the City shows numbers for reaching the RHNA, however policies are also required to support its efforts.

City staff responses included:

- Community Development Director Graves stated that the proposed CEQA exemption measure takes credit for what Sausalito already does. At Planning Commission meetings, if substantial evidence is presented (including evidence from the public) that there are impacts on wildlife or other resources, the Planning Commission can deny an exemption for the project.

6. STAFF COMMUNICATIONS

Update on Woodward Site –
Staff provided an update and indicated that the City files do not contain a file for the site. Staff had contacted a title company to perform research on the site, but that company was unable to do so as its database did not go back far enough, and suggested another specialist to do the work. The City is now signing a contract with that specialist, with the condition that the information must be delivered before the December 19 meeting.

Public comments included:

- Elaine Colowich, 266 Woodward Ave, stated that she had been researching the property with the County, and understands that City staff is unable to locate a file on the property. She said that since the property was declared a right-of-way, that determination should have been recorded in a file. She asked how the square footage was determined, as it determines the number of possible units. She also stated her concerns about the density bonus.

  Community Development Director Graves stated that staff drew straight lines from the four corners of two adjacent properties on either side of the site to determine the area of the site. He clarified that there was no legal description currently with the County assessor's office. Member Kelly mentioned that a surveyor would be needed for legal recording.

Staff comments:
Community Development Director Graves stated that he is familiar with Housing Element Updates and the environmental review process associated with them. Generally, a Mitigated Negative Declaration or a Negative Declaration is the appropriate document for that review. Staff will be preparing those documents for the City Council for review, after HCD provides comments on the draft element.

7. TASK FORCE MEMBER COMMUNICATIONS

Task Force comments included:

- Member Kelly commended M-Group and City staff for their work planning the workshop, providing participants with a lot of information and explanations on process.

- Vice-Chair Cox stated that Goal 4 included zoning to promote live/work, and asked if it entailed new zoning.

  Community Development Director Graves stated that staff envisions this as a Zoning text amendment, and clarified the differences between Zoning text amendments and Zoning map amendments. He stated it was possible that this implementation measure would involve using a Conditional Use Permit, which some districts could allow. As for the Density bonus provisions, it would mean updating the existing text in the Zoning Ordinance with regards to the state's density bonus regulations. The process involves staff writing draft text, the appropriate commissions review the text, a noticed public hearing is held by the Planning Commission and a recommendation is made to the City Council, and a noticed public hearing is held by the City Council for a decision.

  Member Kelly added that zoning text amendments cannot be used to change for zones that currently do not allow housing.

  Vice-Chair Cox stated that she was told by member of the community that we have housing for marine workers already.

Member Stoddard asked if parameters of the amnesty program have been set up yet. Community Development Director Graves stated that changes to ADUs regulations would involve work by a subcommittee. Member Stoddard volunteered for the subcommittee.

Public Comments included:

- Carter Mason, resident, asked why housing for marine workers was a component in the plan.

  Consultant Bradley stated that the information collected so shows that marine workers are attracted to liveaboards as a lifestyle due to their occupation. Gerry Fait, a member of community, has suggested to classify marine workers as a special group, and cities are free to recognize special needs groups.

8. **AGENDA TOPICS FOR NEXT MEETING** – December 19, 2011
Vice-Chair Cox requested to add research on the Woodward site back to the agenda. Consultant Bradley suggested that there could be three distinguishing categories for the Implementation Measures: "Required (by state mandate)", "Optional", and "Recommended to achieve the goal of certification".

Public comments included:

Carter Mason, resident, suggested that the consultants could also identify the programs that are already "de facto" existing and could be formalized, and distinguish those from new programs.

David Kliman, a resident on Butte St, suggested another item for the agenda. He stated that about 300 residents are organizing on the north end of town with regards to the Butte Street site, and asked for openness and transparency to this group. He stated that the Olima Rotary Affordable Housing site at the corner of Olima and Butte is not being talked about in relation to the Butte Street site. He asked the Task Force to acknowledge the fact that the Butte Street site, if developed, would have an impact on residents living there. He stated that the Task Force should not underestimate the way that the Olima village changed the neighborhood.

9. **ADJOURN**
Vice-Chair Cox moved to adjourn the meeting, Member Kelly seconded, and the motion passed 6-0. The meeting was adjourned at 6.47 pm.

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