

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

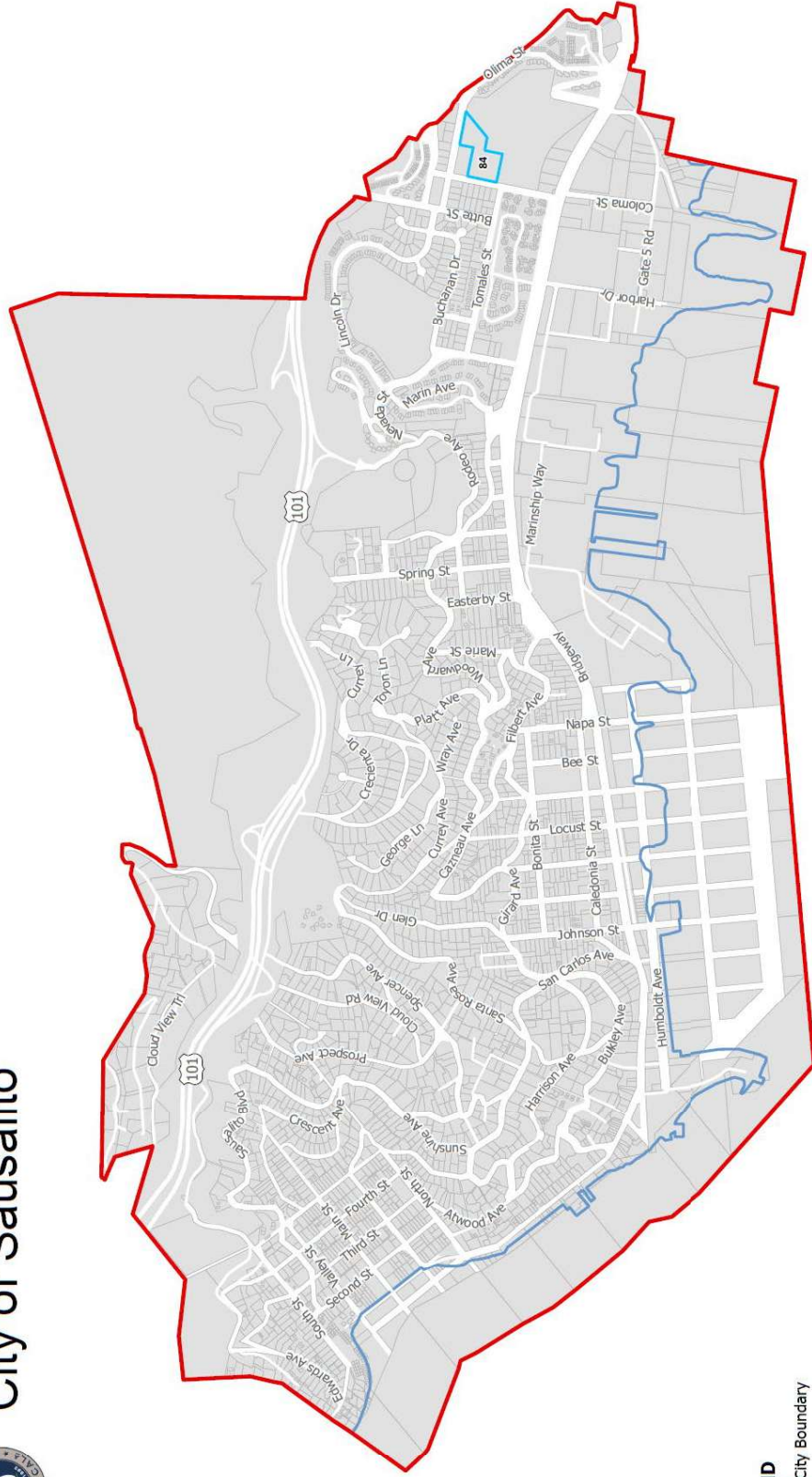
APPROVED AS TO FORM:

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



City of Sausalito
 Planning Department
 Prepared by: City Planning Center for the City of Sausalito
 July 23, 2025