



City of Brisbane
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**NOTICE OF
SHORT TERM RESIDENTIAL RENTAL
APPLICATION**

APPLICATION NO.: **2022-STR-3**

APPLICANT/OWNER: **Jamesanne Dunn, applicant**

PROPERTY: **161 Tulare Street
(Assessor's Parcel No. 007-343-120)**

ZONING: **R-1 Residential Zoning District**

REQUEST: **To establish a short-term residential rental for up two (2) habitable rooms within the property.**

ENVIRONMENTAL STATUS: **Categorical exemption for existing facilities, per State CEQA Guidelines Sections 15301 -- this proposal falls within a class of projects which the State has determined not to have a significant effect on the environment. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.**

The Zoning Administrator has received a complete application for a Short-Term Rental Permit and preliminarily determined it to be in compliance with all operating standards and requirements of Brisbane Municipal Code (BMC) Chapter 17.35. Following closure of a twenty-one (21) day notice period, on or after March 3, 2023, the Zoning Administrator may issue the Short-Term Rental Permit, subject to full compliance of the standards within BMC Chapter 17.35. The Zoning Administrator shall notify all parties who received a Notice of Short Term Residential Rental Application of permit issuance. A copy of the report to the Zoning Administrator containing draft findings and conditions of approval may be viewed on the City's website at <https://www.brisbaneca.org/str-permitlog>. For questions, please contact Associate Planner Robbins at jrobbins@brisbaneca.org or call 415-519-1437.

DATED: February 10, 2023



John A. Swiecki, AICP
Community Development Director



ZONING ADMINISTRATOR REPORT

Date: February 10, 2023

From: Jeremiah Robbins, Associate Planner
JR

Subject: 2022-STR-3 Short-term Rental Permit; 161 Tulare Street

Request

Consideration of the application for a short-term rental permit at 161 Tulare Street (APN: 007-343-120). The applicant is requesting two habitable rooms to be used for short-term rental (STR) within an existing two-level single-family dwelling. One bedroom to be offered for STR is located on the lower floor and the second on the upper floor.

Applicant/Owner

Jamesanne Dunn

Applicable Code Sections

Brisbane Municipal Code (BMC) [Chapter 17.35](#) - Short-term Residential Rentals and [BMC Chapter 17.43](#) – Accessory Dwelling Units

Discussion

On November 1, 2022, the applicant created an online Short-Term Rental (STR) application. On November 8, 2022, the applicant submitted all required information pursuant to BMC Section 17.35.030.B (see Attachment 2) and the application was deemed complete.

The home is an owner-occupied single-family dwelling with two off-street parking spaces. With two habitable room being offered for STR, two off-street parking spaces are required. The lower level of the home was legally remodeled in 1990 and included a kitchen with a permanent cooking facility, along with other provisions, which would make the space an accessory dwelling unit under the BMC. As STRs may only occur within legal single-family dwelling units, the permanent cooking facility must be removed. Building permit B202300004 was issued on February 9, 2023 to remove the permanent cooking facility and restore the use of the space as a single-family dwelling.

Life safety standards, as certified by the applicant, were examined by an on-site inspection by the Building Department on December 4, 2022. A follow-up inspection is required to verify installation of appropriately sized fire extinguishers, a condition to be verified at final inspection of building permit B202300004. Per condition of approval #1 building permit B202300004 must receive final approval prior to issuance of STR permit 2022-STR-3 (see Attachment 1).

Recommendation

That the short-term rental permit 2022-STR-3 be approved, subject to the findings and conditions of approval provided in Attachment 1.

Attachments

1. Draft Findings, Conditions of Approval, and Operational Standards
2. Short-term Rental Application Review Checklist

-DRAFT-
FINDINGS

1. All short-term rental activity is subject to the regulations identified in Brisbane Municipal Code Chapter 17.35 and the application meets all operating standards and requirements of this chapter.
2. The dwelling unit to be offered for short-term rental complies with life safety standards as certified by the applicant and confirmed by an on-site inspection by building department and/or North County Fire Authority staff.
3. The dwelling unit to be offered for short-term rental is not the subject of an active code enforcement action or administrative citation from the city in the past twelve (12) months.

CONDITIONS OF APPROVAL AND OPERATIONAL STANDARDS

SITE SPECIFIC CONDITIONS OF APPROVAL

- A. Building permit B202300004 shall receive final inspection and approval from the City prior to short-term rental permit issuance.
- B. The off-street parking spaces behind the home shall be used to meet the short-term rental parking requirement, pursuant to BMC Section 17.35.040(I).
- C. Rental of habitable rooms on the separate floors of the home to separate, unrelated parties is prohibited.
- D. Maximum occupancy of the short-term rental is limited to two (2) overnight guests (not including children) per room rented.
- E. Any rental listing advertising the short-term rental shall indicate the maximum number of overnight guests available to stay and which level of the home the short-term rental room is located on.
- F. Host shall obtain a business license with the City of Brisbane prior to short term rental permit issuance, and maintain an active business license for the length of the permit.

SHORT-TERM RENTAL CODE REFERENCE AND DURATION

- G. All short-term rental activity shall be subject to the regulations identified in Brisbane Municipal Code Chapter 17.35.
- H. An issued short-term rental permit shall be valid for an initial one-year period commencing from the date of final action on the permit application. An issued permit shall be valid only for the host or hosts named in the application and shall automatically expire upon sale or transfer of the subject property, or at such a time as the dwelling unit is no longer the permanent residence of the host. An issued short-term rental permit may not be assigned, transferred, or loaned to any other person.

OPERATIONAL STANDARDS APPLICABLE TO ALL STRS, PER BRISBANE MUNICIPAL CODE SECTION 17.35.040:

- I. **Unhosted Stays Prohibited.** This ordinance authorizes only hosted stays and prohibits unhosted stays, as such terms are defined in BMC Section 17.35.020.
- J. **Single-Family Dwelling Units.** Short-term rentals may only occur within legal single-family dwelling units. Notwithstanding the foregoing, short-term rentals shall be prohibited on properties occupied by single-family dwellings with legal accessory dwelling units established on or after April 1, 2017.
- K. **Accessory Dwelling Units.** Short-term rentals shall not operate in accessory dwelling units.
- L. **Hosted Stays Unlimited.** There shall be no limit on the number of days habitable rooms within a permanent residence may be occupied as a short-term rental during a hosted stay. The host shall be responsible for any nuisance complaints arising during short-term rental activities during hosted stays. No more than two (2) habitable rooms may be rented at any given time during a hosted stay, subject to the limitation on bookings (see condition below).
- M. **Short-term Rental Permit Number on Listings and Guest Materials.** Any listing advertising a short-term rental and all materials provided to short-term renters regarding applicable rules and regulations pertaining to their stay shall prominently display the permit number of the issued permit.
- N. **Insurance.** The host shall maintain adequate liability insurance in the amount of at least five hundred thousand dollars (\$500,000.00) specifically for short-term rental activity within a permanent residence while the short-term rental is occupied. The host shall annually submit insurance certificates to the Community Development Department.
- O. **Limitation on Bookings.** Individual rooms within a short-term rental shall not be booked to separate, unrelated rental parties. If multiple listings are provided for the same residence, only one such listing may be booked on any given day, with the exception that check-out and check-in periods for separate bookings may occur on the same day.
- P. **Check-out and Check-in Times.** Short-term renter check-out and check-in times shall typically occur after seven (7:00) a.m. and before ten (10:00) p.m. Exceptions to the check-out and check-in times may be allowed only in extenuating circumstances, including unforeseen changes or delays in a short-term renter's travel schedule or illness of the host or the short-term renter. At all times, the host shall ensure that short-term renter check-in and check-out is conducted in such a manner as to not result in unreasonable noise or disturbance to neighboring properties.
- Q. **Parking.** At least one parking space shall be made available per on-site per habitable room available to rent as a short-term rental. Existing on-site parking spaces shall be made available to short-term renters. No additional on-site parking shall be required for short-term rentals.

- R. **Occupancy Limits.** No more than two (2) overnight short-term renters (not including children) between the hours of ten (10:00) p.m. and seven (7:00) a.m. are allowed per habitable room provided in the short-term rental. No more than four (4) daytime persons (not including children) between the hours of seven (7:00) a.m. and ten (10:00) p.m. are allowed per habitable room provided in the short-term rental.
- S. **Noise Prohibited.** There shall be no use of sound amplifying equipment. There shall be no evening outdoor congregations of more than eight (8) people (excluding children), regardless of the number of habitable rooms provided, after ten (10:00) p.m. Short-term rental stays are subject to the noise regulations in the BMC Chapter 8.28.
- T. **Safety.** Every host shall provide and maintain working fire extinguishers, smoke detectors, and carbon monoxide detectors, in compliance with fire, life and safety codes, and information related to emergency exit routes on the property.
- U. **Guide for Short-term Renters.** Every host shall provide a rental guide to short-term renters that includes the operational standards listed in this chapter, the contact information for the host, and other information to address behavioral, safety, security, and other standards.
- V. **Special Events Prohibited.** Weddings, corporate events, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
- W. **Transient Occupancy Tax (TOT).** Short-term rentals shall be subject to transient occupancy taxes pursuant to BMC Chapter 3.24. The host shall be responsible for collecting transient occupancy taxes and remitting them to the city, unless the host exclusively lists on hosting platforms that have signed a voluntary collection agreement (or equivalent) with the city.
- X. **Records of Compliance.** The host shall retain records documenting compliance with the requirements of this chapter for each short-term rental for a period of three (3) years, including, but not limited to, records showing payment of transient occupancy taxes by a hosting platform on behalf of a host. Upon reasonable notice, the host shall provide any such documentation to the community development director or the tax administrator upon request for the purpose of inspection or audit.
- Y. **Permit Renewal.** The first short-term rental permit issued shall expire one (1) year after the date of final action on the initial permit application unless a permit renewal application is approved by the zoning administrator prior to the expiration date.
 - i. A renewed permit shall be renewed for a subsequent two-year period, except that the zoning administrator may renew the permit for a shorter period of time for factors including, but not limited to, the history of notices of violation and/or sustained suspensions during the life of the permit.

- ii. The permit renewal application shall be accompanied by a filing fee in an amount as established by resolution of the city council.
- iii. The host shall submit such information concerning the short-term rental activity as may be required to enable the tax administrator to verify that the amount of tax paid complies with Chapter 3.24.
- iv. A safety inspection shall be conducted by the building department and/or North County Fire Authority prior to approval of each short-term rental permit renewal to ensure the dwelling unit complies with the safety requirements of this chapter and with general life safety standards under state law.
- v. The zoning administrator shall approve a permit renewal application if it is found that the host has complied with all provisions of this chapter, including requirements for tax payment, and the dwelling has passed a safety inspection. Notice of permit renewal shall be given to occupants and owners of property to either side of, to the rear, and in front of the subject property. Additionally, notification shall be sent to occupants and owners of property on both sides of the block in which the property is located.

Brisbane Planning Application No.: 2022-STR-3

Review Date: 2/10/23

Planner: Jeremiah Robbins

ADDRESS OF PERMANENT RESIDENCE BEING USED FOR SHORT-TERM RENTAL

- ✓ 161 Tulare Street

NAME AND CONTACT INFORMATION OF THE HOST

- ✓ Jamesanne Dunn, 415-516-4290

PROOF OF HOME OWNERSHIP – Only one document is required to provide evidence of homeownership. This could be a copy of a property tax bill, documentation of homeowner’s income tax exemption, or a copy of a title report or deed showing title vested.

- ✓ *Document provided:* Property tax bill

PROOF OF PERMANENT RESIDENCY IN THE HOME – Three documents that show full-time residency. Acceptable documents include driver’s license, vehicle registration certificate, State or Federal tax return statement, bank or credit card statement, or utility bill (e.g., water, power, internet, cable/satellite).

- ✓ *Document #1 provided:* Driver’s license
- ✓ *Document #2 provided:* Utility statement
- ✓ *Document #3 provided:* Credit account statement

NUMBER OF HABITABLE ROOMS TO BE PROVIDED FOR SHORT-TERM RENTAL (FLOOR PLAN) – The floor plan needs to show where the STR rooms (max. 2 rooms) are located within the home and how they will be accessed from the street. The plan does not have to be to scale and may be hand drawn but does need to be legible. Each room must be labeled (e.g., kitchen, hallway, bedroom). The rooms to be rented as STR’s must be clearly labeled as such.

- ✓ *Document provided:* Floor Plan

SITE PLAN SHOWING REQUIRED PARKING ON THE PROPERTY – The site plan needs to show the property lines, the location of the home on the property, and the location and number of parking spaces on the property. One parking space on the property is required for every habitable room offered for short term rental. The site plan does not need to be to scale and may be hand drawn, but it must be legible and labeled for clarity.

- ✓ *Document provided:* Site plan

PROOF OF INSURANCE – Hosts must have short term rental liability insurance with coverage of at least \$500,000. The document needs to clearly show the address of the insured property, applicants name, the policy description verifying it is for short term rental activity, and the coverage amount of at least \$500,000.

✓ *Document provided: Insurance policy packet*

ACKNOWLEDGMENT AND AUTHORIZATION TO PROVIDE THE ADDRESS OF THE SHORT-TERM RENTAL AND THE HOST'S CONTACT INFORMATION ON A PUBLIC REGISTRY

✓ *Acknowledgment contained as part of online application*

ACKNOWLEDGEMENT OF COMPLIANCE WITH THE REQUIREMENTS OF THE CITY'S ZONING ORDINANCE, MUNICIPAL CODES, AND APPLICABLE HEALTH AND SAFETY STANDARDS

✓ *Acknowledgment contained as part of online application*