

RESOLUTION NO. 51-2025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO CALLING A SPECIAL ELECTION AND SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAUSALITO AN ORDINANCE KNOWN AS THE SAUSALITO COMMERCIAL DISTRICT LOCAL CONTROL MEASURE AMENDING THE CITY ZONING MAP IN CITY COMMERCIAL DISTRICTS TO ADOPT HOUSING OVERLAY ZONING CONSISTENT WITH THE HOUSING ELEMENT TO BE VOTED UPON AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 4, 2025

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

WHEREAS, the City of Sausalito is endeavoring to comply with state Housing Element Law requirements to ensure the City's zoning contains capacity to allow 724 new units of housing at various defined affordability levels by the January 30, 2026 statutory deadline to complete rezoning; and

WHEREAS, twelve sites in the City's commercial districts were selected for rezoning to meet state affordable housing mandates but rezoning of those sites requires local voter approval to be enacted; and

WHEREAS, the community prioritizes preserving emergency access and response times in existing neighborhoods, which the City protects through existing local zoning laws; and

WHEREAS, failure to enact this measure may lead to the State Department of Housing and Community Development ("HCD") decertifying Sausalito's housing element for failing to meet the affordable housing rezoning requirements, resulting in state override of local housing control; and

WHEREAS, a consequence of decertification includes the exposure to the "Builder's Remedy", allowing developers to ignore local height and location restrictions or traffic considerations imposed by local zoning laws; and

WHEREAS, failure to abide by state Housing Element Law requirements can subject local jurisdictions to various penalties under state law, including the loss of local land use control, increased litigation risk from developers and the State, loss of grant funding, and court-ordered monetary penalties of up to \$600,000 per month until compliance is achieved, all of which could adversely affect the ability of the City of Sausalito to plan for the future and the ability of the City to continue to provide high quality services to its citizens; and

WHEREAS, costly land-use lawsuits may divert critical financial resources away from essential public services, jeopardizing the community's ability to preserve emergency access and response times in existing neighborhoods, protect local control over Sausalito zoning and land use, minimize the traffic impacts of new housing, preserve historic community character, ensure developers pay required fees to fund public services, including infrastructure and education, and prevent state government from overriding local zoning laws and removing local permitting authority; and

WHEREAS, the City seeks to avoid costly land-use lawsuits and legal battles with the State and private developers; and

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

WHEREAS, on May 27, 2025, the City Council adopted an Amended 6th Cycle Housing Element (“Amended Housing Element”), making modifications to its goals, policies and programs that address these needs and constraints, and plans for rezoning to meet the projected housing needs for all income levels based on the City’s assigned Regional Housing Needs Allocation; and

WHEREAS, HCD has determined that the City’s Housing Element and its Amended Housing Element are in substantial compliance with state Housing Element Law; and

WHEREAS, Program 4 of the Amended Housing Element contains the City’s program of rezoning, and to meet requirements in state law requires the City to amend its zoning to rezone 16 acres, at specified sites, at increased densities ranging from 20 to 70 units per acre by January 30, 2026; and

WHEREAS, if the City does not complete the entire program of rezoning set forth in Program 4, the City of Sausalito would be at risk of being found out of compliance with state Housing Element Law by HCD; and

WHEREAS, some of the sites proposed for rezoning will require approval of a majority vote of the electorate pursuant to restrictions in Ordinance Nos. 1022, specifically Sites 39, 44, 47, 72, 79, 81, 211, 301, 303, 306, 401, and 402 are subject to restrictions under Ordinance No. 1022; and

WHEREAS, Ordinance No. 1022 is the City’s Fair Traffic Initiative, which was passed by voters in 1985 to limit changes to the City’s Zoning Map, and includes provisions to establish a maximum allowable density and floor area ratio, and prevent any site in the City’s commercial and industrial zones from being rezoned to allow for a greater density or floor area ratio; and

WHEREAS, because the constraints on housing development resulting from Ordinance No. 1022 would prevent the City from meeting requirements of state law, the City has committed to take such measures as are necessary to accommodate the RHNA as set forth in the Amended Housing Element, including initiating and fully funding an election to remove voter constraints associated with Ordinance 1022 and obtain voter approval for use of certain sites governed by Ordinance 1022 for housing purposes; and

WHEREAS, in order to allow for the rezoning of these identified sites for the accommodation of very low, low, moderate, and above moderate income units in accordance with the City’s obligations under the Housing Element Law, the Housing Element, and the Amended Housing Element, the City is hereby proposing to submit to the voters of the City of Sausalito two ballot measures to rezone these identified sites, pursuant to California Elections Code section 9222;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sausalito as follows:

Section 1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

Section 2. Environmental Review. This action is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.085, in that this action would implement part of the rezoning identified in the City’s housing element in accordance with Government Code section 65583(c), and no part of the rezoning would allow for construction of a distribution center or for oil and gas infrastructure, nor construction within natural and protected lands.

Furthermore, to the extent that this action is not statutorily exempt, the City Council finds that this action, including the ballot measure being placed on the ballot by Section 3 of this Resolution, has also been assessed in the Environmental Impact Report (EIR) [SCH No. 2024070676] (including the Draft EIR, dated September 2024, the Recirculated Draft EIR, dated December 2024, and Final EIR, dated February 14, 2025, and Erratum dated February 25, 2025, collectively, the “Housing Element EIR”, certified on May 27, 2025); and in the exercise of its independent judgment, the City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164, no subsequent EIR, negative declaration, or addendum is required for approval of the Project.

Section 3. Call of Special Election. The City Council, pursuant to its right and authority as contained in California Elections Code sections 1405 and 9222, hereby calls a special election to be held in the City of Sausalito on **Tuesday, November 4, 2025**, for the purpose of presenting the ballot measure to the qualified electors of the City related to amending Ordinance No. 1022 and rezoning in accordance with the recitals above.

Section 4. Ballot Measure Question. The City Council, pursuant to its right and authority as contained in California Elections Code sections 1405 and 9222, does hereby order that the proposed Ordinance set forth in **Exhibit A**, be presented to the qualified electors on the special election to be held in the City of Sausalito on Tuesday, November 4, 2025, which Ordinance is incorporated by this reference as if fully set forth herein. The City Council, pursuant to its right and authority, does hereby order that the ballot label for the measure set forth in **Exhibit A** shall be presented and printed upon the ballot submitted to the qualified voters in substantially the following form:

<p>Sausalito Commercial District Local Control Measure Shall the measure adopting various housing overlay zones to allow housing at various income categories, including housing for seniors/families/individuals, on twelve sites in Sausalito’s commercial districts, consistent with Sausalito’s publicly reviewed and adopted Housing Element – in order to maintain compliance with State Housing Element Law, preserve local land use authority, prevent state fines, and preserve historic community character, while maintaining existing required developer fees – be adopted?</p>	YES	
	NO	

Section 5. Impartial Analysis; Ballot Arguments. The City Clerk is hereby directed to transmit a copy of the measure set forth in Section 3 above to the City Attorney, who shall prepare a ballot title and summary for the measure in accordance with Section 9203 of the Elections Code and an impartial analysis of the measure in accordance with Section 9280 of the Elections Code. The City Council does not authorize the City Council as a body, nor any individual member of the Council, to file a written argument or any rebuttal argument for or against the measure. In addition, the City Clerk is directed to make the Ordinance available to any voter upon request, and fix a deadline for submission of arguments

for or against the measure pursuant to Sections 9223 and 9285 of the Elections Code, the provisions of which are hereby adopted by the City Council.

Section 6. Consolidation. The City Council requests that the Board of Supervisors of Marin County consolidate the election on the proposed measure with any other election to be held the same day and the Registrar of Voters of Marin County conduct the election in the manner provided by law including, without limitation, Elections Code Section 10418. Pursuant to Election Code Section 10400 et seq., the City Clerk is directed to file a certified copy of this Resolution with the Board of Supervisors of Marin County and the Registrar of Voters of Marin County.

Section 7. State Election Law. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 8. Clerk Authorized to Take All Necessary Acts. Notice of the time and place of the election is hereby given. Additionally, the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 9. Appropriations Authorized. The City Finance Director is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost of holding the special election and placing the measure on the election ballot.

Section 10. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

Section 11. Effective. This Resolution shall become effective upon its adoption. The City Clerk shall certify to the adoption of this Resolution.

PASSED AND ADOPTED, at the regular meeting of the Sausalito City Council on the 5th day of August 2025, by the following vote:

AYES: **Blaustein, Sobieski, Woodside, Hoffman, Cox**

NOES:

ABSENT:

ABSTAIN:

Joan Cox
Joan Cox (Aug 7, 2025 10:38:33 PDT)

Joan Cox
Mayor

ATTEST:

Walfred Solorzano

Walfred Solorzano
City Clerk

EXHIBIT A

SAUSALITO COMMERCIAL DISTRICT LOCAL CONTROL MEASURE

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAUSALITO, CALIFORNIA AMENDING THE CITY ZONING MAP TO REMOVE CERTAIN RESTRICTIONS IMPOSED BY CITY ORDINANCE NO. 1022 ON SPECIFIC COMMERCIAL PROPERTIES TO PERMIT THE DEVELOPMENT OF HOUSING AS SET FORTH IN THE CITY'S ADOPTED SIXTH CYCLE AMENDED HOUSING ELEMENT TO MEET REQUIREMENTS OF STATE HOUSING ELEMENT LAW

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

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

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

WHEREAS, on February 25, 2025, the City Council adopted an Amended 6th Cycle Housing Element ("Amended Housing Element"), making modifications to its goals, policies and programs that address these needs and constraints, and plans for projected housing needs for all income levels based on the City's assigned Regional Housing Needs Allocation; and

WHEREAS, Program 4 of the Amended Housing Element contains the City's program of rezoning, and to meet requirements in state law requires the City to amend its zoning to rezone 18 acres, at specified sites, at increased densities ranging from 29 to 70 units per acre by January 30, 2026; and

WHEREAS, if the City does not complete the entire program of rezoning set forth in Program 4, the City of Sausalito would be at risk of being found out of compliance with state Housing Element Law by the Department of Housing and Community Development; and

WHEREAS, Ordinance No. 1022, commonly known as the Fair Traffic Initiative, was passed by voters in 1985 and limits changes to City zoning without voter approval, and includes provisions that establish a maximum allowable density and floor area ratio, and prevent any site in the City's commercial and industrial zones from being rezoned to allow for a greater density or floor area ratio, and would prevent their use for housing in the manner set forth in the Amended Housing Element unless modifications are approved by voters; and

WHEREAS, in order to allow for the rezoning of these identified sites for the accommodation of very low, low, moderate, and above moderate-income units in accordance with the City’s obligations under the Housing Element, the City hereby submits to the voters of the City of Sausalito a ballot proposition to rezone these identified sites, pursuant to California Elections Code section 9222;

NOW THEREFORE, THE PEOPLE OF THE CITY OF SAUSALITO DO ORDAIN AS FOLLOWS:

SECTION 1. Overlay Zoning Adopted. Notwithstanding Ordinance No. 1022 or any other City ordinance to the contrary, the following housing opportunity (-HO) overlay zones affecting the following 12 sites are adopted and the Sausalito Municipal Code is hereby amended to append the following to Table 10.28-2:

Site Number	APN	Address	Housing Opportunity Overlay	Notes
39	065-037-01	2350 Marinship	-M29	
	065-034-07	303 Johnson	-M29	
	065-038-06	501 Humboldt	-M29	
44	065-051-10	1319 Bridgeway Blvd	-M29	
47	064-087-07	300 Locust St	-M29	
72	063-140-21	2656 Bridgeway	- M49	
	063-140-18	2650 Bridgeway	-H70	
79	063-151-01	2631 Bridgeway Blvd	-M49	
81	063-151-05	2829 Bridgeway Blvd	-M49	
211	063-140-20	2660 Bridgeway	-M49	
301	065-032-01	Locust St And Humboldt Ave	-M29	Overlay zoning is only applied to land-based portion of site.
	065-031-01	225 Locust	-M29	Overlay zoning includes adjacent paper streets.
303	063-140-15	1 & 3 Harbor Dr	-M49	Overlay zoning is applied to 3-acre portion of the parcel.
306	063-162-04	3000 Bridgeway	-M70	
401	063-130-01	2400 Bridgeway Blvd	-M29	
402	063-152-01	2680 Bridgeway Blvd	-H49	Overlay zoning is applied to 1-acre of existing parking/paved area of site.

SECTION 2. Zoning Map Amended. Notwithstanding Ordinance No. 1022 or any other City ordinance to the contrary, the City’s zoning map is amended to include the overlay zones set forth in Section 1, depicted as shown in Attachment A.

SECTION 3. Severability. If any portion of this Ordinance is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Ordinance that is not deemed invalid. The voters of the City hereby declare that they would have circulated for qualification and/or voted for the adoption of this Section, and each portion thereof, regardless of the fact that any portion of the initiative may be subsequently deemed invalid.

SECTION 4. Effectiveness. To the fullest extent allowed by law, the provisions of this Ordinance shall prevail over, and supersede, all other provisions of the Municipal Code and any ordinances, resolutions or administrative policies of the City of Sausalito which are in conflict with any provision of this Ordinance.

SECTION 5. Effective Date. This Ordinance shall take effect only if approved by a majority of the qualified voters of the City of Sausalito voting at the special election held on November 4, 2025, and shall go into effect 10 days after the certification of the results of the Election by the City Council in the manner prescribed by Elections Code section 9217.

* * * * *

I hereby certify that the foregoing Ordinance was **PASSED AND ADOPTED** by the people of the City of Sausalito at a special municipal election held in the City of Sausalito on November 4, 2025, and that the election results were certified by the City Council in the manner required by law at the regular City Council meeting held on _____.

JOAN COX
MAYOR

ATTEST:

WALFRED SOLORZANO
CITY CLERK

APPROVED AS TO FORM:

SERGIO RUDIN
CITY ATTORNEY

