

**ORDINANCE NO. 1206**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAUSALITO  
ESTABLISHING REGULATIONS FOR THE TEMPORARY USE OF  
RESIDENTIAL PROPERTIES AS VACATION RENTALS  
DURING THE 2012-2013 AMERICA'S CUP EVENTS (ZOA 12-061)**

---

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

**SECTION 1.**

**WHEREAS**, the America's Cup World Series and the 34<sup>th</sup> America's Cup sporting event will occur on the San Francisco Bay in 2012-2013; and

**WHEREAS**, it is anticipated that the City of Sausalito will experience an increase in tourism and local hotels may not have the capacity to accommodate the visitors; and

**WHEREAS**, privately owned residential dwellings, such as, but not limited to, single-family and multi-family dwellings units, apartments, condominiums, and duplexes may be used as temporary vacation rentals during the America's Cup and related events; and

**WHEREAS**, temporary vacation rentals are subject to the transient occupancy tax regulations pursuant to Chapter 3.12 of the Municipal Code; and

**WHEREAS**, the use of residential dwellings as vacation rentals in residential neighborhoods may create secondary effects that need to be addressed via a temporary regulatory program as described herein; and

**WHEREAS**, the City Council finds and declares that the adoption of this Ordinance is necessary to allow vacation rentals during the 2012-2013 America's Cup events, to ensure neighborhood compatibility, to protect the general welfare of residents in the City, and to further the public necessity and convenience; and

**WHEREAS**, the adoption of the Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 (Minor Alteration in Land Use Limitations) of the State CEQA Guidelines because allowing vacation rentals meeting the standards adopted herein to be located within existing residences will not involve an expansion of uses beyond that currently existing; and further, is exempt under Section 15061(b)(3) because it can be seen with certainty that adoption of the Ordinance does not result in a physical change in the environment. Implementation of the temporary regulations does not increase residential density or the intensity of use as the standards adopted herein are consistent with otherwise allowable residential use and any activities that may exceed residential character would be subject to further discretionary review; and

WHEREAS, the City Council hereby finds pursuant to Government Code section 65853 that the proposed Ordinance set forth in Section 2 below is consistent with the Sausalito General Plan objectives and policies.

**SECTION 2.**

**A. Purpose.** During the America's Cup events of 2012 and 2013 the number of visitors to Sausalito is expected to increase and local hotels may not have the capacity to accommodate the visitors' lodging needs. As a result, residential dwellings may be used as short-term vacation rentals during the America's Cup and related events. The following regulations provide procedures for issuance of permits which ensure that short-term vacation rentals are compatible with and do not adversely impact surrounding residential uses.

**B. Applicability.** The provisions of this Section apply to all vacation rentals. Vacation rentals are permitted in Residential Zoning Districts and subject to obtaining a Vacation Rental Permit and any other necessary permits. Vacation rental units are not permitted in non-habitable structures or within structures or dwellings with covenants or agreements restricting their use, including but not limited to affordable housing units and/or existing illegal accessory dwelling units (a.k.a., second dwelling units).

**C. Definitions.** For purposes of these regulations, the following phrases have the meaning respectively ascribed to them by this section:

1. "Local Contact Person" means the person designated by the owner or the owner's authorized agent or representative who shall be available twenty-four hours per day, seven days per week for the purpose of: (1) responding within one hour to concerns or complaints regarding the condition, operation, or conduct of occupants of the vacation rental unit; and (2) taking remedial action to resolve any such concerns or complaints.
2. "Vacation Rental Unit" means a privately-owned dwelling unit, such as, but not limited to, a single-family or multiple-family unit, condominium, cooperative apartment, duplex, legal accessory dwelling unit, or any portion of such a dwelling, rented for occupancy for dwelling, lodging, or sleeping purposes for a period of thirty days or less, counting portions of calendar days as full days.
3. "Vacation Rental Permit" means a permit that allows the use of a dwelling unit as a vacation rental unit pursuant to the regulations set forth herein.

**D. Vacation Rental Permit**

1. The owner is required to obtain a Vacation Rental Permit and a transient occupancy registration certificate (pursuant to Chapter 3.12 of the Sausalito Municipal Code).

2. A vacation rental permit shall only be valid from July 27, 2012 to October 15, 2012 and from May 15, 2013 to October 15, 2013.

**E. Application**

1. The owner of the dwelling unit shall submit a complete application on a form provided by the Community Development Department.
2. The vacation rental permit application shall be accompanied by an application fee established by resolution of the City Council.
3. The owner shall notify the Community Development Department in writing with updated information within seventy-two (72) hours of any of the following events:
  - a. Change of property ownership;
  - b. Change of property management company;
  - c. Change in Local Contact Person; or
  - d. Change in material facts pertaining to the information contained in the vacation rental permit application.

**F. Performance Standards.** A Vacation Rental Permit shall be approved only if the vacation rental permit application demonstrates compliance with all of the following standards:

1. **Limit on Number of Vacation Rental Permits Per Parcel.** Only one dwelling unit or a legally-established accessory dwelling unit meeting current standards shall be used as a vacation rental unit on any single parcel. Tents, yurts, recreational vehicles, campers, mobile homes, and comparable temporary dwellings are not allowed to be utilized in conjunction with a vacation rental permit.
2. **Minimum Duration of Rental.** Any dwelling unit used for a Vacation Rental Unit must be rented for a minimum of seven consecutive calendar days. Sub-leasing of the Vacation Rental Unit within any seven consecutive calendar days is not permitted.
3. **Parking.** Parking for Vacation Rental Units shall be provided in the following manner.
  - a. For properties which have two on-site parking spaces, the two parking spaces shall remain accessible for parking at all times.
  - b. For properties which have less than two on-site parking spaces and are located in areas subject to City Permit Parking regulations, the owner shall provide parking permits so the combination of on-site parking spaces and parking permits provides parking for two vehicles.
  - c. For properties which have less than two on-site parking spaces and are not located in areas subject to City Permit Parking regulations, any on-site parking

space shall remain accessible for parking at all times. The remaining requirement shall be met by on-street parking.

4. **Trash and Recycling.** The property shall be serviced by the City's refuse hauler.
5. **Sewer Connections/Septic Systems.** The property shall be served by the sewer system or a septic system without any deficiencies, inadequacies, or failings according to the City and County's records, as applicable.
6. **Transient Occupancy Tax.** The owner shall obtain a Transient Occupancy Tax Certificate consistent with Chapter 3.12 of the Municipal Code and remain current on all required reports and payments. The owner or authorized agent shall list the Certificate number on all contracts, rental agreements, advertising, and website postings.
7. **Local Contact Person.** The owner shall provide the Community Development Department and the tenant with a current 24-hour working telephone number of the Local Contact Person.
8. **Signs.** No signs shall be posted on or off-site indicating the presence of the vacation rental unit.
9. **Renter Notification Requirements.** The owner shall affix the Vacation Rental Permit and the Local Contact Person information on or adjacent to the interior of the main entry door. The Vacation Rental Permit shall be attached to all contracts and rental agreements.
10. **Current Code Enforcement Violations.** The property shall not be subject to any current code enforcement compliance orders or building permit correction notices related to health or safety issues.

**G. Violations.** Any violation of these regulations is subject to enforcement action pursuant to Chapter 1.10 of the Municipal Code.

**H. Revocation or Modification of Permit.**

1. **Cause for Revocation or Modification.** The Zoning Administrator may revoke or modify a Vacation Rental Permit. Revocation or modification shall require a public hearing held in the manner prescribed by Chapter 10.82 of the Municipal Code. The following shall be grounds for revocation or modification:
  - a. The approval was based on false information submitted by the applicant.
  - b. The use for which such approval is granted is not being exercised.
  - c. The approved permit is being, or recently has been, exercised contrary to or in violation of any statute, ordinance, law, or regulation.
  - d. There has been a substantial change in the circumstances including, but not limited to, changes in the applicable law since approval.

2. **Revocation.** Permit shall be suspended automatically upon violation of any applicable provision of this Title as set forth in subsection 1 above. The Community Development Director shall notify the property owner of said suspension. The Community Development Director may order all operations or any portion thereof, authorized by the permit to cease during the time it is suspended when necessary and in order to protect health, safety or general welfare. The Zoning Administrator shall notice and hold a public hearing within thirty (30) days, in accordance with the procedure prescribed by Chapter 10.82 of the Municipal Code. Following public hearing, if the Zoning Administrator is not satisfied that the owner of the vacation rental unit is complying with the applicable regulations governing the permit, the Zoning Administrator shall revoke the permit or take such action necessary to ensure compliance.

**SECTION 3.**

This Ordinance shall become null and void on October 16, 2013.

**SECTION 4.**

The City Council hereby finds and declares that project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15305 of the State CEQA Guidelines because allowing vacation rentals meeting the standards adopted herein to be located within existing residences will not involve an expansion of uses beyond that currently existing; and further, is exempt under Section 15061(b)(3) because it can be seen with certainty that adoption of the Ordinance does not result in a physical change in the environment. Implementation of the temporary regulations does not increase residential density or the intensity of use as the standards adopted herein are consistent with otherwise allowable residential use and any activities that may exceed residential character would be subject to further discretionary review.

**SECTION 5.**

**Effective date.** This Ordinance shall be in full force and effect thirty (30) days after the date of its adoption.

**SECTION 6.**

**Publication.** This Ordinance shall be published once within fifteen (15) days after its passage and adoption in a newspaper of general circulation in the City of Sausalito.

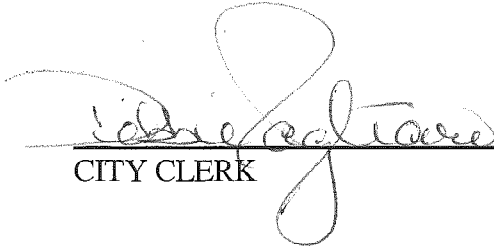
**THE FOREGOING ORDINANCE** was read at a regular meeting of the Sausalito City Council on the 12<sup>th</sup> day of June 2012, and was adopted at a regular meeting of the City Council on the 26<sup>th</sup> day of June, 2012 by the following vote:

AYES: Councilmembers: Ford, Weiner, and Mayor Kelly  
NOES: Councilmembers: Leone, Pfeifer

ABSENT: Councilmembers: None  
ABSTAIN: Councilmembers: None

  
\_\_\_\_\_  
MAYOR OF THE CITY OF SAUSALITO

ATTEST:

  
\_\_\_\_\_  
CITY CLERK