

ORDINANCE NO. 2023-511

AN ORDINANCE OF THE CITY OF GUADALUPE, CALIFORNIA, AMENDING TITLE 15 AND VARIOUS SECTIONS OF TITLE 18 OF THE GUADALUPE MUNICIPAL CODE ESTABLISHING A STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

WHEREAS, the State of California and the City Guadalupe have consistently promoted and encouraged the use of fuel-efficient electric vehicles; and

WHEREAS, the State of California adopted Assembly Bill 1236, which requires local agencies to adopt an ordinance that creates an expedited and streamlined permitting process for electric vehicle charging systems; and

WHEREAS, the creation of an expedited, streamlined permitting process for electric vehicle charging stations would facilitate convenient charging of electric vehicles and help reduce the City's reliance on environmentally damaging fossil fuels.

NOW, THEREFORE, the City Council of the City of Guadalupe does hereby ordain as follows:

SECTION 1. Chapter 15.16 is hereby added to Title 15 of the Guadalupe Municipal Code to read as follows:

15.16.010 Purpose.

The purpose of this Chapter is to provide expedited, streamlined permitting process for electric vehicle charging stations that complies AB 1236 for Electric Vehicle Charging Stations (Chapter 598 Section 65850.7). This Chapter encourages the use of electric vehicle charging station by removing unreasonable barriers, minimizing costs to property owners of the City of Guadalupe, and expanding the ability of property owners to install electric vehicle charging systems. This Chapter allows the City of Guadalupe to achieve these goals while protecting the public health and safety.

15.16.020 Definitions.

- A. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Chapter, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- B. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

C. "Electronic submittal" means the utilization of one or more of the following:

1. Electronic mail or email.
2. The internet.
3. Facsimile.

15.16.030. Permitting Process.

Consistent with Government Code Section 65850.7, the Building Official or delegee shall implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of all requirements with which electric vehicle charging stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" as published by the Governor's Office of Planning and Research. The City's adopted checklist shall be published on the City's website.

15.16.040. Permit Application.

Prior to submitting an application for processing, the applicant shall verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety and building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

- A. A permit application that satisfies the information requirements in the City's adopted checklist shall be deemed complete and be promptly processed. Upon confirmation by the Building Official or delegee that the permit application and supporting documents meets the requirements of the City adopted checklist, and is consistent with all applicable laws and health and safety standards, the Building Official or delegee shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to energize or utilize the electric vehicle charging station until approval is granted by the City. If the Building Official or delegee determines that the permit application is incomplete, he or she shall issue a written correction notice to the applicant, detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- B. Consistent with Government Code Section 65850.7, the Building Official or delegee shall allow for electronic submittal of permit applications covered by this Ordinance and associated supporting documentations. In accepting such permit applications, the

Building Official or delegee shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

15.16.050. Technical Review.

- A. It is the intent of this Chapter is to encourage the installation of electric vehicle charging stations by removing obstacles to permitting for charging stations so long as the action does not supersede the Building Official's authority to address higher priority life-safety situations. If the Building Official makes a finding based on substantial evidence that the electric vehicle charging station could have a specific adverse impact upon the public health or safety, as defined in this Chapter, the City may require the applicant to apply for a conditional use permit.
- B. In the technical review of a charging station, consistent with Government Code Section 65850.7, the Building Official shall not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association, as that term is defined by Civil Code Section 4080.

15.16.060. Electric Vehicle Charging Station Installation Requirements.

- A. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.
- B. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.
- C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
- D. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

SECTION 2. Section 18.28.020.H is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.28.020 Permitted uses.

Uses permitted in the R-2 district include:

- A. 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;
- B. All multiple units in R-2 medium-density residential zones placed on one lot must be attached;
- C. Group dwellings with 6 or fewer residents, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that there shall not be more than one residing occupant for each 500 square feet of land within the lot or parcel on which the dwellings are located;
- D. Accessory buildings or uses, only if constructed simultaneously with, or subsequent to, the main building on the same lot;
- E. Public park or playground;
- F. A minimum of 60% of the rear yard area shall be retained for landscaping. Storage of RVs, boats, trailers and other vehicles shall be stored on a paved surface for which zoning clearance is required;
- G. Hosted short-term rentals as permitted by Section 18.55.03;
- H. Electric Vehicle Charging Station.

SECTION 3. Section 18.28.030.G is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.28.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit, or an administrative use permit when allowed, 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;
- 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 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;
- F. Unhosted short-term rentals as permitted by Section 18.55.040;
- G. Electric Vehicle Charging Station, if the Building Official or delegee determines the charging station could have a specific adverse impact upon the public health or safety.

SECTION 4. Section 18.32.020.G is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.32.020 Permitted uses.

Uses permitted in the R-3 district include:

- A. 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;
- B. Group dwellings with 6 or fewer residents, such as boardinghouses, family care homes, rest homes, convalescent homes, or other similar residential uses, provided that there shall not be more than one residing occupant for each 500 square feet of land within the lot or parcel on which the dwellings are located;
- C. Offices, recreation facilities, dining rooms, laundry facilities and other incidental uses constructed simultaneously or subsequent to the main building on the same lot;

- D. A church, public or private school, public building, public utility building, park or playground;
- E. A minimum of 60% of the rear yard area shall be retained for landscaping. Storage of RVs, boats, trailers and other vehicles shall be stored on a paved surface for which zoning clearance is required;
- F. Hosted short-term rentals as permitted by Section 18.55.030;
- G. Electric Vehicle Charging Station.

SECTION 5. Section 18.32.020.H is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.32.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit, or an administrative use permit when allowed, 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 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;
- G. Unhosted short-term rentals as permitted by Section 18.55.040;
- H. Electric Vehicle Charging Station, if the Building Official or delegee determines the

charging station could have a specific adverse impact upon the public health or safety.

SECTION 6. Section 18.35.020.26 is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.35.020 Permitted uses.

- A. 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: (a) residences occupying second floors (e.g., above ground floor nonresidential uses) including single-room occupancies, boardinghouses, apartments, and stacked-flat style condominiums; and (b) 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 business identified by Chapter 18.15;
 - 26. Electric Vehicle Charging Station.
- 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.

SECTION 7. Section 18.35.030.F is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.35.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the MIX district include:

- A. Bars, taverns, and liquor stores;
- B. Hospitals, convalescent homes, and family care homes or other group dwellings;
- C. Outdoor sales, including drive-in food and drive-through banking facilities;
- D. 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;
- E. Retail (storefront) commercial cannabis business;
- F. Electric Vehicle Charging Station, if the Building Official or delegee determines the charging station could have a specific adverse impact upon the public health or safety.

SECTION 8. Section 18.36.020.17 is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

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;
17. Electric Vehicle Charging Station.
- 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.

SECTION 9. Section 8.36.030.G is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

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;
- G. Electric Vehicle Charging Station, if the Building Official or delegee determines the

charging station could have a specific adverse impact upon the public health or safety.

SECTION 10. Section 18.40.020.Q is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.40.020 Permitted uses.

Uses permitted in the industrial-commercial district include:

- A. Ambulance service;
- B. Automobile, truck or farm machinery sales facilities;
- C. Bakeries;
- D. Carpenter, cabinet and woodworking shops or box manufacturing;
- E. Dwellings, limited to the use of a watchman or caretaker employed on the site, mobile or permanent;
- F. Electric, plumbing, heating and sheet-metal shops;
- G. Express offices, bus stations, shipping terminals;
- H. General offices, professional offices and laboratories;
- I. Hardware, building material, machinery, feed and seed stores;
- J. Laundry and dry-cleaning facilities;
- K. Public utility and municipal and communication facilities;
- L. Restaurants;
- M. Secondhand sales wholly within a building;
- N. Union halls, employment agencies;
- O. Welding and machine shops;
- P. Wholesale, storage and warehouse establishments;
- Q. Electric Vehicle Charging Station.

SECTION 11. Section 18.40.030.E is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.40.030 Conditional uses.

Uses permitted subject to obtaining a conditional use permit in the industrial-commercial (M-C) district include:

- A. Animal hospitals, kennels and veterinary establishments;
- B. Bulk petroleum distribution plants;
- C. Automobile, truck or farm machinery service, repair and storage facilities;
- D. Salvage or storage yards, including auto wrecking when conducted within a solid fence of a sufficient height to screen operations and materials inside, and commercial cannabis businesses involving distribution, manufacturing, testing labs, cultivation-processing, and/or microbusiness (non-cultivation);

- E. Electric Vehicle Charging Station, if the Building Official or delegee determines the charging station could have a specific adverse impact upon the public health or safety.

SECTION 12. Section 18.44.020.G.21 is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.44.020 Permitted uses.

Uses permitted in the G-I district include any of the following, or similar, manufacturing, compounding, assembling, processing or treating uses:

- A. Agricultural Uses.
 - 1. Agricultural industries, such as packing, canning and processing of agricultural products;
 - 2. Bottling plants;
 - 3. Box and container making or assembling;
 - 4. Icemaking, cold storage or frozen-food processing facilities;
 - 5. Manufacture of food products.
- B. Manufacturing Uses.
 - 1. Auto and other upholstery;
 - 2. Bakery (wholesale);
 - 3. Boat building and repair;
 - 4. Cabinet shop;
 - 5. Ceramic product manufacture;
 - 6. Drug and pharmaceuticals;
 - 7. Electrical and electronics equipment;
 - 8. Garment;
 - 9. Lumber yard, including milling;
 - 10. Welding.
- C. Processing.
 - 1. Blueprinting or photocopying;
 - 2. Carpet and rug cleaning plant;
 - 3. Chemical or scientific laboratory;
 - 4. Food processing;
 - 5. Greenhouses (wholesale and retail).
 - 6. Water softening;
- D. Wholesaling, Warehousing and Storage.
 - 1. Building materials;
 - 2. Contractor storage yard;
 - 3. Distribution businesses;
 - 4. Feed and fuel;
 - 5. Machinery and equipment rental;
 - 6. Shipping and transportation.
 - 7. Wholesaling and warehousing facilities;

- E. Utilities. Distribution plant or substation.
- F. Commercial Services. Automotive body repair or painting.
- G. Other Services.
 - 1. Advertising and related services;
 - 2. Building and landscape maintenance services;
 - 3. Carwash;
 - 4. Contractor's yard;
 - 5. Convenience stores;
 - 6. Delivery and private postal services;
 - 7. Equipment rental;
 - 8. Feed stores and farm supply stores;
 - 9. Hardware stores;
 - 10. Laundries;
 - 11. Light manufacturing;
 - 12. Photocopying services; photofinishing, blueprinting; printing and publishing;
 - 13. Restaurants and fast food places;
 - 14. Retail sale of auto parts, tires and batteries;
 - 15. Retail sale of autos, boats, mobile homes;
 - 16. Retail sale of building and landscaping materials;
 - 17. Retail sale of furniture and appliances;
 - 18. Service stations;
 - 19. Swap meets;
 - 20. Warehousing/wholesaling, mini-storage, moving companies;
 - 21. Electric Vehicle Charging Station.

SECTION 13. Section 18.44.030 of Title 18 of the Guadalupe Municipal Code is hereby amended to read as follows:

18.44.030 Conditional uses.

Uses subject to obtaining a conditional use permit in the G-I district include other manufacturing uses not listed in Section 18.44.020 and commercial cannabis businesses involving distribution, manufacturing, testing labs, cultivation-processing, and/or microbusiness (non-cultivation), and Electric Vehicle Charging Stations, if the Building Official or delegee determines the charging station could have a specific adverse impact upon the public health or safety.

SECTION 14. Section 18.49.020.J is hereby added to Title 18 of the Guadalupe Municipal Code to read as follows:

18.49.020 Permitted uses.

- A. Governmental buildings and facilities designed for public use and accommodation;
- B. Public libraries, museums, schools, and colleges;

- C. Charitable and philanthropic institutions;
- D. Cemeteries, crematories or mausoleums;
- E. Water and wastewater treatment plants, substations and other public service facilities of a similar nature;
- F. Uses, buildings and structures incidental, accessory and subordinate to permitted uses;
- G. Churches;
- H. Student housing;
- I. Any uses which the City Council find to be similar to and within the intent and purpose of the PF district, that are no more obnoxious or detrimental to the public welfare, and are found by the City Council to be compatible with adjoining land uses, and which are of a comparable nature and of the same class as the uses enumerated above;
- J. Electric Vehicle Charging Station.

SECTION 15. 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 from the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) because the activity is not a project as defined in Section 15378 and Section 15061(b)(3) of the CEQA Guidelines, because the activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

SECTION 16. 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 17. 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 on the 12th day of September 2023, by the following roll call vote:

MOTION: MEGAN LIZALDE / CHRISTINA HERNANDEZ

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 26th day of September 2023, by the following roll call vote:

MOTION: GILBERT ROBLES / CHRISTINA HERNANDEZ

AYES: 3 Councilmembers: Hernandez, Julian, Robles
NOES: 0
ABSENT: 2 Councilmembers: Costa Jr., Lizalde
ABSTAINED: 0

ATTEST:




Amelia M. Villegas, City Clerk



Ariston Julian, Mayor

APPROVED AS TO FORM:



Philip F. Sinco, City Attorney