

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

Chapter 8.24 FIREWORKS

8.24.010 Public celebration or display-Permit and conditions.

The City Council may, upon request in writing, permit any person or organization to conduct a public celebration or display of fireworks, and for that purpose to use and discharge or explode fireworks and explosives, or either of them, from any location designated in the permit under such conditions as the City Council may fix and establish upon granting such permission.

8.24.020 discharging illegal fireworks prohibited.

It is unlawful for any person to light, fire, shoot, discharge, set off or explode any blank cartridges for small arms, or fireworks, other than safe and sane fireworks as defined by Section 12529 of the California Health and Safety Code between the hours of 11:00 a.m. and 11:59 p.m. on the 4th of July within the corporate limits of the City.

8.24.030 Violation-Penalty.

Any person guilty of violating any of the provisions of this chapter, or performing any act declared by this chapter to be unlawful, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine and/or imprisonment, in accordance with the general penalty provisions then in effect in the City, pursuant to Chapter 1.08 of this code, as amended.

Chapter 8.60 PARTY DISTURBANCES.

8.60.010 Purpose.

The City determines that it is in the best interest of all its residents that parties which deprive neighbor residents of their right to peace, safety and tranquility be subject to certain regulations designed to control disturbances.

8.60.020 Definitions.

- (a) "Residence" means the private domain, dwelling, house, household, apartment, townhouse or other structure designed, or being used, for human habitation.
- (b) "Resident" means the person or persons residing at or in the residence.
- (c) "Commercial" means an establishment, building or location normally associated with wholesale and/or retail business.
- (d) "Party" is a gathering or assemblage of a group of three or more persons for the purpose of mutual enjoyment or entertainment.
- (e) "Party Disturbance" is a circumstance or event at a party that deprives other neighbor residents of the safe or quiet enjoyment of their residences. "Party disturbance" includes, but is not limited to, a sound which is plainly audible to a person of average hearing at a distance of fifty (50) feet from the noisemaker, or across any property line from the noisemaker, whichever distance is less, and:
 - (1) endangers or injures the safety or health of human beings or animals; or
 - (2) annoys or disturbs reasonable persons of average sensibilities; or
 - (3) endangers or injures personal or real property.
- (f) "Neighbor" means the person(s) residing within the immediate geographical area of the disturbance.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- (g) "Notice of Party Disturbance" means the lawful advisement by a Peace Officer to the host or sponsor of a party being a disturbance to the neighborhood.
- (h) "Host" or "hosting" means the resident(s) of the disturbing location, or the person(s) or the act of residing at or sponsoring or facilitating the party at the residence or commercial location.
- (i) "Peace Officer" means any person defined by the California Penal Code as a Peace Officer.

8.60.030 Party disturbances prohibited.

No person(s) may persist or continue in hosting a party at a residence or upon commercial property, under the following conditions:

- (a) Upon complaint to the Police Department by a neighbor that the circumstances or event at a party constitutes a party disturbance.
- (b) A Peace Officer counsels the host or resident and issues a "Notice of Party Disturbance."

8.60.040 Violations.

Any person(s) persisting or continuing in hosting a party disturbance after notice as set out in Section 8.60.030(b) above that the event or circumstance constitutes a party disturbance is guilty of a misdemeanor.

8.60.050 Administrative Costs.

- (a) The person(s) persisting or continuing in hosting a party disturbance in violation of this chapter shall pay administrative costs to the City of Guadalupe. If any of these persons is a minor, then the parents or guardian of the minor shall be jointly and severally liable to pay administrative costs.
- (b) Administrative costs relating to a violation of this chapter shall begin to accrue when police respond to a neighbor complaint under Section 8.60.030(a) and shall include the following: Police personnel at special security assignment rate, equipment cost, damage to City property and/or injuries to City personnel.

15.08.020 2019 California Fire Code amendments.

101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title.

These regulations shall be known as the *Fire Code of the City of Guadalupe*, hereinafter referred to as "this code."

104 GENERAL AUTHORITY AND RESPONSIBILITY

104.1.1 Peace Officer Powers.

The Fire Chief, Fire Captains, Fire Inspectors, and other personnel as authorized by the Fire Chief shall have the powers of police officers in performing duties under this code and shall have powers of peace officers as provided by California Penal Code Section 830.37 and shall have authority to issue citations.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

104.11 Authority at Fires and Other Emergencies.

The Fire Chief or designee in charge at the scene of a fire or other emergency involving the protection of life, environment, or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the Fire Chief or designee is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any person, vehicle, vessel or thing which could impede or interfere with the operations of the Fire Department and, in the judgment of the Fire Chief or designee, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of the environment and property in the vicinity thereof.

105 PERMITS

105.6 Required operational permits.

The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.50 of the California Fire Code.

107 INSPECTIONS

107.1 Inspection authority.

The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 of the California Fire Code for the purpose of enforcing this code.

109 BOARD OF APPEALS

109.1 Board of Appeals.

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Code Official relative to the application an interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Fire Code Official shall be an ex officio member of said Board but shall have no vote on any matter before the Board. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Fire Code Official.

109.1.1 Appeals Process. Whenever a Fire Inspector or other Fire Department member disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this code do not apply or that the true intent and meaning of this code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Inspector or other Fire Department member to the Fire Chief IN WRITING within 15 calendar days from the date of the decision.

109.1.2 Appeals Process. Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this code do not apply or that the true intent and meaning of this code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the Board of Appeals IN WRITING within 15 calendar days from the date of the decision.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

110 VIOLATIONS

110.2 Owner/occupant responsibility.

Correction and abatement of violations of this code shall be the responsibility of the owner or owners authorized agent. Where an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

110.4 Violation-Penalties. Persons who shall violate a provision of this code, the Guadalupe Municipal Code, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment not exceeding 180 calendar days, or both such fine and imprisonment for each violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. The Fire Code Official may also cause an administrative action to be initiated in accordance with Title 1, Chapters 1.10 and 1.11 of the Guadalupe Municipal Code.

112 STOP WORK ORDER

112.4 Failure to Comply.

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor and subject to the penalties set forth in Section 110.4 of this code. The Fire Code Official may also cause an administrative action to be initiated in accordance with Title 1, Chapters 1.10 and 1.11 of the Guadalupe Municipal Code.

114 FIRE WATCH

114.1 When Required.

Fire watch shall be provided as follows:

1. When required by other sections of this code.
2. When the Fire Code Official deems a condition essential for public safety.
3. When the Fire Code Official determines that conditions may result in a rekindle.

114.1.1 Financial Responsibility. The property owner, the tenant or occupant in control of the premises shall be responsible for all costs of providing a fire watch.

114.2 Qualifications. Personnel assigned to fire watch duties shall possess the following minimum qualifications:

1. Shall be at least 18 years of age.
2. Shall be able to speak, read, write and understand English.
3. Shall be capable of executing the duties and responsibilities as specified in 114.4.
4. Shall be capable of operating a mobile telephone device and/or portable radio.
5. Shall be capable of inspecting all portions of their assigned watch area.

114.3 Number and Hours. The Fire Code Official shall specify the minimum number of fire watch personnel required and the hours during which they must be present based on the conditions and size of the facility.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

114.4 Duties and Responsibilities. Duties and responsibilities of persons assigned fire watch duties include, but are not limited to the following:

1. To know the address of the facility being watched.
2. To be equipped with a mobile telephone device that can be used to contact 9-1-1 or a portable radio that can be used to communicate with a constantly attended security/communications center.
3. To continuously make rounds and monitor all assigned areas.
4. To immediately report any sign of smoke, fire or other emergency to 9-1-1 or to the security/communications center.
5. To activate the building fire alarm system when the building is equipped with such a system or notify those present to evacuate the building or area.
6. To assist with the evacuation of people present in the area.
7. To keep a fire watch log that, as a minimum, includes the following information:
 - a. Identifies the building or area by name and address that is under watch.
 - b. The date and time each round or tour is completed, plus comments on what was observed. Each entry shall contain the name and signature of the person conducting the watch.
 - c. Fire watch logs shall be immediately accessible for review by the Fire Code Official. A copy of the fire watch log shall be retained by the owner or agent of the facility being protected.
8. To continue the fire watch until permission has been received from the Guadalupe Fire Department to terminate the fire watch activities.
9. Fire watch personnel shall not be assigned additional duties during their fire watch tour.

CHAPTER 3 GENERAL REQUIREMENTS

304 COMBUSTIBLE WASTE MATERIAL

304.1.2 Vegetation.

Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirements in urban/wildland interface areas shall be in accordance with Chapter 49. Refer to Guadalupe Municipal Code Chapter 8.16 for weed, trash and debris removal and abatement procedures.

307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1.2 Combustible Refuse Prohibited Open Burning. A person shall not burn any combustible refuse in any open outdoor fire within the City. Burning in any incinerator is prohibited except with a permit issued by the Fire Code Official and in accordance with Federal, State and Local requirements.

EXCEPTIONS:

1. Barbeque and recreational fires (camp fires).
2. Agricultural burning with a permit issued by the Fire Code Official and in accordance with Federal, State and Local requirements.
3. Fires set under public authority.

308 OPEN FLAMES

308.1.4 Open-Flame Cooking Devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3,048 mm) of combustible construction.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

308.1.4.1 Liquefied-Petroleum-Gas-Fueled Cooking Devices. LP-gas burners having an LP-gas container shall not be located on combustible balconies or within 10 feet (3,048 mm) of combustible construction.

311 VACANT PREMISES

311.1 General. Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, or buildings damaged by fire or other disaster shall be safeguarded and maintained in accordance with this section.

311.1.1 Abandoned Premises. Buildings, structures and premises for which an owner cannot be identified or located by dispatch of a certificate of mailing to the last known or registered address, which persistently or repeatedly becomes unprotected or unsecured, which have been occupied by unauthorized persons or for illegal purposes, or which present a danger of structural collapse or fire spread to adjacent properties shall be considered abandoned, declared unsafe and abated by demolition or rehabilitation as directed by the Building Official and Fire Code Official.

311.1.3 Buildings or Property Damaged by Fire or Disaster. The owner, occupant, or other person having under their control any property or materials on property damaged by fire or other disaster, when access by the public is possible, shall secure the property either by boarding up all openings, fencing, barricading, or other appropriate measures as approved by the Fire Code Official. Within 15 calendar days after written notice by the Fire Code Official to do so has been served, all debris, and/or damaged materials shall be removed from the property and deposited in accordance with Federal, State, and local requirements or proof of contractual arrangements that have been made for demolition, replacement, or repair of all fire or disaster damaged structures remaining on the property.

311.1.4 Authority to Secure Property Damaged by Fire or Other Disaster. The Fire Code Official shall be empowered to initiate necessary actions to secure property damaged by fire or other disaster and/or remove and dispose of debris, and other damaged materials when, after giving notice to the owner of record of the property, the owner fails to secure the property and/or remove debris as ordered by the Fire Code Official.

311.1.5 Cost Recovery. The Fire Code Official is authorized to initiate any and all actions necessary to recover the costs of securing property damaged by fire or other disaster and/or removing and disposing of debris, and other damaged materials when, after giving notice to the owner of record of the property, the owner fails to secure the property and/or remove debris and the City provides the service either through the use of City resources or a contractor.

312 VEHICLE IMPACT PROTECTION

312.2 Posts. Guard posts shall comply with all of the following requirements:

1. Constructed of steel not less than 4 inches (102 mm) in diameter and concrete filled.
2. Spaced not more than 3 feet (914 mm) between posts on center.
3. Set not less than 3 feet (914 mm) deep in a concrete footing of not less than 18-inch (458 mm) diameter.
4. Set with the top of the posts not less than 3 feet (914 mm) above ground.
5. Located not less than 3 feet (914 mm) from the protected object.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

316 HAZARDS TO FIRE FIGHTERS

316.7 Fog, Smoke or Gas Emitting Systems. No system or device shall be installed in any building or portion of a building which, as a part of its operation discharges any fog, gas, smoke, vapor, liquid, or other product when the design of the system discharge is to obscure the vision of any person, cause disorientation, or incapacitate any person within the building or portion thereof. Nothing in this section is intended to preclude the connection of an alarm system to any fire suppression system.

CHAPTER 4 EMERGENCY PLANNING AND PREPAREDNESS

401 GENERAL

401.3.5 Hazardous Materials Events. In the event an unplanned or unwanted release of hazardous materials occurs on a property, the owner or occupant shall immediately report such condition to the Fire Department.

403 EMERGENCY PREPAREDNESS REQUIREMENTS

403.12.1.2 Duties. Duties for persons assigned fire watch responsibility in places of assembly shall be in accordance with Chapter 1, Sections 114.1, 114.1.1, 114.2, 114.3 and 114.4.

CHAPTER 5 FIRE SERVICE FEATURES

503 FIRE APPARATUS ACCESS ROADS

503.4.2 Removal of Obstructions. The Fire Code Official shall have the power and authority to remove or cause to be removed, without notice, any vehicle, vessel, or thing parked or placed in violation of any or all sections of this code. The owner of any item so removed shall be responsible for all charges connected therewith.

503.4.3 Cost Recovery. The Fire Code Official is authorized to initiate any and all actions necessary to recover the costs of removal and storage of any vehicle, vessel, or thing parked or placed in violation of any or all sections of this code when the City provides the service either through the use of City resources or a contractor.

503.6.1 Electrically Operated Gates. All electrically operated gates which are installed across required fire access roads or pathways shall have a Knox brand access switch installed which will open the gate. The switch shall be installed so it will open the gate and the gate will remain in the open position until re-set by the Fire Department. The gate shall have a manual means of opening in the event of a power failure and shall be accessible from the exterior of the property.

503.6.2 Manually Operated Gates. All manually operated gates installed across required fire access roads or pathways and which are locked shall have a Knox brand padlock installed. The Knox padlock shall be integrated with any other lock in such a manner as to allow the gate to be opened by unlocking the Knox padlock only.

505 PREMISES IDENTIFICATION

505.1 Address Numbers. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches in

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

height with a minimum stroke width of 0.5 inch (12.7 mm) for residential occupancies and 6 inches (152 mm) high with a minimum stroke width of 0.75 inch (19 mm) for commercial and industrial occupancies. Numbers and/or letters of larger size may be required based on the size and design of the building or group of buildings. Where access is by means of a private road and the building cannot be viewed from the public way, a monument pole or sign or means shall be used to identify the structure. Address identification shall be maintained.

505.1.1 Rear Door Address Numbers. All commercial and industrial buildings with access via an alley or other similar roadways shall have the address number, unit or suite number, and street name provided on or adjacent to the rear door of the building or tenant space. These numbers shall contrast with their background. Address and suite numbers shall be Arabic numerals or alphabet letters, shall be a minimum of 6 inches (152 mm) high with a minimum stroke width of 0.75 inch (19 mm). The street name shall be a minimum of 4 inches in height with a minimum stroke width of 0.5 inch (12.7 mm). Numbers and/or letters of larger size may be required based on the size and design of the building or group of buildings.

505.1.2 Address Directory. All buildings, or groups of buildings served by an alley, private driveway or similar roadway system, shall be provided with an address directory at every entrance to the property. The design of the directory shall be in accordance with standards set forth by the Fire Code Official. The directory shall be maintained by the property owner, Homeowner's Association, or other individual or group in charge of the property.

506 KEY BOXES

506.1 Where Required. All new commercial occupancies shall have a Knox brand key box installed as directed by the Fire Code Official. Existing commercial occupancies shall install a Knox key box as directed by the Fire Code Official when a Building Permit is obtained for any work. The key box shall contain keys that will allow the Fire Department access to all portions of the building. The keys shall have a tag affixed identifying their purpose.

506.1.1 Locks. All gates or similar barriers across required Fire Department access roads or pathways shall have a Knox brand padlock installed in addition to any lock placed by the property owner or tenant. The Knox padlock shall be integrated with any other lock in such a manner as to allow the gate to be opened by unlocking the Knox padlock only.

506.2 Key Box Maintenance. The owner, manager or other person in charge of a property shall notify the Fire Code Official and provide new key(s) when a lock is changed or re-keyed within 5 working days of the change. Upon notification, the Fire Code Official will make arrangements to place the new key(s) in the key box.

506.3 Responsibility. Correction and abatement of violations of section 506.1 and 506.1.1 of this code shall be the responsibility of the owner or owners authorized agent.

507 FIRE PROTECTION WATER SUPPLIES

507.5.4.1 Removal of Obstructions. The Fire Code Official shall have the power and authority to remove or cause to be removed, without notice, posts, fences, vehicles, growth, trash, storage and other materials or objects or thing parked or placed in violation of Section 507.5.4. The owner of any item so removed shall be responsible for all charges connected therewith.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

507.5.4.2 Cost Recovery. The Fire Code Official is authorized to initiate any and all actions necessary to recover the costs of removal and storage of any posts, fences, vehicles, growth, trash, storage and other materials or objects or thing parked or placed in violation of Section 507.5.4 when the City provides the service either through the use of City resources or a contractor.

507.5.5 Clear Space Around Hydrants. A 5-foot (1.5 m) clear space shall be maintained around the circumference of fire hydrants except as otherwise approved by the Fire Code Official.

509 FIRE PROTECTION AND UTILITY EQUIPMENT IDENTIFICATION AND ACCESS

509.1 Identification. Fire protection equipment shall be identified in an approved manner. Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the Fire Department. All signage shall be designed and installed in accordance with Guadalupe Fire Department Standards.

509.1.1 Utility Identification. Where required by the fire code official, gas shutoff valves, electric meters, service switches and other utility equipment shall be clearly and legibly marked to identify the unit or space that it serves. Identification shall be approved by the Fire Code Official, readily visible and shall be maintained.

509.1.2 Sign Maintenance. All signs required by this code shall be maintained in a legible condition and replaced or repaired as required by the Fire Code Official.

CHAPTER 6 BUILDING SERVICES AND SYSTEMS

603 FUEL-FIRED APPLIANCES

603.4 Portable Unvented Heaters. The use of portable unvented fuel-fired heating equipment shall be prohibited in all occupancies except where a permit has been issued by the Fire Code Official and the Building Code Official.

Exception: Portable outdoor gas-fired heating appliances shall be allowed in accordance with Section 603.4.2.

604 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

604.9 Temporary Wiring. Temporary wiring for electrical power and lighting installations is allowed for a period not to exceed 90 days upon issuance of a permit by the Fire Code Official and the Building Code Official. Temporary wiring methods shall meet the applicable provisions of the California Electrical Code.

Exception: Temporary wiring for electrical power and lighting installations is allowed during periods of construction, remodeling, repair or demolition of buildings, structures, equipment or similar activities.

607 COMMERCIAL KITCHEN HOODS

607.3.4.1 Hood Servicing. A certificate of inspection/service shall be forwarded to the Guadalupe Fire Department within 5 working days of completion of the 6-month service, or upon service rendered after the activation of any fire suppression system. The submission of the certificate of inspection service is the responsibility of the contractor performing the service. The certificate may be a copy of the invoice as long as it has the required information contained therein. The certificate shall include:

1. The name, address and phone number of the licensed contractor performing the service.
2. The name, address and phone number of the business for whom the service is being done.
3. Date and time of the service.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

4. Make, model, and manufacturer of the system.
5. A detailed list of all work completed on the system (clean nozzles, replace links, recharge system).
6. Specific date of the previous service on the system.
7. The cleanliness of the hood and associated appliances.
8. Alterations to the system or appliances that causes the system to be out of compliance with the manufacturer's specifications.

CHAPTER 9 FIRE PROTECTION SYSTEMS

901 GENERAL

901.7 Systems Out of Service. Where a required fire protection system is out of service, the Fire Code Official shall be notified immediately and, where required by the Fire Code Official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service. Where utilized, fire watches shall comply with the provisions of Chapter 1, Sections 114.1, 114.1.1, 114.2, 114.3 and 114.4 of this code.

903 AUTOMATIC SPRINKLER SYSTEMS

903.2 Where Required. Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in this section, regardless of construction type, occupancy separation walls or area separation walls.

903.2.1 Group A. All Group A-1, A-2, A-3, and A-4 occupancies shall be equipped with an automatic fire sprinkler system throughout the building.

903.2.2 Group B Ambulatory Health Care Facilities. An automatic sprinkler system shall be installed throughout the building in all Group B ambulatory health care facility occupancies when either of the following conditions exist at any time:

1. Four or more care recipients are incapable of self-preservation.
2. One or more care recipients who are incapable of self-preservation are located at other than the level of exit discharge serving such an occupancy.

903.2.2.1 Group B. All Group B occupancies other than those described in Section 903.2.2 shall be equipped with an automatic fire sprinkler system throughout the building when the gross floor area is more than 5,000 square feet.

903.2.3 Group E. All Group E occupancies shall be equipped with an automatic fire sprinkler system throughout the building.

903.2.4 Group F. All Group F occupancies shall be equipped with an automatic fire sprinkler system throughout the building when the gross floor area is more than 2,500 square feet (233 m²).

903.2.4.1 Woodworking Operations. Refer to section 903.2.4.

903.2.6 Group I. All Group 1 occupancies shall be equipped with an automatic fire sprinkler system throughout the building.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

903.2.7 Group M. All Group M occupancies shall be equipped with an automatic fire sprinkler system throughout the building when the gross floor area is more than 5,000 square feet.

903.2.9 Group S. All Group S occupancies shall be equipped with an automatic fire sprinkler system throughout the building when the gross floor area is more than 2,500 square feet (233 m²).

903.2.21 Speculative Building Defined. Any F, M, or S occupancy required by this code to be equipped with automatic fire sprinklers throughout the building in which the tenant is not identified at the time of application for a building permit shall be considered a speculative building.

903.2.21.1 Speculative Building, Sprinkler System Design. Automatic fire sprinkler systems in speculative buildings as defined in Section 903.2.20 with an interior clear height of 12 feet or less shall have a minimum design of .20 gallons per minute over a 2,500 square foot design area (.20/2500).

903.2.21.2 Speculative Building, Sprinkler System Design. Automatic fire sprinkler systems in speculative buildings as defined in Section 903.2.20 with an interior clear height of more than 12 feet shall be designed as set forth in Section 206.2.2 of this code (High-piled storage).

903.2.22 Additions or alterations. Automatic fire sprinkler system throughout the building shall be provided when:

- a. Additions to existing buildings adds more than 50% of the existing square footage to the structure and results in a total square footage in excess of 1,500 (one thousand five hundred) square feet;
- b. Alterations to Group A, B as described in section 903.2.2. E, F, and S encompass more than 50% of the existing square footage of the structure or is in excess of 1,500 (one thousand five hundred) square feet where there is a change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
- c. Alterations to Group B other than those described in Section 903.2.2 and M encompass more than 50 % of the existing square footage of the structure or is in excess of 3,000 (three thousand) square feet or where there is change of occupancy to a more hazardous use as determined by the Building Official or Fire Chief;
- d. Alterations to Group R encompass more than 50% of the existing square footage of the structure or is in excess of 2,000 (two thousand) square feet or where there is a change of occupancy to a more hazardous use as determined by the Building Official or the Fire Chief;
- e. These requirements will be applicable to the combined square footage of all building permit issued for the address or site within the last five years. Buildings or structures separated by less than ten (10) feet shall be considered as a single building or structure.

904 ALTERNATIVE AUTOMATIC FIRE EXTINGUISHING SYSTEMS

904.12.6 Wood or Wood Product Fueled Cooking. All commercial-type cooking equipment using wood or wood products as fuel shall be protected by an automatic sprinkler system within the hood and the duct work. The water supply may be provided from the building's fire sprinkler system, or the domestic water supply. The minimum water flow calculation shall be 20 gallons per minute (76 gpm)

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

at 7 psi (.5 bar) for each head. There shall be a separate control valve for the fire sprinkler system protecting the commercial-type cooking equipment.

905 STANDPIPE SYSTEMS

905.13 Fire Hose Requirements. The Fire Code Official may, upon written request of the property owner, waive the requirement for fire hose in conjunction with required standpipe systems.

906 PORTABLE FIRE EXTINGUISHERS

906.3.5 Minimum Fire Extinguisher Rating. The minimum rating for a required fire extinguisher as set forth in this code shall be 2A10BC.

907 FIRE ALARM AND DETECTION SYSTEMS

907.11 False Alarms. The Fire Code Official is authorized to seek cost recovery for a Fire Department response to an alarm system activation which is determined to be a false alarm caused by system malfunction, system misuse or other non-emergency causes.

907.11.1 False Alarm Frequency. The cost recovery fee will be charged for all responses after the second false alarm in a calendar year.

907.11.2 False Alarm Fee. The amount of the cost recovery fee will be as set forth in the City of Guadalupe User Fees Schedule. Additional fees may be charged for extraordinary circumstances.

907.11.3 False Alarm-Legal Action. The Fire Code Official may initiate civil or criminal action as set forth in Guadalupe Municipal Code Chapters 1.10 and 1.11.

912 FIRE DEPARTMENT CONNECTIONS

912.5 Signage. All Fire Department connections, fire sprinkler risers, standpipe connections, and fire pump connections shall be provided with a sign identifying its location in accordance with standards established by the Fire Code Official. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portion of the building served.

912.5.1 Existing Buildings. All existing buildings equipped with a Fire Department connection, fire sprinkler riser, standpipe connections, and fire pump connections shall have installed, signs as described in Section 912.5 when required by the fire code official.

912.8 Clear Space Makings. A 5-foot (1.5 m) clear space shall be maintained in front the fire department connection when placed directly in front of a parking area or road. Where the clearance required intrudes into the road or parking area the Fire Lane Curb Painting Requirements in section D103.6.4 must be applied.

CHAPTER 10 MEANS OF EGRESS

1004 OCCUPANT LOAD

1004.6 Fixed Seating. For areas having fixed seats and aisles, the occupant load shall be determined by the number of fixed seats installed therein. The occupant load for areas in which fixed seating is not installed, such as waiting spaces and wheelchair spaces, shall be determined in accordance with Section 1004.5 and added to the number of fixed seats. The occupant load of seating booths shall be

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

based on one person for each 24 inches (610 mm) of booth seat length measured at the backrest of the seating booth.

1004.6.1 Bench Seating. For areas having fixed seating without arms, the number of persons for exiting design shall be based on one person for each 18 inches (457 mm) of length of the fixed seating. For occupant load and seat assignment, the number of persons shall be based on one person for each 24 inches (610 mm) of length of the fixed seating. Fractional measurements shall be rounded down to the next lowest occupant number.

1013 EXIT SIGNS

1013.7 Floor Level Exit Signs. All buildings, or portions of a building with an occupant load of 50 or more shall be provided with floor level exit signs. The floor level exit signs shall be readily visible from any direction of egress travel. Access to exits shall be marked by readily visible floor level exit signs in cases where the exit or the path of egress travel is not immediately visible to the occupants. Floor level exit sign placement shall be such that no point in a corridor is more than 100 feet (30.5 m) or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign.

1013.7.1 Installation. Floor level exit signs shall be installed so the bottom of the sign is not less than 6 inches (152 mm), nor more than 12 inches (305 mm) above the adjacent grade. The sign shall be installed on the latch side of exit doors and shall be not less than 4 inches from the door opening.

1013.7.2 Floor Level Exit Sign Illumination. All floor level exit signs shall be illuminated as set forth in Sections 1013.3, 1013.5 and 1013.6.

1028 EXIT DISCHARGE

1028.5.1 Access Way Design. Required exits for all buildings shall be provided with an all-weather surface walkway from the exit discharge to a public way or safe dispersal area as defined in Section 1028.5. The minimum design for the all-weather surface walkway shall be:

1. 48 inches in width (1.2 m) (Greater width may be required based on building occupant load)
2. 84 inches clear overhead (2.5 m)
3. Asphalt or concrete material

1029 ASSEMBLY

1029.18 Bench Seating. Where bench seating is used, the number of persons for exiting design shall be based on one person for each 18 inches (457 mm) of length of the bench. For occupant load and seat assignment, the number of persons shall be based on one person for each 24 inches (610 mm) of length of the bench. Fractional measurements shall be rounded down to the next lowest occupant number.

CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

1104 MEANS OF EGRESS FOR EXISTING BUILDINGS

1104.3.1 Floor Level Exit Signs. All existing buildings with an occupant load of more than 50 persons shall provide floor level exit signs as set forth in Sections 1013.7, 1013.7.1 and 1013.7.2 when the owner or the owner's agent applies for a building permit to perform work with a value in excess of \$10,000.00.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

1104.26 Access Way Design. All existing buildings shall provide an all-weather surface walkway from the exit discharge to a public way or safe dispersal area as defined in Section 1028.5 when the owner or the owner's agent applies for a building permit to perform work with a value in excess of \$10,000.00. The minimum design for the all-weather surface walkway shall be:

1. 48 inches in width (1.2 m) (greater width may be required based on building occupant load).
2. 84 inches clear overhead (2.5 m).
3. Asphalt or concrete material.

CHAPTER 23 MOTOR FUEL DISPENSING FACILITIES AND REPAIR GARAGES

2306 FLAMMABLE AND COMBUSTIBLE LIQUID MOTOR FUEL-DISPENSING FACILITIES

2306.2.3.1 Fire Protection. All above-ground storage tanks for Class I, II, IIIA, and IIIB liquids shall be protected by an automatic water spray system designed and installed in accordance with NFPA Standard #15. The system shall be activated by a manual pull station and heat detectors proportionally spaced around the tank within the containment area.

Exception: Above-ground storage tanks with a fire resistance rating of 2 hours or more.

2306.2.3.2 Conditional Use Permit. Storage of Class I, II, IIIA, or IIIB liquids in above-ground tanks is not permitted in all areas of the City, except those zoning districts where the use is permitted subject to approval of a conditional use permit and a valid conditional use permit is in effect.

2306.2.3.3 Operational Permit. An annual operational permit is required as set forth in section 105.1.6, 105.6.17, and 105.6.31.

2306.4 Physical Protection. Guard posts complying with Section 312 or other approved means shall be provided to protect above-ground tanks against impact by a motor vehicle.

2306.5.1 Identification Placard for Above-ground Tanks. All above-ground tanks containing Class I, II, IIIA, or IIIB liquids shall have an identification placard permanently affixed to it. The identification placard shall have the following information:

- a. Tank owner's name.
- b. Physical address of the tank installation.
- c. Product contained in tank.
- d. Tank capacity.

2307 LIQUEFIED PETROLEUM GAS MOTOR FUEL-DISPENSING FACILITIES

2307.1.1 Conditional Use Permit. Storage, dispensing and use of liquefied petroleum gas in aboveground tanks exceeding 450 gallons is not permitted in all areas of the City, except those zoning districts where the use is permitted subject to approval of a conditional use permit and a valid conditional use permit is in effect.

2307.1.2 Identification Placard for Above-ground Tanks. All above-ground tanks containing liquefied petroleum gas exceeding 450 gallons shall have an identification placard permanently affixed to it. The identification placard shall have the following information:

- a. Tank owner's name.
- b. Physical address of the tank installation.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- c. Product contained in tank.
- d. Tank capacity.

2307.1.3 Operational Permit. An annual operational permit is required as set forth in section 105.1.6, 105.6.28, and 105.6.31.

230S COMPRESSED NATURAL GAS MOTOR FUEL-DISPENSING FACILITIES

2308.1.1 Conditional Use Permit. Storage, dispensing and use of compressed natural gas in aboveground tanks is not permitted in all areas of the City, except those zoning districts where the use is permitted subject to approval of a conditional use permit and a valid conditional use permit is in effect.

2308.1.2 Identification Placard for Above-ground Tanks. All above-ground tanks containing compressed natural gas shall have an identification placard permanently affixed to it. The identification placard shall have the following information:

- a. Tank owner's name.
- b. Physical address of the tank installation.
- c. Product contained in tank.
- d. Tank capacity.

2308.1.3 Operational Permit. An annual operational permit is required as set forth in section 105.1.6 and 105.6.31.

2309 HYDROGEN MOTOR FUEL-DISPENSING AND GENERATION FACILITIES

2309.1.1 Conditional Use Permit. Storage, dispensing, generation, and use of hydrogen gas in aboveground tanks is not permitted in all areas of the City, except those zoning districts where the use is permitted subject to approval of a conditional use permit and a valid conditional use permit is in effect.

2309.1.2 Identification Placard for Above-ground Tanks. All above-ground tanks containing hydrogen gas shall have an identification placard permanently affixed to it. The identification placard shall have the following information:

- a. Tank owner's name.
- b. Physical address of the tank installation.
- c. Product contained in tank.
- d. Tank capacity.

2309.1.3 Operational Permit. An annual operational permit is required as set forth in section 105.1.6 and 105.6.31.

CHAPTER 31 TENTS AND OTHER MEMBRANE STRUCTURES

3103 TEMPORARY TENTS AND MEMBRANE STRUCTURES

3103.2 Approval Required. Tents and membrane structures having an area in excess of 400 square feet (37 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the Fire Code Official.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

Exceptions:

1. Tents used exclusively for recreational camping purposes.

3103.4 Permit. An operational permit is required as set forth in section 105.6 and 105.7 prior to occupation.

CHAPTER 32 HIGH PILED COMBUSTIBLE STORAGE

3206 GENERAL FIRE PROTECTION AND LIFE SAFETY FEATURES

3206.2.2 Speculative Building. Group F, M, and S speculative buildings as defined in Section 903.2.21 having an interior clear height greater than 12 feet where high piled storage may accrue shall comply with this chapter. The storage height shall be determined by subtracting 48 inches from the highest point of the roof above each system for ESFR and 30 inches from the highest point of the roof above each system for area density applications.

3206.2.3 Minimum Sprinkler Design Requirements for Speculative Buildings. The design of the automatic sprinkler system for speculative buildings as defined in Sections 903.2.21.2 and 3206.2.2 shall be based on storage of a cartooned Class A non-expanded plastic to the available storage height. The storage height shall be determined by subtracting 48 inches from the highest point of the roof above each system for ESFR and 30 inches for area density applications.

CHAPTER 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

3303 TEMPORARY HEATING EQUIPMENT

3303.1.1 Temporary Heating Equipment. The use of temporary fuel-fired heating equipment shall be prohibited in all occupancies except where a permit has been issued by the Fire Code Official and Building Code Official.

3304 PRECAUTIONS AGAINST FIRE

3304.5 Fire Watch. When required by the Fire Code Official for building demolition that is hazardous in nature, qualified personnel shall be provided as an on-site fire watch. The Fire Watch shall meet the requirements set forth in Chapter 1, Sections 114.1, 114.1.1, 114.2, 114.3 and 114.4.

3310 ACCESS FOR FIRE FIGHTING

3310.1.1 Inspection. The Fire Code Official shall inspect and approve the Fire Department access prior to the issuance of a building permit.

3311 MEANS OF EGRESS

3311.3 Temporary Exit Signage. All buildings under construction or undergoing demolition shall be provided with temporary exit signage when anyone or more of the following conditions are present:

1. The building is 2 or more stories in height.
2. The building is 10,000 square feet or larger.
3. When in the opinion of the Fire Code Official, exit signage is necessary due to the design of the building or other unusual circumstances are present.

The location and design of the exit signs shall be determined by the Fire Code Official.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

3312 WATER SUPPLY FOR FIRE PROTECTION

3312.1 When Required. An approved water supply system for fire protection shall be installed and made fully operational prior to the delivery of combustible material to a job site.

3312.1.1 Inspection. The Fire Code Official shall inspect and approve the water system prior to the delivery of combustible materials at the job site.

3315 PORTABLE FIRE EXTINGUISHERS

3315.1 Where Required. Structures under construction, alteration or demolition shall be provided with not less than one approved portable fire extinguisher in accordance with Section 906 and sized for not less than ordinary hazard as follows:

1. At each stairway on all floor levels where combustible materials have accumulated.
2. In every storage and construction shed.
3. Throughout the building under construction in sufficient quantity so travel distance does not exceed 75 feet (23 m).
4. The minimum rating for fire extinguishers shall be 2A10BC.
5. Additional portable fire extinguishers shall be provided where special hazards exist including, but not limited to, the storage and use of flammable and combustible liquids.

CHAPTER 56 EXPLOSIVES AND FIREWORKS

5605 MANUFACTURE, ASSEMBLY AND TESTING OF EXPLOSIVES, EXPLOSIVE MATERIALS AND FIREWORKS

5605.1.2 Manufacturing of Fireworks and Pyrotechnic Special Effects Materials. The manufacturing of fireworks is prohibited except when licensed by the California State Fire Marshal and permitted by the Guadalupe Fire Department. For the purpose of this chapter, the altering of any firework from its original design shall be considered manufacturing.

5607 BLASTING

5607.1.1 Storage and Use of Explosives and Blasting Agents. The storage of explosive and blasting agents is prohibited in all areas of the City, except those zoning districts where the use is permitted subject to approval of a conditional use permit and a valid conditional use permit is in effect, except for temporary storage for use in connection with approved blasting operations provided a permit has been issued by the City for the temporary use. However, this prohibition shall not apply to wholesale and retail stock of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive actuation power tools in quantities involving less than 500 pounds of explosive material.

5608 FIREWORKS DISPLAY

5608.1.2 Displays. Permits issued by the Guadalupe Fire Department are required to conduct any fireworks display. Permit application to the City shall be made not less than 15 work days prior to the scheduled date of the display. At the time of permit application, the Fire Chief shall be consulted regarding the requirements for standby fire apparatus.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

5614 FIREWORKS SALES

5614.1 Safe and Sane Fireworks. The manufacture, display, sales, storage, possession, use and handling of safe and sane fireworks shall be in accordance with the California Code of Regulations and this chapter. Safe and sane fireworks are those fireworks as defined by Section 12529 of the California Health and Safety Code.

5614.2 Date and Hours of Sale and Use. Safe and sane fireworks may be sold during the period beginning at twelve noon (12:00 p.m.) on the 28th day of June and ending at eleven fifty-nine (11:59 p.m.) on the 4th day of July each year pursuant to the provisions of Section 12599, California Health and Safety Code. Daily opening and closing hours of each fireworks stand are optional as long as they fall within the times specified above. Safe and sane fireworks, as defined by Section 12529 of the California Health and Safety Code, may only be used between the hours of 11:00 a.m. and 11:59 p.m. on the 4th of July.

5614.2.1 License-Required. No person or organization shall possess, use, sell or offer for sale any fireworks of any kind without having applied for and received a license issued by the California State Fire Marshal's Office, as provided for in Section 12688, California Health and Safety Code.

5614.2.2 Permit-Required. No person or organization shall possess, use, sell or offer for sale any fireworks of any kind without having applied for and received a permit from the Guadalupe Fire Department.

5614.2.3 Permit-Issuance. No permits for sale of safe and sane fireworks will be issued to any person, firm or corporation except those nonprofit associations or corporations organized primarily for veteran, patriotic, welfare, civic betterment, or charitable purposes. Proof of nonprofit status may be required.

Each organization must have its principal and primary meeting place within the corporate city limits of the City of Guadalupe. No organization may receive more than one permit for one location for the sale of safe and sane fireworks during anyone calendar year.

- a. The maximum number of permits that will be issued pursuant to this article shall not exceed one permit for each 6,000 residents of the City, or fraction thereof, based on the official City census.
- b. If the number of applications exceeds the number of permits to be issued, the permittees during the preceding year shall have first priority for the available permits. Those organizations applying that are beyond the maximum number of permits issued may be put on a waiting list maintained by the Guadalupe Fire Department, if they so request.

EXCEPTIONS: Any prior permittee who fails to operate and any prior permittee who violates any rule, ordinance, regulation, or law while operating a fireworks stand in anyone year shall be deemed to have withdrawn from the fireworks sale program. Applicants who are deemed to have withdrawn from the program may apply in writing to the Fire Chief for reinstatement. Prior permit holders may be returned to the program on the waiting list upon demonstrating that failure to timely submit was due to excusable negligence and the applicant otherwise meets the qualifications of this code.

5614.2.4 Permit Application. All applicants for a permit to sell fireworks shall:

1. Furnish the Guadalupe Fire Department a list of names of the organizations and the name, address, and phone number of the individual in each organization who is responsible for the retail sales of the fireworks. This list will be used to send the appropriate letters and application

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

forms to the current list of permit applicants. The list shall be in the possession of the Guadalupe Fire Department no later than May 15th of each year so the appropriate letter and forms may be sent to the permit applicants in a timely fashion.

2. Submit a written application to sell fireworks on the form provided by the City.
3. Submit a copy of a certificate of insurance in the amount of \$1,000,000.00 for public liability and property damage, indicating riders attached to the policy designating the City of Guadalupe as an additional insured.
4. Submit a "letter of permission" signed by the property owner or their authorized agent permitting the organization to erect a fireworks stand on the owner's property.
5. Complete and submit all required paperwork to the Guadalupe Fire Department on or before June 5th for sales to commence during the period June 28th to July 4th of the same year. Failure to submit a complete application package by June 5th shall be deemed a withdrawal from the fireworks sale program. Applicants who are deemed to have withdrawn from the program may apply in writing to the Fire Chief for reinstatement. The applicant may be returned to the program on the waiting list upon demonstrating that failure to timely submit was due to excusable negligence and the applicant otherwise meets the qualifications of this code.

5614.2.5 Fireworks Stand Construction. Sales of safe and sane fireworks shall only be from temporary fireworks stands. Sale from any other building or structure is prohibited. Temporary fireworks stands shall be subject to the following conditions:

1. No stand shall be located within 25 feet (7.4 m) of a building or within 100 feet (31 m) of any flammable or combustible liquid or flammable gas dispensing or storage operation.
2. Fireworks stands need not comply with the Building Code. All stands must be constructed and erected in a manner that will reasonably ensure the safety of the attendants and customers. The stands are subject to inspection by the Guadalupe Fire Department at any time and decisions as to the reasonableness of safety and construction of the stand will be determined through these inspections.
3. Fireworks stands need not obtain a conditional use permit.
4. All fireworks stands shall be erected only on commercial or industrial zoned property within the city limits of Guadalupe. No fireworks stand shall be constructed or erected on residentially zoned property.
5. Stand locations shall be approved by the Fire Department prior to construction.
6. Permittees must provide a "letter of permission" from the property owner or their authorized agent approving the use of the property for fireworks sale.
7. Fireworks stands in excess of 24 feet (7.3 m) in length shall have a minimum of 2 exits.

5614.2.6 Fireworks Stand Operation. No person shall be paid any consideration for erecting, constructing, dismantling or operating a fireworks stand.

1. No person shall be paid any consideration for selling or otherwise participating in the sale of fireworks at a stand. This includes constructing, erecting, or dismantling a fireworks stand.
2. While occupied, all fireworks stands shall have a minimum of one 2A rated water pressure fire extinguisher with a current service tag within the stand. The pressurized water type of fire extinguisher shall not be substituted with any other type.
3. All weeds, trash and other combustible debris shall be cleared for a distance of at least 25 feet (7.4 m) from the stand in all directions.
4. Doors of the stands shall not be locked on the outside. The door may be provided with a latch on the inside, provided it does not cause undue delay to anyone exiting in an emergency.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

5. The interior of the stand shall be maintained in such a manner as to provide a clear pathway from any point inside to an exit at all times.
6. All electrical power to the stands shall be installed and maintained in a safe manner. Generators and their fuel shall be stored and operated a minimum of 25 feet (7.4 m) from the stand.
7. No heating appliance shall be permitted inside of a stand or within 25 feet (7.4 m) of a stand.
8. No motor vehicle shall be parked within 25 feet (7.4 m) of a stand.
Exception: Vehicles operated by a permitted organization to pick up or deliver fireworks may be parked within 25 feet (7.4 m) of a stand.
9. All fireworks stands shall be completely emptied of fireworks and the fireworks shall be transported to the central storage facility when the stand is not open for business.
10. No person shall sleep or otherwise occupy a fireworks stand in lieu of removing the fireworks from the stand when not open for business.
11. The temporary fireworks stand will be dismantled and removed from its location not later than the Sunday of the weekend following the 4th of July of each year. It shall be the responsibility of the permittee to remove the stand. If the removal of the stand is not accomplished by this deadline, the City of Guadalupe shall remove and store it until it is redeemed by the payment of appropriate fees and interest thereon, if applicable due to the passage of time before payment is received, for its removal and storage.

5614.2.7 Fireworks Storage, Transportation and Delivery. Storage, transportation and delivery of fireworks shall be in accordance with this chapter.

1. Fireworks storage is authorized in only 2 locations: at the fireworks stands when open for business or at the City-approved centralized storage facility.
2. Fireworks wholesale distributors are responsible for obtaining an approved central storage facility. A Fire Department permit is required for the central storage facility.
3. The central storage facility shall be located only in commercial or industrial zoned areas. The central storage facility shall not be located on residentially zoned properties.
4. Fireworks stored in the central storage facility shall be outside of a building. Fireworks shall not be stored within a building.
5. The City of Guadalupe shall not be responsible for any costs or liabilities associated with the central storage facility.
6. The central storage facility shall be enclosed by a fence not less than 6 feet (1.9 m) in height on all sides.
 - a. Vehicles, trailers, or storage containers shall be placed within the storage facility so that there is a minimum distance of 20 feet (6.1 m) from the perimeter fence.
 - b. Vehicles, trailers, and storage containers shall be kept locked at all times except when fireworks are being loaded and unloaded.
 - c. The central storage facility shall be approved by the Chief of Police.
 - d. "No Smoking" signs shall be posted on the perimeter fence and at the entrance to the central storage facility. Signs on the perimeter fencing shall be placed every 30 feet (9.1 m).
7. Fireworks shall be transported directly from the central storage facility to the fireworks stands with no stops in between. Transportation shall be by wholesalers or permittees only.
8. The Fire Chief may impose additional conditions as deemed appropriate.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

5614.2.8 Violations. Violations of any provision of this chapter shall be a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000.00, or by imprisonment in the County jail for a period not exceeding 180 calendar days, or both such fine and imprisonment. An administrative citation may also be issued as set forth in Chapters 1.10 and 1.11 of the Guadalupe Municipal Code. The fine for an administrative citation shall not exceed \$1,000.00 per violation, per day.

CHAPTER 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

5701 GENERAL

5701.6 Locations Where Above-ground Tanks Are Prohibited. Storage of Class I, II, IIIA, or IIIB liquids in above-ground tanks outside of buildings is not permitted in all areas of the City, except those zoning districts where the use is permitted subject to approval of a conditional use permit and a valid conditional use permit is in effect.

5701.7 Identification Placard for Above-ground Tanks. All above-ground tanks containing Class I, II, IIIA, or IIIB liquids shall have an identification placard permanently affixed to it. The identification placard shall have the following information:

- a. Tank owner's name.
- b. Physical address of the tank installation.
- c. Product contained in tank.
- d. Tank capacity.

CHAPTER 58 FLAMMABLE GASES

5801 GENERAL

5801.3 Conditional Use Permit. The storage, use, and dispensing of flammable gases in aboveground containers exceeding 450 gallons is not permitted in all areas of the City, except those zoning districts where the use is permitted subject to approval of a conditional use permit and a valid conditional use permit is in effect.

5801.4 Identification Placard for Above-ground Tanks. All above-ground tanks containing flammable gases shall have an identification placard permanently affixed to it. The identification placard shall have the following information:

- a. Tank owner's name.
- b. Physical address of the tank installation.
- c. Product contained in tank.
- d. Tank capacity.

CHAPTER 61 LIQUEFIED PETROLEUM GASES

6101 GENERAL

6101.3 Construction Documents. Where a single LP-gas container is more than 450 gallons (1,704 l) in water capacity or the aggregate water capacity of LP-gas containers is more than 1,000 gallons (3,786 L), the installer shall submit construction documents for such installation.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

6104 LOCATION OF LP-GAS CONTAINERS

6104.5 Conditional Use Permit. The storage, use, and dispensing of liquefied petroleum gas in above-ground containers exceeding 450 gallons (1,704 L) is not permitted in all areas of the City, except those zoning districts where the use is permitted subject to approval of a conditional use permit and a valid conditional use permit is in effect.

6104.5.1 Identification Placard for Above-ground Tanks. All above-ground tanks containing more than 450 gallons (1,704 L) of liquefied petroleum gas shall have an identification placard permanently affixed to it. The identification placard shall have the following information:

- a. Tank owner's name.
- b. Physical address of the tank installation.
- c. Product contained in tank.
- d. Tank capacity.

15.08.030 California Fire Code Appendices adopted.

The following Appendices of the California Fire Code, 2019 edition, as published by the State of California, and subsequent editions as adopted by the State of California, are adopted by reference subject to the additions, deletions, and amendments set forth in this chapter. Appendix 'A' "Board of Appeals" is adopted in its entirety with the following additions and amendments:

SECTION A 101 GENERAL

A101.1 Scope. A Board of Appeals shall be established within the jurisdiction for the purpose of hearing applications for modification of the requirements of the California Fire Code as adopted and amended by the City of Guadalupe pursuant to the provisions of Section 108 of the California Fire Code. The Board shall be established and operated in accordance with this section, and shall be authorized to hear evidence from appellants and the Fire Code Official pertaining to the application and intent of this code for the purpose of issuing orders pursuant to these provisions.

A101.2 Membership. The membership of the board shall consist of 3 voting members having the qualifications established by this section. Members shall be nominated by the Fire Chief, subject to confirmation by a majority vote of the City Council.

A101.2.1 Appeals Board Members. The Board of Appeals may be comprised of any combination of the following, but must have at least one general industry or business person as described in subsection A101.2.1.5 of this section.

A101.2.1.1 Design Professional. Practicing design professional registered in the practice of engineering or architecture in the State of California.

A101.2.1.2 Fire Protection Engineering Professional. Qualified engineer, technologist, technician or safety professional trained in fire protection engineering, fire science or fire technology. Qualified representatives in this category shall include fire protection contractors and certified technicians engaged in fire protection system design.

A101.2.1.3 Industrial Safety Professional. Registered industrial or chemical engineer, certified hygienist, certified safety professional, certified hazardous materials manager or comparably qualified specialist experienced in chemical process safety or industrial safety.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

A101.2.1.4 General Contractor. Contractor regularly engaged in the construction, alteration, maintenance, repair or remodeling of buildings or building services and systems regulated by the code.

A101.2.1.5 General Industry or Business Representative. Representative of business or industry not represented by a member from one of the other categories of Board members described above.

A101.3 Terms of Office. Members are volunteers and shall serve without remuneration or compensation and shall serve at the pleasure of the City Council.

Appendix B, Fire-Flow Requirements for Buildings, is adopted in its entirety.

Appendix C, Fire Hydrant Number and Distribution, is adopted in its entirety, except Table ... C102.1 is replaced with the following table:

**TABLE C102.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

FIRE-FLOW REQUIREMENT (GPM)	MINIMUM NUMBER OF HYDRANTS	HYDRANT SPACING a, b (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT
1,750 or less	1	400	200
2,000 to 2,250	2	400	200
2,500	3	400	200
3,000	3	400	200
3,500 to 4,000	4	350	200
4,500 to 5,000	5	300	150
5,500	6	300	150
6,000	6	250	150
6,500 to 7,000	7	250	150
7,500 or more	8 or more ^c	200	125

- a. Where streets are provided with median dividers which can be crossed by firefighters pulling hose lines, or where arterial streets are provided with 4 or more traffic lanes and have a traffic count of 30,000 vehicles per day, hydrant spacing shall average 350 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 300 feet for higher flow requirements.
- b. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 600 feet for transportation hazards.
- c. One hydrant for each 1,000 gallons per minute or fraction thereof. Flow requirements will be rounded up to the next highest 1,000 gallon per minute increment.

Appendix 'D' "Fire Apparatus Access Roads" is adopted in its entirety. With the following additions.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

D103.6.3 Fire Lane Sign Requirements. No Parking/Fire Lane signs must follow these guidelines:

- a. The CVC Code 22500.1 (CVC 22500.1) must be imprinted on the bottom of the sign.
- b. All lettering shall be red on white reflective background no smaller than 2 inches in height.
- c. The sign shall be no smaller than 12 inches wide by 18 inches high.
- d. The sign shall be securely mounted facing the direction of travel and clearly visible to oncoming traffic entering the designated area. Signs shall be of durable material.
- e. Signs shall be installed at all driveway entrances and at intervals of not less than 100 feet along all designated fire lanes.

D103.6.4 Fire Lane Curb Painting Requirements. Where a curb exists adjacent to a fire lane, the top and face of the curb shall be painted with red traffic paint. Where the curb is discontinued, a red stripe and stencil as described below shall be painted to define the fire lane. Red curbs, red stripes and white stencils must be maintained in good condition and follow these guidelines:

- a. The face of the curb shall be stenciled with the words: NO PARKING FIRE LANE in white block letters a minimum 4 inches in height.
- b. The stencil must be painted on the FACE of the curb. Exception: Under circumstances where the curb height is less than 4 inches, the stencil may appear on the top of the curb.
- c. The stencil must appear every 50 feet or less, depending on the configuration of the fire lane. (Where a small island cannot contain both phrases, FIRE LANE must appear the NO PARKING may be omitted).
- d. Where no curb exists adjacent to the fire lane, the edge of the fire lane shall be marked with an 8 inch wide red stripe. In addition, a diagonal 8 inch wide red stripe may be required between the edges of the fire lane, with the diagonal stripe connecting the stripes or curbs at the edges of the fire lane. Spacing of the diagonal stripe is every 50 feet.
- e. The stripe shall be stenciled with the words NO PARKING FIRE LANE in white block letters, minimum 4 inches in height.
- f. The stencil must appear every 50 feet or less, depending on the configuration of the fire lane. If the fire lane is less than 50 feet the stencil must appear at the beginning and end of the fire lane.

Appendix 'E' "Hazard Categories" is adopted in its entirety.

Appendix 'F' "Hazard Ranking" is adopted in its entirety.

Appendix 'G' "Cryogenic Fluids - Weight and Volume Equivalents" is adopted in its entirety.

Appendix 'I' "Fire Protection Systems - Noncompliant Conditions" is adopted in its entirety.

Appendix 'K' "Construction Requirements for Existing Ambulatory Care Facilities" is adopted in its entirety.

Appendix 'N' "Indoor Trade Shows and Exhibitions" is adopted in its entirety.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

Chapter 18.08 DEFINITIONS

18.08.010 Interpretation of terms.

For the purposes of this Title 18, certain terms are defined in this chapter. Words used in the present tense shall include the future; words in the singular shall include the plural; the word “shall” is mandatory, and the word “may” is permissive.

18.08.015 Access.

The place, means or way by which vehicles shall have safe, adequate and usable ingress and egress to a property and/or use as required by this title.

18.08.020 Accessory residential structure.

Any structure that is customarily a part of, and clearly incidental and secondary to a residence, and does not change the character of the residential use. This definition includes the following attached and detached accessory structures, and other similar structures normally associated with a residential use of property: artist studios, spas and hot tubs, cabanas, storage sheds, garages, swimming pools, gazebos, tennis and other onsite sport courts, greenhouses (non-commercial), workshops, and guest homes. It also includes a building used for the indoor storage of automobiles, personal recreational vehicles and other personal property, accessory to a residential use.

18.08.025 Accessory dwelling unit (ADU).

An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a primary dwelling unit is situated. Additional descriptions are found in Section 18.53.030.

18.08.030 Accessory use.

A use incidental, related, appropriate, and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or adversely affect other properties in the zone.

18.08.035 Adult oriented businesses.

B. Any business establishment or concern that:

1. As a regular and substantial course of conduct operates as an adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, adult modeling studio, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” but not including those uses or activities, the regulation of which is preempted by State law, or therapeutic massage services provided by licensed professionals, which are included under the definition of “Personal Services”; or
2. As a regular and substantial course of conduct offers, sells or distributes adult-oriented material or sexually-oriented merchandise, or that offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- depicting, describing or relating to specified sexual activities or specified anatomical areas but not including those uses or activities which are preempted by State law.
- C. “Adult arcade” means a business establishment to which the public is permitted or invited and where coin, card or slug operated, or electronically, electrically or mechanically controlled devices, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas. Such devices shall be referred to as adult arcade devices.
- D. “Adult booth/individual viewing area” means a partitioned or partially enclosed portion of an adult business used for any of the following purposes:
1. Where a live or taped performance is presented or viewed, where the performances and/or images are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas;
 2. Where adult arcade devices are located.
- E. “Adult businesses (land use)” means any business establishment or concern that:
1. As a regular and substantial course of conduct operates as an adult bookstore, adult hotel or motel, adult motion picture arcade, adult motion picture theater, cabaret, sexual encounter center, adult modeling studio, or any other business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” but not including those uses or activities, the regulation of which is preempted by state law, or therapeutic massage services provided by licensed professionals, which are included under the definition of “Personal Services”; or
 2. As a regular and substantial course of conduct offers, sells or distributes adult-oriented material or sexually-oriented merchandise, or that offers to its patrons materials, products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas but not including those uses or activities which are preempted by State law.
- F. “Adult cabaret” means a business establishment (whether or not serving alcoholic beverages) that features adult live entertainment.
- G. “Adult hotel/motel” means a hotel or motel, as defined in this Code, that is used for presenting on a regular and substantial basis images through closed circuit television, cable television, still or motion picture machines, projectors, videos, holograms, virtual reality devices or other image producing devices that are distinguished or characterized by the emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.
- H. “Adult live entertainment” means any physical human body activity, whether performed or engaged in alone or with other persons, including, but not limited to, singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which:
1. The performer (including, but not limited to, a topless and/or bottomless dancer, go-go dancers, exotic dancers, strippers or similar performers) exposes to public view, without opaque covering, specified anatomical areas; and/or
 2. The performance or physical human body activity depicts, describes or relates to specified sexual activities, whether or not the specified anatomical areas are covered.
- I. “Adult modeling studio” means a business establishment which provides for any form of consideration, the services of a live human model, who, for the purposes of sexual stimulation

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

of patrons, displays specified anatomical areas to be observed, sketched, photographed, filmed, painted, sculpted or otherwise depicted by persons paying for such consideration. Adult modeling studio does not include schools maintained pursuant to standards set by the Board of Education of the State of California.

- J. "Adult motion picture theater" means a business establishment, with or without a stage or proscenium, where, on a regular and substantial basis and for any form of consideration, material is presented through films, motion pictures, video cassettes, slides, laser disks, holograms, virtual reality devices or similar electronically generated reproductions that is/are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- K. "Adult oriented material" means accessories, paraphernalia, books, magazines, laser disks, compact discs, digital video disks, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes, holograms or electronically generated images or devices, including computer software, or any combination thereof that is distinguished or characterized by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. Adult oriented material shall include sexually oriented merchandise.
- L. "Adult retail store" means a business establishment having adult oriented material as a regular and substantial portion of its stock in trade.
- M. "Specified anatomical areas" means and includes any of the following:
 - 1. Less than completely and opaquely covered human genitals or pubic region, buttocks or anus, and female breast below a point immediately above the top of the areola;
 - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; and
 - 3. Any device, costume or covering that simulates any of the body parts included in subsections 1 or 2, even if completely and opaquely covered.
- N. "Specified sexual activities" means and includes any of the following, whether performed directly or indirectly through clothing or other covering:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - 2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
 - 3. Masturbation, actual or simulated; and
 - 4. Excretory functions as part of or in connection with any of the other activities described in subsections 1 through 3.

18.08.040 Agricultural use.

Limited to farming or ranching activities. An agricultural use denotes the active use of land for the purpose of agricultural production, including, but not limited to, cultivation and growing of crops, and raising and keeping of livestock for commercial purposes. "Agricultural use" does not include the keeping of chickens or a vegetable garden on a residential parcel for the personal use of the residents.

18.08.045 Alley.

"Alley" means any public or private vehicular way which affords a primary or secondary means of access to abutting property.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.050 Amusement arcade.

Any business or establishment which has located on its premises, as its primary use, amusement machines which are kept thereon for the purpose of being played, operated or used by the patrons of the arcade.

18.08.055 Amusement machine.

Any device, game or contrivance, including, but not limited to, pinball machines, video games, computer games, electronics games and slot machines, for which charge or payment is received for the privilege of playing, using or operating the same, and which, as operating or playing such device, game or contrivance to receive the same return in market value in form of tangible merchandise each time such device, game or contrivance is used, operated or played.

18.08.060 Antenna.

Any system of wires, poles, rods, horizontal or vertical elements, panel, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves.

18.08.065 Antenna, satellite dish.

A dish-like device used to receive television and radio signals which are transmitted from satellites and other sources.

18.08.070 Apartment.

A multifamily dwelling contained in one or more buildings.

18.08.075 Arbor.

An open horizontal structure made of lattice work used as a screen or a support for growing vines or plants.

18.08.080 Area, gross.

That area of a lot or parcel of land which includes all portions of such lot or parcel proposed to be in private ownership, as well as that proposed to be burdened by public alleys, highways, streets or other necessary public sites when required as part of a proposed development project.

18.08.085 Attached unit.

A unit having a common roof and a common wall(s) with one or more other units.

18.08.090 Auto repair.

All servicing of motor vehicles except the following: sale of motor fuels, tires, tubes, and lubricants; lubricating vehicles, minor tube and tire repairs, battery recharging, hand auto washing and hand polishing.

18.08.095 Auto service station.

A structure or premises where gasoline, oil, grease, batteries, tires and automobile accessories are supplied and dispensed at retail and where, in addition, the following services as accessory to the principal use may be rendered and sales made, and no other:

- (a) Sale and servicing of spark plugs, batteries and distributors and distributor parts;

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- (b) Tire servicing and repair, but not recapping or regrooving;
- (c) Replacement or adjustment of automobile accessories;
- (d) Radiator cleaning and flushing; provision of water, antifreeze and other additives;
- (e) Washing and polishing, and sale of automotive washing and polishing materials;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps and lines;
- (h) Servicing and repair of carburetors;
- (i) Adjusting and repairing brakes;
- (j) Emergency wiring repairs;
- (k) Motor adjustment not involving removal of the head or crankcase;
- (l) Provision of cold drinks, packaged foods, tobacco and similar convenience goods for gasoline supply station customers, but only as accessory and incidental to the principal operation;
- (m) Provision of road maps and other information material to customers;
- (n) Provision of restroom facilities;
- (o) Parking lot, as an accessory use only.

18.08.100 Banner, flag or pennant.

Any cloth, bunting, plastic, paper or similar material used for advertising purposes attached to, appended on or from any structure, staff, pole, line, framing or vehicle.

18.08.105 Barbecue or open air barbecue.

Any outdoor facility at an approved location for cooking food directly over hot coals or another method approved by the County Health Department.

18.08.110 Baths.

- A. "Full bath" means an interior space which contains a water closet, a lavatory and a bathtub with or without a shower.
- B. "One-half bath" means an interior space which contains a water closet and a lavatory.
- C. "Three-quarter bath" means an interior space which contains a water closet, a lavatory and a shower.

18.08.115 Berm.

Clean, compacted fill, free of organic material, formed in a manner to provide aesthetic variety within landscape areas.

18.08.120 Boardinghouse.

A building, other than a hotel, where lodging is provided to individuals with or without meals, for monetary or nonmonetary consideration under 3 or more separate agreements, leases or sub-leases, either written or oral, or a building with 5 or fewer guest rooms or suites of rooms, where lodging is provided to individuals with or without meals, for monetary or non-monetary consideration under 3 or more separate agreements, leases or sub-leases, either written or oral, regardless of whether an owner, agent or rental manager resides in the dwelling. "Consideration" shall include monetary or non-monetary payment made by an employer either as part of the wages paid to an employee, or as a term or condition of employment to the person being lodged in the dwelling. This definition does not include any of the following facilities licensed by the State

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

of California: alcoholism or drug abuse recovery or treatment facility under Health and Safety Code Section 11834.02; community care facility under Health and Safety Code Section 1502; or residential care facility under Health and Safety Code Section 1569.2.

18.08.125 Buffer.

An open space or landscaped area, the purpose of which is to prevent the direct abutting of incompatible uses or structures.

18.08.130 Building.

Any structure having a roof supported by columns or by walls, and designed for the shelter or housing of any person, animal or chattel. (Ord. 189 Art. 7, 1980)

18.08.135 Building, main.

A building in which is conducted the principal use of the lot or building site on which it is situated.

18.08.140 Building permit.

Written authorization from the City building official for the legal erection of any structure.

18.08.145 Building setback line.

The line appearing on the site plan or building plan delineating the space between such line and the property line as the required yard in lieu of the front, side or rear yard otherwise described for the zone.

18.08.150 Building site.

A lot or parcel of land in single, common, or joint ownership and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title and having frontage on a dedicated street, road or highway.

18.08.155 Business office, commercial.

A commercial activity characterized by administrative and/or clerical operations with a low volume of customer contact on the premises with no transfer of merchandise on the premises.

18.08.160 Business, retail.

- A. "Retail Business" is the retail sale of any article, substance or commodity for profit or livelihood, but not including the sale of lumber, bulk goods, or other building materials or the sale of used or second-hand goods or materials of any kind.
- B. "Heavy Retail Business" is the retail sale of goods for profit or livelihood, such as lumber, bulk goods, building equipment and supplies, landscape material and equipment, flooring, carpeting materials, paint, tile and tires.

18.08.165 Business, wholesale.

The wholesale handling of any article, substance or commodity for the profit or livelihood, but not including the processing or manufacture of any product or substance.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.170 Care of nonrelated persons (seven or more persons).

A state-licensed care home giving nonmedical services on a twenty-four hour a day basis to seven or more mentally handicapped, physically handicapped, disabled or aged persons, or dependent and neglected children.

18.08.175 Care of nonrelated persons (six or less persons).

A state-licensed family care home giving nonmedical services on a twenty-four hour a day basis to six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children. For the purposes of this title the care of nonrelated persons as defined in this section shall be considered a single-family residential use subject only to the provisions of this title dealing with single-family residential uses.

18.08.180 Caretaker's residence.

An accessory building containing a dwelling for caretakers or servants for the land or main building(s). "Caretaker's residence" includes servants' quarters.

18.08.185 Carport.

A permanent roofed structure with not more than two enclosed sides, used for vehicle shelter.

18.08.190 Charitable event barbecue or sponsored event barbecue or benefit barbecue.

A qualified fundraising barbecue that occurs not more than three consecutive days in any calendar quarter for the purpose of assisting people after a catastrophic event.

18.08.195 Charitable or religious institution.

A church, synagogue, mosque, or other building devoted to religious, philanthropic or nonprofit social welfare activities.

18.08.200 Child day care center.

Any child day care facility other than a family day care home, and includes infant centers, preschools and extended day care facilities.

18.08.205 Church.

A permanently located building commonly used for religious praise and worship. Such building shall be fully enclosed with walls (including windows and doors), and shall conform to applicable legal requirements affecting design and construction.

18.08.210 City.

"City" means the City of Guadalupe, a municipal corporation of the State of California.

18.08.215 Commercial uses.

Those uses other than residential, religious or public educational uses which are permitted in any of the commercial zones contained in this title.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.220 Community event.

An event that is of a civic, political, public, or educational nature, including county fairs, city festivals, certified farmers' market, and other public gathering events as specifically declared by the City Council.

18.08.225 Community event barbecue.

A qualified fundraising barbecue operating out of temporary facilities approved by the County Health Department at an approved location for a period of time not to exceed 25 consecutive or nonconsecutive days in any calendar quarter in conjunction with a single, weekly, or monthly community event as declared by the City Council.

18.08.230 Conditional use.

A use which requires a special degree of control because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities. Such control is to ensure that the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site.

18.08.235 Conforming structure.

A structure designed and built for a use permitted in the zone and complying with the property development standards of the zone in which such structure is located.

18.08.240 Conforming use.

A use permitted under the terms of this title in the zone in which such use is carried on.

18.08.245 Corner lot.

A lot the front of which and one or more sides of which face a street. (Ord. 189 Art. 7, 1980)

18.08.250 Corner cutback.

The provisions for maintenance of adequate space for safe visibility to protect vehicular and pedestrian traffic at all intersections of streets, alleys and/or private driveways, as provided in the zones. Such space will be kept free of building, structures and landscaping which would constitute a visual obstruction. (See Figure 3 in Appendix)

18.08.255 Cottage food employee.

An individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for the cottage food operation. An employee does not include an immediate family member or household member of the cottage food operator.

18.08.260 Cottage food operation

A commercial enterprise conducted within the registered or permitted area of a dwelling unit where the cottage food operator, as defined by California Health and Safety Code Section 113758, resides and where cottage food products are prepared or packaged for direct, indirect, or direct and indirect sale to consumers in compliance with California Health and Safety Code Section 113758.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.265 Cottage food operator.

An individual who operates a cottage food operation in his or her private home and is the owner of the cottage food operation.

18.08.270 Cottage food products.

Non-potentially hazardous foods, including foods that are described in California Health and Safety Code Section 114365.5 and that are prepared for sale in the kitchen of a cottage food operation.

18.08.275 Curb.

A City-approved concrete or asphalt concrete structure along the edge of the street pavement and raised above the pavement.

18.08.280 Day care home, large family.

A home which regularly provides care, protection and supervision in the provider's own home to nine to fourteen children, including children who reside at the home, for periods of less than twenty-four hours per day, and has all appropriate licenses.

18.08.285 Day care home, small family.

A home which regularly provides care, protection and supervision in the provider's own home to eight or fewer children, including children who reside at the home, for periods of less than twenty-four hours per day, and has all appropriate licenses.

18.08.290 Density.

The number of dwelling units that may be constructed per acre or per square foot of lot area.

18.08.295 Drive-in restaurants or drive-in eating and drinking establishment.

Any commercial establishment serving food and drinks, making provisions encouraging consumption of food or beverages in automobiles, whether such consumption in automobiles is on the premises or at the curb adjacent to the premises.

18.08.300 Driveway.

A private access with paving to a street, highway, alley, parking lot or easement.

18.08.305 Dwelling group.

A group of two or more detached or semi-detached one-family, two-family or multiple-family dwellings occupying a parcel of land in one ownership, and having any yard or court in common, but not including motels, hotels, boardinghouses or rest homes.

18.08.310 Dwelling, multiple.

A building or portion thereof, used and designed as a residence for two or more families living independently of each other and doing their own cooking in the building, including apartment houses, duplexes and condominiums, but not including motels or boardinghouses.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.315 Dwelling, single-family.

A building designed for or used to house not more than one family.

18.08.320 Dwelling, two-family or duplex.

A building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other.

18.08.325 Dwelling unit.

One or more rooms with interior access suitable for occupancy by one family and containing sanitation facilities and no more than one kitchen.

18.08.328. Employee housing.

"Employee housing" or "employee housing facility" means employee housing as defined in Health and Safety Code Section 17008, when the accommodations consist of a housing type permitted in the underlying zone district, and of buildings and structures permitted by the City of Guadalupe for occupancy.

18.08.330 Family.

One or more persons occupying a dwelling unit and living as a single housekeeping unit.

18.08.335 Fence.

Any device forming a physical barrier by means of wood, wire mesh, plastic, brick, stone or other similar materials; provided, however, that where a fence is required as a condition of the improvement of the land pursuant to this title, the same shall consist of solid wood, chain link with slats or a solid masonry wall, as approved by the City Council, except that upon finding of special conditions unique to the property, the City Council may allow such a fence to consist of other material or design.

18.08.340 Floor area, gross.

Used for the purposes of determining total gross building area and calculating parking requirements, means the sum of the gross horizontal areas of all floors, mezzanines and lofts of the building. Horizontal dimensions shall be taken from the exterior faces of the exterior walls of the building and shall include all enclosed and conditioned areas except stairways and elevators.

18.08.345 Garage.

An accessory building or part of a main building of not less than eleven by twenty feet interior dimension, designed for the shelter and storage of a motor vehicle or vehicles and enclosed on three or more sides. Garages must be open and usable for the parking of vehicles to satisfy the parking requirements of this Code.

18.08.350 Guest home.

Temporary living quarters within an accessory building, provided that no cooking facility is installed or maintained therein.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.355. Guestroom.

A portion of a main building consisting of living quarters, not a dwelling unit, however, so arranged that there is no more than one egress to the outdoors or to a public way, so that there is interior access to the common living areas of any dwelling unit occupying the main building, and providing that no cooking facility is installed or maintained therein.

18.08.360 Height of building.

- A. "Height" of building means the vertical distance from the average finish grade of the building site as determined from the highest and lowest point of that portion of the lot covered by the building to the highest point of the roof.
- B. Maximum Height Exceptions:
 - 1. Subject to a Design Review (DR) permit pursuant to Chapter 18.73, structures may exceed the maximum allowable building height of the zoning district.
 - 2. The following items may be permitted to a height in excess of that permitted within the zone when approved in the discretion of the Planning Director or designee when he or she determines they are safe and have no significant adverse effect upon surrounding property: penthouse or roof structures for the housing of elevators, stairways, mechanical equipment required to operate and maintain the building, skylights, spires, tanks, flag poles, chimneys and antennas.

18.08.365 Height of fences, walls or hedges.

- A. Height shall be determined by the vertical distance from the highest ground-level elevation on either side of the fence, wall, or hedge.
- B. Exception: Where the rear, side or front property line is lower than the finished pad elevation, the height of the wall shall be determined by the Planning Director or designee.

18.08.370 Home occupation.

- A. An occupation conducted on the premises by the occupant of the dwelling, as a secondary use in connection therewith, and where there are no advertising signs, no displays, no stocks of merchandise, commodities or parts bought, sold or stored on the premises, and no employees in connection therewith.
- B. The following shall not be permitted as a home occupation:
 - 1. Maintenance or repair of automobiles or other vehicles;
 - 2. The provisions of room, board or care for persons or animals;
 - 3. A medical marijuana dispensary.

18.08.375 Hotel.

Any structure, or any portion of any structure, which is occupied or intended or designed for occupancy by transients for lodging or sleeping purposes, where said transients access individual rooms through interior corridors.

18.08.380 Household pets.

Animals which can reasonably be domesticated and kept in a residential environment without interfering with the health, safety and welfare of adjacent residents. Household pets do not include sheep, goats, cows, pigs, horses, donkeys, burros, or other animals including but not limited to roosters, peacocks, or raccoons.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.385 Junkyard.

More than 100 square feet of the area of any lot or parcel of land used for the storage of junk, including but not limited to scrap metals, salvage, spare parts or other scrap materials or for the dismantling or wrecking of automobiles or other vehicles or machinery, whether for sale or storage.

18.08.390 Kennel.

Any lot or premises on which four (4) or more dogs more than six (6) months of age are kept, boarded or trained; provided, however, that if other animals or birds or fowl are bought, sold or bartered, the classification to apply shall be that of a pet shop.

18.08.395 Kitchen.

Any room or portion of room used or intended or designed to be used for cooking and the preparation of food.

18.08.400 Landscaping.

The configuration of trees, shrubbery and other plant material, earth patterning and bedding materials in conjunction with open space. It shall not be construed to mean artificial plants.

18.08.405 Lattice.

A framework or structure of crossed strips arranged to form a regular pattern of open spaces.

18.08.410 Lot.

A parcel of land of at least sufficient size to meet zoning requirements for use, coverage, area and open space as required by this Code.

18.08.415 Lot area.

The total area of land measured in a horizontal plane within the lot lines of the lot.

18.08.420 Lot coverage.

That area covered by buildings or structures.

18.08.425 Lot depth.

The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

18.08.430 Lot dimensions.

The width and depth of a lot.

18.08.435 Lot, front.

The narrowest dimension of a lot fronting on a street.

18.08.440 Lot, interior.

A lot which is not a corner lot.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.445 Lot line, front.

The property line or lines separating a lot from street or streets in the case of an interior lot and the line separating the narrowest street frontage of a lot from the street in the case of a corner lot. A lot may have more than one front lot line.

18.08.450 Lot line, rear.

A lot line which line is opposite and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, the rear lot line shall be a line within the lot, ten feet long parallel to and at a maximum distance from the front lot line. A lot which is bounded on all sides by streets may have no rear lot line.

18.08.455 Lot width.

The horizontal distance between the side lot lines measured at right angles to the line representing the lot depth at a point on the line midway between the front and rear lot lines. In the case of a lot with a long narrow appendage abutting the street, the horizontal distance shall be measured at a point midway between the rear lot line and the beginning of the main body of the lot.

18.08.460 Medical marijuana dispensary.

- A. A facility where marijuana is made available for medical purposes in accordance with Health and Safety Code Section 11362.5.
- B. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or applicable law:
 - 1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;
 - 2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
 - 3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
 - 4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;
 - 5. A residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable California and federal law.

18.08.465 Miniwarehouse.

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' personal property.

18.08.470 Mobile home.

A structure or vehicle, without its own motor power, used or designed for living or sleeping purposes. It is equipped with wheels for the purpose of transporting such from place to place but is generally located on a fixed or semi-permanent foundation. A travel trailer is not to be considered as a mobile home. (Compare "recreational vehicles.")

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.475 Mobile home park.

Any area or tract of land where two or more mobile home sites are rented, or held out for rent, to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies (Ord. 189 Art. 7, 1980)

18.08.480 Motel.

A group of two or more detached or semidetached buildings containing guest rooms with and without limited cooking facilities, with access gained through an outside walkway. Automobile parking spaces serve such rooms provided in connection therewith, which group is designed and used primarily for the accommodation of transient automobile travelers.

18.08.485 Nonconforming lot.

A lot created lawfully and existing on the effective date of the applicable zoning regulations and existing since that time in nonconformance to the zoning regulations.

18.08.490 Nonconforming structure.

A lawful structure existing on the effective date of the applicable zoning regulations and existing since that time in nonconformance to the zoning regulations.

18.08.495 Nonconforming use.

A lawful use existing on the effective date of the zoning regulations and continuing since that time in nonconformance to the zoning regulations.

18.08.500 Occasional event barbecue.

A qualified fundraising barbecue that occurs not more than three consecutive days in any calendar quarter for the purpose of funding community programs and projects or charities.

18.08.505 Outdoor sales.

- A. The display of goods and materials, incidental to an allowed use, on the premises of the existing business. Items must be placed on a hard-surface, outside of public right-of-way and required parking areas, and may only be displayed during regular business hours. For the purposes of this definition, occasional sidewalk sales shall not be considered as outdoor sales and display.
- B. The definition of "outdoor sales" shall not include:
 1. Vending machines which are not designed to serve the occupant of an automobile or motor vehicle and which are located under the roof overhang of a commercial building, and are not located within the boundaries of public properties or rights-of-way;
 2. Bake sales, rummage sales or other similar fundraising projects by nonprofit organizations, not more than 2 consecutive days at a time, and not more than 3 times a year.

18.08.510 Outdoor storage.

The keeping, in an unroofed area, of any goods, material, merchandise, in the same place for more than 24 hours.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.515 Patio cover.

A roof like-structure not exceeding twelve feet in height which is placed over a patio to provide shade or protection from the elements. A patio cover is typically supported by vertical posts.

18.08.520 Parcel map.

A map showing the division of land as defined and described in the Subdivision Map Act of the state Government Code.

18.08.525 Paving.

- A. A created surface, such as brick, stone, concrete, or asphalt, permanently affixed/placed on the land to facilitate passage;
- B. That part of a street having an improved surface.

18.08.530. Pet shop.

The building in which animals are bought, sold or bartered and boarded therein.

18.08.535 Pipeline.

A conduit used for the transmission of oil, gas, water or wastewater, over, across, through or in private property or public right-of-way, excluding incidental on-site pipelines serving a permitted use including utility lines serving an approved subdivision or development.

18.08.540 Plan, general.

General Plan is described by California Government Code Section 65300 and following.

18.08.545 Plan, specific.

Specific plan is described by 65450-65457.

18.08.550 Property line.

A line separating a parcel of land from another parcel or from the street or alley.

18.08.555 Public utility.

Any legal entity authorized by the state laws or pursuant to local franchise to provide the community water, wastewater, gas, electricity, telephone or other services.

18.08.560 Recreational vehicles.

Recreational vehicles include the following:

- A. Boats, boat trailers, floats of every kind and rafts, plus the equipment to transport the same on a highway.
- B. Folding tent trailer consisting of a canvas or vinyl folding structure mounted on wheels with many similar features as a travel trailer, and designed for camping, travel, recreational and vacation purposes.
- C. Camper consisting of a structure designed primarily to be mounted upon a truck and with sufficient facilities to render suitable for camping, travel, recreational and vacation purposes. Camper shells used in conjunction with a vehicle are not considered a recreational vehicle.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- D. Motorized home, also called Class A, Class B, and Class C recreational vehicle (RV), consisting of a portable dwelling designed and constructed as an integral part of a self-propelled vehicle for use as a temporary dwelling for camping, travel, recreational and vacation purposes.
- E. Travel trailer and 5th-wheel consisting of a vehicular portable structure built on a chassis designed to be towed by a vehicle and used as a temporary dwelling for camping, travel, recreational and vacation purposes.

18.08.565 Residential use.

A use for permanent or quasi-permanent dwelling purposes in a single-family dwelling, two family dwelling, three family dwelling or multifamily dwelling, manufactured housing and mobile homes, and all of the incidental uses thereto.

18.08.570 Rest home.

The premises and buildings used for the housing and care of aged, infirm or handicapped persons for compensation, but in which are kept for such compensation no persons suffering from mental illness or communicable disease, and in which are performed no surgery or maternity care or any other treatment customarily provided for in a sanitarium or hospital, so that such homes may not include any persons requiring regular nursing care. For the purposes of this definition, "aged persons" are persons whose chronological ages meet the qualifications established by the state Welfare and Institutions Code for recipients of old age security benefits.

18.08.575 Restaurant.

A place that is designed and used for the sale and consumption of prepared food primarily on the premises.

18.08.580 Restaurant, fast-food.

A place that is designed and used for the sale of prepared foods to be consumed primarily off the premises, and may include a drive-through.

18.08.585 Retail business.

A place that is designed and used for the sale or resale of commodities or goods to consumers.

18.08.590 Retail nursery.

The retail handling of any article, substance or commodity related to gardening, including the sale of plants, shrubs, trees, packaged fertilizers, soils, chemicals, amendments, garden tools, statuary, and other nursery goods and related products.

18.08.595 Room.

A part or division of a building enclosed by walls, floor, and ceiling within a dwelling unit, room rental or hotel. Bathrooms, hallways, closets and service porches are not defined as rooms.

18.08.600 Screening.

Solid walls, solid fences or dense, living hedges for the purpose of concealing from view the area behind such structure or hedges. (See also "fence" and "landscaping.")

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.605 Setback.

A minimum horizontal distance between a property line, and the face of the building or accessory structure. (See also “yard”)

18.08.610 Side and front of corner lots.

The narrowest frontage of a corner lot facing the street is the “front” and the longest frontage facing the intersecting street is the “side,” irrespective of the direction in which the dwelling faces, except when the Planning Director or designee has designated the wide frontage to be the “front” of the building site for setback purposes.

18.08.615 Signs.

A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to otherwise provide information, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

18.08.620 Single housekeeping unit.

The functional equivalent of a traditional family where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method, and the makeup of the household occupying the unit is stable and semi-permanent and determined by the residents of the unit rather than the landlord, property manager, or third party.

18.08.625 Street.

A public or private thoroughfare which affords a primary means of access to abutting property. “Street” includes, in addition to the paved travel way, all land within the street right-of-way.

18.08.630 Structure.

Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, except outdoor areas such as patios, paved areas, walks, swimming pools, tennis courts and other similar recreation areas; provided, however, that swimming pools are and shall be governed by the provisions of Uniform Building Codes.

18.08.635 Supportive housing.

Housing that is occupied by persons within the target population, and linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing shall be allowed in any residential zone district subject only to those restrictions that apply to other residential dwellings of the same type in the same zone in accordance with California Government Code Section 65583. Supportive housing has no limit on length of stay.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.640 Target population.

Adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act and may, among other populations, include families with children, elderly persons, young adults again out of the foster care system, individuals existing from institutional settings, veterans, or homeless people.

18.08.645 Temporary Retail Sales.

The sales of goods, usually in small quantities, not exceeding seventy-two consecutive hours and not more than once per calendar quarter.

18.08.650 Transient.

Any person who exercised occupancy for a reason of concession, permit, right of access, license, or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days.

18.08.655 Transitional housing.

Housing that assists persons within the target population in the transition to permanent housing by offering either on- or off-site access to social services, counseling, and other programs to its residents. Transitional housing is operated under program requirements that call for the termination of assistance and recirculation of assisted units to other eligible program recipients at some predetermined future point in time, which shall be no less than six months and no more than 24 months from initial occupancy. Transitional housing shall be allowed in all residential zone districts and shall be subject only to those restrictions that apply to other dwellings of the same type in the same zone.

18.08.660 Trellis.

An open vertical frame supporting open latticework, used as a screen or a support for growing vines or plants.

18.08.665 Wall.

Any structure or device forming a physical barrier which is constructed of wood, masonry, precast, cast-in-place, brick, cement block or similar materials, as approved by the City where fifty (50) percent or more of the vertical surface is closed and prevents the passage of light, air and vision through the surface in a horizontal plane; provided, however, that where a wall is required as a condition of the improvement of land pursuant to this title, the same shall consist of solid masonry, as approved by the City Council, except that upon a finding of special conditions unique to the property, the City Council may allow such a fence to consist of other material or design.

18.08.670 Yard.

Any open space other than a court on the same lot with a building or a dwelling group, which space is clear of structures and thus open from ground to sky, except for the projections and/or accessory buildings permitted as set forth and specified in this title.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.08.675 Yard, front.

A space extending the full width of the lot, between the front lot line or the street and a line parallel thereto at a distance equal to the depth of the required front yard for the zone in which the lot is located.

18.08.680 Yard, rear.

A space extending the full width of the lot, between the rear lot line and a line parallel thereto at a distance equal to the depth of the required yard for the zone in which the lot is located.

18.08.685 Yard, side.

A space extending from the front yard to the rear yard, between the side lot line and a line parallel thereto at a distance equal to the depth of the required side yard for the zone in which the lot is located.

18.08.690 Zoning district.

A portion of the City within which certain uses of land and buildings are permitted or prohibited, and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this title.

Chapter 18.20 R-1 SINGLE-FAMILY (LOW-DENSITY) RESIDENTIAL DISTRICT

18.020.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-1 district include:

- A. A church, public or private elementary school, park, playground, public utility building or public building, along with required parking;
- B. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;
- C. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit, or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

Chapter 18.28 R-2 MULTIPLE DWELLING (MEDIUM-DENSITY) RESIDENTIAL DISTRICT

18.028.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-2 district include:

- A. Group dwellings with more than 6 residents, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that such a group dwelling shall not be located within 300 feet of the boundaries of a parcel containing another group dwelling, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity;
- B. A church, public or private elementary school, public utility building or public building, along with required parking;

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- C. Accessory buildings or uses normally incidental to a single-family residence, if constructed or installed prior to the main building on the same lot;
- D. A home occupation;
- E. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit, or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

Chapter 18.32 R-3 MULTIPLE DWELLING (HIGH-DENSITY) RESIDENTIAL DISTRICT

18.032.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the R-3 district include:

- A. Mobile home parks or recreational vehicle parks;
- B. Mortuaries;
- C. A home occupation;
- D. Group dwellings with more than 6 occupants, such as hotels, motels, boardinghouses, family care homes, rest homes, convalescent homes or other similar residential uses, provided that such a group dwelling shall not be located within 300 feet of the boundaries of a parcel containing another group dwelling, unless a conditional use permit is issued on the basis that waiver of such separation requirement would not be materially detrimental or injurious to the property, improvements or uses in the immediate vicinity;
- E. Accessory buildings or uses normally incidental to one of the uses permitted above, if constructed or installed prior to the main building on the same lot;
- F. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit, or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

Chapter 18.35 MIX, MIXED-USE DISTRICT

18.35.030 Conditional uses.

- A. Uses permitted subject to obtaining a conditional use permit, including:
 - 1. Dwellings at a density of 6 dwellings per gross acre, and on the upper floors only;
 - 2. Theaters;
 - 3. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit.
- B. The following uses are allowed by a conditional use permit provided that: (1) the gross floor area of each establishment shall not exceed 2,000 square feet; and (2) the combined floor area of such establishments within a shopping center shall not exceed 25% of the total floor area:
 - 1. Bars and taverns;
 - 2. Professional offices;
 - 3. Restaurants;
 - 4. Retail sale and rentals of specialty items, such as video rental, clothing stores, books, records, toys and stationery;
 - 5. Retail sale of groceries and liquor (<2,000 square feet).

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

Chapter 18.36 G-C, GENERAL COMMERCIAL DISTRICT

18.036.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the G-C district include:

- A. Dwellings which are not on a floor above a permitted use;
- B. Hospitals, convalescent homes, boardinghouses, and family care homes or other group dwellings;
- C. Outdoor sales, including drive-in food and drive-through banking facilities;
- D. Recreation vehicle park;
- E. Auto repair and parking garages;
- F. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit.

Chapter 18.38 C-N, NEIGHBORHOOD COMMERCIAL DISTRICT

18.38.030 Conditional uses.

- A. Uses permitted subject to obtaining a conditional use permit, including:
 1. Amusement arcades;
 2. Athletic and health clubs;
 3. Dwellings at a density of 4 dwellings per gross acre;
 4. Homeless shelters;
 5. Repair services;
 6. Residential care facilities providing care for 6 or more persons;
 7. Service stations;
 8. Employee housing as defined by Section 18.08.328 of this Title, where accommodations are provided to seven (7) or more employees in a dwelling unit.
- B. The following uses are allowed by a conditional use permit provided that (1) the gross floor area of each establishment shall not exceed 2,000 square feet and (2) the combined floor area of such establishments within a shopping center shall not exceed 25% of the total floor area:
 1. Bars and taverns;
 2. Professional offices;
 3. Restaurants;
 4. Retail sale and rentals of specialty items, such as video rental, clothing stores, books, records, toys and stationery;
 5. Retail sale of groceries and liquor (<2,000 square feet);
 6. Theaters.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

Chapter 18.53 ACCESSORY DWELLING UNITS

18.53.010 Purpose and intent.

The purpose of this chapter is to comply with Government Code Section 65852.2, 65852.22 and 65852.26 as amended from time to time by the State, which provides for cities to set standards for the development of accessory dwelling units (ADU) and Junior ADUs (JADU) so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood. Accessory dwelling units are considered to be a residential use, consistent with the General Plan objectives and zoning regulations, and enhance housing opportunities, including near transit for residential lots zoned to allow single family homes or multi-family use. This chapter is intended to implement the City's Housing Element of the General Plan, and is adopted to comply with State law (Government Code Section 65852.2), by allowing accessory dwelling units through ministerial review in all districts zoned to allow single- family homes or multi-family use, subject to meeting the standards prescribed below.

18.53.020 Regulations designated.

- A. The provisions of this Chapter apply to all zones that permit single family homes or multi-family use and are occupied with one single family dwelling unit, a multi-family use, or vacant with approved plans for the construction of a single family dwelling unit.
- B. Accessory dwelling units do not effect the allowable density for the lot upon which the accessory dwelling unit is located, and are a residential use that is consistent with the existing general plan and zoning designation for the lot.
- C. R-2 and R-3 zones. Property owners living in R-2 and R-3 zones with an existing single family structure or multi-family use on site may elect to build an accessory dwelling unit. In addition, if an R-2 or R-3 lot is vacant and the property owner proposed to construct a single family dwelling on the lot, an accessory dwelling unit may also be constructed. However, if an R-2 or R-3 lot has a single family structure with an accessory dwelling unit or approved plans issued by the Planning Department to construct a single family structure with an accessory dwelling unit, and if the property owner applies to build any additional units, each unit, including the single family structure and the accessory dwelling unit, will be subject to all zoning requirements and development standards for R-2 and/or R-3 zones.
- D. This Ordinance shall impose standards on ADUs and JADUs that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.
- E. The ADU is either attached to, located within the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. The JADU must be fully contained within a single family home with no more than 150 square feet of new construction, if necessary to provide an exterior ingress/egress. No JADUs are permitted in multi-family units.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.53.030 Definitions.

- A. An "Accessory dwelling unit, (ADU)" is an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence or multi-family unit. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following:
 - 1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code
 - 2. A manufactured home, as defined in Section 18007 of the Health and Safety Code
- B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- C. "Existing structure," for the purposes of defining an allowable space that can be converted to an accessory dwelling unit means, within the four walls and roofline of any structure that can be made safely habitable under local building codes at the determination of the building official.
- D. "Junior ADU" means a unit which is no more than 500 square feet, typically developed from a bedroom(s) in a single-family home with an exterior entrance, including cooking facilities with appliances, food prep counter and storage cabinets that are of reasonable size in relation to size of the JADU, and may share bathroom facilities with no additional parking required.
- E. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- F. "Local agency" means a city, county, or city and county, whether general law or chartered.
- G. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- H. "Passageway" is a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- I. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- J. "Public transit" means a location, including, but not limited to, a bus stop or train station where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- K. "Tandem parking" means that two or more vehicles are parked on a driveway or in any other location on a lot, lined up behind one another.

18.53.040 Application requirements

- A. Application. Requests for an accessory dwelling unit shall be submitted on an application form provided by the Planning Department and shall contain the following information:
 - 1. A plot plan (drawn to scale). Provide dimensions of the perimeter of parcel on which the accessory dwelling unit will be located. Indicate the location and dimensioned setbacks of all existing and proposed structures on the project site and structures located within 50-feet of the project site. All easements, building envelopes, and special requirements of the subdivision as shown on the final map and improvement plans shall be included.
 - 2. Floor Plans. Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted.
 - 3. Elevation views. Provide north, south, east and west elevations which show all openings, exterior finishes, original and finish grades, stepped footing outline, roof pitch, materials and color board for the existing residence and the proposed accessory dwelling unit.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

4. Cross Section. Provide building cross sections including, but not limited to: structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor to ceiling heights.
5. Fees. The fee for review shall be as set forth in the currently adopted fee resolution and shall not exceed the fixed processing fee established by the City Council for a new single-family dwelling.
6. Copies. One original and five (5) copies of the application package shall be submitted for each ADU request.

Section 18.53.050 Design and development standards.

A. Accessory Dwelling Units within existing space.

An ADU within an existing structure (e.g. the primary dwelling unit, attached or detached garage or other accessory structure) shall be permitted ministerially with a zoning clearance and building permit if it:

1. Complies with building and safety codes;
2. Provides independent exterior access from the existing residence;
3. Provides sufficient side and rear setbacks for fire safety.

B. Accessory Dwelling Units (attached and detached).

1. General.

- a. Sale of Unit. The ADU may not be sold separate from the primary dwelling unit unless specific requirements are met through Government Code Section 65852.26. A JADU may not be sold separately. All conditions of the permit, restrictive covenants, and other contractual agreements with the City apply to the property.
- b. Rental of Unit. Rental of the accessory dwelling unit is allowed for thirty (30) days or longer.

2. Covenant Agreement. A covenant agreement is required prior to issuance of a building permit. The covenant agreement shall state that

- a. The ADU may be conveyed separately from the primary dwelling provided the property is constructed and owned by a qualified 501 (c) (3) nonprofit corporation per Government Code Section 65852.26.
 - (i) The existing primary or detached structure is restricted to the approved size and shall not include an expansion of a single-family dwelling or accessory structure by more than 150 square feet, unless for the purpose of ingress and egress.
 - (ii) The use of the accessory dwelling unit shall be in effect only so long as the property is in compliance with the provisions of this chapter. The owner is required to reside on the property if the primary home contains a JADU, but is not required to reside on the property with an attached or detached ADU, per state regulations.
 - (iii) The above declarations are binding upon any successor in ownership of the property; lack of compliance shall be cause for zoning enforcement.
 - (iv) The covenant agreement shall terminate upon removal or conversion of the accessory dwelling unit to another permitted use.
 - (v) The covenant agreement shall be recorded by the County Recorder for the County of Santa Barbara at the expense of the property owner with the original recorded document delivered to the City prior to issuance of the Building Permit.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- C. Zoning District. Accessory dwelling units are only allowed on lots that allow single-family homes and multi-family uses where an existing legal single-family dwelling or multi-family use exists or is proposed.
1. Number of Accessory Dwelling Units. Only one ADU and one JADU shall be allowed for each single-family dwelling lot. On property containing multi-family units, up to two detached ADUs are permitted, not exceeding a 16 foot height limit with a minimum four foot side and rear yard setback. Additional interior ADUs or JADUs are permitted, up to twenty-five (25) percent of the total number of multi-family units.
 2. Unit Types. The ADU may be within the living area of the existing dwelling, attached to the existing dwelling, or detached from the existing dwelling and shall be located on the same lot as the existing dwelling. Junior ADUs shall be required to be constructed within a new or existing single-family dwelling. Junior ADUs are not permitted in multi-family units or in detached structures. Garage conversions when attached to the single-family unit may be considered as habitable space for a JADU.
 3. Building Codes. Local building code requirements apply to attached and detached ADUs and attached JADUs, as appropriate.
 4. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
 5. Fire Sprinklers. Fire sprinklers are not required unless the existing residence is equipped with fire sprinklers, or unless the Fire Marshall determines that due to special circumstances sprinklers are necessary for life and safety. Fire sprinklers may be considered as mitigation for sub-standard Fire Department access or water supply.
 6. Utility Meters. An accessory dwelling unit shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new Single-family dwelling or multi-family use. When constructed at the same time as the primary single-family residence, the new attached and detached accessory dwelling unit's connection fee and/or capacity charge must be proportionate to the burden of the unit on the water or sewer system based on the size or the number of plumbing fixtures.
 7. Growth mitigation fees: A development or impact fee shall not be imposed upon the development of an ADU less than 750 square feet. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
 8. Access. Two-story detached accessory dwelling units shall limit the major access to stairs, decks, entry doors, and windows to the interior of the lot or an alley, and comply with all development standards. Only one (1) curb cut shall be permitted per parcel and no additional driveways or access points shall be created to accommodate the accessory or main dwelling unit.
 9. Openings. If located outside the standard side and rear yard setbacks for the district, windows which face an adjoining residential property shall be designed to protect the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.
 10. Private Open Space. The main dwelling unit and the additional dwelling unit shall each be provided with a minimum of fifteen (15) feet by fifteen (15) feet of usable private open yard area.
 11. Home Occupations. Home occupations are permitted within an accessory dwelling unit or primary dwelling unit, or both.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

D. Building site.

1. Lot Size. There are no lot size requirements.
2. Unit Size.
 - a. Floor Area. The floor area of an attached accessory dwelling unit shall not exceed 50% of the existing primary dwelling unit's living area.
 - b. Notwithstanding (2)(a) above, no ADU shall be larger than 1,200 square feet.
 - c. Minimum size. The minimum total square footage of the accessory dwelling unit shall be 110 square feet.
3. Site Planning. Accessory dwelling units should be located behind or above the existing dwelling on the site, whenever possible. Designs that significantly alter the street appearance of the existing residence shall be discouraged.

E. Height. A detached accessory dwelling unit shall not exceed a height of 16 feet. An attached accessory dwelling unit may occupy any level of the primary dwelling unit if it is designed as an integral part of the primary dwelling unit and a separate ingress and egress is provided.

F. Setbacks.

1. Setbacks. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
 - a. Detached ADU: The side yard and rear yard setbacks for construction of detached single story structures containing an accessory dwelling unit shall not be less than four (4) feet.
 - b. Attached ADU: Attached accessory dwelling units that increase the square footage of the existing Single-family dwelling shall meet the same setbacks as the primary dwelling unit in the zoning district.
2. Space between Buildings. The space required between buildings shall be what is required in the underlying zoning district.

G. Parking.

1. Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
2. Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
3. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the offstreet parking spaces shall not be replaced.
4. Parking requirements for an accessory dwelling unit are in addition to the required parking for the primary dwelling unit except for (3) above. Covered parking is not required.
5. ADU parking is not required in the following instances:
 - a. The accessory dwelling unit is located within a one-half mile walking distance of public transit.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- b. The accessory dwelling unit is located within any Historic Overlay District that may be in existence at the time a zoning clearance or building permit for an ADU is requested.
 - c. The accessory dwelling unit is part of the existing single family residence, or an existing accessory structure (except as provided in (3) above).
 - 6. Covered Parking Design. Any newly constructed optional covered parking shall conform to architectural and aesthetic standards of the underlying zone.
- H. Architectural and aesthetic standards and compatibility. The accessory dwelling unit's scale, appearance, and character shall be similar to and compatible in design with the primary dwelling unit (e.g. compatible exterior wall materials, window types, door and window trims, roofing materials and roof pitch). Additionally, it shall be visually subordinate to the primary single-family dwelling or multi-family use on the parcel. The exterior entry to the ADU shall clearly appear as a secondary entry when compared to the entry for the primary single-family dwelling or multi-family use.
- I. Outside stairways. Any stairways leading to a second story ADU shall not be in the front of the primary single-family dwelling, or in an exterior side yard if visible from the public right-of-way. Access to a first story unit or ADA accessible ramp may be permitted in the front of the primary dwelling.

Section 18.53.060 Permit requirements.

- A. Accessory Dwelling Units (ADUs) and JADUs shall be permitted ministerially through the zoning clearance and building permit process. The City shall act on the application to create an ADU or a JADU within GO days from the date the City receives a completed application if there is an existing single-family or multi-family unit on the lot. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the ADU or JADU until the permitting agency acts on the permit application to create the new single-family dwelling or multi-family unit, but the application to create the ADU or JADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the GO-day time period shall be tolled for the period of the delay, in compliance with this Chapter within GO days of the filing of a complete application. The applicant shall be informed within 30 days after submission of an application if the application is complete. The Planning Director or designee shall issue zoning clearance to establish an ADU and/or JADU in compliance with this Chapter if all applicable requirements in this Chapter are met, as appropriate. An application for building permit may be submitted at any time during the processing of the ADU application, but under no circumstances shall it be issued prior to zoning clearance approval.
- B. Planning Director. Requests for an ADU or JADU shall be reviewed by the Planning Director or designee.
- C. Other Review Authority. Requests for an ADU or JADU submitted for concurrent review with a discretionary land use application shall continue to be reviewed by the Director or designee and approved subsequent to the discretionary action.

Section 18.53.070 Findings.

Zoning clearance findings. The ADU shall be consistent with all applicable provisions of Section 18.53. Further, the ADU shall be consistent with applicable provisions of the Guadalupe Municipal Code and applicable sections of the General Plan.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

18.53.080 Existing non-conforming ADUs.

The City shall not require, as a condition for ministerial approval of a permit application for the creation of an ADU or a JADU, the correction of nonconforming zoning conditions.

Chapter 18.60 OFF-STREET PARKING AND LOADING

Article I. Off-Street Parking

18.60.010 Applicability.

The provisions of this chapter apply within all zoning districts and to all uses and structures within the City. At the time of the erection of any building and/or structure listed in this chapter or at the time any such building and/or structure that requires additional parking spaces is constructed or intensified in use, enlarged or increased in capacity, the minimum off-street parking spaces set forth in Section 18.60.050, with provisions for adequate and usable ingress and egress, shall thereafter be maintained in connection with such building and/or structure and use of land.

18.60.020 Units of Measurement.

- A. **Fractional Remainders.** When the unit of measurement determining the number of required parking spaces results in the requirement of a fractional space, any fraction of 0.5 spaces or more is considered as a whole space and any fraction of 0.4 or less is dropped as a whole space.
- B. **Seating Capacity.** When the unit of measurement determining the number of required parking spaces is based upon the seating capacity of a structure or use, each twenty-four inches of pew, bench or other seating shall count as one seat.
- C. **Gross Floor Area.** When the unit of measurement determining the number of required parking spaces is based upon gross floor area, such area shall be calculated as prescribed in Section 18.60.050.
- D. **Employees.** When the unit of measurement determining the number of required parking spaces is based on the number of employees, the maximum shift or employment period during which the greatest number of employees are present at the structure or use shall be used in the computation.

18.60.30 Construction specifications and access standards.

Off-street parking facilities shall meet the following standards:

- A. Every off-street parking space shall be accessible by a driveway from a public street or alley.
- B. Each parking space shall be not less than 19 feet in length and 9.0 feet in width or as otherwise noted in Section 18.070.
- C. Where three or more parking spaces are provided in one area, driveways shall be designed to allow forward movement of a vehicle between the street and the parking spaces.
- D. Driveways shall have a clear width of not less than 10 feet, and a paved width of not less than 8 feet.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- E. Driveways providing for two lanes of vehicular traffic in opposite directions shall have a width of not less than 20 feet.
- F. Off-street parking areas shall be designed to permit the operator of a vehicle to maneuver from one aisle of the off-street parking area to another aisle without driving upon any portion of a public street.
- G. Entrances and exits shall be provided at locations approved by the City Engineer.
- H. If the parking area is illuminated, lighting shall be deflected away from abutting streets and residential sites so as to prevent dangerous or annoying glare.
- I. A required off-street parking space shall not be located in the required front yard setback, or in a required side yard adjoining a street.
- J. All driveways and parking areas shall be surfaced so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water accumulated within the area, and shall be arranged and marked to provide for orderly and safe parking and movement of vehicles. Drainage of driveways and parking areas shall comply with current National Pollution Discharge Elimination System (NPDES) and Regional Water Quality Control Board standards for stormwater runoff including Low Impact Development (LID) standards.

18.60.040 Residential zones—parking in front and side yard setbacks.

- A. “Vehicles,” as used in this chapter, include recreational vehicles; boats, whether on or off trailers; trailers; and any other similar vehicles whether operable or inoperable.
- B. Parking a vehicle or vehicles on any unpaved portion of a front yard or side yard setback is prohibited. Such parking is also prohibited on any unpaved portion of a street side yard setback of corner lots. Notwithstanding the foregoing prohibition, a vehicle may be parked on an unpaved portion of a front or street side yard setback for a period not exceeding one hour while actively being washed.
- C. Vehicle parking may be allowed on a paved portion of a side yard setback (or street side yard setback of corner lots) with a Zoning Clearance. Suitable paved surfaces include solid asphalt or concrete, concrete or brick pavers, or a concrete lattice supported surface such as grasscrete.
- D. After the effective date of the ordinance adopting this section, any additional paving of the front yard setback or side yard setback (or street side yard setback of corner lots) shall require the approval of a Zoning Clearance.
- E. In considering an application for a Zoning Clearance, the City shall consider the aesthetic impact as well as the potential for interference with access to structures for emergency vehicles and personnel from vehicles or other obstructions to be placed on such paving. Only one side yard area shall be occupied by vehicle parking. That side yard area shall be located adjacent to an existing driveway. A minimum 5-foot wide side yard access to the rear yard shall be maintained in perpetuity. In no case shall additional paving reduce the total area of landscaping within the front yard (or street side yard setback of corner lots) to less than 33% of the pertinent yard setback area.

18.60.050 Off-street parking spaces required.

- A. Residential.
 - 1. Dwelling, single-family:

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- a. New construction of single-family residential dwellings shall provide two off-street parking spaces within a garage or carport, and where pre-engineered, uniform carport and garage designs are approved through a Design Review permit. Off-street parking spaces within a garage or carport shall be a minimum of nine and one-half feet by nineteen feet; except that single-car garages and carports with side walls shall be eleven feet by nineteen feet. These spaces shall be free and clear of any appliances, cabinets, structures or material which could make the space unusable for the parking of automobiles.
 - b. Single-family residential units which existed or were under construction prior to approval of this ordinance amendment and where additional living area is added after adoption of this ordinance amendment shall provide two off-street parking spaces, one of which must be within a garage or carport and one of which must be on a flat, paved pad accessible directly from the driveway or the public way and located outside the front yard setback. The requirement of this paragraph for existing structures shall not apply when additions are made to the unit that do not constitute an increase in living area. This section in no case will prohibit the addition of living area to a single-family residence when there is no accessible space available for the required additional parking space, subject to all other provisions of the zoning regulations being complied with.
 2. Dwelling, two family/duplex, or multi-family dwellings: shall provide two spaces per unit, one of which shall be covered.
 3. Condominium developments: require two covered parking spaces per dwelling unit, plus one guest parking space for each two dwelling units. The guest parking spaces shall be distributed throughout the development at locations approved by the Planning Department.
 4. Mobile home parks: shall provide two spaces per unit, plus one guest space for each four mobile home sites in the park.
 5. Senior housing units:
 - a. Where the square footage per unit does not exceed six hundred square feet, shall provide one space for each three units, plus one space per each staff member.
 - b. Units exceeding six hundred square feet shall provide one space per dwelling unit, plus one space per each staff member.
 6. Boardinghouses: One covered parking space is required per habitable room as determined by the Building Official. For the purpose of this section, bathrooms and kitchens are not habitable rooms.
- B. Quasi-public.
1. Auditoriums, assembly halls, community centers, churches, clubs or lodges: shall provide one space for each five permanently located seats or one space for each thirty-six square feet of floor area in the assembly room or rooms.
 2. Theater(s) with less than two hundred total seats: shall provide one space for each three seats.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

3. Theater(s) with two hundred or more total seats: shall provide one space for each five seats.

C. Office.

1. Banks, savings and loans and stock brokerage offices: shall provide one space for each two hundred sixty square feet of gross floor area.
2. Medical and dental offices: shall provide one space for each one hundred eighty-five square feet of gross floor area.
3. Office buildings: shall provide one space for each two hundred sixty square feet of gross floor area.

D. Commercial.

1. Ambulance services: shall provide one space for each emergency vehicle plus one space for each two attendants/drivers.
2. Animal hospitals and kennels: shall provide one space for each five hundred-twenty square feet of gross floor area.
3. Automobile and boat sales establishments and automobile car washes: shall provide one space for each three hundred-ten square feet of floor area, exclusive of mechanical service areas, plus one space per three thousand one hundred twenty square feet of outdoor sales or display area, plus three spaces per service bay.
4. Automobile service stations and auto repair shops: shall provide three spaces for each lubrication stall, service rack or pit, and service bay. A service bay is defined as a work area for the purpose of lubricating, servicing and repairing vehicles and accessible to vehicles with a maximum dimension typically of twenty-four feet by fifteen feet in width.
5. Beauty shops: regardless of the number of workstations, shall provide one parking space per one hundred eighty five square feet of gross floor area.
6. Commercial uses (not otherwise provided for in this section): shall provide one space for each two hundred sixty square feet of gross floor area.
7. Machinery rental, sales stores (excluding motor vehicle rental or sales), appliance, carpet, and furniture stores:
 - a. Machinery rental or sales stores (excluding motor vehicle rental or sales): and similar establishments which handle only bulky merchandise (including but not limited to bulk goods, building equipment and supplies, landscape material and equipment) shall provide one space for each five hundred twenty square feet of gross floor area. Floor area within a storage room or loading dock that is used exclusively for storage or loading shall provide one space per one thousand forty square feet. One space for each three thousand one hundred twenty square feet of outdoor sales, display or service area shall be provided.
 - b. Appliance, carpet, and furniture stores: shall provide one space for each seven hundred eighty square feet of gross floor area. Floor area within a storage room or

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- loading dock that is used exclusively for storage or loading shall provide parking based on one space per one thousand forty square feet of gross floor area.
8. Hospitals: shall provide one space for each bed plus one space for each employee or staff member.
 9. Convalescent hospitals, rest homes, nursing homes, and facilities for the care of seven (7) or more non-related persons: shall provide one space for each three beds, plus one space for each employee or staff member.
 10. Hotels and motels: shall provide space for each guestroom which opens to a public way or corridor, yard or court, plus one additional space for each ten rooms, plus two spaces for each dwelling unit.
 11. Market, food and beverage sales establishments: shall provide one space for each two hundred sixty square feet of gross sales floor area.
 12. Miniwarehouses: shall provide one space for each ten storage cubicles equally distributed throughout the storage area. Five spaces to be located in close proximity to the project office for the use of prospective clients; two covered spaces are required for an on-site manager's dwelling unit.
 13. Mortuaries: shall provide one space for each permanently located seat or one space for each forty-six square feet of floor area in the assembly room or rooms.
 14. Nursery schools: shall provide one space for each staff member plus one space for each five children.
 15. Open-air sales (nurseries, motorcycle sales, etc.): shall provide one space for each one thousand forty square feet of site area devoted to public sales or display.
 16. Shopping centers:
 - a. Shopping centers with more than forty thousand square feet shall provide one space for each two hundred sixty square feet of gross floor area, provided that restaurants occupy no more than twenty percent of the total gross floor area of the center and offices for physical health care services occupy no more than twenty percent of the total gross floor area of the center.
 - b. In the event that restaurants or offices for health care services occupy more than twenty percent of the total gross floor area, the gross floor area in excess of twenty percent shall provide parking at the rate of one space for each one hundred fifty five square feet.
 - c. Where shopping centers contain more than one parcel, reciprocal parking and access agreements must be recorded for all properties.
 17. Vocational Training Schools: which teach office, medical, dental, clerical, computer, reporting, or other similar skills to students sixteen years and older, shall provide one space for each faculty member or employee and one space for each two students based on the busiest time of the day. The number of parking spaces required may be reduced if the school provides a bus service acceptable to the Planning Department.
 18. Businesses with video viewing booths: shall provide one space for each one hundred five square feet of gross floor area used to access or place video viewing booths. For the purpose of this section, video viewing booths means a room or area which includes

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

one or more movie viewers, television sets, or other video devices, the operation or use of which is permitted, controlled, or made possible by the deposit or placement of any coin, plate, disk, slug, or key into any slot, or other opening, or by the payment of any fees.

19. Convenience stores which sell alcoholic beverages and prepared food intended to be consumed on site or in the vicinity of the store: shall provide one space for each two hundred ten square feet of gross floor area. For the purpose of this section, prepared food means hot dogs, hamburgers, slices of pizza, deli sandwiches, tacos, burritos and similar convenience foods.

E. Restaurants.

1. Restaurants, cafes, nightclubs, bars and cocktail lounges with seats or tables: shall provide a minimum of one space for each sixty five square feet of floor area used for tables and chairs and one space for each thirty two square feet used for dancing or entertainment plus one space for each two hundred sixty square feet of remaining gross floor areas.
2. Food businesses with or without seats or tables and which provide a single accessory food item such as donuts, ice cream, or yogurt, and do not provide a delivery service or a drive-thru window shall provide a minimum of one space for each two hundred sixty square feet of gross floor area.
3. Restaurants or food businesses with drive-up (car hop service), drive-thru windows or delivery service shall provide a minimum of ten spaces plus one space for every one hundred five square feet over one thousand square feet of gross floor area. Restaurants with drive-up windows may be given parking credit at the rate of one-half space for every twenty-four linear feet of drive-up lane, not to exceed a credit of three spaces.

F. Manufacturing.

1. Laboratories and research establishments shall provide one space for each three hundred ten square feet of gross floor area, but not less than one space for each employee.
2. Manufacturing and processing establishments shall provide one space for each five hundred twenty square feet of gross floor area.

G. Wholesale.

1. Warehousing establishments shall provide one space for each one thousand forty square feet of gross floor area, but not less than one space for each employee.
2. Wholesale business establishments shall provide one space for each five hundred twenty square feet of gross floor area.

18.60.060 Residential zones – covered off-site parking required.

- A. All off-street parking required by this chapter in any residential zone shall be constructed as follows:

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

1. In single-family residential zones, all such parking spaces shall be covered by a garage or carport.
 2. In multifamily residential zones, at least one such parking space shall be covered by a carport or garage.
- B. Parking required by this chapter shall be subject to Design Review and approval of the Planning Director or designee.
- C. Parking design not approved by the Planning Director or designee may be redesigned by the applicant, or the decision appealed to the City Council.

18.60.070 More than one use on a site.

If more than one use is located on a site or within a building, the number of parking spaces provided shall be equal to the sum of the parking spaces required for each use.

18.060.080 Allocation of spaces in common parking facility – Joint use conditions.

The off-street parking requirements of this title may be satisfied by the permanent allocation of the required number of spaces for each use in a common parking facility, provided that the total number of spaces shall be not less than the sum of the individual requirements, at any one time, and provided further that a contract between the parties concerned setting forth the agreement to joint use of a common parking facility is approved by the City Council.

18.60.090 Preservation of existing spaces.

No existing parking shall be changed unless equivalent substitute facilities are provided, or unless the existing parking exceeds requirements, in which case the number of spaces may be reduced to that required under this chapter.

18.60.100 Unspecified uses.

Where the parking requirement for a use is not specifically defined, the parking requirements shall be determined by the Planning Director or designee and such determination shall be based upon the requirement for the most comparable use specified in this chapter.

18.60.110 Garage opening setback.

The minimum distance permitted between a garage opening and a building or structure in direct line with the driveway edge closest to that building or structure is twenty-five feet. This distance shall be measured perpendicular from the face of the garage along the driveway edge closest to the building or structure, see Section 18.60.190.

18.60.120 Location on same lot.

All off-street parking spaces for all office and commercial uses shall be located upon the same lot as the use for which such parking is provided or if approved by the Planning Director or designee, within three hundred feet from the boundary thereof with a recorded off-site parking easement.

18.60.130 Curbing and striping.

- A. All landscaped areas which are located within or adjacent to parking or vehicular traffic areas shall be protected from vehicular traffic by the installation of standard concrete curbing.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- B. Parking spaces shall be marked by double striping. Raised four inch disks placed not more than eighteen inches on-center may be used in lieu of painted stripes, provided the rows of disks are spaced in accordance with the requirements for painted stripes.

18.60.140 Access and maneuvering space.

The following standards shall apply unless additional space or width is required for fire safety purposes.

- A. Space for turning around must be provided for parking areas of three or more spaces, so that no cars need back into the street. Exception: This requirement shall not apply to properties developed and used as a single family residence.
- B. Driveways providing two-way circulation to office, commercial and industrial uses shall have a minimum width as follows:
 - 1. Twelve feet when serving one to and including seven parking spaces;
 - 2. Twenty-four feet when serving eight or more parking spaces.
- C. Driveways providing two-way circulation to residential uses shall have a minimum width as follows:
 - 1. Ten feet when serving one to and including seven parking spaces;
 - 2. Twenty feet when serving eight or more parking spaces;
 - 3. The City Council may require wider driveways where the driveway length or number of spaces is determined by the City Council to cause poor circulation.
- D. Driveways serving any number of parking spaces with one-way traffic shall have a minimum width of twelve feet. Parking lots with one-way driveways shall provide an entrance and an exit, and each entrance and exit shall be clearly identified.
- E. Wider driveways may be required by provisions of the Uniform Fire Code, amended by Guadalupe Municipal Code.

18.60.150 Landscaping.

In all districts, excluding the R-1 district, all open parking areas shall be landscaped except those areas specifically used for vehicle parking. Landscaping shall include trees, shrubbery and ground cover. The landscape areas shall be provided with permanent sprinkler systems. Landscaping plans for commercial parking areas shall be approved by the Planning Director or designee.

- A. The design of the parking area should make the best use of the growth and shade provided by existing trees on the project site.
- B. When the total uncovered parking area on the project site (including adjoining lots over which the project has parking privileges) exceeds 3,600 square feet, the following shall be required, in addition to other provisions of this Section, as part of a landscape plan:
 - 1. Trees, shrubbery, and ground cover shall be provided at suitable intervals in order to break up the continuity of the parking area. Planting islands or these trees and shrubs shall be protected from automobile traffic by either asphalt or concrete curbs.
 - 2. Landscape islands shall be provided at the ends of all parking lanes.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- C. Parking shall be provided at the side or rear of the proposed structures when practicable. Parking lots fronting streets shall be landscaped to soften the visual impact of the parking lot from the street.
- D. Carports shall be located behind or to the side of multi-dwelling complexes where practical. Carport areas shall be screened from view of streets and highways by landscaping or fencing.
- E. Drainage of landscape and parking areas shall comply with current National Pollution Discharge Elimination System (NPDES) and Regional Water Quality Control Board standards for stormwater runoff including Low Impact Development (LID) standards.

Article II. Off-Street Loading

18.60.160 Required when.

At the time of any change in land use, or enlargement of a site or structure in a G-C, M-C or M-1 zone, the Director or designee may require one or more off-street loading facilities, to assure that trucks will not be loaded, unloaded or stored on public streets.

A. Non-residential structures:

1. Each loading berth shall be not less than 45 feet in length and 12 feet in width, and shall have an overhead clearance of not less than 14 feet, except that for mortuaries, cemeteries, columbariums and crematories, loading berths used exclusively for hearses shall be not less than 24 feet in length and 10 feet in width, and shall have an overhead clearance of not less than 8 feet.
2. Sufficient room for turning and maneuvering vehicles shall be provided on the site in order that it will not be necessary for any vehicle to back onto the site from the public street.
3. Each loading berth shall be accessible from a public street or alley.
4. Entrances and exits shall be provided at locations approved by the City Engineer.
5. The loading area, aisles and access drives shall be paved so as to provide a durable, dustless surface, and shall be so graded and drained as to dispose of surface water.
6. Bumper rails or curbs shall be provided where needed for safety or to protect property.
7. If the loading area is illuminated, lighting shall be deflected away from abutting streets and residential sites so as to prevent dangerous or annoying glare.
8. A loading area shall not be located in the required front yard in any district.
9. Repair work or servicing of vehicles shall not be conducted in a loading area.

B. Multi-family Structures:

Multi-family dwelling complexes which do not have adequate street or alley frontage shall provide off-street loading spaces having a minimum width of twelve feet and a minimum length of thirty feet exclusive of necessary ingress and egress and shall comply with the same standards as in the non-residential provisions above. The number and location of such loading spaces shall be designated on the Design Review plans and approved by the Planning Director or designee.

18.60.170 Layout and stall size.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

All parking areas shall conform to the following designs and specifications as shown in the table below (See also Figures 1 and 2 in Appendix).

Standard Size Car					
Angle of Parking (A)	Stall Width (B) *	Curb Length per Stall (C)	Stall Depth (D)	Aisle Width (E) †	Bay Width (F)
Parallel	8'-6"	22'-0"	8'-6"	15'-0"	23'-6"
30	9'-0"	18'-0"	17'-0"	13'-0"	47'-0"
45	9'-0"	12'-9"	20'-0"	15'-0"	55'-0"
60	9'-0"	10'-3"	21'-0"	18'-0"	60'-0"
75	9'-0"	9'-4"	20'-6"	21'-0"	62'-0"
90	9'-0"	9'-0"	19'-0"	24'-0"	62'-0"

The basic minimum dimension for standard parking spaces is 9'-0" by 19'-0". Parking space striping is measured from the inside edge of the parking space striping to the outside edge of parking space striping. The required aisle width may be modified upon a finding by the city engineer that sufficient space is provided so that maneuvering areas will not interfere with traffic and pedestrian circulation.

*Increase width one (1) foot if adjacent to a solid barrier. (Carports ten (10) feet minimum.)

† Minimum twenty-four (24) feet for two (2) way traffic.

18.60.180 Wheel stop locations.

Front overhang clearance (If the front overhang clearance is over a planter area enclosed by concrete curbs, the stall length requirement may be reduced by the length of the clearance.): Rear overhang clearance (See figure 2 in Appendix).

Chapter 18.75 Employee Housing

18.75.010 Intent.

This Chapter is intended to identify employee housing facilities consisting of seven (7) or more persons as primarily a business use that may be compatible with residential uses subject to a conditional use permit, and to establish additional zoning regulations on this use consistent with the public health and safety and good planning practices.

18.75.020 Definition.

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

For purposes of this Chapter, "employee housing" means employee housing as defined in Section 18.08.328 of this Title when seven (7) or more employees are housed in a dwelling unit or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel.

18.75.030 Applicability of requirements.

- A. The requirements set out in this Chapter apply to and are conditions of all employee housing facilities within the City. Failure of an operator of an employee housing facility to comply with the provisions of this Chapter is a public nuisance and is subject to the administrative penalties, citations, fines and hearing procedures of the City of Guadalupe.
- B. Frequent or an unusual number of calls for service or public complaints for an employee housing facility, as determined by the Director of Public Safety, may lead to review and imposition of additional conditions or revocation of the conditional use permit issued for the facility.
- C. Pursuant to California Health and Safety Code Section 17021.5, employee housing providing accommodations for six or fewer employees in a dwelling unit (or on a single parcel if there is also an accessory dwelling unit and/or a junior accessory dwelling unit in addition to the primary dwelling unit on the parcel) is a residential use of property, and therefore, is not subject to the provisions of this Chapter.
- D. All employee housing facilities shall comply with the processing procedures for a conditional use permit as provided in Chapter 18.72.

18.75.040 Development of New Residential Units.

Development of new residential units shall conform to the density, development standards, permit requirements and other regulations of the underlying zone district and shall be processed in the manner specified by this Title.

18.75.050 Performance Standards.

- A. In order to prevent the operation of employee housing from creating situations or impacts beyond that which is normal, expected, and consistent with the general welfare, owners and operators of an employee housing facility shall ensure continued compliance with the following criteria:
 1. As required by state law, no employee housing facility shall be allowed to be operated without first obtaining certification by the state workforce agency that the employee housing facility complies with federal and state program standards. Prior to use of a property for employee housing, the owner or operator of the employee housing facility shall provide the City with proof of certification by the California Employment Development Department and/or California Department of Housing and Community Development acting as the state workforce agency.
 2. The owner and operator of a dwelling used for employee housing shall consistently maintain the dwelling and property, including maintaining landscape, so as not to create a public nuisance. The entire site shall be permanently maintained free of accumulated dirt and litter and in an otherwise neat and attractive manner and adhere to the requirements of the Guadalupe Municipal Code. Any graffiti on the property shall be promptly removed or painted out. All landscaping areas on the property shall be

Guadalupe Municipal Code

Amendments

April 2019 to October 2019

- permanently maintained with healthy, growing plant material, free from weeds. Dead or dying plant material shall be replaced within one month of plant deterioration.
3. Employee housing shall comply with all applicable residential development standards of the underlying zone district and the per-unit parking requirements of Title 18.
 4. Garages (detached or attached) or other accessory buildings not permitted as dwelling units shall not be used to house employees.
 5. Common living areas (kitchens, dining rooms, living rooms, family rooms, etc.) within existing units shall not be converted to, or used for, additional sleeping areas.
 6. The appearance of the dwelling or property shall not be modified (either by color, materials, construction, signs, lighting, sounds, etc.) so as to be recognized as serving as an employee housing use.
 7. No commercial signs shall be permitted on the property or on vehicles parked at the property.
 8. Any vehicles associated with the operation of an employee housing facility, including but not limited to employee transportation, deliveries and company vehicles, shall not impede vehicular or pedestrian traffic or block any driveway or sidewalk.
 9. Vehicles, sixteen (16) passenger capacity and larger, shall not be parked on the property or on adjacent streets, other than in the active process of picking up or dropping off employees.
 10. The operator shall establish a 24-hour emergency contact phone number.
- B. An operator of a proposed employee housing facility may request modifications to the above criteria through the conditional use permit application and process.