



City of Guadalupe

Code Compliance Department

4490 Tenth Street, Guadalupe, CA 93434

Here are the steps being taken to correct the short-term rental issue.

1. Violation Notices are being sent to all the known short-term rentals for the violation of the Business license requirement. (They are being given 30 days to comply)
 - a. As part of that notice, they will be getting instructions and the forms that need to be submitted
 - b. Copies of the Short-Term Rental Registration
 - c. Copies of the Short-Term Transient Occupancy Tax Form
 - d. Copies of the Administrative Use Permit form.
 - e. And the letter also provides web links to the City's website, where they can find the forms and access the entire Short-Term rental ordinance.
2. We will create a tracking sheet where Officers can document incidents related to Short-Term rentals for the Code Compliance Officer to manage and enforce.
3. We will upload the forms to the city website for easy access.

The primary idea is to achieve voluntary compliance and give the property owners fair warning.



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Short Term Rentals

The City of Guadalupe has local ordinances that allow short-term rentals to operate within city limits as long as they comply with local City ordinances. Your property has been identified as a location where short-term rentals are offered. In order to continue the operation of your short-term rental, you must do the following.

1. Submit a completed City of Guadalupe Business License Application
2. Submit a completed Short-Term Rental Registration Application
3. Submit a completed Short-Term Rental Transient Occupancy Tax Form

For Unhosted rentals, you must also submit an **Administrative Use Permit Application**.

Unhosted short-term rental.

A short-term rental where the Host does not occupy a portion of the dwelling unit that is offered for a short-term rental during the period of the short-term rental (or does not occupy another dwelling unit located on the same property where the short-term rental is located during the period of the short-term rental).

All forms can be found on the City's website at the following link.

<https://ci.guadalupe.ca.us/document-category/permit-applications/>

For more information on the Short-Term Rental ordinance, please visit the City of Guadalupe website and look at the Municipal Code Amendments section or visit the link below.

<https://ci.guadalupe.ca.us/wp-content/uploads/2022/03/Ordinance-No.-2022-497-Regulating-Short-Term-Rentals-1-25-2022.pdf>

All applications must be completed and submitted to the City of Guadalupe Building department for processing. For more information on the building department submission and processing instructions, please get in touch with Alice Saucedo at (805) 356-3903.



City of Guadalupe Short- Term Rental Registration Application
REGISTRATION MUST BE COMPLETED ANNUALLY

A short-term rental is use or possession of or the right to use or possess any dwelling unit, or portions thereof in any dwelling unit, for residing, sleeping, or lodging purposes for less than thirty (30) consecutive calendar days, counting portions of days as full calendar days.

Address of short-term rental: _____

A **host** is any person(s) who, or entity that, is the owner of record of residential real property on which a dwelling unit, or portion thereof, is offered for short-term rental either through a hosting platform or individually as an operator.

Host name: _____ **Address:** _____

Phone: _____ **Email:** _____

In a **hosted short-term rental**, the host resides and maintains a physical presence during the short-term rental period, including being present on the property between the hours of 10:00 p.m. and 6:00 a.m. each day of the short-term rental period.

Will this short-term rental be **hosted**?

Yes

No (requires **Administrative Use Permit and local contact person**)

Local contact person for unhosted stay: Hosts must identify a **local contact person** to be available twenty-four hours per day, seven days per week during any unhosted stay. Local contact persons have additional duties as specified by Chapter 15-22 of the Guadalupe Municipal Code.

Local contact person name: _____

Address: _____

Phone: _____ **Email:** _____

Acknowledgement

I hereby acknowledge that the short-term rental at the address above complies with the City of Guadalupe Municipal Code, in particular the requirements of Chapter 15-22, the Guadalupe Zoning Ordinance and applicable health and safety standards.

Printed name

Date: _____

Signature

For City Use:

Approved by: _____ Date: _____ Expiration Date _____

Zoning: _____ Short-term rental registration number: _____

OPERATING STANDARDS AND REQUIREMENTS FOR SHORT-TERM RENTALS

A. **Legal Dwelling.** Short-term rentals may only occur within legal dwelling units with no open code compliance cases.

B. **Business license:** Any property used as a short-term rental requires approval of a City business license.

C. **One Short-Term Rental Allowed Per Host:** A Host may only operate one short-term rental in the City of Guadalupe.

D. **Annual Limit.** A dwelling unit may be occupied as an Unhosted short-term rental for no more than one hundred twenty (120) days per calendar year. There is no limit on the number of days a primary residence may be occupied as a short-term rental where the Host is present. For purposes of this Chapter, a Host is considered present when they are on the premises at all times between the hours of 10:00 p.m. and 6:00 a.m.

E. **Local Contact Person.** For Unhosted short-term rentals, Hosts shall identify to all guests and all occupants of neighboring properties a local contact person to be available twenty-four (24) hours per day, seven (7) days per week during the term of any unhosted stay. The designated local contact person shall:

1. Respond within thirty (30) minutes to complaints regarding the condition or operation of the dwelling unit or the conduct of guests; and
2. Take remedial action to resolve such complaints.
3. The local contact person shall be required to have the names of all persons who have the permission of the property owner(s) to be at the property for each short-term rental. In addition, the local contact person shall be required to have the license plate numbers for all vehicles permitted to park onsite during the time period of each short-term rental. The local contact person shall promptly provide this information any member of the Police Department upon request.

F. **Parking.** Parking shall be limited to on-site which may require that a garage be required to be made available for renters. All renters' vehicles shall be required to display a sign on the dashboard of the vehicle indicating that it is permitted to be there by permission of the property owner with the dates of the rental period listed.

G. **Special events.** 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.

H. **Outdoor space/noise:** If an Unhosted short-term rental has outdoor space such as a patio, balcony, courtyard, etc., the Host shall require renters to cease using such outdoor space no later than 9 p.m. on Sundays through Thursdays, and no later than 10 p.m. on Fridays and Saturdays.

I. **Transient occupancy tax (TOT).** Transient occupancy taxes must be collected for short-term rentals and paid to the City pursuant to Chapter 3.20 of the Guadalupe Municipal Code. Collection of transient occupancy taxes for short-term rentals shall be the responsibility of the Host.



CITY OF GUADALUPE Finance Department
918 Obispo Street * Guadalupe, CA * 93434 * (805) 356-3895

QUARTERLY TRANSIENT OCCUPANCY TAX RETURN, SHORT-TERM RENTALS

The host of each short-term rental shall file this completed return quarterly, together with the full amount of the tax collected. **Filing deadline: last day of each month following the close of the calendar quarter.**

Quarter Ending: _____

Check here if ownership has changed since last quarter's report.

Short-term rental address: _____

- 1. Gross rent from occupancy of short-term rental for this period \$ _____
- 2. Less exemption adjustments. (Note: a separate claim under penalty of perjury must be attached for each exemption listed; otherwise, the exemption will not be allowed.)
 - A. Occupancies exceeding 30 days: \$ _____
 - B. Foreign government representatives (exempt under Federal law or by international treaty): \$ _____
 - C. Federal, State, County, or City employees (traveling for official business): \$ _____
 - D. Gross rents collected by hosting platform under voluntary agreement with City of Guadalupe: \$ _____
 - E. Occupancies provided without charging of rent: \$ _____
 - F. TOTAL OF EXEMPTIONS (sum of lines 2.A - 2.E): \$ _____
- 3. Taxable rents (Line 1 minus Line 2F plus Line 3): \$ _____
- 4. Calculate tax (amount on Line 4 times six-percent (6%)): \$ _____
- 5. Add: penalties and interest if remittance is delinquent:
 - A. **Original delinquency:** 10% of the tax (in addition to the amount of the tax) \$ _____
 - B. **Continued delinquency:** 10% of the tax (in addition to the amount of the tax and the 10% penalty first imposed). \$ _____
 - C. **Interest:** to be paid at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid. \$ _____
 - D. TOTAL AMOUNT OF PENALTIES AND INTEREST (sum of lines 6.A. through 6.C.) \$ _____
- 7. **TOTAL AMOUNT DUE (add Line 4 plus Line 5D)** \$ _____

*Make check payable to **City of Guadalupe** and mail with original return to the above address.

*Keep a copy of the return and other records for three years.

I declare under penalty of perjury that the above information is true and correct.

Signature

Printed Name and Title

Date



City of Guadalupe Administrative Use Permit Application
Planning Division * 819 Obispo Street * Guadalupe, CA * 93434 * (805) 356.3903

TYPE(S) OF APPLICATION:

- Unhosted Short-term Rental (STR)
 Other: _____

PROJECT INFORMATION:

Project Name: _____ Address: _____
Assessor Parcel Number(s): _____
Existing Zoning: _____ Existing General Plan Designation: _____
Project Description: _____
(attach additional sheets if further description is needed)

APPLICANT AND PROPERTY OWNER INFORMATION:

Applicant Name(s): _____
Mailing Address: _____
Primary Phone: _____
Email: _____
Property Owner(s): _____
Mailing Address: _____
Primary Phone: _____
Email: _____

UNHOSTED STR INFORMATION:

Local Contact Person Name: _____
Mailing Address: _____
Primary Phone: _____
Email: _____
Trespass Enforcement Authorization Letter Attached: Yes No
List Number and Location of Available Onsite Parking Spaces: _____

List Number and Location of Surveillance Cameras: _____

List Outdoor Spaces Available for Renters' Use: _____

I certify that unhosted STRs are not prohibited at the project address listed above by conditions, covenants and restrictions or by rules of a homeowners or community association. _____ (Initials)

CERTIFICATION, INDEMNIFICATION AND AUTHORIZATIONS

I am the applicant in this application. I certify that I have read it, that I know its contents, and find it true and correct to the best of my knowledge and belief. I hereby agree to indemnify, defend (with counsel reasonably approved by the City), and hold harmless the City of Guadalupe and its officers, officials, employees, and agents from and against any and all claims, demands, actions, proceedings, lawsuits, losses, damages, judgments and/or liabilities by third parties arising out of, related to, or in connection with the City's approval of the project application and any related environmental approvals, development approvals or project conditions. I will reimburse the City, its agents, officers, officials, or employees, for any court costs and attorney's fees that they may be required by a court to pay as a result of such action.

Applicant Signature

Name (printed)

Date

I am the property owner. I certify that I have reviewed this completed application and the attached material, know its contents, find it true and correct to the best of my knowledge and belief, and consent to its filing. The above applicant is authorized to act for me unless I revoke this authority in writing delivered to the City of Guadalupe. City of Guadalupe staff is authorized to access the property for inspections and field investigations.

Property Owner Signature

Name (printed)

Date

For City Use:	Received by: _____	Date: _____
	AUP Fee Deposit Paid: _____	File number: _____

Todd Bodem

From: Luis Castañeda <luis@therootsdispensary.com>
Sent: Tuesday, September 13, 2022 3:34 PM
To: Amelia Villegas - City Clerk; Todd Bodem; Ariston.julian@me.com
Subject: Agenda item #16

Tuesday, September 13, 2022

Ariston Julian, Mayor
City of Guadalupe
918 Obispo Street
Guadalupe, California 93434

Re: Establishment of an eligibility list

Dear Honorable Mayor and City Council,

Before I share my thoughts on the City Council establishing an eligibility list, I want to express to your Council that the ownership and management team of The Roots appreciated the opportunity to participate in the City's retail cannabis selection process. And while we, of course, were hoping to be selected to move forward and open a dispensary in the City, we acknowledge that the process your Council followed was fair and transparent and is ultimately accountable to the good people of Guadalupe.

And we also believe that our cannabis retail operation and the City could still forge a productive relationship to provide legal, tested, and ethically sourced cannabis to residents and visitors in Guadalupe in the future. We hope that as circumstances in the City of Guadalupe change, as they always do, a door will open for the Council to consider a third dispensary. If that were to happen, we believe The Roots would be the logical choice.

Concerning your staff's recommendation that your Council authorizes the establishment of an "eligibility list" for the three applicants who were not successful in the City's selection process, we believe this is a prudent course by your Council especially in the event one or both of the candidates already selected are unable to meet the City Council's requirements for obtaining a permit to operate.

We are also in support of your staff bringing a future agenda item to the Council to deal with other issues, including establishing timelines for operators to obtain the issuance of a conditional use permit. Indeed, we believe your Council should adopt a timeline for opening lest the City finds itself a year from now with no retail cannabis storefronts operating legally in the City.

As pointed out by your staff, failure by your Council to create an eligibility list and instead formally reject our application and the others would result in the City having to start the application process over. We believe that would be a mistake because it would require significant staff time and additional expenses to the City.

Thank you for considering my views on this matter. And please don't hesitate to contact me should you have any questions.

Applicant's Request:

1). **Revise General Condition 1 - Exhibit B (Page 1 of Conditions)**

Revise Condition 1 paragraph #5 as follows:

Change From:

...the Obispo Street bridge will be constructed and functional prior to the occupancy of the first home in the Lot 1 subdivision. ~~Therefore, primary roadway access is anticipated to be fully established prior to the beginning of construction of the subdivision.~~

Replace with:

...the Obispo Street bridge will be constructed and functional prior to the occupancy of the first home in the Lot 1 subdivision. Therefore, primary roadway access is anticipated to be fully established prior to the beginning of building permit issuance for the subdivision, unless the temporary emergency access has been established to the satisfaction of the City Engineer and the Fire Department. If acceptable temporary emergency access is established for home construction, It is required that the Obispo Street bridge will be fully constructed by the developer prior to the first occupancy of the homes south of the railroad.

2). **Revise Engineering Condition 38 (Page 10)**

Amend to Read:

Park development and public facilities fees shall be paid per the master fee schedule unless otherwise stated in the Development Agreement.

3). **Revise Planning Condition #55 as follows:**

Lot 113: The 114,089 square-foot Lot 113 is not designated as a part of this subdivision. ~~Except for the lands described in Condition 56 below, the a~~ All the lands covered by Lot 113 shall be graded smooth and planted with a satisfactory ground cover to provide a level, clean, attractive, and dust-free surface until such time as a permanent use established for the area