ORDINANCE NO. 1128

AN INITIATIVE ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAUSALITO REGULATING THE SALE, LEASE, OR DISPOSITION OF PLAZA VINA DEL MAR, GABRIELSON PARK, THE MARTIN LUTHER KING SITE OR PARKING LOTS 1, 2, 3 AND 4

The City Council of the City of Sausalito does ordain as follows:

Section 1: The City of Sausalito shall retain ownership of municipal parking lots 1, 2, 3 and 4 and shall not sell, lease, or otherwise dispose of such parking lots without voter approval. Such parking lots shall not be used for purposes other than public parking lot uses without voter approval.

Section 2: The City of Sausalito shall retain ownership of Gabrielson Park and Plaza Vina Del Mar and shall not sell, lease, or otherwise dispose of such parks without voter approval. Such areas shall not be used for any purpose other as than public parks without voter approval. Such areas shall not be changed from their presently existing condition with the exception of minor maintenance and upkeep necessary to maintain such areas in their presently existing condition without voter approval.

Section 3: The City shall retain ownership of the Martin Luther King property and shall not sell, lease, or otherwise dispose of such property without voter approval. No part of the Martin Luther King property shall be used for purposes other than park and recreation purposes without voter approval; provided, however, that the land area of said property currently devoted to commercial use may continue in such use on a temporary basis. Without voter approval, there shall be no increase in the land area of said site, or the floor area situated thereon, which is devoted to commercial use.

Section 4: As used in this Ordinance, the term "voter approval" shall mean approval by a majority of the City voters voting at a City election.

Section 5: In order to implement the requirements set forth in Sections 1, 2, 3 and 4 of this Ordinance, the Sausalito General Plan, adopted on September 19, 1995 by Sausalito City Council Resolution No. 4313, is hereby amended as follows:

(a) Program LU-4.7.5, reading as follows, is added to the General Plan: "Program LU-4.7.5. Municipal Parking Lots. The City shall retain ownership of municipal parking lots 1, 2, 3 and 4 and shall not sell, lease, or otherwise dispose of such parking lots without voter approval. Such parking lots shall not be used for purposes other than public parking lot uses without voter approval."

(b) Program LU-5.1.2, reading as follows, is added to the General Plan: "Program LU-5.1.2. Municipal Parks. The City shall retain ownership of Gabrielson Park and Plaza Vina Del Mar and shall not sell, lease, or otherwise dispose of such parks without voter approval. Such areas shall not be used for any purpose other as than public parks without voter approval. Such areas shall not be changed from their presently existing condition with the exception of minor maintenance and upkeep necessary to maintain such areas in their presently existing condition without voter approval."

(c) Program LU-5.3.1 of the General Plan is amended to read as follows: "Program LU-5.3.1. MLK Solvency. Examine new financing and develop possibilities to insure solvency and a reasonable debt retirement schedule on the MLK property; provided, however, that the City shall retain ownership of the Martin Luther King property and shall not sell, lease, or otherwise dispose of such property without voter approval. No part of the Martin Luther King property shall be used for purposes other than park and recreation purposes without voter approval; provided, however, that the land area of said property currently devoted to commercial purposes may continue in such use on a temporary basis. Without voter approval there shall be no increase in the land area of said site, or the floor area situated thereon, which is devoted to commercial use."

(d) The last sentence of the last paragraph, found on page 2-25 of the General Plan, is amended to read as follows: "The old Martin Luther King School site may have commercial uses as a temporary condition (without any increase in land area or floor area devoted to commercial use) until the City is able to finance its permanent use as a public recreation facility."

(e) The following sentence is added at the end of the third full paragraph appearing on page 2-42 of the General Plan: "The Master Plan for the Downtown waterfront area shall be subject to the limitations contained in Program LU-4.7.5, Program LU-5.1.2 and Program LU-5.3.1."

(f) The first full paragraph on page 2-43 of the General Plan is amended to read as follows: "The Plan envisions the MLK property as a park and recreational area for residents. It recognizes that in order for maximum usage as a public park to be accomplished, some reassessment of the current financing mechanism and, subject to the limitations contained in Program LU-5.3.1, possible changes to the commercial uses now permitted on the site may be needed."

(g) Policy CP-2.2 of the General Plan is amended to read as follows: "Policy CP-2.2. Commercial Parking. Limit the land area for parking on City owned lots in the Downtown area to the 1990 level; provided, however, that the land area now occupied by Municipal Parking Lots 1, 2, 3 and 4 shall not be used for purposes other than public parking lot uses without voter approval."

(h) The first sentence of the first full paragraph on page 5-16 of the General Plan is amended to read as follows: "Based on the policies of the General Plan, the amount of public land area provided in the Downtown for public parking would not be increased in any amount or decreased by greater than five percent from the existing level."

Section 6: Any provisions of the Sausalito General Plan, adopted by the City Council on September 19, 1995 by Resolution No. 4313, which are inconsistent with the provisions of this Ordinance are hereby rescinded and stricken from the General Plan. Unless approved by the voters of the City of Sausalito, the amendment made to the Sausalito General Plan by Section 5 of this Ordinance shall not hereafter be further amended or repealed, nor shall any subsequent general plan be adopted by the City of Sausalito which does not include the provisions set forth in Section 5 of this Ordinance.

Section 7: If the title, or any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid or unconstitutional such decision shall not affect the validity of the remaining portions of this Ordinance and the City Council declares that it would have adopted this Ordinance and its title and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that the title or any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 8: This Ordinance shall go into effect 30 days after the date of its adoption and within 15 days after its adoption shall be published in a newspaper of general circulation, published and circulated in the City of Sausalito.

The foregoing Ordinance was duly and regularly introduced at a meeting of the Sausalito City Council held in said City on the 16th day of December, 1997, and thereafter adopted at a meeting of the City Council held in said City of the 18th day of December, 1997, by the following vote, to wit:

AYES:	COUNCILMEMBERS:	Belser, Miskel, Ziegler, Mayor Albritton
NOES:	COUNCILMEMBERS:	Stratigos
ABSENT:	COUNCILMEMBERS:	None

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

DEPUTY CITY CLERK