

RESOLUTION NO. 2021-54

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
ESTABLISHING SUPPLEMENTAL OCCUPANCY AND USE STANDARDS AND
PROCEDURES FOR SHORT TERM RENTAL PERMITS**

WHEREAS, the City of San Juan Bautista has adopted regulations and standards for the operation of Short Term Rentals (STRs) contained in San Juan Bautista Municipal Code Chapter 3-9; and

WHEREAS, explicit reference and enforcement of minimum health and safety standards is necessary to ensure that STRs are operated in a manner that ensures the health, safety and general welfare of STR guests and those living in the area where STRs exist; and

WHEREAS, it is necessary to establish a mechanism for the collection and remittance of the Transient Occupancy Tax (TOT) required by SJB MC Chapter 3-9; and

WHEREAS, the implementation and enforcement of such standards and practices require administration by the City Manager or designee.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby establish Supplemental Occupancy and Use Standards and Procedures, contained in Attachment 1, necessary for implementation of Short Term Rental Permits required in San Juan Bautista Municipal Code Chapter 3-9.

ADOPTED this 19th day of October 2021 at a regular meeting of the City Council of the City of San Juan Bautista by the following vote:

AYES: Jordan, Flores, Freeman

NOES: None

ABSTAIN: None

ABSENT: Edge, Freels



Leslie Q. Jordan, Mayor

ATTEST:



Trish Paetz, Deputy City Clerk

Attachment 1



City of San Juan Bautista Short Term Rental Permit

Definition:

Short Term Rental: A Short Term Rental, as defined in San Juan Bautista Municipal Code Chapter 3-9: "Short Term Rental" or "STR" means a dwelling unit or dwelling, multifamily, or any portion thereof, rented for occupancy for lodging or sleeping purposes for a period of twenty-nine (29) consecutive days or less.

A STR is further defined by the California Residential Code as an owner - occupied Lodging House with five (5) or fewer guest rooms and 10 or fewer total occupants, the construction of which was pursuant to the California Residential Code. San Juan Bautista Municipal Code provisions for Short-Term Rentals do not require owner occupancy; however Residential Code guest occupant limitations for Lodging Houses are considered by the Building Official to be most similar and therefore are applicable to these uses.

A. Application for Short Term Rental Permit:

A Short Term Rental (STR) Permit is a one-time permit that is required before any individual Short Term Rental use is initiated.

Applicants for a permit or renewal for a Short-Term Rental shall provide the following to the Planning Department:

1. Completed application form (attached);
2. Application fee of \$611;
 - Fire Safety Inspection \$116.00 per hour;
 - Housing Code safety inspections \$119.00 per hour (see checklist);
 - Planning and Zoning Inspection, permit processing \$376.00
 - Additional funds to cover further processing costs, if needed;
3. STR Renewal Fee of \$300.00, in addition to annual Business License Renewal Fee;
4. Completed and approved Fire Safety Inspection Checklist and completed and approved Housing Code Safety Checklist (attached); and
5. Completed San Juan Bautista Business License application and fee.

Inspections will be scheduled soon after an STR application is received and processed. All STR owner/operators must annually complete and submit both Fire and Building Dept Safety Inspection Checklists, along with the annual Business License renewal, by June 30 of each year.

B. Renewal and Safety Inspection Schedule:

A STR must be renewed annually at the same time a Business License Application is renewed, on July 1.

A STR permit obtained between March 1 and June 30 of any calendar year will not be required to pay a renewal fee or complete a new Building and Fire Safety Checklist for the subsequent year, and will nonetheless be required to renew the STR permit on July 1.

C. The following are prohibited for use as Short Term Rental:

1. Accessory Dwelling Units;
2. A travel trailer or recreational vehicle;
3. A multiple family dwelling building wherein more than one dwelling unit is made available for Short Term rental Use at any one time;
4. Uses defined as a Short Term Rental that do not comply with applicable Fire Code and Housing Code safety requirements as determined by the Fire Marshall and the Building Official/Housing Code Inspector; and
5. Any property containing an existing, unabated violation of the San Juan Bautista Municipal Code.

D. Enforcement: The following will result in denial or revocation of a STR permit:

1. Uncorrected or repeat 1997 Housing Code or Fire Code violations;
2. Activities that are determined by the Community Development Director to be contrary to the health, safety, general welfare of persons living in the neighborhood;
3. Failure to remit monthly transient occupancy tax as required;
4. Operating the Short Term Rental while under emergency orders from the State of California, San Benito County, or City of San Juan Bautista that prohibit such operation.
5. The STR application or renewal will be suspended or denied if there are unresolved discrepancies between the STR project site, Community Development Dept and Assessor's records. Examples of discrepancies are: building square footage, number of bedrooms, work completed without a required permit, non-permitted conversion, etc. which may have occurred at any time in the property's history.

E. Annual Renewal

A Short-Term Rental Permit must be renewed annually on or before July 1, along with a Business License renewal. The City Manager or Designee shall make the following findings prior to approval of an annual Vacation Renewal Permit: 1) The Short-Term Rental has successfully completed an annual Housing Code and Fire Code safety inspection; and 2) the Short Term Rental operation and related property are in compliance with applicable provisions of the San Juan Bautista Municipal Code.