



# MEMORANDUM

## SAUSALITO CITY COUNCIL

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**MEETING DATE:** November 12, 2019

**AGENDA TITLE:** Marinship Vision

**FROM:** Mary Wagner, City Attorney

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As indicated in the memo from the M-Group dated November 12<sup>th</sup> as part of the GPAC discussion on the vision statement for the Marinship I was asked if housing in the Marinship could be limited to only "senior affordable housing" I indicated that such a restriction could be problematic under federal and state housing laws that prevent discrimination against families.

Barbara Kautz is an attorney with Goldfarb and Lipman who practices in the areas of land use (especially housing-related land use), CEQA compliance, fair housing, and affordable housing. Ms. Kautz has assisted the City in the past with housing related issues.

I reached out to Ms. Kautz on the question of restricting housing to only "senior, affordable housing." Attached is an article that Ms. Kautz wrote, explaining that cities cannot zone land for senior housing only, because that constitutes discrimination against families with children under fair housing laws. **(Attachment 1 – Section IV)** While developers can elect to construct senior housing, and cities can elect to provide some benefits to senior housing based on their characteristics (less parking, possibly additional density because units are smaller), cities cannot limit the use of land to senior housing only.

The GPAC also raised concerns about recent changes to the housing laws. As the Council is aware, Governor Newsom signed more than 20 bills into law during the 2019 legislative session that address different components of California's housing laws including accessory dwelling units (ADUs), streamlining for housing developments, enforcement of housing elements, and density bonuses. The new laws are complex and may lead to proposed revisions to the City's existing regulations. In keeping with the Council direction to work with the Legislative Committee on the recommendations of the Blue Ribbon Housing Task Force staff will work with the Committee on the new housing laws and bring forward proposed ordinances for the Council's consideration.