

ORDINANCE NO. 2026-531

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, ADDING CHAPTER 15.17 AND AMENDING VARIOUS SECTIONS OF TITLE 12 OF THE CITY OF GUADALUPE MUNICIPAL CODE REGARDING HYDROGEN FUELING STATIONS

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

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

WHEREAS, the State of California adopted Senate Bill 1418, which requires local agencies to adopt an ordinance and checklist that creates an expedited and streamlined permitting process for hydrogen fueling stations; and

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

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

SECTION 1. Chapter 15.17 is hereby added to the Guadalupe Municipal Code to read as follows:

Chapter 15.17 HYDROGEN FUELING STATIONS

§ 15.17.010 Purpose and intent.

§ 15.17.020 Definitions.

§ 15.17.030 Expedited Permitting Process.

§ 15.17.040 Permit Application Processing.

§ 15.17.050 Technical Review.

§ 15.17.060 Hydrogen Station Installation Requirements.

§ 15.17.010 Purpose and intent.

The purpose of this Chapter is to promote and encourage the use of hydrogen fuel cell electric vehicles by creating an expedited, streamlined permitting process for hydrogen fueling stations while promoting public health and safety and preventing specific adverse impacts in the development and use of such hydrogen fueling stations. This Chapter is also purposed to comply with California Government Code Section 65850.7.

§ 15.17.020 Definitions.

A. "Hydrogen fueling station" means the equipment used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that is open to the public.

- 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. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by a city, on another similarly situated application in a prior successful application for a permit.
- D. "Electronic submittal" means the utilization of one or more of the following: Electronic mail or email, the internet, or facsimile.

§ 15.17.030 Expedited Permitting Process.

Consistent with Government Code Section 65850.7, the Building Official shall implement an expedited, streamlined permitting process for hydrogen fueling stations and adopt a checklist of all requirements with which hydrogen fueling stations shall comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations found on the Governor's Office of Business and Economic Development's website. This checklist is published on the Building Department's webpage.

§ 15.17.040 Permit Application Processing.

- A. Prior to submitting an application for processing, the applicant shall verify that the installation of a hydrogen fueling 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: architectural, fire, building, electrical, and mechanical plans. 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 that the permit application and supporting documents meet the requirements of the City-adopted checklist and is consistent with all applicable laws and health and safety standards, the Building Official shall, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. Such approval does not authorize an applicant to utilize the hydrogen fueling station until approval is granted by the City. If the Building Official determines that the permit application is incomplete, a written correction notice shall be issued 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 shall allow for electronic submittal of permit applications covered by this ordinance and associated supporting documentation. In accepting such permit application, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

§ 15.17.050 Technical Review.

- A. It is the intent of this ordinance to encourage the installation of hydrogen fueling stations by removing obstacles to permitting for hydrogen fueling 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 hydrogen fueling 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.

§ 15.17.060 Hydrogen Station Installation Requirements.

A hydrogen fueling station shall meet all the following, as applicable:

- A. Safety and performance standards established by the Society of Automotive Engineers and accredited nationally recognized testing laboratories.
- B. All applicable state laws and regulations pertaining to hydrogen fueling, including any rules established by the California Air Resources Board, California Energy Commission or California Department of Food and Agriculture regarding safety, reliability, weights, and measures.
- C. National Fire Protection Association, Hydrogen Technologies Code – NFPA 2
- D. Guidance established by the Governor's Office of Business and Economic Development, as outlined in the Hydrogen Station Permitting Guidebook.

SECTION 2. Section 18.35.020.B of Chapter 18.35 (Mixed-Use) of the Guadalupe Municipal Code (concerning permitted uses) is hereby amended to read as follows:

B. The following uses are permitted outside a building:

1. Carwash;
2. Service station;
3. Public and private parking lots and parking garages.
4. Hydrogen fueling station, without adverse impacts.

SECTION 3. Section 18.35.030 of Chapter 18.35 (Mixed-Use) of the Guadalupe Municipal Code is hereby amended 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.
- G. Hydrogen fueling station with adverse impacts.

SECTION 4. Section 18.36.020.E (concerning permitted uses) of Chapter 18.36 (General Commercial) of the Guadalupe Municipal Code is hereby amended to read as follows:

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.
- 6. Hydrogen fueling station, with no adverse impacts.

SECTION 5. Section 18.36.030 of Chapter 18.36 (General Commercial) of the Guadalupe Municipal Code is hereby amended 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 seven 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.

H. Hydrogen fueling station, with adverse impacts.

SECTION 6. Section 18.38.030 of Chapter 18.38 (Neighborhood Commercial) of the Guadalupe Municipal Code is hereby amended to read as follows:

§ 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 7 or more employees in a dwelling unit.**
- 9. Hydrogen fueling station with adverse impacts.**

SECTION 7. Section 18.44.020.G (concerning permitted uses) of Chapter 18.44 (General Industrial) of the Guadalupe Municipal Code is hereby amended to read as follows:

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.
22. Hydrogen fueling station, with no adverse impacts.

SECTION 7. Section 18.44.030 of Chapter 18.44 (General Industrial) 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 business involving distribution, manufacturing, testing labs, cultivation-processing, and/or microbusiness (non-cultivation), electric vehicle charging stations, and hydrogen fueling stations, if the Building Official or delegee determines the charging station could have a specific adverse impact upon the public health or safety.

SECTION 8. 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 9. 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 10. 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 28th day of July 2026 by the following roll call vote:

MOTION: AMELIA M. VILLEGAS / WHITNEY FURNESS

AYES: 5 Councilmembers: Costa Jr., Hernandez, Julian, Furness, Villegas
NOES: 0
ABSENT: 0
ABSTAINED: 0

PASSED AND ADOPTED at a regular meeting of the City Council on the 11th day of August 2026 by the following roll call vote:

MOTION: EUGENE COSTA JR. / WHITNEY FURNESS

AYES: 5 Councilmembers: Costa Jr., Hernandez, Julian, Furness, Villegas
NOES: 0
ABSENT: 0
ABSTAINED: 0

ATTEST:

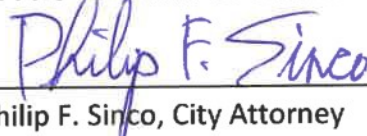


Judy Wilson, City Clerk



Ariston Julian, Mayor

APPROVED AS IS TO FORM:



Philip F. Sinco, City Attorney