

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE K
SAUSALITO MLK 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 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 to meet the City's RHNA. This program of rezoning also includes rezoning part of the Martin Luther King property. The City Council has directed staff to prioritize projects for senior housing on this site.

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The Martin Luther King Jr. property, owned by the City, is approximately 17.2 acres. It includes park facilities, two private schools, and other commercial tenancies in the former bus barn building. Ordinance No. 1128 generally prohibits the City from selling or leasing this property, and requires the property be used for park purposes, but allows existing commercial uses to continue. Ordinance No. 1128 was an initiative measure adopted by the City Council in 1997, and its restrictions cannot be modified without voter approval.

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If this Measure is approved by a majority of Sausalito voters, H-29 overlay zoning would be adopted on two acres of the property currently occupied by the former bus barn building and non-recreational uses. The Measure would authorize the City to develop a maximum of 50 housing units, at a density of 20-29 dwelling units/acre, subject to a 32 foot height limit and any additional zoning standards adopted by the City Council for the H-29 overlay zone. Park recreational facilities would not be affected.

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A "yes" vote on Measure K will adopt overlay zoning for housing on the portion of the Martin Luther King Jr. property.

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A "no" vote on Measure K 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 "Builder's Remedy" in Government Code 65589.5 to obtain approval of projects inconsistent with City zoning standards.

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City Attorney

The above statement is an impartial analysis of Measure K. 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.