

Affordable Housing Task Force
c/o Lilly Schinsing
Associate Planner
Planning Division | Community Development Department
City of Sausalito | 420 Litho St. Sausalito CA 94965

October 15, 2011

TO: Affordable Housing Task Force
REGARDING: V-6 site, 052-322-01

As the owner of the vacant lot in question and the adjacent property at 330 Ebbtide I am writing to request that my property **be removed from consideration as an affordable housing site for Sausalito.**

This hillside property has been in my family since the late 1800s and I do not intend to develop it any further. My sisters raised their children here and I spent my childhood and early adulthood on this hillside and I have tried to preserve the original buildings and mature oak trees as they have been since then.

It is a very steep lot which **if even possible**, would be very expensive to develop, and therefore not practical to rent inexpensively. As an unrealistic site it would be **a feeble attempt** by the task force to meet the State of California's demands for affordable housing in Sausalito; one that would only be on paper and do nothing to help the population that needs **real** affordable housing solutions.

- Already there is a real parking shortage on that part of Ebbtide. On that part of Ebbtide, two medium size cars cannot even pass abreast on the corner. A fire truck or other emergency vehicle presently has difficulty navigating.
- Already we have problems with individuals from the neighborhood using our property as a shortcut to Bridgeway.
- Already, there are watershed issues on Ebbtide that your public works department is aware of; there are no gutters other than the street curb to divert the water and all the property on the hill cannot be turned into concrete! There must be some property left undeveloped to absorb the water. Last year's rains had nowhere to go once they left the apartment complexes above Ebbtide and as a result created a landslide on our property that we are still ameliorating.

A multi-family affordable housing unit next door would exacerbate these problems. Re-zoning it for affordable housing would reduce my property's value long-term and I would expect substantial compensation. Please reconsider this short-sighted action for everyone's benefit!

I would hope you could find more relevant and practical locations elsewhere in Sausalito.

Sincerely,

Kenneth Leitch
375 Ocean View Ave.
Kensington, CA 94707

From: Adam Politzer
Sent: Tuesday, October 18, 2011 11:16 AM
To: City Council
Cc: Debbie Pagliaro; Mary Wagner; Jeremy Graves
Subject: FW: Comments on the Sausalito Housing Overlay
Importance: High

As requested.

From: Jim McKibben [mailto:jamesmckibben@sbcglobal.net]
Sent: Tuesday, October 18, 2011 10:06 AM
To: Adam Politzer
Subject: Comments on the Sausalito Housing Overlay
Importance: High

Dear Adam,

Please pass on to each member of the City Council.

To Sausalito Council members:

1) I support for the use of 2nd units and live aboards, and uncounted units to meet Sausalito's affordable housing mandates. In addition, Sausalito could also use undeveloped land for credits. (Zoned R3 with only 1 home = two additional credit units) We have more than enough units already to meet our City's obligation. (Belvedere, Hillsborough, Danville and Portola Valley have all used these units successfully. Why are we resisting this?)

2) I request that City Council send strong guidance to the county regarding the AI (Analysis of Impediments to Fair Housing), specifically that 2nd Units are not an impediment to fair housing in Sausalito, and affordable housing overlay zones are not

appropriate for Sausalito's congested neighborhoods.

3.) I feel this will be the biggest boondoggle in the City's history. The surrounding homes will lose value from parking problems, blocked views from unrestricted building requirements, and no neighborhood/planning commission input and the potential for increased crime and violence. If you need proof do a tour of Marin City. My suggestion is at around 10 PM. The wealth transfer will be to the developers who are backing these ridiculous overlay zones. Lower property taxes in the neighborhood will be the result of these overlay zones may hurt the City budget. I will vote and campaign with my wallet.

Sincerely,

Jim & Lisa McKibben

105 Sacramento Ave

Sausalito, CA 94965

415 332 1439

From: David Kliman [mailto:david@klimangroup.com]

Sent: Tuesday, October 18, 2011 11:02 AM

To: Adam Politzer; Mary Wagner; Mike Kelly; Carolyn Ford; Jonathan Leone; Linda Pfeifer; Herb Weiner

Cc: Lars Yockel

Subject: Letter to Sausalito Council members regarding development and rezoning

To Sausalito Council members:

1) **We support the use of 2nd units, live aboards and uncounted units to meet Sausalito's affordable housing mandates.** In addition, Sausalito could also use undeveloped land for credits (Zoned R3 with only 1 home = two additional credit units). We have more than enough units already to meet our City's obligation. Belvedere, Hillsborough, Danville and Portola Valley have all used these units successfully. **Why is this solution being resisted?**

2) We request that City Council send strong guidance to the county regarding the AI (Analysis of Impediments to Fair Housing), **specifically that 2nd Units are not an impediment to fair housing in Sausalito and affordable housing overlay zones are not appropriate for Sausalito's congested neighborhoods.**

3.) **We believe rezoning is a major mistake and detrimental to all of Sausalito.** The surrounding homes will lose value from parking problems, blocked views from unrestricted building requirements, no neighborhood/planning commission input and the potential for increased crime and violence. Should proof of the latter be needed, we suggest walking around Marin City anytime after 9:00pm. **The wealth transfer will only go to the developers who are backing these overlay zones.**

4.) **Lower property taxes in the City will be the result of overlay zones and will negatively impact the City budget.**

We will vote, lobby and campaign aggressively against any measures to rezone and develop sites in Sausalito which clearly and negatively impact the residents and citizens of our City.

Sincerely,

David Kliman and Lars Yockel

David Kliman & Lars Yockel

806 Butte Street

Sausalito, CA 94965

415.339.0237

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L94965@gmail.com

Please consider the environment before printing this e-mail

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Sent from my HP 3000 Desktop Computer

MEMORANDUM

TO: Jeremy Graves, Community Development Director
CC: Adam Politzer, City Manger
FROM: Mary Anne Wagner, City Attorney
RE: Housing Element/California Constitution Article 34
DATE: October 20, 2011

Adopted in 1950, Article XXXIV of the California Constitution ("Article 34") requires that voter approval be obtained before any "state public body" develops, constructs or acquires a "low rent housing project." Section 1 of Article 34 specifically states:

“No low rent housing project shall hereafter be developed, constructed, or acquired in any manner by any state public body until, a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the same, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election.”

On its own terms, Article 34 initially appears to place a significant restriction on the ability of public agencies to assist and/or develop affordable housing projects. However, the California Legislature subsequently passed legislation which “interprets” Article 34 providing for a host of exceptions.

The exceptions (or perhaps clarifications) to the voter approval requirement of Article 34 can be found in the Public Housing Election Implementation Law (California Health & Safety Code, §§ 37000-37002.). The legislation specifically excludes each of the following types of public agency assistance/developments from the requirement of voter approval under Article 34:

- (a) Provides financing, secured by a deed of trust or other security instrument to a private owner of existing housing; or acquires a development, for which financing previously has been provided, as a temporary measure to protect its security and with an intention to change the ownership so that it will not continue to be the owner of a low-rent housing project.
- (b) Acquires or makes improvements to land which is anticipated to be sold, ground leased, or otherwise transferred to a private owner prior to its development as a low-rent housing project, provided (1) the land and improvements thereon are not

subject to an exemption from property taxation by reason of public ownership for more than five years following acquisition or improvement by the state public body, or (2) such an exemption from property taxation persists beyond the five-year period and no alternative use is designated for the land or improvements, but any property tax revenues lost by affected taxing agencies on account of the exemption of land or improvements from property taxes by reason of public ownership of the property, or any interest in the property after the five-year period, are fully reimbursed by payments in lieu of taxes following the expiration of the five-year period.

- (c) Leases existing dwelling units from the private owner of such units, provided the lease or a subtenancy thereunder does not result in a decrease of property tax revenues with respect to the dwelling units leased.
- (d) Provides assistance to the private owner or occupant of existing housing which enables an occupant to live in decent, safe, and sanitary housing at a rent he or she can afford to pay.
- (e) Provides assistance to a low-rent housing project and monitors construction or rehabilitation of such project and compliance with conditions of such assistance to the extent of:
 - (1) Carrying out routine governmental functions.
 - (2) Performing conventional activities of a lender.
 - (3) Imposing constitutionally mandated or statutorily authorized conditions accepted by a grantee of assistance.
- (f) Provides assistance to a development prior to its becoming a low-rent housing project without intending or expecting that the development will become a low-rent housing project, as defined.
- (g) Provides financing for a low-rent housing project pursuant to Chapter 6.7 (commencing with Section 51325) of Part 3 of Division 31 [tax exempt multi-family housing bonds]

(Health & Safety Code, § 37001.5)

The California Supreme Court upheld the Legislature's general authority to adopt "definitions" applicable for Article 34 in *California Housing Finance Agency v. Patitucci*, 22 Cal. 3d 171 (1978). However, because only a portion of the provisions listed above had then been enacted at that time, most of the above-listed provisions do not all bear the Supreme Court's direct seal of approval. Nonetheless, more recently, the court in *City of Cerritos v. Cerritos Taxpayers Assn.*, 183 Cal.App.4th 1417 (2010) implicitly reaffirmed the Legislature's power to "clarify" the

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meaning of Article 34 when the court engaged in an in depth analysis of the Section 37001.5 exceptions as part of Article 34 challenge.

Any potential affordable housing projects which involve assistance by the City would need to be analyzed based upon the proposed terms to determine if the project would trigger the voter approval requirement of Article 34. Notwithstanding the foregoing, the mere identification of properties as potential sites for the development of affordable housing in the City's Housing Element does not trigger the voter approval requirement of Article 34.