RESOLUTION NO. 2025-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO, CALLING AN SPECIAL ELECTION AND SUBMITTINGTO THE QUALIFIED VOTERS OF THE CITY OF SAUSALITO TWO ORDINANCES AMENDING ORDINANCES 1028 AND 1122, ENACT THE CITY'S ADOPTED SIXTH CYCLE HOUSING ELEMENT, TO REMOVE SUCH CONSTRAINTS AS APPLICABLE TO SPECIFIED OPPORTUNITY SITES, AND AMENDING THE CITY ZONING MAP TO REFLECT THE SAME, TO BE VOTED UPON AT THE SPECIAL MUNICIPAL ELECTION TO BE HELD JUNE 3, 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, 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 __, 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 20 to 70 units per acre by January 30, 2026; 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 and 1128, specifically [Sites 39, 44, 47, 72, 79, 81, 201, 211, 301, 303, 306, 401, and 402] are

subject to restrictions under Ordinance No. 1022, and Site 84 (Martin Luther King Property) is subject to restrictions under Ordinance No. 1128; 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, 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, because the constraints on housing development resulting from Ordinance Nos. 1022 and 1128 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 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 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. 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, June 3, 2025**, for the purpose of presenting the two ballot measures to the qualified electors of the City related to rezoning to be The proposed Ordinance shall be in the form attached hereto as Exhibit "A" and Exhibit "B" to this Resolution and is incorporated by this reference as if fully set forth herein.

Section 3. Ballot Measure Question. 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:

"Shall the measure allowing the rezoning of Sites 39, 44, 47, 72, 79, 81, 201, 211, 301, 303, 306, 401, and 402 to be used for housing at densities of ranging from 29 to 49 dwelling units per acre, in the manner required under the City's Amended Housing Element and State Housing Element Law, and notwithstanding the restrictions of Ordinance No. 1022 ("Fair Traffic Initiative"), be adopted?"	**YES**	
	NO	

SECTION 4 Ballot Measure Question. The City Council, pursuant to its right and authority, does hereby order that the ballot label for the measure set forth in Exhibit "B" shall be presented and printed upon the ballot submitted to the qualified voters in substantially the following form:

"Shall the measure allowing the rezoning of portions of Site 84 (MLK Property), to be used for housing at densities of ranging up to 49 dwelling units per acre, in the manner required under the City's Amended Housing Element and State Housing Element Law, and notwithstanding the restrictions of Ordinance No. 1128 ("Fair Traffic Initiative"), be adopted?"	**YES**	
	NO	

SECTION 5. The City Clerk is hereby directed to transmit a copy of the measures 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. 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. 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 on or before _____, 2025.

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SECTION 7. 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. 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. The City Finance Director is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost of placing city candidates on the election ballot.

SECTION 10. This action, including each of the ballot measures placed on the ballot by Section 3 of this Resolution, has 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 _____, and Erratum dated _____, collectively, the "Housing Element EIR", certified on February __, 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 11. 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 12. This Resolution shall become effective upon its adoption.

SECTION 13. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this __ of _____, 2025 by the following vote, to wit:

PASSED AND ADOPTED, this _____ day of _____, 2025.

_____
JOAN COX
MAYOR

ATTEST:

DRAFT

_____
WALFRED SOLORZANO
CITY CLERK

APPROVED AS TO FORM:

_____
SERGIO RUDIN
CITY ATTORNEY

COUNTY OF MARIN) SS
CITY OF SAUSALITO)

I, Walfred Solorzano, City Clerk of the City of Sausalito, California do hereby certify that the foregoing Resolution No.___ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ___ day of _____ 2025, and thereafter, said Resolution was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2025, by the following vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
WALFRED SOLORZANO
CITY CLERK

DRAFT

EXHIBIT “A”

ORDINANCE NO. _____

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 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 __, 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, 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 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	-M29/85%	
39	065-034-07	303 Johnson	-M29/85%	
39	065-038-06	501 Humboldt	-M29/85%	
44	065-051-10	1319 Bridgeway Blvd	-M29/85%	
47	064-087-07	300 Locust St	-M29/85%	
72	063-140-21	2656 Bridgeway	- M49	
72	063-140-18	2650 Bridgeway	-H70	
79	063-151-01	2631 Bridgeway Blvd	-M49	
81	063-151-05	2829 Bridgeway Blvd	-M49	
201	065-132-16	605-613 Bridgeway Blvd	-M429	
211	063-140-20	2660 Bridgeway	-M49	
301	065-032-01	Locust St And Humboldt Ave	-M29	Overlay is only applied to land-based portion of site.
301	065-031-01	225 Locust	-M29	Site includes adjacent paper streets.
303	063-140-15	1 & 3 Harbor Dr	-M49	Overlay is applied to 3-acre of the existing parking area.
306	063-162-04	3000 Bridgeway	-M70	
401	063-130-01	2400 Bridgeway Blvd	-M29	
402	063-152-01	2680 Bridgeway Blvd	-H49	Overlay is only 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.

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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. Repeal and Amendment. This Ordinance shall not be repealed or amended except by a measure approved by a majority of the electors voting on the issue at an election legally called for that purpose.

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 June 3, 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 June 3, 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:

DRAFT

_____
SERGIO RUDIN
CITY ATTORNEY

DRAFT

ORDINANCE NO. _____ ATTACHMENT A

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EXHIBIT “B”

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF SAUSALITO, CALIFORNIA AMENDING THE CITY ZONING MAP TO REMOVE CERTAIN RESTRICTIONS ON THE MLK PROPERTY IMPOSED BY CITY ORDINANCE NO. 1128 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, on January 30, 2023, the City Council adopted the 6th Cycle Housing Element (“Housing Element”), a mandatory element of the City’s General Plan and the City’s main housing policy and planning document that identifies housing needs and constraints, 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

WHEREAS, on April 28, 2023, the City received certification of its Housing Element from the California Department of Housing and Community Development (“HCD”); and

WHEREAS, as required by state Housing Element Law, Program 4 of the Housing Element requires the City to amend its Zoning Ordinance (Title 10 of the Sausalito Municipal Code) to rezone 18 acres at densities ranging from 43 to 70 units per acre by January 30, 2026; and

WHEREAS, Ordinance No. 1128 regulates the sale, lease, or other disposition of specified City-owned properties, and requires that the City of Sausalito dedicate the Martin Luther King property for park and recreational purposes, except for certain 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 City has committed to take such measures as are necessary to accommodate the RHNA as set forth in the Amended Housing Element, and due to the constraints on housing development resulting from enactment of Ordinance No. 1128, has committed to initiating and fully funding an election to remove voter constraints associated with Ordinance No. 1128 to allow for the development of housing on certain portions of the Martin Luther King property; and

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WHEREAS, in order to allow for the rezoning of certain portions of the Martin Luther King property for the accommodation of very low, low, moderate, and above moderate income units in accordance with the City's obligations under the Amended 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; 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 "1" to the Ordinance, and by this reference is made an operative part hereof.

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 MU 49/85, to allow development of housing in accordance with the City's Amended Housing Element, at a density of 43 to 49 dwelling units per acre. 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	MU 49/85	Overlay is only applied to portion of site shown on Zoning Map.

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 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.

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SECTION 5. Repeal and Amendment. This Ordinance shall not be repealed or amended except by a measure approved by a majority of the electors voting on the issue at an election legally called for that purpose.

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 June 3, 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 June 3, 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

DRAFT

ORDINANCE NO. _____ ATTACHMENT A

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