

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE J
SAUSALITO COMMERCIAL DISTRICT LOCAL CONTROL MEASURE**

State Housing Element Law requires that the City have a housing element that plans for City's assigned Regional Housing Needs Allocation ("RHNA") of 724 housing units. To comply with this state law, City zoning must provide capacity to construct at least 724 housing units, at various income levels, during the 2023-2031 period. If existing zoning does not allow for such development, state law requires that the City adopt a program of rezoning in the housing element to create such capacity, and to complete all rezoning by the statutory deadline of January 30, 2025.

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On May 27, 2025, the City Council adopted the Amended 2023-2031 Housing Element, which includes a program of rezoning on sites throughout the City, with creation of overlay districts, to allow for additional housing development. This program of rezoning also requires overlay zoning on 12 specific sites which are impacted by Ordinance No. 1022 in the City's commercial districts.

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In 1985, Sausalito voters approved Ordinance No. 1022, which limited development in the City's commercial districts with specific density, coverage, and floor area ratio requirements. This initiative prohibited zoning changes in the commercial districts without voter approval.

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If this Measure is approved by a majority of Sausalito voters, overlay zoning would be adopted for 12 sites in the City's commercial districts, allowing development of residential units consistent with densities in the Amended 2023-2031 Housing Element. Under this Measure, residential development would be allowed on five sites at a density of 20-29 dwelling units per acre (H-29 or M-29 zoning), on one site and a portion of another at 50-70 dwelling units per acre (H-70 or M-70 zoning), and on all remaining sites at 43-49 dwelling units per acre (H-49 or M-49 zoning). Development would be subject to further zoning standards adopted by the City Council for the H-29, M-29, H-49, M-49, H-70 and M-70 overlay districts.

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A "yes" vote on Measure J will adopt overlay zoning for housing on the 12 sites in the City's commercial districts, consistent with the City's adopted housing element.

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A "no" vote on Measure J will not amend the City's zoning map.

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Because State Housing Element Law requires the City to complete the entire program of rezoning, both Measures J and K must be approved by voters in order for the City to complete the program of rezoning set forth in the Amended Housing Element and maintain compliance with State Housing Element Law.

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During periods of non-compliance with Housing Element Law, the City may be subject to litigation, which may result in penalties ranging initially from \$10,000 to \$100,000 per month, and appointment of court-ordered receiver to make changes to the City's Housing Element. Additionally, courts may suspend the City's land use and building permitting authority, or mandate approval of permits for residential housing projects. Lastly, developers may use the

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“Builder’s Remedy” in Government Code 65589.5 to obtain approval of projects inconsistent with City zoning standards.

SERGIO RUDIN
City Attorney

The above statement is an impartial analysis of Measure J. If you desire a copy of the Measure, please call the City Clerk at (415) 289-4165 and a copy will be mailed at no cost to you.

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