

RESOLUTION NO. 28-2025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO CERTIFYING THE AMENDED 2023-2031 HOUSING ELEMENT FINAL ENVIRONMENTAL IMPACT REPORT (SCH #[2024070676]); ADOPTION OF CEQA FINDINGS, STATEMENT OF OVERRIDING CONSIDERATION, MITIGATION AND MONITORING AND REPORTING PROGRAM, RECISSION OF THE 6TH CYCLE HOUSING ELEMENT, AND ADOPTION OF THE AMENDED 2023-2031 HOUSING ELEMENT, AND AMENDMENTS TO THE LAND USE AND GROWTH MANAGEMENT, COMMUNITY DESIGN, HISTORIC AND CULTURAL PRESERVATION, AND CIRCULATION AND PARKING ELEMENTS

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

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

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

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

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

WHEREAS, in response to concerns raised and subsequent input from Councilmembers on the Housing Element Programs DEIR, the City determined to undertake amendments to the adopted Housing Element through the drafting of an Amended 6th Cycle Housing Element ("Amended Housing Element" or "Project") and associated Environmental Impact Report; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State California Environmental Quality Act (CEQA) Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Sausalito is the lead agency for the proposed Project; and

WHEREAS, pursuant to CEQA and the State CEQA Guidelines, the City determined that an Environmental Impact Report ("EIR") should be prepared to analyze all potential adverse environmental impacts of the proposed Project; and

WHEREAS, the draft Amended Housing Element contains modifications to the opportunity sites inventory that assist in ensuring and prioritizing the preservation of the City's historic district and waterfront, removes sites with limited development potential, and reflects changes to the City's pipeline of approved, entitled, and proposed projects; and

WHEREAS, the draft Amended Housing Element modifies programs in the Housing Plan to promote development of identified publicly-owned sites with housing, to address the effectiveness of the proposed Objective Design and Development Standards (ODDS) and the City's project processing and permitting process, includes additional analysis in the Background Report of sites modified under Program 4, including nonvacant and mixed use sites, and further analyzes the City's inclusionary housing requirement; and

WHEREAS, on July 17, 2024, the City issued a Notice of Preparation for a DIER for an amended Housing Element and held a public scoping session on August 6, 2024; and

WHEREAS, the draft Amended Housing Element was posted for public review on August 15, 2024 and further revisions were posted on August 22, 2024, and the draft Amended Housing Element was available for public review and comment; and

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

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

WHEREAS, pursuant to State CEQA Guidelines section 15087(e), the Draft Program EIR was circulated for at least a 45-day public review and comment period beginning September 4, 2024; and

WHEREAS, on December 13, 2024, the City initiated a 45-day public review and comment period of the Recirculated Draft Program EIR, which was limited to revisions to the Executive Summary, Section 3.1 (Aesthetics), Section 3.3 (Biological Resources), Section 3.14 (Transportation and Circulation), Chapter 4.0 (Alternatives to the Amended Housing Element), Chapter 5.0 (Other CEQA Considerations), and Appendix B1, for the proposed Project and released the Recirculated Draft Program EIR for public review and comment; and

WHEREAS, pursuant to State CEQA Guidelines section 15086, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others during the 45-day public review and comment period for the Draft Program EIR and Recirculated Draft Program EIR; and

WHEREAS, the City received a total of twenty-three (23) written comments (or letters) during the 45-day public review and comment period for the Draft Program EIR and the 45-day public review and comment period for the Recirculated Draft Program EIR; and

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

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to commenting public agencies at least ten days prior to the City's consideration of the Final Program EIR on February 25, 2025; and

WHEREAS, the "Program EIR" consists of the Final Program EIR and its attachments and appendices, as well as the Draft Program EIR and its attachments and appendices and the Recirculated Draft Program EIR and its attachments and appendices (as modified by the Final Program EIR); and

WHEREAS, on February 19, 2025, the Planning Commission held a duly advertised public hearing on the proposed Amended Housing Element, related General Plan Amendments and ordinance, at which it considered the staff report, recommendations by staff, and public testimony and recommended certification of the Program EIR and recommended adoption of the Amended Housing Element with revisions; and

WHEREAS, on February 25, 2025, the City Council held a duly advertised public hearing on the proposed Amended Housing Element, related General Plan Amendments and ordinance, at which it considered the staff report, recommendations by staff and the Planning Commission, and public testimony, and at this meeting the Council provided feedback and directed that changes be made to the proposed Amended Housing Element; and

WHEREAS, following receipt of City Council feedback, as well as additional feedback from HCD, and public comments received, the City of Sausalito worked to revise the proposed Amended Housing Element, which was posted for public review on March 27, 2025 and resubmitted to HCD following a seven-day public posting period, and following technical assistance meetings with HCD, City staff made further revisions which were posted on May 5, 2025 for public review and formally resubmitted to HCD on May 13, 2025; and

WHEREAS, on May 22, 2025, HCD submitted a letter to the City of Sausalito stating that Sausalito's most recent Amended Housing Element submittal is in substantial compliance with State Housing Element law; and

WHEREAS, the City has reviewed the Program EIR and determined that all potentially significant adverse environmental impacts of the Amended Housing Element were sufficiently analyzed in the EIR; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the Project; and

WHEREAS, prior to taking action, the City has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including but not limited to the EIR) and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the EIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearings conducted by the City and no additional information submitted to the City have produced substantial new information requiring further recirculation of the EIR or additional environmental review of the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5; and

WHEREAS, on May 27, 2025, the City conducted a duly noticed public hearing on this Resolution, at which time all persons wishing to testify were heard and the EIR and Project was fully considered; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAUSALITO:

SECTION 1. The City rescinds the 6th Cycle Housing Element adopted on January 30, 2023.

SECTION 2. The above recitals are true and correct and incorporated herein by reference.

SECTION 3. The City Council hereby finds that it has been presented with the EIR which it has reviewed and considered and further finds that the EIR is an accurate and objective statement of the Project that has been completed in full compliance with CEQA and the State CEQA Guidelines. The City Council finds that the EIR reflects the independent judgment and analysis of the City. The City Council declares that no

evidence of new significant impacts or any new information of “substantial importance” as defined by State CEQA Guidelines section 15088.5, has been received by the City after circulation of the Recirculated Draft EIR that would require further recirculation. Therefore, the City Council hereby certifies the EIR based on the entirety of the record of proceedings.

SECTION 4. The City Council hereby adopts the “CEQA Findings of Fact” which were prepared in accordance with State CEQA Guidelines sections 15091 and include a “Statement of Overriding Considerations” which were prepared in accordance with State CEQA Guidelines section 15093(a) and which are attached hereto as **Exhibit A** and incorporated herein by this reference.

SECTION 5. Pursuant to Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program attached hereto as **Exhibit B** and incorporated herein by this reference. Implementation of the Mitigation Measures contained in the Mitigation Monitoring and Reporting Program is hereby made a condition of approval of the Project. In the event of any inconsistencies between the Mitigation Measures set forth in the EIR or the Findings of Fact and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

SECTION 6. City staff shall cause a Notice of Determination to be filed and posted with the County Clerk and the State Clearinghouse within five working days of the adoption of this Resolution.

SECTION 7: Compliance with State Law: As required by Government Code Section 65585(e), the City Council has considered the findings made by the Department of Housing and Community Development included in the Department’s letter to the City of Sausalito dated November 4, 2024, consistent with Government Code Section 65585(f), and as described in **Exhibit D** to this resolution, incorporated herein by this reference, the City Council has changed the Amended Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.

SECTION 8: Nonvacant Sites: Based on substantial evidence provided in the Amended Housing Element, including a Statewide housing crisis, strong demand for residential and mixed-use development in the City, the declining demand for office uses, known vacancies and/or buildings for rent or sale, opportunities for streamlined infill development, expressed interest from property owners or developers, unique site characteristics including the age of the building, low lot utilization, and aging building conditions, and a commitment from the City to implement programs that incentivize and promote the development of sites, including redevelopment or intensification of underutilized sites and development of City-owned sites, the City Council finds that the existing uses on the sites identified to accommodate the City’s RHNA do not impede residential development during the period covered by the Housing Element and the sites are anticipated to be available for development during the Housing Element period. Certain property owners have expressly indicated interest in projects for additional residential use and have demonstrated that such projects can be developed without removing existing buildings, or with modifications to those existing buildings, and other property owners have indicated an interest for redevelopment of sites more broadly, and based on the information collected to prepare the Amended Housing Element, and the analysis contained in the Amended Housing Element, pursuant to Government Code section 65583.2(g), the City Councils finds that the existing uses on the non-vacant sites identified to accommodate the City’s RHNA will not impede residential development during the period covered by the Housing Element and that existing uses are likely to be discontinued and/or modified during the Housing Element planning period to facilitate additional residential development.

SECTION 9: Mixed Use Sites: Based on substantial evidence provided in the Amended Housing Element, including a Statewide housing crisis, strong demand for residential and mixed-use development in the City, the declining demand for office uses, known vacancies and/or buildings for rent or sale, opportunities for streamlined infill development, expressed interest from property owners or developers, and a commitment from the City to implement programs that incentivize and promote the development of sites, including development, redevelopment or intensification of mixed use sites, the City Council finds that the provisions to accommodate a

mixture of uses promote residential development while also encouraging existing and new nonresidential uses do not impede residential development or economic viability of mixed use sites and the sites are anticipated to be available for development during the Housing Element period.

SECTION 10. Adoption of the General Plan Amendment, including the Amended Housing Element. Based on the information provided for and at the public hearing, the City Council finds the General Plan Amendments, including the Amended Housing Element, are consistent with the General Plan and the City adopts the Amended Housing Element, which is the 6th Cycle Housing Element as revised by **Exhibit C: May 5, 2025 Draft Amended City of Sausalito's 6th Cycle Housing Element; Housing Plan and Background Report.**

SECTION 11. Adoption of the General Plan Amendment, including the amendments to the Land Use and Growth Management, Community Design, Historic and Cultural Preservation, and Circulation and Parking Elements. Based on the information provided prior to and at the public hearing, the City Council finds the General Plan Amendments, including the amendments to the Land Use and Growth Management, Community Design, Historic and Cultural Preservation, and Circulation and Parking Elements, are consistent with the General Plan and approves and adopt the proposed amendment, as identified in **Exhibit E.**

SECTION 12. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at City Hall, Community Development Department at 420 Litho Street, Sausalito, CA 92965. The custodian for these records is Walfred Solorzano, City Clerk. This information is provided pursuant to Public Resources Code section 21081.6.

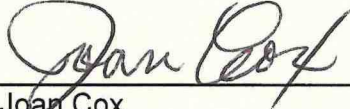
APPROVED AND ADOPTED this 27th day of May, 2025.

AYES: Blaustein, Sobieski, Woodside, and Cox

NOES: Hoffman


ABSENT:

ABSTAIN:



Joan Cox
Mayor

ATTEST:



Walfred Solorzano
City Clerk