



# CITY of BRISBANE

## Planning Issues Subcommittee Agenda

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Wednesday, February 10<sup>th</sup>, 2021 at 1:30 PM • Virtual Meeting

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*This meeting is compliant with the Governors Executive Order N-29-20 issued on March 17, 2020 allowing for deviation of teleconference rules required by the Brown Act. The purpose of this is to provide the safest environment for staff, subcommittee members and the public while allowing for public participation. The public may address the subcommittee using exclusively remote public comment options.*

### TO ADDRESS THE SUBCOMMITTEE

The meeting will be an exclusively virtual meeting. The agenda materials may be viewed online at [www.brisbaneca.org](http://www.brisbaneca.org) at least 72 hours prior to the meeting.

### REMOTE PUBLIC COMMENTS

Meeting participants are encouraged to submit public comments in writing in advance of the meeting. The following email and text line will be monitored during the meeting, and public comments received will be read into the record during Public Comment or during an Item.

**Email:** [aibarra@brisbaneca.org](mailto:aibarra@brisbaneca.org)

**Text:** 415-407-2675

**Call-in number during the meeting for oral communications:** 1-669-900-9128

Meeting ID: 933 5053 9092 (After entering the meeting ID and pressing #, simply press # a second time to enter the meeting waiting room. No participant code is required. Please wait on the call until a Subcommittee or Staff Member announces that the phone line is open. Dial \*6 to mute/unmute and dial \*9 to "raise hand")

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<https://zoom.us/j/93350539092?pwd=Y1hqBFlKZDRmNXh4QkNiTDIrlL3VXZz09>

Meeting ID: 933 5053 9092

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To listen to the meeting if not using computer audio, dial: 1-669-900-9128

### SPECIAL ASSISTANCE

If you need special assistance to participate in this meeting, please contact Angel Ibarra at (415) 508-2109. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**SUBCOMMITTEE MEMBERS:**

Mayor Cunningham, Councilmember Mackin

**PRESENTATIONS AND DISCUSSION ITEMS**

- A. Short Term Rentals Ordinance Implementation Update

**PUBLIC COMMENT**

**ADJOURNMENT**

**File Attachments for Item:**

Short Term Rentals Ordinance Implementation Update



# MEMORANDUM

DATE: 2/10/2021  
TO: City Council Planning Issues Subcommittee  
FROM: Clay Holstine, City Manager   
SUBJECT: **Short Term Rental Ordinance Implementation Update**

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## Background

Ordinance 655 regulating short term rentals (STRs) took effect on October 3, 2020. It replaced Urgency Ordinance 656 which contained the same substantive provisions and took effect on June 18, 2020. Despite an aggressive educational and outreach effort, only one STR permit application was submitted since June 2020. This application was rejected because it did not meet ordinance criteria. Staff conducts weekly sweeps of the two largest STR listing sites, VRBO.com and Airbnb.com, and has observed several regularly listed STRs operating without permits from the City. The number of potential STRs has been in the 10-16 range in the fall/ winter. Summer peaks were near 50.

At the City Council's direction, the City in December 2020 signed a contract with Host Compliance, a STR-specific service provider that performs STR monitoring and tracking, as well as STR permitting and tax collection. In addition to providing real-time data to the City on STR rental activity, Host Compliance can confirm the physical address of most STRs (which is shielded by most listing sites), and flag unpermitted STRs for automated code enforcement when unpermitted activity is tracked. Staff is actively working with Host Compliance over the next two months to build the customized enforcement, permitting, and tax collection platform, with launch anticipated for early April 2021.

## Discussion

In regard to tax collection there are a couple of policy issues for the subcommittee to consider. The first is collection of taxes on unpermitted STRs. It is possible that even after vigorous Code enforcement efforts, some STRs will continue to operate without the benefit of City permits. Staff believes it is appropriate for the City to collect taxes on all operating STRs, whether or not they are legally established. The second issue is whether or not the City wishes to attempt to collect back taxes dating back to when the city ordinance took effect. While Host Compliance indicates that is possible, it is unclear if the revenue would offset the cost, time and effort of collection. As such, staff recommends that the City not pursue the collection of back taxes, but rather that the City begin collecting taxes beginning with the "go live" date for the Host Compliance online permitting and tax collection platform. It is suggested that the subcommittee consider the staff recommendation and provide direction as it deems appropriate.