

RESOLUTION NO. 52-2025

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAUSALITO AN ORDINANCE KNOWN AS THE SAUSALITO MLK LOCAL CONTROL MEASURE AMENDING THE CITY ZONING MAP TO AUTHORIZE DEVELOPMENT OF AFFORDABLE HOUSING ON MARTIN LUTHER KING JR. PROPERTY, 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 ("RHNA"), and state law requires that the City have zoning that ensures adequate development capacity in the City to build enough housing to meet the RHNA 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, the MLK Park Property was selected for rezoning to meet state affordable housing mandates but rezoning 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 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 to meet the state-mandated RHNA, and state law requires that by January 30, 2026 the City amend its existing zoning at specified sites with densities ranging from 20 to 70 units per acre in accordance with Program 4; 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 in Program 4 will require approval of a majority vote of the electorate, specifically Site 84 (Martin Luther King Jr. Property) is subject to restrictions under Ordinance No. 1128; and

WHEREAS, Ordinance No. 1128 regulates the sale, lease, or other disposition of specified City-owned properties, and specifically requires that the City of Sausalito dedicate the Martin Luther King property for park and recreational purposes, except for certain permitted commercial uses, and that the City of Sausalito may not change such uses, nor sell, lease or otherwise dispose of such property without voter approval; and

WHEREAS, the constraints on housing development resulting from Ordinance No. 1128 would prevent the City from meeting requirements of state law, so 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 obtain voter approval for use of certain sites governed by Ordinance 1128 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 a ballot measure to rezone portions of Site 84 to allow development of housing pursuant to California Elections Code section 9222; and

WHEREAS, the limited area of the Martin Luther King Jr. Property that would be zoned to authorize affordable housing development under the ballot measure is currently in commercial use, does not have any recreational facilities, has never been used for park uses, and the development of affordable housing would not modify any existing recreational amenities; and

WHEREAS, any affordable housing development would be subject to control by the City of Sausalito and would be subject to applicable 32 foot height limits, and is anticipated to occur under a long-term lease; and

WHEREAS, the limited area of the Martin Luther King Jr. Property that would be zoned to authorize affordable housing development under the ballot measure is currently in commercial use, does not have any recreational facilities, has never been used for park uses, and the development of affordable housing would not modify any existing recreational amenities; and

WHEREAS, the ballot measure will preserve existing park, parking, and school uses, allowing the City to meet state housing mandates while maintaining current uses of MLK Park; and

WHEREAS, in the event of the passage of the proposed ballot measure, the City Council has already directed that City staff work towards the development of affordable senior housing to be constructed on the portion of the Martin Luther King Jr. Property identified therein;

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. 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:

Sausalito MLK Local Control Measure Shall the measure to achieve compliance with State Housing Law mandates, by adopting a housing overlay zone allowing City-directed development on limited parts of the City-owned Martin Luther King Jr. property consistent with Sausalito's publicly adopted Housing Element, providing capacity for no more than 50 units of housing prioritizing Sausalito's seniors; while maintaining existing recreational, dog park, and school uses; maintaining building height limits, be adopted?	YES	
	NO	

Section 4. 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 each 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 5. 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 6. 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 7. 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 give all required notices under the Elections Code, and 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 8. Appropriations Authorized. The City Finance Director is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost of placing the measure on the election ballot.

Section 9. 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 10. 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**

NOES: **Hoffman**

ABSENT:

RECUSED: **Cox**

Steven Woodside

Steven Woodside (Aug 7, 2025 14:32:47 PDT)

Steven Woodside
Mayor Pro Tempore

ATTEST:

Walfred Solorzano

Walfred Solorzano
City Clerk

EXHIBIT A

SAUSALITO MLK LOCAL CONTROL MEASURE

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAUSALITO, CALIFORNIA AMENDING THE CITY ZONING MAP TO ALLOW DEVELOPMENT OF AFFORDABLE HOUSING ON A COMMERCIALY USED PORTION OF THE MARTIN LUTHER KING JR. PROPERTY 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 ("RHNA"), and state law requires that the City have zoning that ensures adequate development capacity in the City to build enough housing to meet the RHNA during the planning period; 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, 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 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, the State of California Department of Housing and Community Development 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 to meet the state-mandated RHNA, and state law requires that by January 30, 2026 the City amend its existing zoning at specified sites with densities ranging from 20 to 70 units per acre in accordance with Program 4; 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, some of the sites proposed for rezoning in Program 4 will require approval of a majority vote of the electorate, specifically Site 84 (Martin Luther King Jr. Property) is subject to restrictions under Ordinance No. 1128; and

WHEREAS, Ordinance No. 1128 regulates the sale, lease, or other disposition of specified City-owned properties, and specifically requires that the City of Sausalito dedicate the Martin Luther King property for park and recreational purposes, except for certain permitted commercial uses, and that the City of Sausalito may not change such uses, nor sell, lease or otherwise dispose of such property without voter approval; and

WHEREAS, Ordinance No. 1128 was never approved by voters, but was adopted by the City Council in 1997 in lieu of being placed on the ballot for consideration by voters; and

WHEREAS, the constraints on housing development resulting from Ordinance No. 1128 would prevent the City from meeting requirements of state law, and to avoid non-compliance with state Housing Element Law, and potential loss of local control over land-use decisions and permitting, 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 obtain voter approval for the use of part of Site 84 (Martin Luther King Jr. Property) for affordable housing purposes; and

WHEREAS, to meet the City's obligations under the Housing Element Law, as planned for in the City's Housing Element and Amended Housing Element, the City is hereby proposing to submit to the voters of the City of Sausalito a ballot measure to rezone portions of Site 84 to allow development of housing pursuant to California Elections Code section 9222; and

WHEREAS, a map depicting the portion of the property to be rezoned, which will be integrated into the City's then-current adopted Zoning Map if the ballot measure is successful, is attached as Exhibit "A" to the Ordinance, and by this reference is made an operative part hereof; and

WHEREAS, the limited area of the Martin Luther King Jr. Property that this Ordinance would authorize to be used for affordable housing is currently in commercial use as rental suites, has never been used for park purposes, and does not have any recreational facilities or amenities; and

WHEREAS, development of affordable housing on the limited area of the Martin Luther King Jr. Property proposed under this Ordinance would not require the modification or removal of any existing recreational amenities elsewhere on the Martin Luther King Jr. Property; and

WHEREAS, any affordable housing development authorized under this Ordinance would be subject to control by the City of Sausalito and would be subject to 32 foot height limits under the applicable zoning; and

WHEREAS, in the event of the passage of the proposed ballot measure, the City Council has already directed that City staff work towards the development of affordable senior housing on the portion of the Martin Luther King Jr. Property identified therein, and directed staff to prioritize the development of the site for affordable senior housing;

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

Section 1. Overlay Zoning Adopted. Notwithstanding Ordinance No. 1128 or any other City ordinance to the contrary, the Martin Luther King Property, APN 063-170-03, is hereby subject to the overlay zone H-29, to allow development of housing at 29 dwelling units/acre in accordance with the

City's Amended Housing Element. Table 10.28-2 of the Sausalito Municipal Code is hereby amended to include the Martin Luther King Property by appending the following:

Site Number	APN	Address	Housing Opportunity Overlay	Notes
84	063-170-03	100 Ebbtide / 610 Coloma	H-29	Portion of parcel not to exceed two acres may be developed with residential uses; development shall be limited to a maximum of 50 housing units and subject to a 32 foot height limit.

Section 2. Zoning Map Amended. Notwithstanding Ordinance No. 1128 or any other City ordinance to the contrary, the City's zoning map is amended to allow development of housing in accordance with the overlay zone set forth in Section 1, and as shown in Attachment A.

Section 3. Voter Approval for Change in Use. To the extent required by any applicable state law, including but not limited to Government Code section 38502, the people of the City of Sausalito hereby authorize the abandonment and/or change in use for the portion of the Martin Luther King Property, APN 063-170-03 identified in Sections 1 and 2 of this Ordinance, and hereby authorize the City Council to enter into any real estate transactions determined necessary by the City Council to effectuate the development of affordable housing in accordance with the City's adopted housing element.

Section 4. 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 voted for the adoption of this Ordinance, and each portion thereof, regardless of the fact that any portion of the Ordinance may be subsequently deemed invalid.

Section 5. 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 6. 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

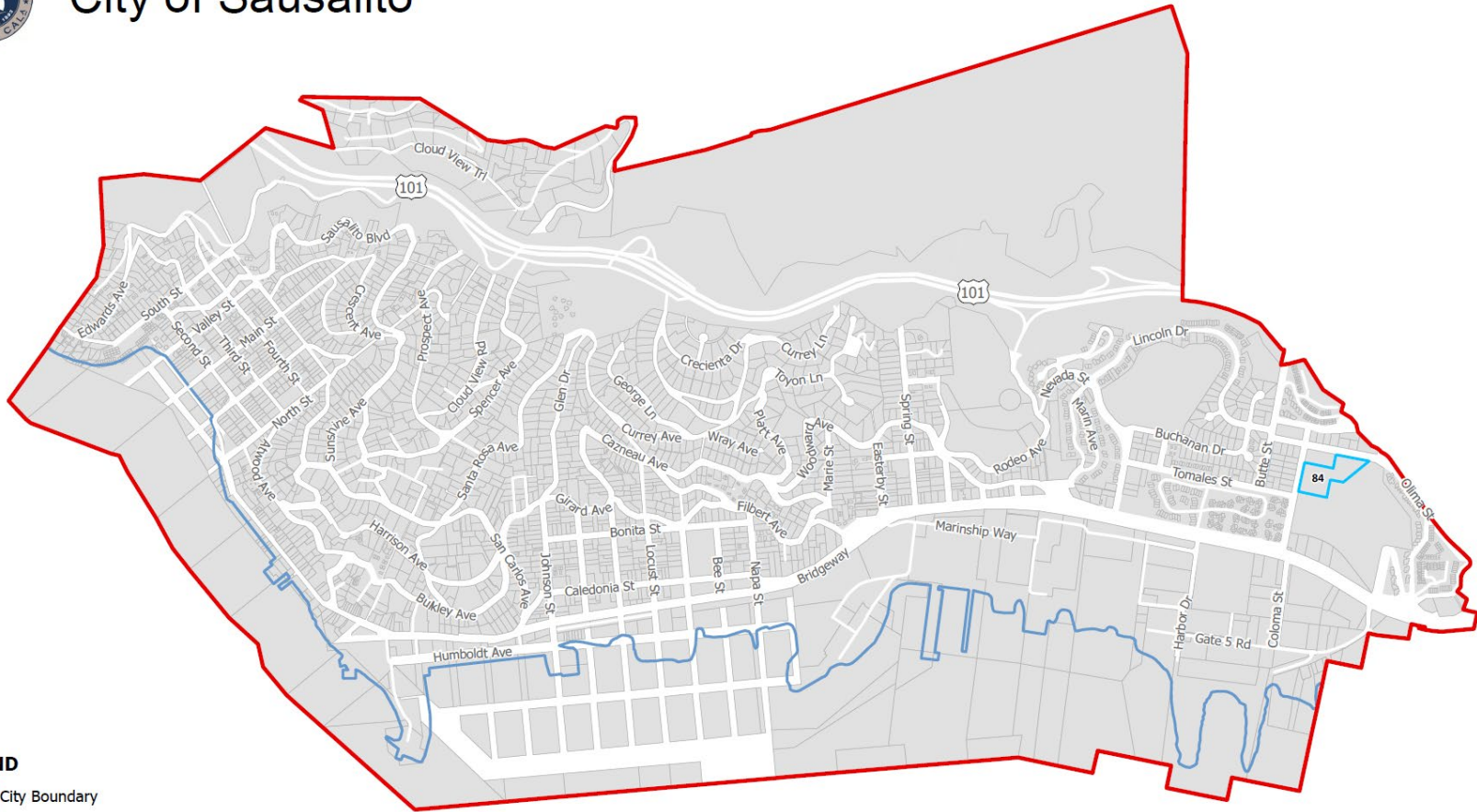
APPROVED AS TO FORM:

SERGIO RUDIN
CITY ATTORNEY

**SAUSALITO MLK LOCAL CONTROL MEASURE
ATTACHMENT A
MAP OF OVERLAY ZONING OF MARTIN LUTHER KING JR. PROPERTY (SITE 84)**



City of Sausalito



LEGEND

City Boundary

USGS Coastline

Overlay Zoning for Site 84

H-29











Resolution 52-2025

Final Audit Report

2025-08-07

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