

**ORDINANCE NO. 2023-509**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, AMENDING SECTIONS OF CHAPTER 18 (ZONING ORDINANCE) TO ACHIEVE CONSISTENCY WITH THE RECENTLY ADOPTED 2042 GUADALUPE GENERAL PLAN**

The City Council of the City of Guadalupe, State of California, does ordain as follows:

**WHEREAS**, on November 22, 2022, the Guadalupe City Council adopted the 2042 General Plan and land use diagram by Resolution No. 2022-104 and as amended by Resolution No. 2023-15 on March 14, 2023; and

**WHEREAS**, in order to complete the planning process, it is necessary to bring certain properties' zone designations under Chapter 18 of the Guadalupe Municipal Code (zoning ordinance) into consistency with the recently adopted General Plan and amendment; and

**WHEREAS**, this ordinance also will amend various zoning districts and procedural regulations in order to be found consistent with the adopted General Plan; and

**WHEREAS**, this ordinance was introduced for first reading on March 14, 2023, at the regular meeting of the City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GUADALUPE DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Chapter 18.35 of the Guadalupe Municipal Code is hereby amended to read as follows:

**Chapter 18.35 MIX, MIXED-USE DISTRICT**

**Sections:**

**18.35.010 Purpose of district.**

**18.35.020 Permitted uses.**

**18.35.030 Conditional uses.**

**18.35.010 Purpose of district.**

The purpose of the MIX district is to promote Downtown Guadalupe as a fully occupied commercial, civic, and cultural focal point for the City. Residential uses, primarily above first floor retail and commercial, is expanded in this zone district. Under certain conditions, ground floor units are permitted.

**18.35.020 Permitted uses.**

Uses permitted in the MIX zone include:

1. Ambulance service, taxi stand and bus depot;
2. Banks, offices, savings and loan, financial services;

3. Butcher shops, bakeries and other food preparation for retail sale;
4. Churches, meeting halls, theaters and auditoriums;
5. Clothing stores;
6. Department stores;
7. Dressmaking, tailor, jewelry and other small handicraft establishments;
8. Drug stores, pharmacies;
9. Eating, entertainment and event center establishments;
10. Grocery stores;
11. Hotels and motels;
12. Laundromats, laundry and dry-cleaning agencies;
13. Medical, dental and similar offices or clinics;
14. Mortuary;
15. Nursery school, daycare
16. Physical fitness center, health clubs
17. Professional offices, public and administrative offices;
18. Repair shops for small items;
19. Retail stores offering new merchandise for resale to the general public;
20. Restaurants and fast food establishments;
21. Retail sale of auto parts, tires, batteries, etc.;
22. Retail sale of furniture and appliances;
23. Wine tasting;

24. Residential development, up to 30 units per acre, including: 1) residences occupying second floors (e.g., above ground-floor non-residential uses) including single-room occupancies, boardinghouses, apartments, and stacked-flat style condominiums; and 2) attached two- and three-story residences occupying their own site. This second form of residential use is limited to townhouse-style condominiums, townhouse-style zero lot line single family dwellings in a townhouse configuration. No ground level units are permitted north of Seventh Street on Guadalupe Street, consistent with the General Plan land use designation of Downtown Mixed Use, and following the development standards of the Design Review provisions;

25. Adult Oriented Businesses, as identified by Chapter 18.15

B. The following uses are permitted outside a building:

1. Carwash;
2. Service station;
3. Public and private parking lots and parking garages

C. Accessory buildings, only if constructed simultaneously with or subsequent to the main building on the same lot.

D. Any other similar use which the City Council finds to be consistent with the purpose of the zoning district.

#### **18.35.030 Conditional uses.**

- A. Uses permitted subject to obtaining a conditional use permit in the MIX district include:
1. Bars, taverns, and liquor stores
  2. Hospitals, convalescent homes, and family care homes or other group dwellings;
  3. Outdoor sales, including drive-in food and drive-through banking facilities;

- 4. Employee housing as defined by Section 18.08.328 of this title, where accommodations are provided to seven or more employees in a dwelling unit;
- 5. Retail (storefront) commercial cannabis business.

**SECTION 2.** Chapter 18.36 of the Guadalupe Municipal Code is hereby amended to read as follows:

**Chapter 18.36 G-C, GENERAL COMMERCIAL DISTRICT**

**Sections:**

- 18.36.010 Purpose of district.**
- 18.36.020 Permitted uses.**
- 18.36.030 Conditional uses.**

**18.36.010 Purpose of district.**

The purpose of the G-C district is to provide areas for the orderly expansion and development of this district to serve present and future needs of the residential community, in conformance with the General Plan.

**18.36.020 Permitted uses.**

Permitted uses in the G-C district include:

- A. The following uses within a building:
  - 1. Ambulance service, taxi stand and bus depot;
  - 2. Banks and loan offices;
  - 3. Butcher shops, bakeries and other food preparation for retail sale;
  - 4. Churches, meeting halls, theaters and auditoriums;
  - 5. Dressmaking, tailor, jewelry and other small handicraft establishments;
  - 6. Eating and entertainment establishments;
  - 7. Grocery stores;
  - 8. Hotels and motels;
  - 9. Laundromats, laundry and dry-cleaning agencies;
  - 10. Medical, dental and similar offices or clinics;
  - 11. Mortuary;
  - 12. Nursery school, daycare
  - 13. Professional, public and administrative offices;
  - 14. Repair shops for small items;
  - 15. Retail stores offering new merchandise for resale to the general public;
  - 16. Single-family or multiple dwellings, only if located on floors above a permitted use.
- B. Accessory buildings, only if constructed simultaneously with or subsequent to the main building on the same lot.
- C. Public and private parking lots.
- D. Manufacturing Uses.
  - 1. Manufacturing, compounding, assembling, processing or treating drug and pharmaceuticals.

- E. Other Services:
  - 1. Carwash;
  - 2. Restaurants and fast food places;
  - 3. Retail sale of auto parts, tires, and batteries;
  - 4. Retail sale of furniture and appliances;
  - 5. Service stations.
- F. Any other similar use which the City Council finds to be consistent with the purpose of the zoning district.

**18.36.030 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. Auto repair and parking garages;
- E. Employee housing as defined by Section 18.08.328 of this title, where accommodations are provided to 7 or more employees in a dwelling unit;
- F. Retail (storefront) commercial cannabis business.

**SECTION 3.** Section 18.60.050 of Chapter 18.60 of the Guadalupe Municipal Code is hereby added to read as follows:

**Off-street Parking and Loading (Chapter 18.60)**

**18.60.050 Off-street parking spaces required.**

H. MIX zone district has been identified by the City and State as an area requiring special consideration due to the inclusion of possible affordable housing as well as commercial businesses that are a benefit to the community. If space is available, the owner shall be required to provide up to the required amount of parking as established by Chapter 18.60. However, if sufficient space is not available, then off-street parking can be reduced or eliminated with approval of the Planning Director pursuant to Finding N (Section 18.73.110.N).

**SECTION 4.** Chapter 18.72 of the Guadalupe Municipal Code is hereby amended to read as follows:

**Chapter 18.72 CONDITIONAL/ADMINISTRATIVE USE PERMITS AND VARIANCES**

**Sections:**

**Article I. Conditional Use Permits**

- 18.72.010 Applicability.**
- 18.72.020 Application—Information required.**
- 18.72.030 Application—Deposit.**
- 18.72.040 Procedure.**
- 18.72.050 Public hearing—City Council determination.**

- 18.72.060** Decision maker.
- 18.72.070** Components of review.
- 18.72.080** Hearing - findings for approval.
- 18.72.090** Similar uses and slight modifications.
- 18.72.100** Appeals of final action of City Council.

**Article II. Variances**

- 18.72.110** Variance application—Contents and Deposit.
- 18.72.120** Certain uses not allowed.
- 18.72.130** Procedure Application.
- 18.72.140** Notice to adjacent properties.
- 18.72.150** Public hearing—City Council recommendations.
- 18.72.160** Required findings.
- 18.72.170** Appeals of final action of City Council

**Article III. Use Restrictions**

- 18.72.180** Time of issuance—Effective date.
- 18.72.190** Expiration date.
- 18.72.200** Revocation conditions.
- 18.72.210** Appeal of final actions
- 18.72.220** Time Extension

**Article IV. Administrative Use Permits**

- 18.72.230** Issuance conditions.
- 18.72.240** Application—information required.
- 18.72.250** Application fee.
- 18.72.260** Application—Director determination.
- 18.72.270** Findings for approval.
- 18.72.280** Administrative hearing.
- 18.72.290** Appeal of final action of City Council

**Article I. Conditional Use Permits**

**18.72.010** Applicability.

Uses permitted subject to conditional use permit are those uses necessary for the development of the community, having inherent qualities or characteristics which, unless provided for, would cause such uses to be incompatible or inharmonious with adjacent or nearby permitted uses.

**18.72.020** Application—Information required.

The applicant shall submit an application that meets the requirements of the City’s planning application packet, but at a minimum, consisting of the following:

- A. A completed planning application form, including a written project description discussing all existing and proposed structures and uses.

- B. The required application deposit.
- C. Four plan sets, including a site plan, floor plans, a roof plan, and complete set of elevations.
- D. Landscape plans, if applicable and deemed necessary by planning staff.
- E. Site photos including photos from any street frontage.
- F. One set of mailing labels with the addresses of property owners within a 300-foot radius of the subject property, and adequate first-class postage for a single mailing to these recipients.

**18.72.030 Application Deposit.**

A deposit set by a resolution shall accompany the application. Conditional use permits issued for a specified period of time may be extended for an additional period of time without additional deposit.

**18.72.040 Procedure.**

The procedure for requesting and obtaining a Conditional Use Permit is as follows:

A. The applicant fills out a permit application for conditional use and submits the required application deposit.

B. Staff reviews the application materials, conducts a preliminary review of the project's compliance with Zoning Code requirements, and determines if the application is complete for processing or if additional materials are needed. If the application is deemed incomplete for processing, an Incomplete Letter shall be transmitted no later than 30 days after receiving the application materials.

C. Once application is complete, staff prepares a staff report and resolution which contains findings and conditions of approval. The project is then placed on the agenda for the next available City Council meeting. Plan sets associated with the request would be included in each Councilmember's packet for review prior to the meeting.

D. During the City Council's consideration of the request, the applicant and their architect or agent would present the project and field any questions from the Council. If the design is acceptable as proposed or with minor changes or revisions that are of the nature that they could be verified by staff without the need for returning to the Council, the Conditional Use Permit may be approved or conditionally approved. If more substantive revisions are deemed necessary, the Council's comments at the meeting shall be conveyed to the applicant, who would then have the responsibility for addressing these comments through the preparation of revised plans and reconsideration at a future Council hearing.

**18.72.050 Components of review.**

The City Council shall consider the following design components when considering an application for a Conditional Use Permit:

- A. Overall design of new or enlarged structures and the architectural style.
- B. Physical and design relation with existing and proposed structures on the same site and in the immediately affected surrounding area.
- C. Site layout, orientation, and location of buildings, and relationship with open areas and topography.

- D. Colors, types, and variation of building materials.
- E. Height, bulk, scale and area coverage of buildings and structures and other site improvements.
- F. Potential interference with existing scenic views.
- G. Height, materials, colors, and variations in boundary walls, fences, or screen planting.
- H. Location and type of existing and proposed landscaping.
- I. Reduction or elimination of on-site parking within the MIX zone district, only after the Director makes Finding N (Section 18.73.100.N).

**18.72.060 Notice to adjacent properties.**

A. For all Conditional Use Permits, notice of a pending Conditional Use Permit application shall be mailed to adjacent property owners within a 300-foot radius of the proposed development. Notices shall be mailed out at least 10 calendar days in advance of the meeting at which the City Council will consider the Conditional Use Permit. Minor Design Review Permit applications shall not require mailed notices to be sent.

B. For Conditional Use Permits, at least 10 calendar days prior to the meeting at which the City Council will consider the Conditional Use Permit, at least three notices of the pending application shall be posted in a publicly accessible location on City property, with such notice maintained on site until the day after the City Council meeting.

**18.72.070 Decision maker.**

Conditional Use Permits will be considered by the City Council. The Council may approve, conditionally approve, or deny a Conditional Use Permit.

**18.72.080 Public hearing—City Council Findings.**

A. After the conclusion of the public hearing comment period for the project, the City Council shall determine whether or not the establishment, maintenance or operation of the use which is applied for will be consistent with the Findings below:

1. The project or use shall be consistent with applicable provisions of the General Plan and Zoning Ordinance;

2. The project or use shall not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

3. Should the Zoning Ordinance require both a CUP and Design Review, Section 18.73.030.A states that only the CUP shall be processed by the City Council. However, in such cases, the Findings for Design Review (Section 18.73.100) shall be required as part of the CUP approval process.

B. If the Council can make the Findings above, it may grant the conditional use permit.

**18.72.090 Appeals of final action of City Council.**

The City Council's decision concerning any matter it considers under this Title is final and is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6 for judicial review.

**18.72.100 Similar use and slight modification**

Uses which the Planning Director determines to be similar to the permitted uses in each district and which fall within the intent and purpose of the district, and that will not be obnoxious or detrimental to the public welfare, and compatible with adjoining land uses, and which are of a comparable nature and of the same classes as the uses enumerated for said district, shall be allowed as permitted uses therein. The Planning Director may also consider and render decisions on matters of slight modification and minor adjustment deemed necessary in connection with the efficient administration of this title. Whenever the lawfulness of such a determination is called in question in any manner, the same shall be submitted to the City Attorney whose decision shall be determinative.

**Article II. Variances**

**18.72.110 Variance Application—Contents and deposit.**

A. Applications for a variance shall be made in writing by a property owner, lessee, purchaser in escrow, or optionee with the consent of the owners on a form provided online or by the Planning Department. The application shall include a plot plan drawn to scale, showing property involved and improvements, dimensions, other structures within 50 feet of property lines, the details of the variance requested, site photos, and evidence that the Findings in Section 18.72.080 can be made.

B. A deposit as set by resolution shall accompany the application.

**18.72.120 Certain uses not allowed.**

The use of lands or buildings not in conformity with the regulations specified for the district in which such lands or buildings are located may not be allowed by the granting of a variance from the strict application of the terms of this title.

**18.72.130 Procedure**

A variance shall be processed in the same manner as a Conditional Use Permit as identified in Section 18.72.040.

**18.72.140 Notice to adjacent properties.**

A. For all Variance applications, notice of a pending application shall be mailed to adjacent property owners within a 300-foot radius of the proposed development. Notices shall be mailed out at least 10 calendar days in advance of the meeting at which the City Council will consider the Variance.

B. At least 10 calendar days prior to the meeting at which the City Council will consider the Variance, at least three notices of the pending application shall be posted in a publicly accessible location on City property, with such notice maintained on site until the day after the City Council meeting.

**18.72.150 Public hearing—City Council recommendations.**

Variances will be considered by the City Council. The Council may approve, conditionally approve, or deny a Variance.



**18.72.160 Required Findings.**

Applications for variances from the strict application of the terms of this title may be made, and variances granted, when the following circumstances are found to apply:

A. That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated;

B. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

C. The granting of the variance will not be contrary to the intent of this title or to the public safety, health and welfare; and

D. Due to special conditions or exceptional characteristics of the property, or its location, the strict application of this title would result in difficulties and unnecessary hardship.

**18.72.170 Appeals of final action of City Council.**

The City Council's decision concerning any matter it considers under this Title is final and is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6 for judicial review.

**Article III. Use Restrictions**

**18.72.180 Time of issuance—Effective date.**

No conditional use permit or granting of a variance shall have any force or effect until the applicant thereof actually receives such permit designating the conditions of its issue thereon, and signed by the secretary of the Planning Commission or City Clerk. No permit shall be issued until the time for filing an appeal from the decisions of the City Council has expired. Prior to issuance of a Zoning Clearance, the applicant shall have signed and returned to the City, an Agreement to Comply with conditions of approval.

**18.72.190 Expiration date.**

Any conditional use permit or variance granted in accordance with the terms of this title shall expire if not initiated within one year from the date of the approval thereof, or within any shorter or longer period of time if so designated by the City Council, unless the applicant applies for and obtains an extension from the City Council. Initiation of a conditional use permit or variance may be accomplished by obtaining issuance of building and/or grading permits. For any conditional use permit or variance that is timely initiated, it shall expire within one year if there have been no inspections for issued building and/or grading permits. The City Council shall hold a hearing to confirm the expiration of the conditional use permit or variance to allow the applicant an opportunity to show cause why the conditional use permit or variance should not be expired. The City Council has the discretion to extend any conditional use permit or variance and may impose additional conditions for doing so.

**18.72.200 Revocation conditions.**

Any conditional use permit or variance granted in accordance with the terms of this title may be revoked by the City Council in the manner hereinafter set forth if any of the conditions or terms of such permits are violated.

**18.72.21 Appeal of final action of City Council**

The City Council's decision concerning any matter it considers under this Title is final and is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6 for judicial review.

**18.72.220 Time extension.**

The City Council may grant up to two (2) one-year extensions for good cause. A request for an extension shall be made in writing with appropriate fees and filed sufficiently in advance of the expiration date to allow the request to be considered at a regular meeting of the City Council.

**Article IV. Administrative Use Permits**

**18.72.230 Issuance conditions.**

Administrative use permits (AUP) when required or allowed by this code shall be issued only if the findings identified in Section 18.72.160 can be made. The Planning Director or designee shall impose such conditions as deemed necessary to serve the purposes of this title, and may require tangible guarantees or evidence that such conditions are being or will be complied with.

**18.72.240 Application—Property owner(s).**

Application for an AUP shall be made in writing by the property owner(s).

**18.72.250 Application fee.**

A fee shall be required to process an AUP in an amount established by resolution of the City Council and updated from time to time.

**18.72.260 Application—Director determination.**

Upon receipt of the application for an administrative use permit and payment of the application deposit, the Planning Director or designee shall evaluate the request and determine if the findings listed in Section 18.72.160 can be made to approve the request.

**18.72.270 Findings for approval.**

In order to approve an administrative use permit, the Planning Director or designee shall make specific findings that granting the administrative use permit will not be detrimental to public health and safety, introduce unreasonable adverse impacts to the immediate neighbors, and would not overburden sewer and water services, or overburden traffic flow or parking.

**18.72.280 Administrative hearing.**

Prior to issuing an administrative use permit under this chapter, the Planning Director or designee shall cause an administrative hearing to be noticed and held in the following manner:

A. Notice of Hearing. Notice of a public hearing shall contain the information required by Government Code Section 65094 and any additional information the Director deems appropriate. In addition, the notice shall declare that the application for the administrative use permit will be acted on without a public hearing if no request for a hearing is made.

B. Method of Notice/Distribution. Notice of public hearings shall be given as provided by Government Code Section 65091.

C. Public Hearing. A public hearing on an administrative use permit shall occur only when a hearing is requested by the applicant or other interested person(s). This request shall be made in writing to the Planning Director or designee no later than 7 days after the date of the public notice. In the event a public hearing is requested, the hearing on the administrative use permit shall be held on the date and time as defined in the public notice. At the request of the project applicant and/or at the discretion of the Planning Director or designee, a public hearing may be continued from time to time, but notice of the further hearings may be required to be provided again in the same manner as provided by subsection A. All costs associated with noticing shall be borne by the property owner.

D. Conduct of Hearing. At the public hearing, interested persons may present information and testimony relevant to a decision on the proposed AUP.

E. Final Decision. Immediately after the conclusion of public testimony in the case of a public hearing, or no sooner than the date of the meeting specified in the public notice required by subsection A, the Planning Director or designee shall announce the final decision, continue the decision to a future date, or announce that the matter will be referred to the City Council for a final decision.

**18.72.290 Appeal of Director decision by City Council**

Appeals of any Director final decision under this AUP section shall conform to the requirements of Chapter 18.80 requiring a hearing by the City Council. The City Council’s decision concerning any matter it considers under the Title is final and is subject to the time limits set forth in California Code of Civil Procedures Section 1094.6 for judicial review.

**SECTION 5.** Chapter 18.73 of the Guadalupe Municipal Code is hereby amended to read as follows:

**Chapter 18.73 DESIGN REVIEW**

**Sections:**

- 18.73.010 Applicability.**
- 18.73.020 Minor Design Review Permits for certain small projects.**
- 18.73.030 Exceptions and exemptions.**
- 18.73.040 Application—Information required.**
- 18.73.050 Application—Deposit.**
- 18.73.060 Decision maker.**
- 18.73.070 Similar uses and slight modifications.**
- 18.73.080 Notice to adjacent properties.**
- 18.73.090 Procedure.**
- 18.73.100 Components of review.**

**18.73.110 Findings required for approval.**

**18.73.120 Appeals of Director decision and final action of City Council.**

**18.73.130 Expiration and extension.**

**18.73.010 Applicability.**

A. A Design Review Permit is required for any development, including either or both structural development and grading, on properties in the City's Downtown Mixed Use District (as defined in the General Plan) or on properties with frontage along Guadalupe Street or Main Street, unless the proposed development would not be visible from these streets, for example, if blocked by a sound wall or other intervening structure.

B. Regardless of location, the following types of development projects shall require a Design Review Permit:

1. All new structures fronting a public street or visible from a public street on properties zoned general commercial, service commercial, neighborhood commercial, mixed use, or similar commercial zoning.

2. All new structures fronting a public street or visible from a public street on properties zoned general industrial, industrial commercial, light industrial, or similar industrial zoning.

3. Additions to nonresidential structures in any commercial, industrial, or mixed use zoning district that involve any exterior alterations to 2nd and/or 3rd stories.

4. Additions to nonresidential structures in any commercial, industrial, or mixed use zoning district that would be visible from a public street or view point and that exceed 120 square feet in size.

5. All new wireless communications facilities.

6. New multifamily residential developments exceeding 3 units or additions to existing multifamily developments where the addition would result in a total of 3 or more units on a given property.

7. All garage conversions.

8. Any development or remodeling of structures that have been officially designated historical landmarks by the City or the State.

9. Remodeling projects of the types and locations specified in this list, if the remodeling involves exterior alterations that would be visible from any public street or other public area.

10. Any other project not otherwise on this list that, in the opinion of the Planning Director or City Planner, would benefit from design review because of its visibility, scope, or historic merit, or potential for deprivation of private property rights of other landowners.

C. In addition, City-sponsored capital improvement projects may be referred to the City Council or design review in an advisory capacity. Projects eligible for advisory review would include development within any City-owned park or open space. The decision on whether to refer a City-sponsored project for advisory design review would be made by the Planning Director or City Planner after consideration of the project's potential for aesthetic impacts and the potential benefit of input on project design.

**18.73.020 Minor Design Review Permits for certain small projects.**

A Minor Design Review Permit is required for any small project. A small project is defined as any new structure of less than 300 square feet, or an addition to an existing structure that adds

less than 500 square feet of development or adds less than 10% of the size of the main structure, whichever is greater. Other projects that are at a similarly small scale, as determined by the Planning Director or City Planner, may be processed with a Minor Design Review Permit.

**18.73.030 Exceptions and exemptions.**

A. A separate Design Review Permit is not required for those projects that require approval(s) under the jurisdiction of the City Council (for example Conditional Use Permits) where the design of the project or development would be a part of the City Council’s consideration of the request. However, the Design Review Findings (Sec. 18.73.100) shall be incorporated into the CUP Resolution.

B. Notwithstanding the requirements set forth in Sections 18.73.010 and 18.73.020, the following projects do not require a Design Review Permit:

1. Interior alterations of structures other than historical landmarks, as long as such alterations do not result in any changes to the exterior of the building.

2. Structures or additions to existing structures on lots zoned single-family residential in areas outside of the Downtown Mixed Use District or which are located on streets other than Guadalupe Street or Main Street.

3. New structures in any commercial, industrial, or mixed use zoning district less than 200 square feet in size, unless such structure(s) because of the visual sensitivity of the site combined with its proposed location, architectural style, or would, in the opinion of the Planning Director or City Planner, result in a potential visual impact.

**18.73.040 Application—Information required.**

The applicant shall submit an application that meets the requirements of the City’s planning application packet, but at a minimum, consisting of the following:

A. A completed planning application form, including a written project description discussing all existing and proposed structures and uses.

B. The required application deposit.

C. Four plan sets, including a site plan, floor plans, a roof plan, and complete set of elevations.

D. Landscape plans, if applicable and deemed necessary by planning staff.

E. Site photos including photos from any street frontage.

F. One set of mailing labels with the addresses of property owners within a 300-foot radius of the subject property, and adequate first-class postage for a single mailing to these recipients.

**18.73.050 Application Deposit.**

A deposit set by City Council resolution shall accompany the application. Separate fees may be established by City Council resolution for small projects as defined in Section 18.73.020.

**18.73.060 Decision maker.**

Design Review Permits will be considered by the City Council. The Council may approve, conditionally approve, or deny a Design Review Permit. Minor Design Review permits shall be considered by the Planning Director for final action, with appeals heard by City Council.

**18.73.070 Similar uses and slight modifications.**

Uses which the Planning Director determines to be similar to the permitted uses in each district and which fall within the intent and purpose of the district, and that will not be obnoxious or detrimental to the public welfare, and compatible with adjoining land uses, and which are of a comparable nature and of the same classes as the uses enumerated for said district, shall be allowed as permitted uses therein. The Planning Director may also consider and render decisions on matters of slight modification and minor adjustment deemed necessary in connection with the efficient administration of this title. Whenever the lawfulness of such a determination is called in question in any manner, the same shall be submitted to the City Attorney whose decision shall be determinative.

**18.73.080 Notice to adjacent properties.**

A. For all regular Design Review Permits, notice of a pending Design Review Permit application shall be mailed to adjacent property owners within a 300-foot radius of the proposed development. Notices shall be mailed out at least 10 calendar days in advance of the meeting at which the City Council will consider the Design Review Permit. Minor Design Review Permit applications shall not require mailed notices to be sent.

B. For both Design Review Permits and Minor Design Review Permits, at least 10 calendar days prior to the meeting at which the City Council will consider the Design Review Permit or the Director will consider a Minor Design Review permit, at least three notices of the pending application shall be posted in a publicly accessible location on City-controlled property, with such notice maintained on site until the day after the City Council meeting.

**18.73.090 Procedure.**

The procedure for requesting and obtaining a Design Review Permit is as follows:

A. The applicant fills out a permit application for design review and submits the required application deposit.

B. Staff reviews the application materials within the first 30 days, conducts a preliminary review of the project's compliance with Zoning Code requirements, and determines if the application is complete or if additional materials are needed. If additional materials are needed, an Incomplete Letter shall be transmitted no later than 30 days after receiving the application materials.

C. Once application is complete, staff prepares a staff report and resolution which contains findings and conditions of approval. The project is then placed on the agenda for the next available City Council meeting. Plan sets associated with the request would be included in each Councilmember's packet for review prior to the meeting.

D. During the City Council's consideration of the request, the applicant and their architect or agent would present the project and field any questions from the Council. If the design is acceptable as proposed or with minor changes or revisions that are of the nature that they could be verified by staff without the need for returning to the Council, the Design Review Permit may be approved or conditionally approved. If more substantive revisions are deemed necessary, the Council's comments at the meeting shall be conveyed to the applicant, who would then have the responsibility for addressing these comments through the preparation of revised plans and reconsideration at a future Council hearing.

E. If the project is denied with prejudice by the City Council, the applicant shall not be permitted to resubmit a Design Review Application for the same project for a period of 12 months from the date of denial.

F. Upon any approval of a Design Review Permit, the applicant may then proceed with a request for a zoning clearance for the proposed development. The approved set of plans would be maintained with the file for verification of compliance once construction drawings are submitted to the Building Department.

**18.73.100 Components of review.**

The City Council shall consider the following design components when considering an application for a Design Review Permit:

- A. Overall design of new or enlarged structures and the architectural style.
- B. Physical and design relation with existing and proposed structures on the same site and in the immediately affected surrounding area.
- C. Site layout, orientation, and location of buildings, and relationship with open areas and topography.
- D. Colors, types, and variation of building materials.
- E. Height, bulk, scale and area coverage of buildings and structures and other site improvements.
- F. Potential interference with existing scenic views.
- G. Height, materials, colors, and variations in boundary walls, fences, or screen planting.
- H. Location and type of existing and proposed landscaping.
- I. Reduction or elimination of on-site parking within the MIX zone district, only after the Director makes Finding N (Section 18.73.110.N).

**18.73.110 Findings required for approval.**

Prior to approval of a Design Review Permit, the Planning Commission shall make all of the following findings:

- A. The buildings, structures, and landscaping are appropriate and of good design in relation to other buildings, structures, and landscaping, on-site or in the immediate vicinity of the project.
- B. The development will be compatible with the neighborhood, and its size, bulk and scale will be appropriate to the site and the neighborhood.
- C. There is harmony of material, color, and composition of all sides of a structure or buildings as well as consistency and unity of composition and treatment of exterior elevation.
- D. Any mechanical or electrical equipment is well integrated in the total design concept and screened from public view to the maximum extent practicable.
- E. All visible onsite utility services are appropriate in size and location.
- F. The grading will be appropriate to the site.
- G. Adequate landscaping is provided in proportion to the project and the site with due regard to the preservation of existing trees, and existing native vegetation, and adequate provision will be made for the long-term maintenance of such landscaping.
- H. The development will not adversely affect significant public scenic views.

I. All exterior site, structure and building lighting is well-designed and appropriate in size and location.

J. The proposed development is consistent with any additional design standards as expressly adopted by the City Council.

K. The project architecture will respect the privacy of neighbors and is considerate of solar access.

L. The project will provide for adequate street design and sufficient parking for residents and guests in a safe and aesthetically pleasing way.

M. The proposed development as shown on the project plans is in conformance with all applicable policies of the General Plan and the requirements of this title.

N. The proposed development is an asset to the community through the provision of needed housing units along with expanded commercial/retail services.

#### **18.73.120 Appeals of Planning Director decision and final action of City Council.**

Appeals of any Planning Director final decision under this chapter shall conform to the requirements of Chapter 18.80 requiring a hearing by the City Council. The City Council's decision concerning any matter it considers under this Title is final and is subject to the time limits set forth in California Code of Civil Procedure Section 1094.6 for judicial review.

#### **18.73.130 Expiration and extension.**

A. A Design Review Permit shall expire two (2) years after final approval, if a building permit for the project has not been obtained by the applicant or the successor in interest and no inspections have been done. The City Council shall hold a hearing to allow the applicant to show cause why the Design Review Permit shall not be expired. The City Council shall have the discretion to extend the Design Review Permit and may impose additional conditions for doing so.

B. The City Council may grant up to two (2) one-year extensions for good cause. A request for an extension shall be made in writing with appropriate fees and filed sufficiently in advance of the expiration date to allow the request to be considered at a regular meeting of the City Council.

**SECTION 6.** Section 18.20.010 of Chapter 18.20 of the Guadalupe Municipal Code is hereby amended to read as follows:

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

##### **18.20.010 Purpose of district.**

The purpose of the R-1 district is to provide an area exclusively limited to single-family homes with not more than one dwelling plus ADU and/or JADU, consistent with Chapter 18.53, and customary accessory buildings on a building site, and with an overall density of 1-12 dwellings per acre, in conformance with the land use element of the General Plan.

**SECTION 7.** Section 18.24.010 and 18.24.050 of Chapter 18.24 of the Guadalupe Municipal Code is hereby amended to read as follows:



**Chapter 18.24 R-1-M SINGLE-FAMILY (MEDIUM-DENSITY) RESIDENTIAL DISTRICT**

**18.24.010 Purpose of district.**

The purpose of the R-1-M district is to provide an area exclusively limited to single-family homes with not more than one dwelling plus ADU and/or JADU, consistent with Chapter 18.53, reducing the total land area required for each dwelling but retaining private usable open space on each lot, with an overall density of up to 12 dwellings per acre, in conformance with the land use element of the General Plan.

**18.24.050 Minimum lot area and dimensions.**

Lots or parcels in the R-1-M district shall have a minimum area of 3,630 square feet. No lot shall contain less than 40 feet of lot frontage, except where a detached garage is served from an alley, where the minimum width shall be 35 feet. Minimum lot depth shall be 80 feet. On cul-de-sac lots, the required lot width must be provided within the front yard setback.

**SECTION 8.** Section 18.28.020 of Chapter 18.20 of the Guadalupe Municipal Code is hereby amended to read as follows:

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

**18.28.020 Permitted uses.**

Uses permitted in the R-2 district include:

One or more single-family or multiple-family dwellings, including apartment houses or condominiums, plus ADUs and JADUs consistent with Chapter 18.53, provided that there shall be no more than one dwelling unit for each 2,178 square feet of land within the lot or parcel on which the dwelling is located. All dwellings shall be of a permanent character, placed upon a permanent foundation, and shall not be a mobile home or other temporary or vehicular type of dwelling;

**SECTION 9.** Section 18.32.020 of Chapter 18.32 of the Guadalupe Municipal Code is hereby amended to read as follows:

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

**18.32.020 Permitted uses.**

Uses permitted in the R-3 district include:

One or more single-family or multiple-family dwellings, including apartment houses or condominiums, plus ADUs and JADUs consistent with Chapter 18.53, provided that there shall be no more than one dwelling unit for each 1,452 square feet of land within the lot or parcel on which the dwelling is located. All dwellings shall be of a permanent character, placed upon a permanent foundation, and shall not be a mobile home or other temporary or vehicular type of dwelling;

**SECTION 10.** Section 18.42.010 and 18.42.030.Aof Chapter 18.42 of the Guadalupe Municipal Code is hereby amended to read as follows:

**Chapter 18.42 COMMERCIAL RECREATION DISTRICT**

**18.42.010 Purpose of district.**

The purpose of the C-R district is to accommodate businesses who cater to the recreation and traveling needs of the community and visitors.

**18.42.030 Conditional uses.**

- A. Uses permitted subject to obtaining a conditional use permit, including:
  - 1. Bed and breakfast inns;
  - 2. Motels/hotels;
  - 3. Retail (storefront) commercial cannabis business.
  - 4. Hostels.

**SECTION 11.** Section 18.16.010 of Chapter 18.16 of the Guadalupe Municipal Code is hereby amended to read as follows:

**18.42.010 Zoning map and zoning district boundaries.**

The “ZONING MAP OF THE CITY OF GUADALUPE” is hereby amended to ensure consistency with the 2042 Guadalupe General Plan, as described in Exhibit 1 – Proposed Zoning Designations.

**SECTION 12.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and has been found to be exempt pursuant to §15306 of the CEQA Guidelines (Information Collection) because it does not have the potential to create a physical environmental effect.

**SECTION 13.** The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

**SECTION 14.** The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

**INTRODUCED** at a regular meeting of the City Council held on the 14<sup>th</sup> day of March 2023, by the following roll call vote:

**MOTION: MEGAN LIZALDE / GILBERT ROBLES**

**AYES: 4 Councilmembers: Hernandez, Julian, Lizalde, Robles**  
**NOES: 0**  
**ABSENT: 1 Councilmember: Costa Jr.**  
**ABSTAINED: 0**

**PASSED AND APPROVED** as the regular meeting of the City Council on the 28<sup>th</sup> day of March 2023, by the following roll call vote:

**MOTION: EUGENE COSTA JR. / MEGAN LIZALDE**


**AYES: 5 Councilmembers: Costa Jr., Hernandez, Julian, Lizalde, Robles**  
**NOES: 0**  
**ABSENT: 0**  
**ABSTAINED: 0**

**ATTEST:**

  
Amelia M. Villegas, City Clerk

  
Ariston Julian, Mayor

**APPROVED AS TO FORM:**

  
Philip F. Sinco, City Attorney