

STAFF REPORT

SAUSALITO PLANNING COMMISSION

Project **Housing Element Implementation Zoning Ordinance Amendments:**
(1) Special Needs Housing including Supportive/Transitional Housing,
Single Room Occupancy Units and Emergency Homeless Shelters;
(2) Vertical Mixed Use Regulations Regarding Residential Uses in the
CC, CR and CN Zoning Districts

ZOA 14-007

Meeting Date July 9, 2014

Staff Lilly Schinsing, Administrative Analyst 

This Staff Report partially supplements the Staff Report dated May 21, 2014 (regarding Special Needs Housing)

REQUEST

Review the draft Zoning Ordinance amendments regarding Special Needs Housing and Vertical Mixed Use Regulations, make any appropriate modifications and adopt the draft resolutions recommending City Council adoption of the Zoning Ordinance amendments.

PROJECT INFORMATION

Applicant City of Sausalito

Authority Zoning Ordinance §10.80.070.C requires the Planning Commission to provide a recommendation to the City Council on proposed Zoning Ordinance amendments.

BACKGROUND

The City's current Housing Element was adopted on October 9, 2012 and certified to be in conditional compliance with Housing Element Law by the California Department of Housing and Community Development (HCD) on November 7, 2012. The current Housing Element reflects the unique character of Sausalito while also being responsive to the State's legal requirements by using a multi-faceted approach that seeks to have a low impact on the community.

The Government Code requires jurisdictions to update their Housing Element every planning period and obtain certification from HCD that the Element complies with Housing Element law. Sausalito's updated Housing Element is required to be adopted by January 31, 2015. The current work involves two tracks.

The first track involves adopting Zoning Ordinance Amendments which were committed to in the current Housing Element adopted in 2012. Specifically, the remaining programs which are required to be implemented are:

- Programs 8a/8b (Vertical Mixed Use [VMU] / Horizontal Mixed Use [HMU]),
- Program 19 (Density Bonus),
- Program 21 (Special Needs) and
- Program 25 (Reasonable Accommodations).

If these amendments are not implemented by the end of 2014, the City's updated Housing Element in the second track will not be certified by the State, the eight year housing element cycle may revert to a four year cycle, the City's next Housing Element will be due in 2018, instead of 2023 and some of the Regional Housing Needs Assessment numbers from the 2009-2014 cycle will carry over into the 2015-2023 cycle. The second track is a minor update to the adopted Housing Element and gaining certification by the HCD by January 31, 2015. The second track is reliant on the first track amendments being adopted.

The Planning Commission reviewed amendments as required by Programs 19, 21 and 25 at a special meeting on **May 21, 2014** and made the following recommendations:

- a. Program 19 (Density Bonus): Recommended City Council adoption of Municipal Code Amendments (4:1, Keegin: No).
- b. Program 21 (Special Needs):
 - i. Recommended City Council adoption of Municipal Code Amendments to principally permit an Emergency Shelter use in the Public Institutional Zoning District (5:0).
 - ii. Recommended City Council adoption of Marinship Specific Plan Amendment to principally permit an Emergency Shelter use on Public Institutional Zoned properties in the Marinship (3:2, Cox, Keegin: No).
 - iii. Continued the Planning Commission hearing on the remainder of the Special Needs Amendments related to Supportive/Transitional Housing and Single Room Occupancy Units to the June 18 Planning Commission meeting (has been subsequently continued to the July 2, 2014 Planning Commission meeting).
- c. Program 25 (Reasonable Accommodations). Recommended City Council adoption of Municipal Code Amendments (5:0).

The City Council conducted a first reading of amendments as required by Programs 19, 21 and 25 on **June 24, 2014** and took the following actions:

- a. Program 19 (Density Bonus): Introduced and read the Ordinance by title only; continued the second reading to July 8, 2014 (5:0).
- b. Program 21 (Special Needs):
 - i. Directed the Planning Commission to provide a recommendation on a modified Emergency Shelters Ordinance which would allow for an Emergency Shelter Overlay to include only Public Institutional sites which are owned by the City of Sausalito or the Sausalito School District. The Planning Commission was specifically directed to not reconsider any other aspect of the Emergency Shelters Ordinance (4:1; Pfeifer, No).
- c. Program 25 (Reasonable Accommodations): Introduced and read the Ordinance by title only; continued the second reading to July 8, 2014 (5:0).

The City Council also discussed the VMU regulations at a meeting on **June 24, 2014** and directed staff to modify the VMU program (Program 8a in the Housing Element) to allow small upper floor commercial and proceed with public hearings before the Planning Commission and City Council on the modified VMU program (4:1; Pfeifer, No).

FIRST TRACK AMENDMENTS

The following is a list of the status of programs in the 2007-2014 Housing Element which are required to be implemented in order to gain HCD certification of Sausalito's 2015-2023 Housing Element. Checkmarks are indicated where the Planning Commission has completed work on the programs.

- Housing Element Program 8a (VMU): Required to be implemented— Planning Commission to make a recommendation on draft Ordinance in Exhibit D.**
- Housing Element Program 8b (HMU): Pursuant to City Council direction on June 24, 2014 Planning Commission to consider Housing Element Amendment to remove HMU program and add 330 Ebbtide parcel to sites inventory in Appendix G of Housing Element on July 9, 2014 (Staff Report provided as a separate agenda item).*
- Housing Element Programs 10a/10b (Accessory Dwelling Units): Completed. Council adopted in November 2012.
- Housing Element Program 11 (Liveboards): Completed to the best of the City's ability. Planning Commission to consider Housing Element Amendment which includes update on liveboards on July 9, 2014 (Staff Report provided as a separate agenda item).*
- Housing Element Program 19 (Density Bonus): Council will conduct a second reading on July 8, 2014.
- Housing Element Program 20 (Multi-family Standards): Completed. Council adopted on March 18, 2014.
- Housing Element Program 21 (Special Needs): Required to be implemented— see draft Ordinance in Exhibit B.**
- Housing Element Program 25 (Reasonable Accommodations): Council will conduct a second reading on July 8, 2014.

MEETING SUMMARY

See a summary of meetings to date in **Exhibit G**.

ANALYSIS: ZONING ORDINANCE AMENDMENTS

SPECIAL NEEDS HOUSING AMENDMENTS

Background. The current Housing Element sets forth Program 21 "Zoning Text Amendments for Special Needs Housing" to bring the City into compliance with State statutes by making various Zoning Ordinance provisions for special needs housing. See **Exhibit F** for an excerpt from the Housing Element regarding Program 21. In 2007, the State enacted legislation commonly referred to as Senate Bill 2 (SB 2).

Senate Bill 2 (SB2) requires local agencies to address housing needs for homeless populations in their communities. Generally, SB 2 specifies that at least one zone in a city or county be identified where "emergency shelters" are a permitted use without a conditional use or other discretionary permit, subject to development and management standards permitted under Government Code Sections 65582, 65583 and 65589.5. Additionally, the jurisdiction must demonstrate that there is sufficient capacity within the designated zone to accommodate the current need for emergency shelters as identified in the Housing Element. The City's current need is 30 unsheltered homeless pursuant to the 2011 Marin Homeless Point in Time Count by Marin Health & Human Services.

An emergency shelter is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. Emergency shelters must be subject to the same development and operational standards that apply to permitted uses in the chosen district. Written and objective standards may be applied to regulate only the following:

- The maximum number of beds or persons permitted to be served nightly by the facility;
- Off-street parking based on demonstrated need, but not to exceed parking requirements for other residential or commercial uses in the same zone;
- The size and location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;

- The proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting; and
- Security during hours that the emergency shelter is in operation.

SB 2 further requires that a jurisdiction's Zoning Ordinance specify that "supportive housing" and "transitional housing" be considered a residential use of property, subject to the same standards as other residential uses of the same type in the same zone. While not specified within SB 2, Government Code Section 65583 also requires jurisdictions to provide zoning for a variety of housing types, including "single room occupancy units", commonly referred to as SROs.

Draft Special Needs Housing Ordinance. The Special Needs Housing Ordinance has three focuses: Zoning for Emergency Shelters, allowing Supportive and Transitional Housing, and allowing Single Room Occupancy Units.

Zoning for Emergency Shelters. The current Housing Element designates the Public Institutional (PI) Zoning District as the zoning district in which Emergency Shelters will be principally allowed, subject to the specific use standards to be adopted by the City.

In compliance with Government Code Sections 65582, 65583 and 65589.5, and as specified under Program 21 of the current Housing Element, staff has prepared a draft Ordinance to:

- Amend the Zoning Map to allow for an Emergency Shelter Overlay Zone. The City Council directed on June 24, 2014 that an Emergency Shelter Overlay Zone be created which would include only Public Institutional sites which are owned by the City of Sausalito or the Sausalito School District; and
- Table 10.12-2 (Overlay District Designations) to provide for the Emergency Shelter Overlay Zoning District and the –Es Designator; and
- Add a new Section 10.28.080, which establishes the Emergency Shelter Overlay Zoning District and approval requirements and development standards for Emergency Shelters.
- Amendment of Title 10 to modify Section 10.88.040 to add definitions related to Emergency Shelters.

On May 21, 2014 the Planning Commission recommended City Council adoption of Municipal Code Amendments to principally permit an Emergency Shelter use in the Public Institutional Zoning District¹ (5:0), see **Exhibit H** for Planning Commission Resolution No. 2014-13 with the following direction/modifications:

- 1- The parking calculation for on-site staff was based on "employees". The Planning Commission directed that the parking calculation for on-site staff members should be based on employees, independent contractors and/or other on-site personnel. This change was incorporated into the draft Ordinance for Council review on June 24, 2014, and in the draft Ordinance in **Exhibit B**.

¹ Note that the entire Public Institutional Zoning District was under consideration for the Emergency Shelter use. The City Council on June 24, 2014 directed that the number of sites which would be available for Emergency Shelter use be narrowed to create an Emergency Shelter Overlay Zone which would only Public Institutional sites owned by the City of Sausalito or the Sausalito School District.

- 2- Government Code Sections 65582, 65583 and 65589 define an emergency shelter as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. The draft Ordinance under consideration by the Planning Commission allowed for up to a 90 day stay by a homeless person, with the potential for up to a 90 day extension in a year's period, for a total not exceeding 180 days. The Planning Commission directed that the 90-day extension for emergency shelter operations should be deleted.

Staff contacted HCD to discuss this modification. HCD directed staff to consult with a local shelter provider to ensure an annual 90-day limit on stays wouldn't serve as a constraint to providing service. Staff contacted Homeward Bound of Marin, a major homeless shelter provider, who stated that a limit of a 90-day stay would serve as a constraint as 90-days is not enough time in some cases for clients to secure permanent housing and resolve their situation. Homeward Bound of Marin also indicated that services such as the R.E.S.T. (Rotating Emergency Shelter Team) program operates during five winter months, and therefore a policy of restricting stays to 90-days without the potential for an extension would be inconsistent with other services in the County.

Homeward Bound of Marin indicated that some recommended conditions that may make a homeless person eligible for an extension of time beyond the 90- days (but no greater than 180 days in total) could be:

- o Having a medical emergency
- o Secured a job, but need more time to bank enough rent to move on to
- o permanent housing
- o Negotiating a lease for permanent housing

Staff, therefore, did not recommend City Council retaining the language as recommended by the Planning Commission. The draft Ordinance for Council review included a 90-day maximum stay limit with the potential for a 90-day extension, not to exceed 180-days in a 365-day period. Staff also included several example conditions upon which the extension could be evaluated and granted.

- 3- The Planning Commission directed staff to research the possibility of establishing a finding in the ordinance that allows for staff to deny an application or reduces the number of beds once the homeless population is served. Staff looked into this issue and has determined that because the statutory requirements are very specific about what a local agency can and cannot do with respect to regulation of emergency shelters, staff does not believe that additional restrictions (such as a limit on the number of shelters) can be added.
- 4- The Planning Commission directed staff to prepare a checklist for Community Development staff to use regarding development standards for emergency shelters. The draft checklist is provided as **Exhibit I**.

The draft Ordinance for Planning Commission review is provided in **Exhibit B**. It should be noted that the Council specifically directed the Commission to not reconsider the text of the Emergency Shelters Ordinance besides the concept of the Emergency Shelter Overlay Zone.

Zoning for Supportive and Transitional Housing. Supportive Housing is defined in Section 50675.14 of the California Health & Safety Code, has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in California Health & Safety Code Section 53260. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills. Transitional Housing is defined in Section 50675.2 of the California Health & Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. This housing can take several forms, such as single family or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living.

In compliance with Government Code Sections 65582, 65583 and 65589.5, and as specified under Program 21 of the current Housing Element, staff prepared a draft Ordinance (**Exhibit B**) to amend Table 10.22-1 and Table 10.24-1 of Title 10 (Zoning) of the Sausalito Municipal Code to allow transitional and supportive housing as a permitted use and conditionally permitted use in the R-1, R-2, PR, R-3, CC, CR and CN-1 Zoning Districts (to be allowed where residential uses are allowed). The Government Code requires that supportive and transitional housing be subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district. For example, transitional and supportive housing structured as single-family would be permitted in the R-1, R-2, PR, R-3, CC, CR and CN-1 residential zoning districts, whereas transitional and supportive housing structured as two family would be limited to R-2, PR, R-3, CC, CR and CN-1 zoning districts and transitional and supportive housing structured as multi-family would be limited to the PR, R-3, CC, CR and CN-1 residential zoning districts.

Single Room Occupancy Units (SRO units). SRO units refer to a residential facility where individual secure rooms are rented to a one or two person household. Rooms are generally 150 to 375 square feet in size and include a sink, closet and toilet, with shower and kitchen facilities typically shared. SRO units are rented to tenants on a weekly or monthly basis. In compliance with Government Code Section 65583, and as specified under Program 21 of the current Housing Element, the staff prepared a draft Ordinance (**Exhibit B**) to amend Table 10.24-1 of Title 10 (Zoning) of the Sausalito Municipal Code to allow Single Room Occupancy units as a conditionally permitted use in the CC, CR and CN Zoning Districts (to be treated similar to a hotel use).

VERTICAL MIXED USE AMENDMENTS

Background. The current Housing Element sets forth Program 8a "Vertical Mixed Use Requirements in Commercial Districts" to encourage and incentivize the development of residential uses above commercial uses within the CC, CR and CN-1 zoning districts. Incentives, standards, mandates, and modifications to the existing Zoning Ordinance are outlined within the provisions of this program and reflected in the following regulations. See **Exhibit E** for an excerpt from the Housing Element regarding Program 8a.

Though the existing Zoning Ordinance allows residential uses within the CC, CR and CN-1 zoning districts (see **Exhibit J**), the Vertical Mixed Use (VMU) regulations deliver modifications to the existing standards within the applicable zoning districts to facilitate the addition of residential units in these areas. These regulations lay out standards, procedures, design and parking, requirements, and applicability of residential units within vertical and horizontal

mixed-use developments. The provisions of these regulations can provide additional affordable and market rate units within infill sites.

Draft Vertical Mixed Use Ordinance. Staff has prepared a draft Ordinance (**Exhibit D**) to amend Title 10 (Zoning) of the Sausalito Municipal Code to:

- Amend Sausalito Municipal Code Section 10.44.190 to require that residential use only is permitted on all levels above the street level in the Central Commercial (CC), Commercial Residential (CR) and Neighborhood Commercial (CN-1) Zoning Districts, with some exceptions, and that as a part of any residential project a minimum of one unit must be provided as affordable to lower income households. See **Table 1** below for a summary of the Amendments and **Exhibit K** for detailed changes which are proposed in the VMU amendments.
- Amend Table 10.24-1 to change the Conditional Use Permit (CUP) threshold for upper level residential use from requiring a CUP for three or more dwelling units to requiring a CUP for seven or more dwelling units in the CC, CR and CN-1 Zoning Districts. See **Table 2** below for a summary of the Amendments and **Exhibit K** for detailed changes which are proposed in the VMU amendments.

Table 1: Summary Modifications to §10.44.190

Section	Summary of Amendment
Purpose and Applicability	<p>Amendment retains language regarding the 1985 Traffic Initiative and encouragement of retention of existing residential uses in the CR zoning district.</p> <p>Amendment adds a purpose statements to indicate that the intent of the amendment is to retaining commercial use on the first (ground or street) levels and requiring that residential use is the only allowed use on all levels above the ground level in the mixed use commercial districts and to provide valuable opportunities for affordable housing</p>
General Location	<p>Amendment specifies that commercial uses are an allowed use on the ground level; retains language that all existing residential uses on the street level are allowed to remain</p>
CC	<p>Amendment retains language that allows existing residential uses to be converted to a commercial use with a Minor Use Permit.</p> <p>Amendment retains language that allows residential use on levels about the first level or all existing and new structures; specifies that uses above the first level must be residential.</p>
CR	<p>Amendment retains language that specifies that uses above the first level must be residential; retains language that existing residential uses are to be preserved and that any commercial use allowed pursuant to an exception requires a Conditional Use Permit.</p>
CN	<p>Amendment more specifically references the CN-1 (where residential is allowed) and CN-2 (where residential is not allowed) zoning districts.</p> <p>Amendment retains language that allows residential use on levels about the first level or all existing and new structures in the CN-1 zoning district; specifies that uses above the first level must be residential.</p>

Section	Summary of Amendment
Highlighted Requirements	Amendment requires that all residential uses provide at least one affordable unit with a minimum of two (2) bedrooms
Exceptions	<p>Amendment permits commercial and residential tenants in the CC, CR and CN-1 zoning districts to share parking, and for tandem and off-site parking leases with a Minor Use Permit.</p> <p>Amendment permits affordable units to be smaller in aggregate size and have different interior finishes and features within reason from market-rate units.</p> <p>Amendment allows reduction of development and application fees, including plan check and building permit fees, to a rate of 50 percent for the affordable portions of the project.</p> <p>Amendment allows for an exception to the requirement that all uses located above the first (street or ground) level of all existing and new structures shall be residential to allow for upper level commercial uses is possible (for the following circumstances only: 1-The expansion of an existing business within the same or adjacent site, or 2- The allowance of small commercial uses (up to a maximum 1,000 square feet per parcel)</p> <p>Amendment allows for an exception to the requirement that that Affordable Units provide a minimum of two (2) bedrooms.</p>

Table 2: Summary Modifications to Table 10.24-1

Section	Summary of Amendment
Upper Level Residential Land Use Requirements	Amendment changes the Conditional Use Permit (CUP) threshold for upper level residential use from requiring a CUP for three or more dwelling units to requiring a CUP for seven or more dwelling units in the CC, CR and CN-1 Zoning Districts

Staff has prepared an expanded table (**Exhibit K**) which demonstrates in detail the changes which are proposed with the VMU Ordinance.

GENERAL PLAN CONSISTENCY

Staff has reviewed the General Plan objectives and policies and determined the proposed amendments are consistent with the General Plan, including the following policies.

- **Policy HE-2.1. Variety of Housing Choices.** Encourage diversity in the type, size, price and tenure of residential development in Sausalito, while maintaining quality of life goals.
- **Policy HE-2.3. Adaptive Reuse.** Support innovative strategies for the adaptive reuse of commercial structures to provide for a range of housing types and residential uses, for example, the residential use of upper floors of commercial buildings.
- **Policy HE-4.1. Regulatory Incentives for Affordable Housing.** Support the use of various incentives to offset the cost of affordable housing while ensuring that potential impacts are addressed.

- **Policy HE-4.2. Flexible Development Standards.** Provide flexibility in development standards to accommodate new models and approaches to providing housing, such as transit-oriented development, mixed use and co-housing.
- **Policy HE-4.5. Zoning for Special Needs.** Provide for transitional and supportive housing, emergency shelters, and single room occupancy uses, consistent with State law.
- **Policy 5.3 Family Housing.** Support families by encouraging the development of larger rental and ownership housing units for families with children, and the provision of family support services such as childcare and after-school care.
- **Policy HE-5.4. Housing for Persons with Disabilities.** Address the special housing needs of persons with disabilities through provision of supportive housing, homeowner accessibility grants, zoning for group housing, and adoption of reasonable accommodation procedure.
- **Policy HE-6.5. Jobs/Housing Balance.** Encourage a closer link between housing and jobs in the community, including housing opportunities for Sausalito workers.
- **Policy LU-2.5. Commercial/Residential Conflict.** Encourage rebuilding and reuse of commercial space in a manner which minimizes conflict with adjacent residential uses.
- **Policy LU-2.8. Upper Floor Residential Uses.** Encourage residential use on the upper levels of commercial structures.
- **Policy LU-2.12. Neighborhood Commercial Uses.** Promote only those uses that will increase the diversity and economic viability of local neighborhood commercial areas that serve immediate neighborhoods as described in Table 2-1, General Plan Land Use Categories and as shown on the General Plan Land Use Map GP-4.

ENVIRONMENTAL REVIEW

The proposed Zoning Ordinance amendments are exempt from environmental review in accordance with Section 15305 of the CEQA Guidelines which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density and Section 15061.b.3. as the Zoning Ordinance amendments are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the amendment may have a significant effect on the environment.

PUBLIC NOTICE AND WRITTEN COMMENTS

Notice: In February 2014 a postcard noticing was mailed to all property owners and residents in Sausalito providing noticing of the Housing Element Implementation (Track One) Amendments and the Housing Element Update (Track Two), the March 15, 2014 community workshop and to join the email notification list for future meeting/hearing dates. Prior to and on June 28, 2014, notice was provided to all Sausalito property owners and occupants, given in the *Sausalito Currents*, the Housing Element email notification blast, posted at City Hall, and published in the *Marin Independent Journal*.

Written Comments: As of the writing of this staff report, comments received are submitted in **Exhibit L**. Correspondence submitted after the writing of this staff report will be posted on the City's website (<http://www.ci.sausalito.ca.us/>) and available at the City Council public hearing.

RECOMMENDATION

Review the draft Zoning Ordinance amendments regarding Special Needs housing (**Exhibit B**) and Vertical Mixed Use Regulations (**Exhibit D**), make any appropriate modifications and adopt the draft resolutions recommending City Council adoption of the Special Needs housing amendments (**Exhibit A**) and Vertical Mixed Use Regulations (**Exhibit C**),

EXHIBITS

- A. Draft Planning Commission Resolution- Special Needs Housing
- B. Draft Special Needs Housing Ordinance
- C. Draft Planning Commission Resolution- Vertical Mixed Use
- D. Draft Vertical Mixed Use Ordinance
- E. Housing Element Program 8a
- F. Housing Element Program 21
- G. Meeting Summary
- H. Planning Commission Resolution No. 2014-13
- I. Draft Emergency Shelter Checklist
- J. Current Zoning Ordinance Section 10.44.190
- K. Detailed Comparison Table: Existing and Proposed Mixed Use Regulations
- L. Guide to Acronyms
- M. Correspondence
 - 1- Wohl, received June 30, 2014
 - 2- Sergeant, received July 1, 2014

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SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2014-XX

**RECOMMENDATION OF CITY COUNCIL APPROVAL OF MUNICIPAL CODE
AMENDMENTS OF TITLE 10 FOR IMPLEMENTATION OF PROGRAM 21 OF THE
HOUSING ELEMENT RELATED TO SPECIAL NEEDS HOUSING
ZOA 14-007**

WHEREAS, Government Code Sections 65582, 65583 and 65589.5 require local jurisdictions to adopt provisions for special needs housing, including emergency shelters, supportive and transitional housing and single room occupancy units; and

WHEREAS, on October 9, 2012 the Housing Element was adopted by the City Council; and

WHEREAS, On November 7, 2012 the California Department of Housing and Community Development certified the adopted Housing Element to be in conditional compliance with Housing Element Law; and

WHEREAS, the adopted Housing Element contains Program 21 Zoning Text Amendments for Special Needs Housing; and

WHEREAS, Zoning Ordinance Section 10.80.070 allows for amendments of the Zoning Ordinance (Title 10 of the Sausalito Municipal Code) whenever the City Council determines that public necessity, convenience, or welfare would be served; and

WHEREAS, Zoning Ordinance Section 10.80.070.C requires the Planning Commission to provide a recommendation to the City Council on proposed Zoning Ordinance amendments; and

WHEREAS, from January to May 2014 the Housing Element subcommittee of the City Council and Planning Commission held seven public meetings regarding the 2009-2014 Housing Element Implementation Amendments; and

WHEREAS, on May 21, 2014 the Planning Commission conducted a duly-noticed public hearing regarding the special needs housing amendments at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on May 21, 2014 the Planning Commission adopted Planning Commission Resolution Nos. 2014-13 and 2014-14, which recommended City Council adoption of an Ordinance regarding Emergency Shelters and a resolution amending the Marinship Specific Plan to allow for the Emergency Shelter use and continued the Supportive/Transitional and Single Room Occupancy portion of the Special Needs Housing to the June 18, 2014 Planning Commission meeting; and

WHEREAS, on June 18, 2014 the Planning Commission continued the discussion on the Supportive/Transitional and Single Room Occupancy portion of the Special Needs Housing Ordinance to the July 2, 2014 meeting; and

WHEREAS, on June 24, 2014 the City Council conducted a duly-noticed public hearing regarding the Emergency Shelter Zoning Ordinance Amendment and Specific Plan Amendment at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on June 24, 2014 the City Council directed that the Planning Commission to provide a recommendation on a modified Emergency Shelters Ordinance which would allow for

an Emergency Shelter Overlay to include only Public Institutional sites which are owned by the City of Sausalito or the Sausalito School District with specific direction to not reconsider any other aspect of the Emergency Shelters Ordinance; and

WHEREAS, the two Public Institutional sites in the Marinship Specific Plan area are not owned by the City of Sausalito or the Sausalito School District, therefore a Marinship Specific Plan amendment is not required; and

WHEREAS, on July 2, 2014 the Planning Commission continued the hearing on the Supportive/Transitional and Single Room Occupancy portion of the Special Needs Housing Ordinance to a special meeting on July 9, 2014; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing regarding the special needs housing amendments on July 9, 2014 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has considered all oral and written testimony on the proposed amendments; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff report dated July 9, 2014 for the project; and

WHEREAS, the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density and Section 15061.b.3 of the CEQA Guidelines because adoption of the zoning ordinance amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment; and

WHEREAS, the Planning Commission finds the proposed amendments are consistent with the General Plan as described in the staff report dated July 9, 2014.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

Section 1: Planning Commission Resolutions No. 2014-13 and 2014-14 are recinded.

Section 2: The Planning Commission recommends City Council approval of Municipal Code amendments regarding the Special Needs Housing Ordinance (**Attachment**):

- a) Amendment of Title 10 to modify the Zoning Map to allow for an Emergency Shelter Overlay Zone; and
- b) Amendment of Title 10 to modify Table 10.12-2 (Overlay District Designations) to provide for the Emergency Shelter Overlay Zoning District and the –ES Designator; and
- c) Amendment of Title 10 to add a new Section 10.28.080, which establishes the Emergency Shelter Overlay Zoning District and approval requirements and development standards for Emergency Shelters.
- d) Amendment of Title 10 to modify Table 10.22-1 (Land Uses Allowed in Residential Districts) to allow transitional and supportive housing in the R-1, R-2, PR and R-3 Zoning Districts subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district.
- e) Amendment of Title 10 to modify Table 10.24-1 (Land Uses Allowed in Commercial Districts) to allow transitional and supportive housing as a principally and conditionally permitted use in the CC, CR and CN-1 Zoning Districts subject to those restrictions that

- apply to other residential dwellings of the same type in the same zoning district.
- f) Amendment of Title 10 to modify Table 10.24-1 (Land Uses Allowed in Commercial Districts) to allow single room occupancy units as a conditionally permitted use in the CC, CR and CN-1 Zoning Districts.
 - g) Amendment of Title 10 to modify Section 10.88.040 to add definitions related to Special Needs Housing.

RESOLUTION PASSED AND ADOPTED, at the special meeting of the Planning Commission on the ____ day of ____, 20 ____, by the following vote:

AYES: None
NOES: None
ABSENT: None
ABSTAIN: None

Jeremy Graves, AICP
Secretary to the Planning Commission

ATTACHMENT

Planning Commission Recommended Draft Special Needs Ordinance, dated July 9, 2014

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ORDINANCE NO. XXXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
AMENDING TITLE 10 TO AMEND THE ZONING MAP TO ADD AN
EMERGENCY SHELTER (-ES) OVERLAY ZONE, AMEND TABLE 10.12-2 TO
PROVIDE FOR THE EMERGENCY SHELTER OVERLAY ZONE AND THE -ES
DESIGNATOR, AMENDING TITLE 10 OF THE SAUSALITO MUNICIPAL CODE
TO ADD SMC SECTION 10.28.080 ESTABLISHING DEVELOPMENT AND
MANAGEMENT STANDARDS FOR EMERGENCY SHELTERS IN THE
EMERGENCY SHELTER OVERLAY ZONE, MODIFYING SMC TABLE 10.22-1
TO ALLOW TRANSITIONAL AND SUPPORTIVE HOUSING AS AN ALLOWED
USE IN THE R-1, R-2, PR AND R-3 ZONING DISTRICTS, MODIFYING SMC
TABLE 10.24-1 TO ALLOW TRANSITIONAL AND SUPPORTIVE HOUSING AS A
PRINCIPALLY PERMITTED AND CONDITIONALLY PERMITTED USE IN THE
CC, CR AND CN-1 ZONING DISTRICTS, MODIFYING SMC TABLE 10.24-1 TO
ALLOW SINGLE ROOM OCCUPANCY UNITS IN THE CC, CR AND CN-1
ZONING DISTRICTS AS A CONDITIONAL USE, AND MODIFYING SMC
CHAPTER 10.88 TO ADD DEFINITIONS RELATED
TO SPECIAL NEEDS HOUSING
ZOA 14-007**

WHEREAS, Government Code Sections 65582, 65583 and 65589.5 require local jurisdictions to adopt provisions for special needs housing, including emergency shelters, supportive and transitional housing and single room occupancy units; and

WHEREAS, on October 9, 2012 the Housing Element was adopted by the City Council; and

WHEREAS, On November 7, 2012 the California Department of Housing and Community Development certified the adopted Housing Element to be in conditional compliance with Housing Element Law; and

WHEREAS, the adopted Housing Element contains Program 21 Zoning Text Amendments for Special Needs Housing; and

WHEREAS, Section 10.80.070 allows for amendments of the Zoning Ordinance (Title 10 of the Sausalito Municipal Code) whenever the City Council determines that public necessity, convenience, or welfare would be served; and

WHEREAS, from January 2014-June 2014 a subcommittee of the City Council and Planning Commission held seven public meetings regarding the 2009-2014 Housing Element Implementation Amendments; and

WHEREAS, on March 15, 2014 a publicly-noticed Community Workshop was held to discuss the 2009-2014 Housing Element Implementation Amendments; and

WHEREAS, on May 21, 2014 the Planning Commission conducted a duly-noticed public hearing regarding the special needs housing amendments at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on May 21, 2014 the Planning Commission adopted Planning Commission Resolution Nos. 2014-13 and 2014-14, which recommended City Council adoption of an Ordinance regarding Emergency Shelters and a resolution amending the Marinship Specific Plan to allow for the Emergency Shelter use and continued the Supportive/Transitional and Single Room Occupancy portion of the Special Needs Housing to the June 18, 2014 Planning Commission meeting; and

WHEREAS, on June 18, 2014 the Planning Commission continued the discussion on the Supportive/Transitional and Single Room Occupancy portion of the Special Needs Housing Ordinance to the July 2, 2014 meeting; and

WHEREAS, on June 24, 2014 the City Council conducted a duly-noticed public hearing regarding the Emergency Shelter Zoning Ordinance Amendment and Specific Plan Amendment at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on June 24, 2014 the City Council directed that the Planning Commission to provide a recommendation on a modified Emergency Shelters Ordinance which would allow for an Emergency Shelter Overlay to include only Public Institutional sites which are owned by the City of Sausalito or the Sausalito School District with specific direction to not reconsider any other aspect of the Emergency Shelters Ordinance; and

WHEREAS, the two Public Institutional sites in the Marinship Specific Plan area are not owned by the City of Sausalito or the Sausalito School District, therefore a Marinship Specific Plan amendment is not required; and

WHEREAS, on July 2, 2014 the Planning Commission continued the hearing on the Supportive/Transitional and Single Room Occupancy portion of the Special Needs Housing Ordinance to a special meeting on July 9, 2014; and

WHEREAS, on July 9, 2014 the Planning Commission conducted a duly-noticed public hearing regarding the special needs housing amendments at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on July 9, 2014 the Planning Commission adopted Planning Commission Resolution No. 2014-XX, which recommended City Council adoption of an Ordinance regarding the Special Needs Housing Ordinance; and

WHEREAS, on XX and XX the City Council conducted a duly-noticed public hearings at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density and Section 15061.b.3 of the CEQA Guidelines because adoption of the zoning ordinance amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a

significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment; and

WHEREAS, adoption of the Special Needs Housing Ordinance is consistent with the General Plan Program 21 of the Housing Element regarding special needs housing and Housing Element Policy HE-4.5 regarding zoning for special needs, Housing Element Policy HE-5.4 regarding housing for persons with disabilities and Land Use Policy HE-4.5 regarding zoning for special needs.

THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS FOLLOWS:

Section 2. Table 10.12-2 (Overlay District Designations) is hereby amended as follows^b:

Table 10.12-2 OVERLAY DISTRICT DESIGNATIONS		
Designator	Overlay Zoning District	Regulations in Section
-H	Historic	10.28.040 and Chapter 10.46 (Historic Overlay District and Landmarks)
-M	Marinship	10.28.050
-Pd	Planned Development	10.28.060
-Sh	Senior Housing	10.28.070 and Section 10.44.120 (Senior Housing Projects)
<u>-Es</u>	<u>Emergency Shelter</u>	<u>10.28.080</u>

Section 3. Table 10.22-1 (Land Uses Allowed in Residential Districts) is hereby amended as follows^{c,d}:

Table 10.22-1 LAND USES ALLOWED IN RESIDENTIAL DISTRICTS*

Land Use	Residential Zoning Districts						See SMC
	R-1	R-2	PR	R-3	H	A	
Residential Uses							
<u>Supportive Housing</u> ^{*1*}	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			SMC 10.88.040 (Definitions)
<u>Transitional Housing</u> ^{*1*}	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			SMC 10.88.040 (Definitions)
* Zoning permit required for all uses Chapter 10.52 SMC P Permitted use MUP Minor use permit required Chapter 10.58 SMC CUP Conditional use permit required Chapter 10.60 SMC							
^{*1*} <u>Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district. For example, such housing structured as single-family is permitted in the R-1, R-2, PR and R-3 residential zoning districts, whereas transitional and supportive housing structured as multi-family is limited to the PR and R-3 residential zoning districts.</u>							

^b The text to be added is printed double-underlined.

^c Only the pertinent sections of Table 10.22-1 have been shown. The remainder of Table 10.22-1 remains unchanged.

^d The text to be added is printed double-underlined.

Section 4. Table 10.24-1 (Land Uses Allowed in Commercial Districts) is hereby amended as follows^{e,f}:

Table 10.24-1 LAND USES ALLOWED IN COMMERCIAL DISTRICTS*1*

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Residential Uses								
<u>Single Room Occupancy Housing</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>					SMC 10.88.040 (Definitions)
<u>Supportive Housing, levels above first (street or ground) only</u> ^{8*}	<u>P</u>	<u>P or CUP</u>	<u>P^{4*}</u>					SMC 10.88.040 (Definitions)
<u>Transitional Housing, levels above first (street or ground) only</u> ^{8*}	<u>P</u>	<u>P or CUP</u>	<u>P^{4*}</u>					SMC 10.88.040 (Definitions)
P Permitted use MUP Minor use permit required CUP Conditional use permit required							Chapter 10.58 Chapter 10.60	
<p>*1* Zoning Permit required for all uses. (See Chapter 10.52.)</p> <p>*2* Tax-exempt yacht clubs only, subject to restrictions in the Marinship Specific Plan.</p> <p>*3* No new houseboats are allowed. Existing houseboats may be legalized with a Conditional Use Permit.</p> <p>*4* Residential Uses are permitted above the ground floor in the CN zoning districts located in the Second and Main Street area and the Bridgeway and Spring Street area. Residential uses are not permitted in the CN zoning district located along Bridgeway between Coloma Street and Ebbtide Avenue.</p> <p>*5* Other than beer and wine for on-site consumption as an accessory use.</p> <p>*6* Not to exceed twenty (20) seats.</p> <p>*7* Marine service harbors only.</p> <p><u>*8* Supportive Housing and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zoning district.</u></p>								

Section 5. A new Section 10.28.080 (Emergency Shelters (-Es)) is hereby added to the Sausalito Municipal Code to read as follows:

10.28.080 Emergency Shelters (-Es)

A. Purpose and Intent. In addition to the general purposes of this chapter, the purpose of this section establishing the Emergency Shelter (-Es) Overlay district is to allow the provision of shelter for homeless persons or others in need of a temporary (six months or less) shelter, while ensuring the shelter is operated in a manner that is compatible with surrounding areas. The purpose of this chapter is also to comply with Government Code Section 65583 relating to emergency shelters.

^e Only the pertinent sections of Table 10.24-1 have been shown. The remainder of Table 10.24-1 remains unchanged.

^f The text to be added is printed double-underlined

- B. Zoning Map Indicator and Applicability. The Emergency Shelter Overlay district may be applied to those areas which are designated as Public Institutional (PI) and shown on the zoning map. The -Es Overlay district shall be shown on the zoning map by adding an "-Es" designator to the base district designation.
- C. Land Uses. Emergency shelters shall be a permitted use on parcels within the Emergency Shelter Overlay district.
- D. Development Standards. The following development standards shall apply to emergency shelters:
1. Property Development Standards. The shelter shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.
 2. Shelter Capacity. An emergency shelter for homeless persons shall contain no more than twenty (20) beds and shall serve no more than twenty (20) persons nightly. The physical size of the shelter shall not be larger than necessary for the number of persons the shelter serves.
 3. Parking. On-site parking for residents shall be based on one space for every four beds, and staff parking shall be based on one space for each on-site staff, employees and/or independent contractors on the maximum staffed shift.
 4. Lighting. Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and designed, arranged and installed so as to confine direct rays onto the premises and to direct light away from adjacent structures and public rights-of-way. External lighting shall be of an intensity compatible with the neighborhood.
 5. On-site Waiting and Intake Areas. An interior waiting and intake area shall be provided which contains a minimum of 200 square feet. Waiting and intake areas may be used for other purposes (excluding sleeping) as needed during operations of the shelter.
- E. Common Facilities. The development may provide one or more of the following specific common facilities for exclusive use of the residents and staff, provided that such facilities do not substantially increase the overall size of the shelter facility:
1. Central cooking and dining room.
 2. Recreation room.
 3. Laundry facilities to serve the number of occupants at the shelter.
 4. Other uses that are considered ancillary to the primary use such as office and storage, not to exceed 10% of the total floor area of the shelter facility, exclusive of items 1, 2, and 3 above.
- F. On-site Staff. At least one manager shall be on-site during all hours of operation of the facility. Such manager must be an individual who does not utilize the shelter's beds or other services and who resides off-site. The manager must be accompanied by one supporting staff member for every fifteen (15) beds occupied in the facility.
- G. Security. Security personnel shall be provided during operational hours whenever clients are on the site. A security plan shall be submitted to the City prior to issuance of a certificate of occupancy.

- H. Concentration of Uses. No more than one emergency shelter shall be permitted within a radius of 300 feet of another emergency shelter.
- I. Emergency Shelter Operations. The agency or organization operating the emergency shelter shall comply with the following requirements:
1. Hours of Operation. Clients shall only be on site and admitted to the facility between 5:00 p.m. and 8:00 a.m.
 2. Length of stay. Each emergency shelter resident shall stay for no more than 90 days (cumulative) in a 365 day period. Extensions up to a total stay of 180 days in a 365-day period may be granted by the shelter provider if no alternative housing is available. Conditions upon which an extension may be granted include, but are not limited to: the emergency shelter resident having a medical emergency, the emergency shelter resident having secured a job, and the emergency shelter resident negotiating a lease for permanent housing.
 3. Management Plan. Prior to commencing operation, the shelter operator shall provide a written management plan to the Director for approval. The management plan shall address: hours of operation, admission hours and process, staff training, neighborhood outreach and privacy, security, resident counseling and treatment, maintenance plans, residency and guest rules and procedures, and staffing needs.
 4. Annual report. The provider shall provide an annual report of the use of the facility and determination of compliance with the City's development standards for the use.

Section 6. Section 10.44.080 of the Sausalito Municipal Code is hereby amended to add the following definitions:

Emergency shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code Section 50801(e))

Single Room Occupancy Housing (SRO). Refers to a residential facility where individual secure rooms are rented to a one or two person household. Rooms are generally 150 to 375 square feet in size and include a sink, closet and toilet, with shower and kitchen facilities typically shared. SRO units are rented to tenants on a weekly or monthly basis.

Supportive housing. Permanent affordable housing with no limit on length of stay that is occupied by the target population as defined in the Health & Safety Code Section 53260(d), and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (Health and Safety Code Section 50675.14(b))

Target population. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Transitional housing and transitional housing development. Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (Health and Safety Code Section 50675.2(h)). The housing may take several forms such as group housing and multi-family units and may include supportive services to allow individuals to gain necessary life skills in support of independent living.

Section 7. The adoption of this ordinance is exempt from the application of the California Environmental Quality Act (CEQA), Public Resources Code section 21000, *et seq.*, in accordance with Section 15061.b.3 of the CEQA Guidelines.

Section 8. If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 9. This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

Section 10. This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

THE FOREGOING ORDINANCE was read at a regular meeting of the Sausalito City Council on the _____ day of _____ 2014, and was adopted at a regular meeting of the City Council on the _____ day of _____, 2014 by the following vote:

AYES:	COUNCILMEMBER:
NOES:	COUNCILMEMBER:
ABSENT:	COUNCILMEMBER:
ABSTAIN:	COUNCILMEMBER:

Mayor

ATTEST: _____
Debbie Pagliaro, City Clerk

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SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2014-XX

**RECOMMENDATION OF CITY COUNCIL APPROVAL OF MUNICIPAL CODE
AMENDMENTS OF TITLE 10 FOR IMPLEMENTATION OF PROGRAM 8A OF THE
HOUSING ELEMENT RELATED TO VERTICAL MIXED USE REGULATIONS
ZOA 14-007**

WHEREAS, California Government Code Section 65588 requires a city to amend its General Plan to revise its housing element to accommodate its share of the regional housing need for each income level during a specified planning period; and

WHEREAS, on October 9, 2012 the Housing Element was adopted by the City Council; and

WHEREAS, On November 7, 2012 the California Department of Housing and Community Development certified the adopted Housing Element to be in conditional compliance with Housing Element Law; and

WHEREAS, the adopted Housing Element contains Program 8a regarding Zoning Ordinance Amendments related to Mixed Use Requirements in Commercial Districts to encourage and incentivize the development of residential uses above commercial uses within the CC, CR and CN-1 zoning districts; and

WHEREAS, Zoning Ordinance Section 10.80.070 allows for amendments of the Zoning Ordinance (Title 10 of the Sausalito Municipal Code) whenever the City Council determines that public necessity, convenience, or welfare would be served; and

WHEREAS, Zoning Ordinance Section 10.80.070.C requires the Planning Commission to provide a recommendation to the City Council on proposed Zoning Ordinance amendments; and

WHEREAS, from January to June 2014 the Housing Element subcommittee of the City Council and Planning Commission held seven public meetings regarding the 2009-2014 Housing Element Implementation Amendments; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing regarding the special needs housing amendments on July 9, 2014 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has considered all oral and written testimony on the proposed amendments; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff report dated July 9, 2014 for the project; and

WHEREAS, the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15305 of the CEQA Guidelines which exempts minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density and Section 15061.b.3 of the CEQA Guidelines since adoption of the Municipal Code amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment; and

WHEREAS, the Planning Commission finds the proposed amendments are consistent with the General Plan as described in the staff report dated July 9, 2014.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

The Planning Commission recommends City Council approval of Municipal Code amendments regarding the Vertical Mixed Use Ordinance (**Attachment**):

- a) Amendment of Title 10 to modify Section 10.44.190 in its entirety to encourage and incentivize the development of residential uses above commercial uses within the CC, CR and CN-1 zoning districts.
- b) Amendment of Title 10 to modify Table 10.24-1 (Land Uses Allowed in Commercial Districts) change the Conditional Use Permit (CUP) threshold for upper level residential use from requiring a CUP for three or more dwelling units to requiring a CUP for seven or more dwelling units in the CC, CR and CN-1 Zoning Districts.

RESOLUTION PASSED AND ADOPTED, at the special meeting of the Planning Commission on the ____ day of ____, 20____, by the following vote:

AYES: None
NOES: None
ABSENT: None
ABSTAIN: None

Jeremy Graves, AICP
Secretary to the Planning Commission

ATTACHMENT

Planning Commission Recommended Vertical Mixed Use Amendment, dated July 9, 2014

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1 CEQA Guidelines because adoption of the zoning ordinance amendment is covered by the
2 general rule that CEQA applies only to projects which have the potential for causing a
3 significant effect on the environment, and this project does not have the potential for causing
4 a significant effect on the environment; and
5

6 **WHEREAS**, adoption of the Vertical Mixed Use Amendments is consistent with
7 the General Plan Program 8a of the Housing Element regarding vertical mixed use housing
8 and Housing Element Policy HE-2.1 regarding variety of housing choices, Policy HE-2.3
9 regarding adaptive reuse, Policy HE-4.2 regarding flexible development standards, Policy
10 5.3 regarding family housing, Policy HE-6.5 regarding jobs/housing balance and Land Use
11 Policy LU-2.5 regarding commercial/residential conflict, Policy LU-2.8 regarding upper
12 floor residential uses, and Policy LU-2.12 regarding neighborhood commercial uses.
13

14 THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS
15 FOLLOWS:
16

17 **Section 1.** Section 10.44.190 of the Sausalito Municipal Code is hereby amended to read
18 as follows:
19

20 10.44.190 Residential Use in Commercial Districts
21

22 **A. Purpose and Applicability.** Residential uses located in CC, CR and CN zoning
23 districts are subject to the requirements of this section, as provided by Section
24 10.24.030 (Allowable Land Uses, Commercial Zoning Districts). In addition to
25 the general purposes of this Chapter, the specific purposes of regulating
26 residential uses in commercial zones are as follows:
27

- 28 1. To further the objectives of the 1985 Traffic Initiative by prohibiting
29 conversion of existing residential uses to commercial uses; and
- 30 2. To provide valuable opportunities for affordable housing while locating
31 residential land uses adjacent to active commercial areas, to implement the
32 goals and policies of the General Plan and specific programs in the
33 Housing Element.
- 34 3. To encourage the retention of existing residential uses in the Central
35 Commercial (CC), Mixed Commercial and Residential (CR), and
36 Neighborhood Commercial (CN-1) Zoning Districts, by prohibiting the
37 conversion of existing upper story residential units to commercial uses.
- 38 4. To encourage a mix of residential and commercial uses in the Central
39 Commercial (CC), Mixed Commercial and Residential (CR) and
40 Neighborhood Commercial (CN-1) Zoning Districts, by retaining
41 commercial use on the first (ground or street) levels and requiring that
42 residential use is the only allowed use on all levels above the ground level
43 in the mixed use commercial districts, as specified in this section.
44
45
46
47

1 **B. Location.**

2 1. Residential uses in the Central Commercial (CC), Mixed Commercial and
3 Residential (CR), and Neighborhood Commercial (CN-1 and CN-2) Zoning
4 Districts are allowed as follows:

5
6 a. Central Commercial (CC) Zoning District. All uses located above
7 the first (street or ground) level of all existing and new structures
8 shall be residential. Existing residential uses located in the CC
9 Zoning District may be converted to commercial uses with the
10 issuance of a Minor Use Permit pursuant to Chapter 10.58 (Minor
11 Use Permits). Deed restricted affordable units may not, however,
12 convert to commercial use until expiration of the deed restriction.

13 b. Mixed Commercial and Residential (CR) Zoning District.
14 All uses located above the first (street or ground) level of all
15 existing and new structures shall be residential. Existing residential
16 uses located in the CR Zoning District are to be preserved. Any
17 commercial use on levels above the street, up to a maximum of
18 1,000 square feet, permitted pursuant to 10.44.190.C.5.a shall also
19 require a Conditional Use Permit.

20 c. Neighborhood Commercial (CN-1) Zoning District. All uses
21 located above the first (street or ground) level of all existing and
22 new structures shall be residential in the CN-1 Zoning Districts
23 located in the Second and Main Street area and the Bridgeway and
24 Spring Street area.

25 d. Neighborhood Commercial (CN-2) Zoning District: Residential
26 uses are not permitted in the CN-2 Zoning District located along
27 Bridgeway between Coloma Street and Ebbtide Avenue.
28

29 2. Existing residential uses located on the first (street or ground) level of a
30 structure are permitted to remain in their current location.
31

32 3. Commercial uses are an allowed use on the first (street or ground) level
33 pursuant to Section 10.24.030.
34

35 **C. Permit Applications for Residential Units.**

36 1. Development Standards. Development standards shall be those of the base
37 zoning district for residential projects per Table 10.24-2 (Site
38 Development Standards – Commercial Zoning Districts). For Residential
39 Density Bonus and Incentives see Section 10.40.130.
40

41 2. Requirements. Each of the following requirements shall be met as a part of
42 any residential project, including new construction and/or conversion of
43 existing building space:

44 a. Developments of 1 (one) to 5 (five) units must provide a minimum
45 of one (1) Affordable Unit. Developments with six (6) or more
46 units shall require at least twenty (20) percent of the units as

1 affordable. When the number of Affordable Units is calculated to a
2 fractional number, any fraction of less than 0.5 shall rounded down
3 to the next whole number; any fraction of 0.5 or greater shall be
4 rounded up to the next whole number. In the event that the
5 Affordable Unit(s) are rental unit(s) the applicant shall enter into
6 an agreement with the City regarding such unit(s). The agreement
7 shall meet the requirements of California Civil Code Section
8 1954.52(b).

9 b. Affordable Units made available as rentals shall be provided to low
10 income (80% AMI) households at an affordable rent.

11 c. Affordable Units made available as ownership units shall be sold
12 to moderate income (120% AMI) households at an Affordable
13 Ownership Housing Cost. Purchasers of Affordable Units must
14 remain as owner-occupants, and may not rent or lease the unit,
15 unless written approval is first obtained from the Director. The
16 Director may approve the renting or leasing only if all of the
17 following conditions are met: (1) the term is not greater than
18 twelve (12) months and cannot be extended without the Director's
19 written approval; (2) the owner demonstrates to the Director's
20 reasonable satisfaction that the owner will incur substantial
21 hardship if he or she is not permitted to rent or lease the Property
22 or any part thereof to a third party; and (3) the rent does not exceed
23 the lesser of: (i) thirty percent (30%) of the income of the tenant
24 household that is renting the Property, or (ii) the owner's monthly
25 cost of principal and interest on the First Mortgage Loan and any
26 Second Mortgage Loan, and property insurance and property taxes
27 associated with Property. Affordable Units shall be constructed to
28 include a minimum of two (2) bedrooms in order to accommodate
29 families. Affordable Units shall be constructed to include a
30 minimum of two (2) bedrooms in order to accommodate families.

31 d. Affordable Units must be deed-restricted for a period of not less
32 than forty (40) years.

33
34 3. Incentives. The following incentives and conditions shall be granted to
35 developers of residential projects under this Section 10.44.190:

36 a. Development may permit commercial and residential tenants to
37 share parking, and for tandem and off-site parking leases with a
38 Minor Use Permit. In order to approve a Minor Use Permit for
39 joint use, the Applicant shall demonstrate the following:

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- i. There is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed; and
 - ii. The proposed joint use parking area is conveniently located to the uses to be served.
 - iii. If the area to be used for parking and the parcel on which the subject land use is located are not the same, then the Zoning Administrator shall consider whether a deed restriction is warranted as a condition of approval. Said deed restriction would stipulate that the shared parking agreement shall remain in effect for the life of the subject land use.
- b. Affordable Units may be permitted to be smaller in aggregate size and have different interior finishes and features within reason from market-rate units. The interior amenities in Affordable Units should generally be the same as those of the market rate units in the project. Appliances need not be the same make, model, or type of such item as long as they are of good and new quality and are consistent with current standards for housing. Deviations between market rate and Affordable Units shall be described in writing by the applicant and shall require written approval by the Director.
- c. Development and application fees, including plan check and building permit fees, shall be reduced to a rate of 50 percent of the adopted development fees for the affordable portions of the project. The fee reduction shall be calculated on pro-rata basis by the Director.
4. Access and Facilities. Both market rate and Affordable Units shall maintain separate entrances from commercial and/or office uses. A Minor Use Permit shall be required to deviate from the separate entrance requirement. In order to approve a Minor Use Permit for joint entrance, the Applicant shall demonstrate that the addition of a separate entrance is infeasible due to physical constraints. All residential units shall contain a separate kitchen and bathroom facility.
5. Exceptions to Requirements. Waiver of specific use requirements in this Section 10.44.190 pursuant to Section 10.44.010.E shall only be considered in the following two instances:

- 1 a. To allow for an exception to Section 10.44.190.B.1, which requires
 2 that all uses located above the first (street or ground) level of all
 3 existing and new structures shall be residential, to allow for upper
 4 level commercial uses. The expansion of an existing business
 5 within the same or adjacent site, or the allowance of small
 6 commercial uses (up to a maximum 1,000 square feet per parcel)
 7 may be special situations considered by the Planning Commission
 8 when evaluating an exception to Section 10.44.190.B.1.
 9 b. To allow for an exception to Section 10.44.010.E, which requires
 10 that Affordable Units provide a minimum of two (2) bedrooms. To
 11 receive an exception from Section 10.44.010.E, it must be
 12 demonstrated that there are physical site constraints which make
 13 infeasible units with two or more bedrooms whether affordable or
 14 market rate.

15
 16 Section 10.44.010.E shall not be used to grant any other exceptions from
 17 this Chapter 10.44.190 except for the two instances listed above.
 18

19 **Section 2.** Table 10.24-1 (Land Uses Allowed in Commercial Districts) is hereby
 20 amended as follows^{a,b}:

Table 10.24-1 LAND USES ALLOWED IN COMMERCIAL DISTRICTS*1*

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
Residential Uses								
Upper floor residential								
One to three <u>six</u> (1- 3 <u>6</u>) dwelling units	P	P or CUP	P *4*					Residential Use in Com. Dist.)
Four <u>Seven</u> (4 <u>7</u>) or more dwelling units	CUP	CUP	CUP *4*					
P Permitted use MUP Minor use permit required CUP Conditional use permit required							Chapter 10.58 Chapter 10.60	
<p>*1* Zoning Permit required for all uses. (See Chapter 10.52.)</p> <p>*2* Tax-exempt yacht clubs only, subject to restrictions in the Marinship Specific Plan.</p> <p>*3* No new houseboats are allowed. Existing houseboats may be legalized with a Conditional Use Permit.</p> <p>*4* Residential Uses are permitted above the ground floor in the CN zoning districts located in the Second and Main Street area and the Bridgeway and Spring Street area. Residential uses are not permitted in the CN zoning district located along Bridgeway between Coloma Street and Ebbtide Avenue.</p>								

^a Only the pertinent sections of Table 10.24-1 have been shown. The remainder of Table 10.24-1 remains unchanged.

^b The text to be added is printed double-underlined; text to be removed is printed in ~~double-strike through~~

Table 10.24-1 LAND USES ALLOWED IN COMMERCIAL DISTRICTS*1*

Land Use	CC	CR	CN	SC	CW	W	W-M	See SMC
<p>*5* Other than beer and wine for on-site consumption as an accessory use. *6* Not to exceed twenty (20) seats. *7* Marine service harbors only.</p>								

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Section 3. The adoption of this ordinance is exempt from the application of the California Environmental Quality Act (CEQA), Public Resources Code section 21000, *et seq.*, in accordance with Sections 15305 and 15061.b.3 of the CEQA Guidelines.

Section 4. If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

Section 6. This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

THE FOREGOING ORDINANCE was read at a regular meeting of the Sausalito City Council on the _____ day of _____ 2014, and was adopted at a regular meeting of the City Council on the _____ day of _____, 2014 by the following vote:

AYES: COUNCILMEMBER:
 NOES: COUNCILMEMBER:
 ABSENT: COUNCILMEMBER:
 ABSTAIN: COUNCILMEMBER:

 Mayor

ATTEST: _____
 Debbie Pagliaro, City Clerk

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 VMU- PC Recommended Draft 7-9-14.doc

Goal 2.0: Encouraging Diversity in Housing

7. Residential and Mixed-Use Site Inventory

(Policy 2.2 Adequate Sites)

As part of this Housing Element, a detailed analysis of all vacant and underutilized residential and commercial parcels in Sausalito was conducted. The analysis used the Marin Map GIS system and was confirmed by review of aerial photographs and site visits. A number of filters were applied in order to identify only those parcels that truly have realistic development potential. The analysis determined that under existing zoning designations, approximately 100 additional units can be accommodated within the City's residential zoning districts and approximately 50 units within the City's commercial zones. Only limited vacant sites remain, with the majority of future residential development opportunities on underutilized parcels that are more challenging to develop.

2009-2014 Objectives: *Maintain a current inventory of vacant and underutilized residential sites, and mixed-use sites within the City's commercial districts. Provide the site inventory and available development incentives information to interested developers.*

8. Mixed Use Zoning in Commercial Districts

(Policy 2.1 Variety of Housing Choices, Policy 2.3 Adaptive Reuse, Policy 4.2 Flexible Development Standards, Policy 5.3 Family Housing, Policy 6.5 Jobs/Housing Balance)

With approximately one-third of the City's residential infill potential occurring within its commercial districts, it will be important that the City's standards facilitate residential mixed use. The following provisions currently encourage the integration of residential use within the CC, CR and CN commercial zoning districts:

- Allowances for residential housing on upper stories, up to the City's height limit of 32 feet, with commercial uses at ground level;
- Prohibition against conversion of existing residential uses to commercial (except in CC district where permitted with Minor Use Permit) ;
- Allowances for commercial and residential users to share their parking with a conditional use permit (CUP); and
- Allowances for tandem parking with a CUP.

* 8a. Vertical Mixed Use Requirements in Commercial Districts

"Vertical Mixed Use" (VMU) is a new mandatory requirement to be applied throughout the CN-1, CR and CC zoning districts to better facilitate the provision of upper story residential use above ground floor commercial (i.e. "vertical" mixed use), and encourage the integration of affordable units within market-rate projects. VMU requirements are as follows:

- New construction of 2nd and 3rd stories is limited to residential use.
- A minimum of one unit must be affordable. Projects with 6 or more units must provide

- 20% affordable units.
- Affordable rental units are targeted to low income (80% AMI) households, and affordable ownership units are targeted to moderate income (120% AMI) households.
 - Affordable units must have a minimum of two bedrooms to accommodate families.
 - The affordable units must be deed-restricted for a period of not less than forty years.
 - The conversion of existing upper story residential uses to commercial uses is prohibited.
 - The following exceptions to VMU requirements may be approved by the City Council:
 - a. To allow the expansion of an existing business;
 - b. If the property owner can demonstrate a financial hardship; and
 - c. If project applications for non-residential uses are deemed complete prior to March 31, 2013, to allow for potential projects that are currently under consideration to be reviewed according to existing zoning regulations.

Incentives to foster the creation of upper story residential VMU units include:

- Raising the current Conditional Use Permit requirement for 4 or more residential units to 7 or more residential units.
- Allowance for commercial and residential users to share parking, and for tandem and off-site parking leases with a Minor Use Permit.
- Allowance for affordable units to vary in square footage, design and interior amenity within reason from non-affordable units to reduce the cost of providing affordable units.
- Reduction or waiver of certain application and development review fees for the affordable units.

2009-2014 Objectives: Adopt VMU requirements for CN-1, CR and CC zoning districts within six months of Housing Element adoption.

8b. Horizontal Mixed Use Incentives in Neighborhood Commercial (CN-1) District

To further facilitate the provision of housing within the Neighborhood Commercial (CN-1) Zoning District, the City will implement "Horizontal Mixed Use" (HMU) incentives to encourage the integration of housing with an affordable component¹. These are voluntary incentives that allow commercial property owners of designated CN-1 zoned sites (1901 Bridgeway and 2015 Bridgeway) to utilize the ground floor level of buildings for residential use, rather than the commercial uses otherwise required. The optional HMU incentives may be used in combination with incentives available under State density bonus law for affordable units.

In exchange for the by-right provision of ground floor residential use, the property owner would be required to:

- Ensure a minimum 30% three+ bedroom units to accommodate larger families;
- Ensure 25% very low income and 25% low income households;
- Ensure affordable units are deed-restricted for a period of not less than forty years;

¹ The integration of 100% residential projects within a commercial district is referred to as "horizontal" mixed use as it allows residential uses next to commercial uses, on either the same or nearby parcels.

20. Multi-family Development in Multi-family Districts
(Policy 4.3 Efficient Use of Multi-Family Zoning)

Encourage two-family and multi-family development on R-2-5, R-2-2.5 and R-3 residentially-zoned sites, and discourage the development of single-family homes on such 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). These would apply except where there are physical or environmental constraints, or significant incompatibility with neighborhood character.

Evaluate options for provision of an ADU or payment of an in-lieu housing fee as an alternative to developing multi-family units (*this measure is currently under study by a Planning Commission subcommittee*).

Evaluate the following incentives for addition to the Zoning Ordinance, for projects that propose the maximum number of units allowed on parcels, or projects that propose multiple units:

- Adoption of new parking standards specifically for projects with multiple units;
- Tandem parking opportunities; and
- Processing priority and expedited plan checks for projects that propose multiple units.

Amend the Design Review regulations in the Zoning Ordinance to add requirements for the submittal of schematic site design to demonstrate the feasibility of constructing the maximum number of units allowed under zoning, or reserving site capacity for the future addition of an Accessory Dwelling Unit on the subject parcel.

2009-2014 Objectives: *Develop and adopt standards within the Zoning Ordinance in 2012 that promote and incentivize the development of two-family and multi-family developments in multi-family zoning districts, and discourage the development of single-family homes in such districts.*



21. Zoning Text Amendments for Special Needs Housing
(Policy 4.5 Zoning for Special Needs, Policy 5.4 Housing for Persons with Disabilities)

Consistent with Senate Bill 2 (Government Code sections 65582, 65583 and 65589.5) the City will specify transitional and supportive housing to be treated as a residential use under the Zoning Ordinance, identify a zoning district where emergency shelters will be permitted by right, and specify provisions for Single-Room Occupancy buildings. The City will establish procedures to encourage and facilitate the creation of emergency shelters and transitional housing, by:

- Adding transitional housing and supportive housing to the Zoning Ordinance's definition section, and regulate as a permitted use within residential zoning districts;
- Adding single room occupancy (SRO) facilities within the Zoning Ordinance's definition section, and conditionally allow within the CC, CR and CN-1 commercial zoning districts; and

- Identifying emergency shelters as a permitted use in the Public Institutional Zoning District and in local churches.

Emergency shelters will be subject to the same development and operational standards as other permitted uses in the Public Institutional Zoning District. However, the City will develop written, objective standards to regulate the following, as permitted under SB 2:

- The maximum number of beds or persons permitted to be served nightly by the facility;
- Off-street parking based on demonstrated need, but not to exceed parking requirements for other residential or commercial uses in the same zoning district;
- The size and location of exterior and interior onsite waiting and client intake areas;
- The provision of onsite management;
- The proximity of other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart;
- The length of stay;
- Lighting; and
- Security during hours that the emergency shelter is in operation.

2009-2014 Objectives: *Adopt text amendments to the Zoning Ordinance to make explicit provisions for a variety of special needs housing. Develop objective standards to regulate emergency shelters as provided for under SB 2, and amend the Zoning Ordinance text within one year of Housing Element adoption.*

Meeting Summary: Housing Element Implementation Ordinances

- In September 2013 and January 2014 the Council appointed Mayor Ray Withy and Vice-Mayor Tom Theodores as the City Council representatives and Chair Joan Cox and Commissioner Cleveland-Knowles as the Planning Commission representatives on the Housing Element Subcommittee to work with staff on preparation of the Zoning Ordinance amendments for implementation of the 2009-2014 Housing Element and preparation of the 2015-2023 Housing Element Update.
- The full Subcommittee met on January 30, 2014, February 7, 2014 and February 13, 2014 to review the draft amendments (Track 1).
- Staff provided an update to the City Council on February 25, 2014 regarding the status of the draft amendments in Track 1 and the update of the Housing Element in Track 2.
- A Community Workshop was held on March 15th at the Bay Model. Video from the meeting is here: https://www.youtube.com/watch?v=KomhhFcAa_w&feature=youtu.be (or on the Housing Element website <http://www.ci.sausalito.ca.us/index.aspx?page=703> under "March 15 Workshop").
- The full Subcommittee met on March 19, March 31, 2014 to review draft updates to the Housing Element (Track 2) and April 9, 2014 to review the draft amendments (Track 1).
- Staff provided an update to the City Council on April 22, 2014 regarding the status of the draft amendments in Track 1 and the update of the Housing Element in Track 2. The Council directed staff to proceed with Planning Commission review of the draft Density Bonus, Special Needs Housing and Reasonable Accommodations Ordinances.
- The Council reviewed the HMU/VMU program separately on May 20, 2014 and directed additional Staff research to provide alternative options.
- The Planning Commission reviewed the draft Density Bonus, Special Needs Housing and Reasonable Accommodations Ordinances on May 21, 2014 and provided recommendations to the City Council regarding the amendments.
- The Subcommittee held a public meeting on June 13, 2014 to discuss the VMU/HMU options and provided a recommendation to the City Council (see http://sausalito.granicus.com/MediaPlayer.php?view_id=2&clip_id=151).
- The City Council held a public meeting on June 24, 2014 to discuss the Density Bonus, Special Needs Housing and Reasonable Accommodations Ordinances and the VMU/HMU programs (see http://sausalito.granicus.com/MediaPlayer.php?view_id=2&clip_id=155).

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SAUSALITO PLANNING COMMISSION RESOLUTION NO. 2014-13

**RECOMMENDATION OF CITY COUNCIL APPROVAL OF MUNICIPAL CODE
AMENDMENTS OF TITLE 10 FOR IMPLEMENTATION OF PROGRAM 21 OF THE
HOUSING ELEMENT RELATED TO EMERGENCY SHELTERS
ZOA/SPA 14-007**

WHEREAS, Government Code Sections 65582, 65583 and 65589.5 require local jurisdictions to adopt provisions for special needs housing, including emergency shelters, supportive and transitional housing and single room occupancy units; and

WHEREAS, on October 9, 2012 the Housing Element was adopted by the City Council; and

WHEREAS, On November 7, 2012 the California Department of Housing and Community Development certified the adopted Housing Element to be in conditional compliance with Housing Element Law; and

WHEREAS, the adopted Housing Element contains Program 21 Zoning Text Amendments for Special Needs Housing; and

WHEREAS, Zoning Ordinance Section 10.80.070 allows for amendments of the Zoning Ordinance (Title 10 of the Sausalito Municipal Code) whenever the City Council determines that public necessity, convenience, or welfare would be served; and

WHEREAS, Zoning Ordinance Section 10.80.070.C requires the Planning Commission to provide a recommendation to the City Council on proposed Zoning Ordinance amendments; and

WHEREAS, from January to May 2014 the Housing Element subcommittee of the City Council and Planning Commission held six public meetings regarding the 2009-2014 Housing Element Implementation Amendments; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on May 21, 2014, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Planning Commission has considered all oral and written testimony on the proposed amendments; and

WHEREAS, the Planning Commission has reviewed and considered the information contained in the staff report dated May 21, 2014 for the project; and

WHEREAS, the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061.b.3 of the CEQA Guidelines since adoption of the Municipal Code amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment; and

WHEREAS, the Planning Commission finds the proposed amendments are consistent with the General Plan as described in the staff report dated May 21, 2014.

NOW, THEREFORE, THE PLANNING COMMISSION HEREBY RESOLVES:

The Planning Commission recommends City Council approval of Municipal Code amendments

regarding the Emergency Shelters Ordinance (**Attachment**):

- a. Amendment of Title 10 to modify Table 10.20-1 to allow Emergency Shelters as an allowed use in the Public Institutional Zoning District;
- b. Amendment of Title 10 to add a new Section 10.44.350 establishing development and management standards for Emergency Shelters;
- c. Amendment of Title 10 to modify Section 10.88.040 to add definitions related to Emergency Shelters.

RESOLUTION PASSED AND ADOPTED, at the special meeting of the Planning Commission on the 21st day of May, 2014, by the following vote:

AYES: Nichols, Cleveland-Knowles, Keegin, Werner, Cox

NOES: None

ABSENT: None

ABSTAIN: None



Jeremy Graves, AICP
Secretary to the Planning Commission

ATTACHMENT

Planning Commission Recommended Draft Emergency Shelter Ordinance, dated May 21, 2014

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ORDINANCE NO. XXXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO
AMENDING TITLE 10 TO MODIFY SMC TABLE 10.20-1 TO ALLOW
EMERGENCY SHELTERS AS AN ALLOWED USE IN THE PUBLIC
INSTITUTIONAL ZONING DISTRICT, AMENDING TITLE 10 OF THE
SAUSALITO MUNICIPAL CODE TO ADD SMC SECTION 10.44.350
ESTABLISHING DEVELOPMENT AND MANAGEMENT STANDARDS FOR
EMERGENCY SHELTERS, AND MODIFYING SMC CHAPTER 10.88 TO ADD
DEFINITIONS RELATED TO EMERGENCY SHELTERS
ZOA 14-007**

WHEREAS, Government Code Sections 65582, 65583 and 65589.5 require local jurisdictions to adopt provisions for special needs housing, including emergency shelters, supportive and transitional housing and single room occupancy units; and

WHEREAS, on October 9, 2012 the Housing Element was adopted by the City Council; and

WHEREAS, On November 7, 2012 the California Department of Housing and Community Development certified the adopted Housing Element to be in conditional compliance with Housing Element Law; and

WHEREAS, the adopted Housing Element contains Program 21 Zoning Text Amendments for Special Needs Housing; and

WHEREAS, Section 10.80.070 allows for amendments of the Zoning Ordinance (Title 10 of the Sausalito Municipal Code) whenever the City Council determines that public necessity, convenience, or welfare would be served; and

WHEREAS, California Government Code Section 65353 requires the Planning Commission to provide a recommendation to the City Council on proposed Specific Plan amendments; and

WHEREAS, Section 10.80.070.C requires the Planning Commission to provide a recommendation to the City Council on proposed Zoning Ordinance amendments; and

WHEREAS, from January 2014-April 2014 a subcommittee of the City Council and Planning Commission held six public meetings regarding the 2009-2014 Housing Element Implementation Amendments; and

WHEREAS, on March 15, 2014 a publicly-noticed Community Workshop was held to discuss the 2009-2014 Housing Element Implementation Amendments; and

WHEREAS, on May 21, 2014 the Planning Commission conducted a duly-noticed public hearing at which time all interested persons were given an opportunity to be heard; and

WHEREAS, on May 21, 2014 the Planning Commission adopted Planning Commission Resolution No. 2014-12, which recommended City Council adoption of an Ordinance regarding the Special Needs Housing Ordinance; and

WHEREAS, on XX and XX the City Council conducted a duly-noticed public hearings at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061.b.3 of the CEQA Guidelines because adoption of the zoning ordinance amendment is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment; and

WHEREAS, adoption of the Emergency Shelters Ordinance is consistent with the General Plan Program 21 of the Housing Element regarding special needs housing and Land Use Policy HE-5.4. regarding housing for persons with disabilities and Land Use Policy HE-4.5 regarding zoning for special needs.

THE CITY COUNCIL OF THE CITY OF SAUSALITO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Table 10.20-1 (Land Uses Allowed in Open Space and Public Districts) is hereby amended as follows^{a,b}:

Table 10.20-1 LAND USES ALLOWED IN OPEN SPACE AND PUBLIC DISTRICTS

Land Use	Open Space Public Zoning Districts*				See SMC
	OS	PP	PI	OA	
Service Uses					
<u>Emergency Shelters</u>			<u>P</u>		<u>SMC 10.44.350 (Emergency Shelters)</u>
* Zoning permit required for all uses					Chapter 10.52 SMC
P Permitted use					
MUP Minor use permit required					Chapter 10.58 SMC
CUP Conditional use permit required					Chapter 10.60 SMC

^a Only the pertinent sections of Table 10.22-2 have been shown. The remainder of Table 10.20-1 remains unchanged.

^b The text to be added is printed double-underlined.

Section 2. A new Section 10.44.330 is hereby added to the Sausalito Municipal Code to read as follows:

- A. **Purpose.** These emergency shelter regulations are intended to allow the provision of shelter for homeless persons or others in need of a temporary (six months or less) shelter, while ensuring the shelter is operated in a manner that is compatible with surrounding areas. The purpose of this chapter is also to comply with Government Code Section 65583 relating to emergency shelters.
- B. **Applicability.** Emergency shelters shall be a permitted use on parcels within the Public Institutional (PI) zoning district.
- C. **Development Standards.** The following development standards shall apply to emergency shelters:
 - 1. **Property Development Standards.** The shelter shall conform to all property development standards of the zoning district in which it is located except as modified by these performance standards.
 - 2. **Shelter Capacity.** An emergency shelter for homeless persons shall contain no more than twenty (20) beds and shall serve no more than twenty (20) persons nightly. The physical size of the shelter shall not be larger than necessary for the number of persons the shelter serves.
 - 3. **Parking.** On-site parking for residents shall be based on one space for every four beds, and staff parking shall be based on one space for each on-site staff, employees and/or independent contractors on the maximum staffed shift.
 - 4. **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary and designed, arranged and installed so as to confine direct rays onto the premises and to direct light away from adjacent structures and public rights-of-way. External lighting shall be of an intensity compatible with the neighborhood.
 - 5. **On-site Waiting and Intake Areas.** An interior waiting and intake area shall be provided which contains a minimum of 200 square feet. Waiting and intake areas may be used for other purposes (excluding sleeping) as needed during operations of the shelter.
- D. **Common Facilities.** The development may provide one or more of the following specific common facilities for exclusive use of the residents and staff, provided that such facilities do not substantially increase the overall size of the shelter facility:
 - 1. Central cooking and dining room.
 - 2. Recreation room.
 - 3. Laundry facilities to serve the number of occupants at the shelter.
 - 4. Other uses that are considered ancillary to the primary use such as office and storage, not to exceed 10% of the total floor area of the shelter facility, exclusive of items 1, 2, and 3 above.
- E. **On-site Staff.** At least one manager shall be on-site during all hours of operation of the facility. Such manager must be an individual who does not utilize the shelter's

beds or other services and who resides off-site. The manager must be accompanied by one supporting staff member for every fifteen (15) beds occupied in the facility.

- F. **Security.** Security personnel shall be provided during operational hours whenever clients are on the site. A security plan shall be submitted to the City prior to issuance of a certificate of occupancy.
- G. **Concentration of Uses.** No more than one emergency shelter shall be permitted within a radius of 300 feet of another emergency shelter.
- H. **Emergency Shelter Operations.** The agency or organization operating the emergency shelter shall comply with the following requirements:
1. **Hours of Operation.** Clients shall only be on site and admitted to the facility between 5:00 p.m. and 8:00 a.m.
 2. **Length of stay.** Each emergency shelter resident shall stay for no more than 90 days (cumulative) in a 365 day period.
 3. **Management Plan.** Prior to commencing operation, the shelter operator shall provide a written management plan to the Director for approval. The management plan shall address: hours of operation, admission hours and process, staff training, neighborhood outreach and privacy, security, resident counseling and treatment, maintenance plans, residency and guest rules and procedures, and staffing needs.
 4. **Annual report.** The provider shall provide an annual report of the use of the facility and determination of compliance with the City's development standards for the use.

Section 3. Section 10.44.080 of the Sausalito Municipal Code is hereby amended to add the following definitions:

Emergency shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Health and Safety Code Section 50801(e))

Section 4. The adoption of this ordinance is exempt from the application of the California Environmental Quality Act (CEQA), Public Resources Code section 21000, *et seq.*, in accordance with Section 15061.b.3 of the CEQA Guidelines.

Section 5. If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

Section 7. This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

THE FOREGOING ORDINANCE was read at a regular meeting of the Sausalito City Council on the _____ day of _____ 2014, and was adopted at a regular meeting of the City Council on the _____ day of _____, 2014 by the following vote:

AYES:	COUNCILMEMBER:
NOES:	COUNCILMEMBER:
ABSENT:	COUNCILMEMBER:
ABSTAIN:	COUNCILMEMBER:

Mayor

ATTEST: _____
Debbie Pagliaro, City Clerk

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Emergency Shelters- PC Recommended Draft 5-21-14.doc

Draft Emergency Shelter Supplemental Application
 To Be Filed Concurrent with an Occupational Use Permit and a Zoning Permit

Emergency Shelter Information (to be completed by the Applicant)	
Name of Shelter: _____	
Address of Shelter: _____	Assessor's Parcel Number: _____
Gross Square Footage of Parcel: _____	Total Floor Area of Shelter: _____
Height of Shelter: _____	Total Building Coverage of Shelter: _____
Setback of Shelter to: West Property Line (PL) _____ East PL _____	South PL _____ North PL _____
Number of Beds Proposed: _____	Total Number of On-Site Parking Spaces: _____
Number of Clients Nightly: _____	Maximum Length of Stay Per Client: _____
Hours of Operation: _____	Days of Operation: _____
Square footage of interior waiting and intake area: _____	Number of on-site staff, employees and/or independent contractors on the maximum staffed shift: _____
Square footage of the following: ❖ Central cooking and dining room: _____ ❖ Recreation room: _____ ❖ Laundry facilities: _____ ❖ Office: _____ ❖ Storage: _____ ❖ Other Ancillary Use (_____): _____	
Will new construction or on-site improvements be required?: <input type="checkbox"/> Yes <input type="checkbox"/> No (if yes, a Building Permit and a Design Review Permit may be required)	

EXHIBIT I
 (2 PAGES)

Draft Emergency Shelter Supplemental Application
To Be Filed Concurrent with an Occupational Use Permit and a Zoning Permit

Emergency Shelter Checklist (to be completed by Staff, all answers must be "Yes" to approve)	
Shelter site is located in the Emergency Shelter Overlay Zone (Es Overlay Zone)	<input type="checkbox"/> Yes <input type="checkbox"/> No
The site complies with all property development standards in the base zoning district in which it is located	<input type="checkbox"/> Yes <input type="checkbox"/> No
The shelter is not located within a radius of 300 feet of another emergency shelter	<input type="checkbox"/> Yes <input type="checkbox"/> No
The shelter contains no more than twenty (20) beds	<input type="checkbox"/> Yes <input type="checkbox"/> No
The shelter serves no more than twenty (20) persons nightly	<input type="checkbox"/> Yes <input type="checkbox"/> No
The physical size of the shelter is no larger than necessary for the number of persons the shelter serves	<input type="checkbox"/> Yes <input type="checkbox"/> No
On-site parking provided for clients is equal to or greater than one space for every four beds	<input type="checkbox"/> Yes <input type="checkbox"/> No Total Number of Client Spaces Required:
Staff parking is equal to or greater than one space for each on-site staff, employees and/or independent contractors on the maximum staffed shift	<input type="checkbox"/> Yes <input type="checkbox"/> No Total Number of Staff Spaces Required:
Adequate external lighting is provided for security purposes. The lighting is stationary and designed, arranged and installed so as to confine direct rays onto the premises and to direct light away from adjacent structures and public rights-of-way. External lighting is of an intensity compatible with the neighborhood	<input type="checkbox"/> Yes <input type="checkbox"/> No
A minimum of 200 square feet interior waiting and intake area is provided	<input type="checkbox"/> Yes <input type="checkbox"/> No
The following specific common facilities provided for the exclusive use of the residents and staff do not substantially increase the overall size of the shelter facility (check which facilities are applicable): <input type="checkbox"/> Central cooking and dining room <input type="checkbox"/> Recreation room <input type="checkbox"/> Laundry facilities	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other uses provided in the facility that are considered ancillary to the primary use such as office and storage do not exceed 10% of the total floor area of the shelter facility	<input type="checkbox"/> Yes <input type="checkbox"/> No
A written management plan has been submitted to the Community Development Director for approval	<input type="checkbox"/> Yes <input type="checkbox"/> No

UPDATED: 7/2/14

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- H. **Low and Moderate Income Housing.** As vacancies occur, marina operators shall give preference to qualified Low and Moderate income tenants until such tenants constitute at least 50% of the liveaboard vessels in the marina.

10.44.180 **Veterinary Clinics**

When allowed by Chapters 10.20 through 10.28 (Zoning District Regulations) in the zoning districts that are subject to the Marinship (-M) overlay district, veterinary clinics are subject to the requirements of this section:

- A. **Boarding.** Veterinary clinics may offer short-term boarding of animals to serve the primary purpose of providing health care for animals.
- B. **Noise.** All areas where animals have access or are kept shall be soundproofed to contain all sounds on-site prior to the issuance of a Zoning Permit.

* 10.44.190 **Residential Use in Commercial Districts**

- A. **Purpose and Applicability.** Residential uses located in CC, CR and CN zoning districts are subject to the requirements of this section, as provided by Section 10.24.030 (Allowable Land Uses, Commercial Zoning Districts). In addition to the general purposes of this Chapter, the specific purposes of regulating residential uses in commercial zones are as follows:
1. To further the objectives of the 1985 Traffic Initiative by prohibiting conversion of existing residential uses to commercial uses; and
 2. To encourage the retention of existing residential uses in the CR zoning district, by requiring a Conditional Use Permit for any commercial uses above street level.
- B. **Location.** All residential uses shall be located above the first (street or ground) level of all existing and new structures. Existing residential uses located on the first (street or ground) level of a structure are permitted to remain in their current location.
- C. **CC zoning district.** Existing residential uses located in the Central Commercial (CC) zoning district may be converted to commercial uses with the issuance of a Minor Use Permit pursuant to Chapter 10.58 (Minor Use Permits).
- D. **CR zoning district.** Existing residential uses located in the Mixed Commercial and Residential (CR) zoning district are to be preserved. Only new residential uses are allowed on levels above the street level. Commercial use on levels above the street shall require a Conditional Use Permit.
- E. **CN zoning district.** Residential uses are permitted above the ground floor in the CN Zoning Districts located in the Second and Main Street area and the Bridgeway and Spring Street area. Residential uses are not permitted in the CN Zoning District located along Bridgeway between Coloma Street and Ebbtide Avenue.

Detailed Comparison Table: Existing and Proposed Mixed Use Regulations

§10.44.190	Existing Mixed Use Ordinance	Proposed Mixed Use Ordinance
Purpose and Applicability	<p>Residential uses located in CC, CR and CN zoning districts are subject to the requirements of this section, as provided by Section 10.24.030 (Allowable Land Uses, Commercial Zoning Districts). In addition to the general purposes of this Chapter, the specific purposes of regulating residential uses in commercial zones are as follows:</p> <ol style="list-style-type: none"> 1. To further the objectives of the 1985 Traffic Initiative by prohibiting conversion of existing residential uses to commercial uses; and 2. To encourage the retention of existing residential uses in the CR zoning district, by requiring a Conditional Use Permit for any commercial uses above the street level. 	<p>Residential uses located in CC, CR and CN zoning districts are subject to the requirements of this section, as provided by Section 10.24.030 (Allowable Land Uses, Commercial Zoning Districts). In addition to the general purposes of this Chapter, the specific purposes of regulating residential uses in commercial zones are as follows:</p> <ol style="list-style-type: none"> 1. To further the objectives of the 1985 Traffic Initiative by prohibiting conversion of existing residential uses to commercial uses. 2. To provide valuable opportunities for affordable housing while locating residential land uses adjacent to active commercial areas, to implement the goals and policies of the General Plan and specific programs in the Housing Element. 3. To encourage the retention of existing residential uses in the Central Commercial (CC), Mixed Commercial and Residential (CR), and Neighborhood Commercial (CN-1) Zoning Districts, by prohibiting the conversion of existing upper story residential units to commercial uses. 4. To encourage a mix of residential and commercial uses in the Central Commercial (CC), Mixed Commercial and Residential (CR) and Neighborhood Commercial (CN-1) Zoning Districts, by retaining commercial use on the first (ground or street) levels and requiring that residential use is the only allowed use on all levels above the ground level in the mixed use commercial districts, as specified in this section.
General Location	<p>All residential uses shall be located above the first (street or ground) level of all existing and new structures.</p> <p>Existing residential uses located on the first (street or ground) level of a structure are permitted to remain in their current location.</p>	<p>Existing residential uses located on the first (street or ground) level of a structure are permitted to remain in their current location.</p> <p>Commercial uses are an allowed use on the first (street or ground) level pursuant to Section 10.24.030.</p> <p>Residential uses in the Central Commercial (CC), Mixed Commercial and Residential (CR), and Neighborhood Commercial (CN-1 and CN-2) Zoning Districts are allowed as follows:</p>
CC	<p>Existing residential uses located in the CC zoning district may be converted to commercial uses with the issuance of a Minor Use Permit pursuant to Chapter 10.58 (Minor Use Permits)</p>	<p>Uses located above the first (street or ground) level of all existing and new structures shall be residential. Existing residential uses located in the CC Zoning District may be converted to commercial uses with the issuance of a Minor Use Permit pursuant to Chapter 10.58 (Minor Use Permits). Deed restricted affordable units may not, however, convert to commercial use until expiration of the deed restriction.</p>

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§10.44.190	Existing Mixed Use Ordinance	Proposed Mixed Use Ordinance
CR	Existing residential uses in the CR zoning district are to be preserved. Only new residential uses are allowed above the street level. Commercial use on levels above the street shall require a Conditional Use Permit	All uses located above the first (street or ground) level of all existing and new structures shall be residential. Existing residential uses located in the CR Zoning District are to be preserved. Any commercial use on levels above the street, up to a maximum of 1,000 square feet, shall require a Conditional Use Permit.
CN	Residential uses are permitted above the ground floor in the CN zoning districts in the Second Street and Main Street and the Bridgeway and Spring Street area. Residential uses are not permitted in the CN zoning district located along Bridgeway between Coloma and Ebbtide Avenue.	<p>Neighborhood Commercial (CN-1) Zoning District. All uses located above the first (street or ground) level of all existing and new structures shall be residential in the CN-1 Zoning Districts located in the Second and Main Street area and the Bridgeway and Spring Street area.</p> <p>Neighborhood Commercial (CN-2) Zoning District: Residential uses are not permitted in the CN-2 Zoning District located along Bridgeway between Coloma Street and Ebbtide Avenue.</p>
Highlighted Requirements	None	<p>Developments of 1 -5 units must provide a minimum of one 1 affordable unit; six (6) or more units shall require at least 20%percent of the units as affordable. Affordable units made available as rentals shall be provided to low income (80% AMI) households at an affordable rent and must be deed-restricted for a period of not less than forty (40) years.</p> <p>Affordable Units shall be constructed to include a minimum of two (2) bedrooms in order to accommodate families.</p>

§10.44.190	Existing Mixed Use Ordinance	Proposed Mixed Use Ordinance
Exceptions	None	<p>Development may permit commercial and residential tenants to share parking, and for tandem and off-site parking leases with a Minor Use Permit.</p> <p>Affordable Units may be permitted to be smaller in aggregate size and have different interior finishes and features within reason from market-rate units.</p> <p>Development and application fees, including plan check and building permit fees, shall be reduced to a rate of 50 percent of the adopted development fees for the affordable portions of the project.</p> <p>Exception from the requirement that all uses located above the first (street or ground) level of all existing and new structures shall be residential, to allow for upper level commercial uses is possible. Exceptions considered by the Planning Commission for the following circumstances only: 1-The expansion of an existing business within the same or adjacent site, or 2- The allowance of small commercial uses (up to a maximum 1,000 square feet per parcel.</p> <p>Exception from the requirement that Affordable Units provide a minimum of two (2) bedrooms. To receive the exception it must demonstrated to the Planning Commission that there are physical site constraints which make infeasible units with two or more bedrooms whether affordable or market rate.</p>

Table 10.24-1	Existing Mixed Use Ordinance	Proposed Mixed Use Ordinance
Upper Level Residential Land Use Requirements	<p>1 to 3 dwelling units above street level are principally permitted</p> <p>4 or more dwelling units above street level require a CUP</p>	<p>1 to 6 dwelling units above street level are principally permitted</p> <p>7 or more dwelling units above street level require a CUP</p>

Guide to Acronyms

AB/SB	Assembly Bill/Senate Bill
ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
AHOZ	Affordable Housing Overlay Zone
ABAG	Association of Bay Area Governments
AMI	Area Median Income
BMR	Below Market Rate
CAP	Climate Action Plan
CC	City Council
CDD	Community Development Director
CEQA	California Environmental Quality Act
CUP	Conditional Use Permit
DOF	California Department of Finance
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
HCD	California Department of Housing and Community Development
HE	Housing Element
HUD	U.S. Department of Housing and Urban Development
HMU/VMU	Horizontal Mixed Use/Vertical Mixed Use
IS	Initial Study
MCC	Mortgage Credit Certificate
MTC	Metropolitan Transportation Commission
NOAA	National Oceanic and Atmospheric Administration
PC	Planning Commission
PDA	Priority Development Area
RDA	Redevelopment Agency
RHNA (Pronounced <i>rhee-na</i>)	Regional Housing Needs Allocation
BCDC	San Francisco Bay Conservation and Development Commission
SCS	Sustainable Community Strategy
Zoning	<ul style="list-style-type: none"> • CC – Central Commercial • CR – Mixed-Use Commercial and Residential • CN-1 and CN-2 – Neighborhood Commercial

Lilly Schinsing

From: Vivian Wohl [vwohl@earthlink.net]
Sent: Monday, June 30, 2014 2:36 PM
To: Lilly Schinsing
Subject: HOUSING ELEMENT: Opposition to zoning modification allowing for the Spencer Street fire station to be converted to a homeless shelter

Hello Lilly,

I would like to express my displeasure at the conversion of the Spencer Street fire station into a homeless shelter.

I was happy to support the building of a new HQ facility for the Sausalito Fire and Police departments. However, at that time it was not contemplated that the former fire station be converted into a homeless shelter and I fail to understand the urgency to do so today. I don't think the city would have won the support for this new HQ project if residents had known that it involved converting the old building into a shelter. At the time, the citizens were reminded of their duty in a post-911 era to provide for the needs of their first respondents and came together to endorse this new project at considerable expense. Now we hear of plans to turn the fire station into a homeless shelter and I would like to strongly object to this proposal. There have been many burglaries in this area in the last few years including two in the last month. There is zero police presence in this area of Sausalito and the criminals know that. The ready access afforded to the freeway makes our homes particularly easy targets; it is not clear that the residents can do much to protect the neighborhood. At the recent neighborhood meeting attended by our Chief of Police, we were informed that our police department is under-resourced and unable to provide patrols here. Why would we want to have the added burden of the issues created by homeless people when our neighborhood already feels less safe than we would like?

Homeless people need not just shelter but access to mental services, food, transportation. How does the city contemplate providing all these to the homeless at the top of Spencer? Many homeless suffer from addictive behavior? Do we envision turning the fire station into a methadone clinic? Furthermore, there is no transportation to the main street of Sausalito from the top of Spencer so how would homeless people who presumably lack a vehicle be able to get to stores for a modicum of basic supplies? Does the city envision providing regular transportation in support of the homeless people or does the city envision its new residents walking up and down Spencer at all hours of the day and night? I don't need to remind you that Spencer has no sidewalks, has many blind turns, is narrow and is heavily trafficked by residents and construction crews.

Finally, I thought that the Fire Station was being preserved for use in potential emergencies for its own residents. If the City Council deems the building to be of no use for such purposes maybe it should consider selling the property and deploying the resources for other purposes such as 1) installing the type of camera security system that Tiburon has implemented, 2) restoring the police staffing levels to pre-cutback levels and 3) addressing other pressing needs of which we are constantly reminded (sewers, potholes).

I sincerely hope you will take my view into consideration.

Sincerely,

Vivian Wohl
94 Cloud View Rd.

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CITY OF SAUSALITO

Jan

Dear Lilly,

We are very much opposed to turning the old Firehouse into housing for the home less. As a leading gateway to the beautiful town of Sausalito, we feel it would be a real unwelcome statement to our town. And having no resources for the residents nearby would be a huge problem. Walking down Spenser is teachers and cannot imagine the new residents doing so.

Thanks very much
Jan +
David Sargent

Jan Sargent
101 Prospect Ave
Sausalito, CA
94965

EXHIBIT M2
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