



MEMO

Meeting Date: December 10, 2020

From: Ingrid Padilla, City Clerk

CLH

Subject: Adopt Ordinance No. 658, an Ordinance of the City of Brisbane Rescinding Ordinance No. 656 Adopted as an Urgency Ordinance on June 18, 2020

The Ordinance listed above was introduced at the City Council Meeting of November 19, 2020. It is on this agenda for consideration of adoption.

Attachment:

Staff report from City Council Meeting of November 19, 2020



CITY COUNCIL AGENDA REPORT

Meeting Date: November 19, 2020

From: John Swiecki, Community Development Director

Subject: Short Term Rental Regulations- Adopt Ordinance 658
Rescinding Urgency Ordinance 656

Purpose

To rescind the urgency ordinance that regulated the short term rentals of residential properties in Brisbane. The non-urgency ordinance (Ordinance No. 655) that regulates short term rentals or residential properties in Brisbane went into effect on October 3, 2020 will not be affected by this action.

Recommendation

Introduce Ordinance No 658. to rescind Ordinance No. 656, an urgency ordinance that regulated short term rentals of residential properties in Brisbane.

Background

In June 2020, City Council introduced an ordinance (Ordinance No. 655) to allow permanent residents of single family dwellings to offer hosted rentals following the Zoning Administrator's approval of a short term rental permit and subject to operating standards, renewal requirements and standards to suspend or revoke a permit.

Typically an introduced ordinance must have one additional reading before the ordinance is adopted, and it is not effective until 30 days thereafter. Because City Council was not scheduled to meet over the summer, Ordinance No. 655, introduced on June 18, would not be adopted until September and would not be effective until October. Because of the community's concerns about the operation of short term rentals without regulations in place, Council not only introduced Ordinance No. 655 on June 18 but also, based on proper findings, adopted Ordinance No. 656 on an urgency basis, to take effect immediately upon its adoption. Ordinance No. 656 contains the same language and provisions as Ordinance No. 655, with the exception of a 90-day amnesty period provided for in the urgency Ordinance No. 656. The amnesty period was intended to allow for any operating short term rentals to file, obtain approval, and satisfy the conditions of approval of the required permits from the City. Any owner operating short term rental without required City permits after the amnesty period would be subject to Code enforcement action.

Council held a second reading of Ordinance No. 655 on September 3, 2020 and it became effective October 3, 2020.

Discussion

Given that Ordinance No. 655 is in full force and effect and regulates the operation of short term rentals in Brisbane, there is no longer any reason for the urgency ordinance. The attached ordinance (Attachment 1) rescinds Ordinance No. 656.

Fiscal Impact

There is no fiscal impact in adopting the ordinance to rescind Ordinance No. 656.

Attachments

1. Ordinance No. 658



John Swiecki, Community Development Director



Clay Holstine, City Manager

ORDINANCE NO. 658

AN ORDINANCE OF THE CITY OF BRISBANE RESCINDING ORDINANCE NO. 656 ADOPTED AS AN URGENCY ORDINANCE ON JUNE 18, 2020

WHEREAS, on June 18, 2020, City Council adopted on an urgency basis Ordinance No. 656 concerning short term rentals in the City of Brisbane; and

WHEREAS, also on June 18, 2020, City Council introduced on a non-urgency basis Ordinance No. 655 concerning short term rentals in the City of Brisbane; and

WHEREAS, City Council adopted Ordinance No. 655 on September 3, 2020 and Ordinance No. 655 went into effect on October 3, 2020 and remains in full force and effect; and

WHEREAS, there is no longer any need for Ordinance No. 656 as its operative provisions are embedded in Ordinance No. 655.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRISBANE ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 656 is rescinded in its entirety.

Section 2. This Ordinance shall be effective 30 days after its passage and adoption.

* * *

The above Ordinance was regularly introduced and after the waiting time required by law was thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on December 10, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Terry O'Connell, Mayor Approved

ATTEST:

as to form:

Ingrid Padilla, City Clerk



Thomas McMorrow, City Attorney