



City of Brisbane
50 Park Place
Brisbane, CA 94005-1310
415-508-2100
415-467-4989 Fax

**NOTICE OF
SHORT TERM RESIDENTIAL RENTAL
PERMIT ISSUANCE**

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.**

HOST CONTACT INFORMATION: **Jamesanne Dunn, 415-516-4290**

PERMIT EXPIRATION: **March 16, 2024**

The Zoning Administrator has determined this application to be in compliance with all operating standards and requirements of Brisbane Municipal Code (BMC) Chapter 17.35 and granted a Short-Term Rental Permit. It shall be effective Friday, March 17, 2023 unless a notice of appeal form and fee is filed with the City Clerk, Ingrida Padilla, no later than close of business on Thursday, March 23, 2023, per Brisbane Municipal Code Chapter 17.56. Appeals are subject to public hearing with the Planning Commission. To contact the City Clerk, email ipadilla@brisbaneca.org or call (415) 508-2113. A copy of the short term rental application and Zoning Administrator's approval letter containing findings and conditions of approval may be viewed on the City's website at <https://www.brisbaneca.org/str-permitlog>, and Brisbane's Short-Term Rental Permit Registry may be viewed on the City's website at <https://www.brisbaneca.org/str-registry>.

DATED: March 16, 2023



John A. Swiecki, AICP
Community Development Director

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.