

**Title 18 – Development Code**

**Article 4 –**

**Regulations for Specific Land Uses and Activities**



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## Chapter 18.48 – Regulations for Specific Land Uses and Activities

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### Sections:

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### 18.48.010 – Purpose and Applicability

- A. Purpose.** This chapter provides locational, site planning, developmental, and/or operational standards for certain land uses allowed within individual or multiple zones, and for activities which require special standards to mitigate their potential adverse impacts.
- B. Applicable standards.**
1. **Where allowed.** Each use shall be located only as allowed by Article 2.
  2. **Developmental standards.** The standards for specific uses specified in this chapter are required in addition to all other applicable provisions of the Development Code.
    - a. The land use tables in Article 2 and the specific characteristics of the use determine when the standards of this chapter apply to a specific land use.
    - b. In the event of any conflict between the requirements of this chapter and those of Article 2 or Article 3, the requirements of this chapter shall control

### 18.48.020 – Accessory Uses

- A. Applicability.** This section provides locational, developmental, and/or operational standards for accessory uses. The provisions shall apply to accessory uses where allowed in compliance with the following standards.
- B. Standards.**
1. **Secondary to a primary use.** An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a primary use or structure to which it relates under the same regulations as the primary use in any zone.
  2. **Specific standards.** These regulations are found in the use regulations tables in Article 2 and may be subject to specific standards specified in this chapter or the standards established for each zone, as specified in the Article 2 land use tables.

### 18.48.030 – Adult Oriented Businesses

- A. Applicability.** The provisions in this section apply to all adult oriented uses where allowed in compliance with all of the following standards.
- B. Location restrictions.** Adult oriented businesses shall maintain the following separation requirements
1. No adult oriented business shall be located within 1,000 feet of any other adult oriented business;
  2. No adult oriented business shall be located within 2,000 feet of any nursery school, elementary school, junior high school, high school, public park/playground, or religious institution; and
  3. No adult oriented business shall be located within 1,000 feet of any residential zone or use, or within 300 feet of any residential zone or use in any adjacent jurisdiction.
- C. Measurement.** The distance of separation shall be measured using a straight line, without regard to intervening structures or objects, from the property line of the parcel on which the adult-oriented business is located to the closest residential zone boundary or property line of the parcel upon which is located another adult-oriented business, residential zone, residential use, religious institution, park/playground, or any school. If the proposed adult oriented business or residential use, religious institution, park/playground, or any school is located on the same parcel as the adult oriented business, the distance between the two shall be measured in a straight line between the front doors of each use without regard to intervening structures or objects.

### 18.48.040 – Alcohol Sales

- A. Applicability.** The provisions in this section apply to all alcohol sales uses whether for on-site or off-site consumption where allowed in compliance with all of the following standards.
- B. Operation and maintenance plan required.** In addition to the documents required to be submitted as part of an application for the required discretionary permit, the permit application to allow the sale of alcoholic beverages also shall be accompanied by an operation and maintenance plan describing the manner in which the applicant intends to conduct the business. The information provided shall include all of the following:

1. Days of the week and hours of the day during which the establishment will be open for business;
  2. Hours of the day during which alcoholic beverages will be sold, if different from the hours of the day during which the establishment will be open for business;
  3. Measures to be taken by the applicant to ensure alcoholic beverages will not be sold to minors;
  4. Arrangements made by the applicant for clean-up and removal of trash from the premises and from any adjacent public sidewalks, streets, parking areas, or other rights-of-way; and
  5. Security arrangements made by the applicant to prevent loitering and consumption of alcoholic beverages outside of the premises.
- C. Permit approval.** No permit to engage in the sale of alcoholic beverages shall be approved unless the Review Authority first finds and determines the proposed location for the sale of alcoholic beverages and the conditions under which the activity will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or other uses in the vicinity.
- D. Conditions of approval.** The Review Authority may impose conditions upon the issuance of the permit it deems appropriate, necessary, and reasonable, under the circumstances, including, but not limited to, the following:
1. Approve the initial permit for a period not to exceed three years, with annual reviews;
  2. Limitation upon the hours of the day during which alcoholic beverages can be sold;
  3. Requirement for special trash collection service; and/or
  4. Requirement for special security arrangements; provided however, the cost shall not impose an unreasonable economic hardship upon the proprietor of the establishment.
- E. Determinations of Public Convenience or Necessity (PCN).** Determinations within the jurisdiction of the Council in compliance with Section 23958.4 of the Business and Professions Code as to whether the public convenience or necessity (PCN) would be served by the issuance of an ABC license are delegated to the Commission.
1. **Application and hearing.** The Commission shall conduct a public hearing upon an application for a determination of public convenience or necessity. The Commission shall consider all of the following:
    - a. Whether the issuance of an ABC license involves an existing business with a license that is being transferred to a new location, or a business requesting a new license, would result in an increase in the total number of off-sale or on-sale retail liquor licenses in the City, or in the census tract in which the business would be located;
    - b. Will the proposed establishment promote the City's economic health consistent with the General Plan, any applicable specific plan, or any similar policies that have been adopted by the Council;
    - c. Whether the business will serve a specific need or specialty that is not currently available in the area;

- d. To what extent is the sale of alcohol is essential to the primary purpose of the business? What percentage of the business's sales is anticipated to be alcohol sales;
  - e. Whether the proposed establishment is likely to increase crime in the area or an unreasonable burden on Police Department services based on the following:
    - (1) The extent to which reported crime in the subject site district exceeds the average for crime reporting districts subject to the jurisdiction of the Police Department;
    - (2) The number of Police calls for service at or in the vicinity of the proposed location;
    - (3) The potential for increased burden on City resources within a reasonable time period; and
    - (4) Whether the applicant has been convicted of a felony;
  - f. Is the application for a premises where a prior license has been revoked within the previous one-year period;
  - g. Is there a residential neighborhood, school, church, day care center, homeless shelter, alcohol rehabilitation center, facility designed and operated to serve minors, park or other incompatible facility or land use within 600 feet of the property for which a public convenience or necessity determination is requested? If so, will permitting an additional license disproportionately impact adjacent areas;
  - h. What evidence and/or arguments has the applicant provided showing the public convenience or necessity will be served by the issuance of the license; and
  - i. What operational measures does the applicant propose to eliminate or limit any potential negative impacts from the sale of alcoholic beverages.
2. **Consideration of application.** In considering a PCN application, a negative finding regarding any one of the above guidelines may be sufficient grounds for denial of the application. Each application shall be judged on an individual basis and any one criteria or combination of criteria may be waived as the result of imposed conditions.
  3. **Notice of public hearing.** Notice of the public hearing shall be given in compliance with Chapter 18.114. All interested persons shall be allowed to provide oral and documentary evidence to the Commission prior to the determination by the Commission. The decision of the Commission shall be final in the absence of a timely appeal or request to review the decision.
  4. **Filing Fees.** Filing fees for the processing of a PCN determination application shall be required in compliance with the Master Fee Schedule and shall be paid upon submittal of an application for the determination. If a PCN determination is processed concurrently with a Conditional Use Permit application, the fees for the PCN determination shall be waived.
  5. **Appeals.** Any determination by the Commission may be appealed or called for review .



6. **Separate zoning action.**
- a. The PCN determination shall be a separate determination from any discretionary zoning decision; however, a determination on a PCN application may be made by the Commission at the same time as any discretionary zoning decision provided the notice and hearing requirements, have been met.
  - b. An approval of a zoning entitlement for the subject use shall not constitute, nor be deemed to require, a determination that the PCN would be served by the issuance of a license by the ABC for the use.
7. **Concurrent processing.** A PCN application shall be processed concurrently with any required discretionary zoning decision, to the extent that concurrent processing is reasonably feasible.
8. **Role of Police Department.** The Chief of Police, or designee, shall provide information or data to the Director for provision to the Commission for its consideration of the PCN application. The Chief of Police, or designee, may provide recommendations or conditions to the Commission regarding any PCN determination.
9. **License violations.** Nothing contained in this section shall be deemed to prohibit any official, officer or employee of the Police Department from monitoring and investigating the activities of establishments licensed by the ABC for possible license violations and to file complaints with the ABC relating to license violations.
- F. **Periodic review of permit.** A permit for the sale of alcoholic beverages may be subject to periodic review for the purpose of determining whether the permit holder has complied with all of the conditions and requirements of the permit. The Review Authority may initiate a review of the permit at any time.
- G. **Modification of permit.** The Review Authority may at any time, either on its own initiative or in response to an application or request to do so, modify or delete any conditions of the permit or impose any new conditions if it determines that the action is necessary in order to preserve the public health, safety, or welfare, or to prevent the creation or continuance of a public nuisance.
- H. **Revocation of permit.** The permit may be revoked upon a determination by the Review Authority that the holder of the permit has failed to comply with any condition after being afforded a reasonable opportunity to do so, as set forth in Chapter 18.118 .

### 18.48.050 – Animal Keeping

- A. **Applicability.** This section provides standards to ensure that the raising and maintenance of animals does not create an adverse impact on adjacent properties by reason of dust, noise, visual blight, odor, fumes, bright lights, or insect infestations. The keeping of a reasonable number of domestic dogs, cats or other small mammals, birds, fish and small reptiles for private use shall be subject to the restrictions and standards of this section.
- B. **Standards.** The keeping of domestic animals shall be in compliance with Municipal Code Title 6 and all of the following standards:
1. All animals shall be kept as pets only, and not for sale, experimental, or commercial purposes;
  2. Animals shall at all times be confined to the owner's property, unless restrained or caged in direct control of the owner or person having custody of the animal; and

3. No animals shall be allowed that are vicious, poisonous, wild, or dangerous, or that cause any raucous outcry or other noise disturbing to the peace and quiet of the neighborhood, or otherwise constitute a hazard to the public health, safety, or welfare. All vicious, poisonous, wild, or dangerous animals are hereby declared to be a public nuisance;
4. The factors to be considered in determining whether the number of animals upon a site is reasonable shall include all of the following:
  - a. The size of the site or portion on which the animals are kept;
  - b. The type of animals and extent of potential noise;
  - c. Potential odor or other adverse impacts upon the occupants of neighboring properties;
  - d. The proximity of other dwelling units;
  - e. The manner in which the animals are confined upon the site; and
  - f. The propensity of the animals to cause injury or damage to persons or property.

### **18.48.060 – Child Day Care**

**A. Applicability.** The provisions in this section apply to child day care facilities where allowed

**B. Permit and license required.**

1. No person shall establish or operate a large family day care home, as defined in Health and Safety Code Section 1596.78(a), in any residential zone, unless the applicable license or permit is approved by the Review Authority. The operator of a large family day care home also shall obtain a license from the California Department of Social Services.
2. The requirement for a discretionary permit shall not apply to any large family day care home licensed by the State before October 19, 1992 and designated as an allowed use in compliance with Article 2.
3. Permit or license required: 1-8 children requires a business license; 9-14 children requires an Administrative Use Permit; 15 or more children requires a Conditional Use Permit.

**C. Permit application.** An application for a discretionary permit shall be filed with the Department and shall include all of the following information:

1. A scale drawing of any structural alterations or improvements being made to the premises for the purpose of operating the day care facility;
2. A drawing of the site and the residential structure, showing the size, dimensions, and location of the interior and exterior areas to be utilized for operation of the day care facility, including the location and number of on-site parking spaces and the street access for drop-off and pick-up of children. The drawing shall have a reasonable degree of accuracy and shall contain details as may be required by the Director;
3. Color photographs of the premises, showing all interior and exterior areas to be itemized for operation of the day care facility;

4. A general description of the manner in which the day care facility will be operated, including the maximum number and range of ages of children for whom day care will be provided, the days of the week and hours of the day during which the facility will be operated, the number of persons providing day care services, and designation as to whether the persons are residents of the home; and
  5. Any additional information or exhibits as may be required by the Director in order to evaluate the application and the potential impact of the facility upon the neighborhood.
- D. Inspection of premises.** After the application has been deemed to be complete, the Director shall cause an inspection of the premises to determine whether the facility complies with applicable Building Code requirements for single-family residences and any special fire and life safety standards for large family day care homes as may be adopted by the State Fire Marshal in compliance with Health and Safety Code Section 1597.46(d).
- E. Standards.** Large family day care homes shall comply with all of the following:
1. **Care provider occupancy.** The single-family dwelling in which each large family day care home is located shall be the principal residence of the care provider, and the use shall be clearly residential in character, and shall be accessory to the use of the property as a residence;
  2. **Separation requirement.** A large family day care home within a residential zone or mixed use zone shall not be located within 500 feet of another large child day care facility;
  3. **Drop-off/pick-up area.** A minimum of two off-street parking spaces as a drop-off and pick-up area shall be provided, in addition to the spaces required for the dwelling unit. A driveway may be used to provide the required parking spaces; and
  4. **Noise.** In order to protect residents in adjacent dwellings from noise impacts, a facility within a residential zone or mixed use zone shall only operate a maximum of 14 hours each day between the hours of 6:00 a.m. and 8:00 p.m. and shall only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.
- F. Findings.** The Review Authority may grant a discretionary permit for a large family day care home only if it first finds and determines that:
1. The facility will not create adverse traffic or noise impacts upon the neighborhood; and
  2. The facility will comply with all applicable building, fire, and life safety requirements and regulations.
- G. Action by Review Authority.**
1. The Review Authority may approve, approve with conditions, or deny the application for a discretionary permit, and if approved, the permit shall be subject to all imposed conditions; and
  2. Every approved discretionary permit shall be subject to the express condition that the permit shall not become effective until the applicant is licensed by the State in compliance with Health and Safety Code Division 2, Chapter 3.6 (commencing with Section 1597.30) to operate a large family day care home at the subject property. The holder of the discretionary permit shall furnish to the Director a copy of the application submitted to the State and a copy of the final determination made by the State. If the

application is denied by the State, the discretionary permit approved in compliance with this Section is void.

**H. Expiration, extension, and review of permit.**

1. A discretionary permit approved in compliance with this section shall expire 12 months from the date on which the approval of the permit became effective unless, before the expiration date, the day care facility is established and operating on the approved site.
2. The established expiration date may be extended by the Review Authority for a period(s) of time not exceeding a total of 24 months. Application for extension shall be filed before the expiration date. No fees or costs shall be imposed for the filing and processing of the application. A public hearing shall be conducted on the application for extension. Extension of a discretionary permit is not a matter of right and the application may be denied or approved subject to conditions.
3. The Review Authority may, at any time, either on its own initiative or in response to an application or request to do so, modify or delete any conditions of the permit or impose new conditions if the Review Authority first determines that the action is necessary in order to mitigate any adverse impacts that may be created from the operation of the day care facility.

**18.48.070 – Electronic Amusement Devices**

**A. Applicability.** The provisions in this section apply to all establishments with six or more electronic amusement devices/games where allowed in compliance with all of the following standards.

**B. Locational and operational standards.**

1. **Separation requirements.**
  - a. No establishment with six or more electronic games shall be located within a 1,000-foot radius of another establishment with six or more electronic games, public or private school, or any sensitive use.
  - b. The distance between an establishment with six or more electronic games and a school, sensitive use, or another establishment with six or more electronic games shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure, or a portion of the structure, in which the establishment with six or more electronic games is located, to the property line of the parcel on which the structure, or portion of the structure, in which the sensitive use or another establishment with six or more electronic games occurs or is located.
2. **Containment of game areas.** The area in which electronic games are located shall be clearly defined and shall be totally contained within a structure.
3. **Management requirements.** The operator shall provide full-time adult attendants or supervisors, 21 years of age or older, at a ratio of one attendant/supervisor for each 10 machines, plus one security guard for each 20 machines or fraction thereof or as otherwise directed by the Police Department.
4. **Conditions.** Reasonable conditions pertaining to both the construction of the facility and its maintenance shall be considered in order to minimize the effect of congregation,

noise, parking, and other factors generated by the use, which may be detrimental to the public health, safety, and welfare of the surrounding community.

5. **Adequate lighting required.** Adequate lighting shall be maintained inside the business and parking areas. An interior and exterior lighting plan may be required and reviewed by the Director before occupancy.
6. **Window treatment restrictions.** No window treatment(s) shall be installed or maintained that would prohibit the view of the interior during normal business hours.
7. **Minors utilizing the facilities.** No minor shall enter the facility during those times the school district in which the facility is located is conducting its regular education program. Minors shall be accompanied by a parent or legal guardian after 10:00 p.m. The hours of operation shall be posted in a conspicuous place to the satisfaction of the Director.
8. **Proof of age requirements.** Patrons who appear under the age of 21 shall present proper identification to verify their age before using the facility, unless they are accompanied by a parent or legal guardian. Notice of this prohibition shall be posted at the entrance to the satisfaction of the Director.
9. **Waiting area requirements.** Establishments with internet access consisting of 25 percent or more of the gross floor area shall provide a waiting area with seating equal to one seat for every four computer stations. In addition, the following requirements shall also apply:
  - a. No waiting list may be maintained beyond the seating capacity of the waiting area; and
  - b. No outside waiting (loitering) or seating area shall be allowed and signs shall be posted stating this prohibition to the satisfaction of the Director.
10. **Floor Plan approval.** The applicant shall submit and receive an approved floor plan from the Police Department.
11. **Security plan required.** A security plan shall be subject to the review and approval of the Police Department.
12. **Security requirements.** Conditions of approval may include security measures that include, but are not limited to, additional security guards, background investigations of the business applicants, and surveillance video equipment.

### 18.48.080 – Emergency Shelters

- A. **Applicability.** This section provides locational, developmental, and operational standards for emergency shelters. The provisions in this section apply to emergency shelters where allowed in compliance with the following standards.
- B. **Standards.** Each emergency shelter shall comply with all of the following development standards and with the applicable standards for the zone in which they are located.
  1. **Maximum number of persons/beds.** Emergency shelters may contain a maximum of 60 beds and may serve no more than 60 homeless persons.
  2. **Off-street parking.** See Chapter 18.30 for shelter parking ratios.

3. **Waiting areas.** Shelters shall provide a minimum of 10 square feet of interior waiting and client intake space per bed. In addition, there shall be one office cubicle for each 20 beds.
4. **Private outdoor open space.** A patio or other private gathering area for employees and/or shelter residents shall be provided. The space shall be screened from public view to the satisfaction of the Director.
5. **Proximity to other shelters.** No shelter shall be located within 300 feet of another shelter.
6. **Length of stay.** Temporary shelter shall be provided for no more than 60 consecutive days. Extensions up to a total stay of 180 consecutive days may be provided if no alternative housing is available. Extensions shall be recommended by a physician or a qualified representative.
7. **Exterior lighting.** The applicant shall submit a lighting plan showing all parking lot and exterior building lighting, including details on standard design, coverage, and intensity for review and approval by the Department prior to issuance of any building permits.
8. **Security plan.** A security plan shall be submitted to the Department. The plan will be reviewed by the Police Department to ensure crime prevention through environmental design (CPTED) principles are incorporated into the project.
9. **Management plan.** A management plan shall be submitted to the Department for review.
10. **Location.** Emergency Shelters are allowed within the Industrial Transition zone (IT) as identified within the Four Corners Ravenswood Specific Plan.

### 18.48.090 – Financial Institutions – Unchartered

- A. **Applicability.** The provisions in this section shall apply to unchartered financial institutions where allowed in compliance with all of the following standards.
- B. **Separation standards.**
  1. **Separation requirement.** Unchartered financial institutions shall be separated from a residential zone or residentially used property by at least 500 feet and by at least 1,000 feet from any religious institution, school, day care center, bar, or liquor store, or another unchartered financial institution.
  2. **Measurement.** The distance of separation shall be measured using a straight line, without regard to intervening structures or objects, from the property line of the parcel on which the unchartered financial institution is located to the closest property line of the parcel upon which is located another unchartered financial institution, residential use, religious institution, day care center, bar, liquor store, and any school, or the boundary line of a residential zone. If the residential use, religious institution, day care center, bar, liquor store, or a school is located on the same parcel as the unchartered financial institution, the distance between the two shall be measured in a straight line between the front doors of each use without regard to intervening structures or objects.

**18.48.100 – Guest Houses**

- A. Applicability.** Guest houses provide an additional housing type, as encouraged by the Housing Element of the General Plan, which can assist in reducing overcrowding in the City. Guest houses are intended for permanent residential use, but not for rental purposes. The provisions in this section shall apply to all guest houses where allowed in compliance with all of the following standards.
- B. Permit and notice.** Approval of an Administrative Use Permit shall be required before establishment of a guest house. Upon submittal of an application for a guest house, a written notice of the application shall be sent to each of the adjacent property owners, as shown by the latest assessment roll of the County, for informational purposes only.
- C. Development standards**
1. A guest house shall be a permanent detached structure or an attached structure that does not have internal circulation with the primary dwelling. The guest house shall be clearly subordinate and incidental to a primary dwelling on the same building site. Subsequent subdivisions that divide the primary dwelling from a guest house shall be prohibited.
  2. The guest house shall be designed in a manner as to be visually consistent and compatible with the primary dwelling and other dwellings in the area subject to the satisfaction of the Director.
  3. Only one guest house shall be allowed on each parcel.
  4. Guest houses shall share the same utilities with the primary dwelling. No stubbing of gas, water, or sewer lines shall be allowed.
  5. Detached guest houses shall be located in close proximity to the principal dwelling subject to the satisfaction of the Director.
  6. The guest house shall be considered a bedroom and subject to the off-street parking requirements.
  7. Guest houses shall not exceed 700 square feet of gross floor area.
  8. Guest houses shall not exceed a height of 15 feet or be greater than one story.
  9. Guest houses may include a living and sleeping area, but shall not include a kitchen or any cooking facilities. The prohibition regarding kitchen and cooking facilities includes stoves, hot plates, microwave ovens, toaster ovens, utility or kitchen sinks, and garbage disposals,
  10. Guest houses may include bathrooms in compliance with the Building Code.
  11. There shall be a maximum of six linear feet of counter space, excluding counter space in a bathroom. There shall be a maximum of eight square feet of cabinet space, excluding clothes closets.
  12. Guest houses shall not be separately rented, let, or leased, either for direct or indirect compensation.
  13. Before the issuance of an Administrative Use Permit for guest house construction, or for use of an existing structure as a guest house, a deed restriction shall be recorded stating

the regulations applicable to the guest house, including that the guest house shall not be separately rented, let, or leased from the primary dwelling and shall not have cooking or kitchen facilities.

- D. Annual inspection.** An annual inspection of approved guest houses is required. The annual inspection requires payment of an hourly inspection fee in compliance with the master fee schedule. If it is determined that a kitchen or other modifications were made to an approved guest house in violation of this section, the applicant shall be assessed double fees for removal and repair related to the construction completed without required permits.

### 18.48.110 – Home Businesses (Home Occupation Permit)

- A. Applicability.** The standards in this section apply to business or commercial activities conducted within residential dwellings, including single-family attached or detached dwellings, duplexes, apartments, and mobile homes within residential and mixed use zones. The use shall be clearly incidental and secondary to the use of the structure for residential purposes, and not change the character of the dwelling, when conducted in compliance with the applicable locational and operational standards identified in this section. The intent is to preserve the residential character of neighborhoods; establish a system for review of home businesses; and eliminate home businesses in residential and mixed use zones except those that conform to the standards established in this section. This section does not apply to sales events on residential properties that are not part of a home business.
- B. Permits required.** Before the establishment of a home business, the operator of the home business shall first file an application for a Home Occupation Permit and receive approval and shall also obtain a business license issued in compliance with Municipal Code Chapter 5.04. It is the responsibility of the applicant to provide evidence to support the required findings. A public notice and hearing shall not be required for the Director's decision on a Home Occupation Permit application.
- C. Standards.** Home businesses are subject to the requirements of the base residential or mixed use zone where located, any conditions imposed on the Home Occupation Permit and all of the following standards:
1. A home business shall be conducted as an accessory use of a dwelling unit, conducted entirely within the dwelling unit, and carried on by one or more persons, all of whom reside in the dwelling unit, and where no persons are employed other than domestic help;
  2. A home business shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the dwelling or adversely affect the uses allowed in the residential or mixed use zone;
  3. The home business shall be operated in a manner so as to not cause a nuisance (e.g., noise, vibrations, dust, odors, glare, debris, smoke, television or radio interference, heat, radiation, or other nuisances) detectable outside the dwelling or through common walls of an attached dwelling;
  4. The appearance of the dwelling or any accessory structure shall not be altered so that the dwelling may be recognized as serving a nonresidential use (either by color, construction, dust, materials, odors, lighting, noise, signs, sounds, vibrations, etc. or that disturbs the peace). The existence of a home business shall not be apparent beyond the boundaries of the subject site.
  5. There shall be no signs allowed other than the address for the main dwelling. No exterior signage shall identify the business. There shall be no other advertising using the home



address, with the exception of advertising in the telephone directory or via the Internet. All advertising shall clearly state "by appointment only" if the residential address is used.

6. No more than 25 percent of the gross floor area of one floor of the residence or one room, whichever is less, shall be used for the purpose of home business. Use of space in a garage or accessory structure is prohibited;
7. The use shall not involve the storage of hazardous, flammable, or combustible liquids or materials, other than those customarily found in or of greater intensity and/or duration of those customarily associated with a residence;
8. Customers of the home business are allowed at the residence only between the hours of 9:00 a.m. and 8:00 p.m.;
9. The entrance to the space devoted to the home business shall be from within the primary dwelling unit and there shall be no internal or external alterations to the existing dwelling that would provide an entrance other than the same of the entire dwelling unit;
10. The home business shall be restricted to the interior of the dwelling unit and shall not take place on external areas of the subject property, the dwelling's garage, or in any accessory structure;
11. No more than 50 cubic feet of storage shall be devoted to the storage of inventory or products in any part of the dwelling. There shall be no storage of equipment or supplies within an accessory structure. Outdoor storage of any items related to the home business is prohibited;
12. No persons other than residents of the dwelling or domestic help shall work or report to work on the premises;
13. The use shall not generate pedestrian or vehicular traffic and/or parking needs beyond that determined by the Director to be normal for the zone or neighborhood in which it is located;
14. Only two clients shall be allowed in the dwelling at any one time. The home business shall be limited to no more than 12 visits in any one 24-hour day by those customers arriving by vehicle;
15. Delivery vehicles shall be limited to no more than once in a five-day work week (excluding normal package delivery by United States Mail, United Parcel Service, or other companies involved in small package delivery);
16. No items or products shall be displayed, sold, or offered for sale outside the dwelling unit;
17. An order may be filled on the premises if it is placed earlier by a customer through telephone, electronic means, mail order, or attendance at an event held at another location;
18. The home business shall not generate refuse, sewage, electrical, or water use in excess of what is normal for a similar residential dwelling not having a home business;
19. No mechanical or electrical equipment shall be installed or maintained other than that customarily incidental to a normal residential use; and
20. Commercial vehicles or trailers, except those normally incidental to residential use, shall not be kept on the site, and any need for commercial vehicle parking generated by the

home business shall be met off the street and other than in a required yard. No home based business-related vehicles shall be parked on the street. Off street parking for business-related vehicles may be provided at a secure facility.

**D. Sales events not part of a home business.** The following sales events are not considered part of a home business and do not require approval of a Home Occupation Permit subject to the following limitations:

1. **Yard sales.** Up to 10 yard/garage sales are allowed for each single-family or duplex residential property each year. Each event shall not last more than two consecutive days; and
2. **Special sales.** Twice-yearly special sales may be held at a single-family or duplex residential property for the purpose of selling hand-produced (craft) items involving limited use of mechanical tools. Special sales events shall be limited to invited guests only and shall comply with all of the following limitations:
  - a. Not more than three sales events shall be held in any calendar year;
  - b. No sale event shall be conducted for more than four consecutive days; and
  - c. All sales shall be conducted between the hours of 9:00 a.m. and 5:00 p.m.

**E. Businesses and uses prohibited.** All of the following uses and operations are prohibited as a home business within a residential dwelling:

1. Adult businesses;
2. Alcohol sales;
3. Ammunition, explosives, or fireworks, sales, use, or manufacturing;
4. Animal breeding beyond one litter per year of domestic animals;
5. Appliance repair; other than the repair of small household appliances, including computers;
6. Businesses that entail the commercial breeding, boarding, grooming, harboring, kenneling, raising, and/or training of dogs, cats, or other animals on the premises;
7. Carpentry (on-site) and cabinet making (not including wood-working hobby);
8. Dance club/night clubs;
9. Dance instruction to more than one individual at a time;
10. Dental or other medical offices, clinics and laboratories;
11. Firearms sales and services;
12. Food preparation or food catering, except for a cottage food operation, which is allowed in compliance with all requirements of Government Code Section 51035 et seq. related to cottage food operations.
13. Fortune telling (Psychic);

14. Hair and nail salons, unless by appointment only and limited to one individual at a time;
15. Repair of motorized garden tools and equipment;
16. Massage establishments and the business of arranging massages at an off-site location;
17. Mini storage;
18. Pest control;
19. Painting of vehicles, trailers, boats, and like vehicles/vessels;
20. Photo developing;
21. Plant nursery;
22. Real estate or brokerage offices;
23. Retail or wholesale sales of products stored at the residence;
24. Storage and/or sales of equipment, materials, and other accessories to the construction and service trades;
25. Tattoo parlors;
26. Television, radio, or large appliance repair;
27. Tobacco/hookah lounges/parlors;
28. Upholstery and furniture repair;
29. Vehicle-related uses including, but not limited to, the cleaning, dismantling, embellishment, installation, manufacture, repair or service, sale, lease, or rental, and towing of vehicles. The dispatching of vehicles is allowed as a home business, provided those vehicles do not regularly come into the vicinity of the subject residence; ("Mobile" minor repair or detailing at the customer's location is not prohibited);
30. Welding and machining;
31. Any uses that require a hazardous materials permit from the Menlo Park Fire Protection District; and
32. Any other uses as determined by the Director to be inappropriate as a home business.

**F. Findings for a Home Occupation Permit.**

1. The Director may require the applicant to submit additional information deemed necessary to make a determination on the permit application. If the information considered by the Director is later determined false or incorrect, the determination, at the option of the Director, shall be void and of no force or effect.
2. A Home Occupation Permit application may be approved, with or without conditions, only if all of the following findings are made:

- a. The proposed home business will be consistent with the General Plan, any applicable specific plan, and the development and design standards of the subject residential zone;
  - b. The proposed home business will not be detrimental to the public convenience, health, interest, safety, or welfare, or materially injurious to the properties or improvements in the immediate vicinity; and
  - c. The proposed home business will not interfere with the use or enjoyment of neighboring existing or future residential developments, and will not create traffic or pedestrian hazards.
  - d. The proposed home business will be operated in a manner that is in continual compliance with all of the locational, developmental, and operational standards specified.
3. No business license shall be issued for a home business and no use shall be established as a home business for five business days after a Home Occupation Permit has been approved or while an appeal is pending.
  4. The Director shall have the right at any time, upon request, to enter and inspect the premises subject to a Home Occupation Permit in order to verify compliance with the locational, developmental, and operational standards.

**G. Permit Limitations**

1. A Home Occupation Permit shall not be valid until signed by the applicant, with the signature acknowledging the applicant's full understanding and agreement with all of the conditions, and agreement to waive any right to later challenge any conditions imposed as unfair, unnecessary, or unreasonable.
2. Home Occupation Permits shall immediately expire upon discontinuance of the home occupation.
3. A new Home Occupation Permit and business license, for the same or different home occupation conducted by a new resident, shall be obtained before conducting an allowed home business.
4. A change in the type of home business activity conducted by the resident requires a new Home Occupation Permit and business license.

**18.48.120 – Outdoor Dining**

- A. Applicability.** The provisions in this section apply to restaurants with outdoor dining facilities where allowed in compliance with the following standards.
- B. Locational, developmental, and operational standards.** The following standards shall apply to all outdoor dining areas.
1. **Location.** Outdoor dining areas shall be allowed in required setback areas, but shall not encroach into required parking areas. They shall be allowed to encroach into a public right(s)-of-way with an approved Encroachment Permit issued by the City Engineer.
  2. **Located on same site.** Patron tables and other outdoor dining area components shall be located on the same site as the other facilities of the restaurant.

3. **Outdoor bar prohibited.** A bar designed and/or operated to sell or dispense any alcoholic beverages shall not be allowed in the outside dining area.
4. **Alcoholic beverage service.** A restaurant that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State Department of Alcoholic Beverage Control (ABC). The dining area shall be:
  - a. Accessible from inside the restaurant only, unless the Director waives or modifies this requirement in circumstances where this is not feasible or practical;
  - b. Physically defined and clearly a part of the restaurant it serves; and
  - c. Supervised by restaurant employee(s) to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.
5. **Coordinated design scheme.** The design and appearance of improvements and furniture to be placed in an outdoor dining area shall present a coordinated theme and shall be compatible with the appearance and design of the primary structure, as determined by the Director.
6. **Operating requirements.**
  - a. Appropriate barriers shall be placed between outdoor dining areas and parking, and between pedestrian and vehicular circulation areas. The design, construction, and placement of the barriers shall be subject to the prior approval of the Director. Barriers shall serve only to define the areas and shall not constitute a permanent all-weather enclosure.
  - b. Outdoor dining areas shall be continually cleaned by the removal of litter and food items which constitute a nuisance to public health, safety, and welfare.
  - c. Hours of operation for outdoor dining areas may be as long, but no longer, than those of the associated indoor restaurant.
  - d. Cooking within an outdoor dining area is prohibited, unless authorized by an Administrative Use Permit. The use of food warming facilities shall be allowed.
  - e. Amplified sound shall not be audible beyond the limits of the outdoor dining area.
  - f. No additional parking shall be required for outdoor dining area(s) that do not exceed a total of 800 square feet of gross floor area. For outdoor dining area(s) that exceed a total of 800 square feet of gross floor area, parking shall be calculated, designed, installed, and maintained in compliance with Chapter 18.36.

### 18.48.130 – Outdoor Storage and Display

- A. **Applicability.** This section provides standards for outdoor storage and display of materials, merchandise, and equipment on private property in nonresidential or mixed use zones, in an effort to ensure that areas used for outdoor storage or display are developed and maintained in a neat and orderly manner so as not to adversely impact surrounding properties and the community as a whole. Outdoor uses within the public right-of-way shall require an Encroachment Permit from the City Engineer.

- B. Outdoor storage.** The following standards apply all outdoor storage areas:
1. Outdoor storage of merchandise, material, and equipment is allowed only in nonresidential or mixed use zones and only when accessory to an allowed use located on the same premises;
  2. The storage area(s) shall be screened from view from any public right-of-way, public property, adjacent private property, or any residential use; and
  3. The height of stored merchandise, materials, or equipment shall not exceed the height of the screening element(s).
- C. Outdoor display.** The outdoor display of merchandise is allowed in nonresidential and mixed use zones subject to all of the following:
1. The display/sales area shall be on private property and shall not encroach on required parking areas or landscaped areas;
  2. The display/sales area shall be directly related to an allowed use occupying a principal structure on the same premises;
  3. Displayed merchandise shall not obstruct traffic sight areas; encroach upon landscaped areas, driveways, parking spaces, or pedestrian walkways, or otherwise create hazards for vehicle or pedestrian traffic;
  4. The outdoor display of merchandise shall only be allowed during regular hours of operation, except for vehicle and equipment sales/rentals, plant nurseries, and similar merchandise as determined by the Director;
  5. The display/sales area shall be screened from view on the side or rear of a parcel that abuts a residential zone or use; and
  6. Additional signs, beyond those normally allowed for the subject use, shall not be provided for the outdoor display/sales area.

### 18.48.140 – Recycling Facilities

- A. Applicability.** The provisions in this section apply to recycling facilities where allowed..
- B. Permit Requirements.** Recycling facilities are subject to permit review and approval and all of the standards in this section.
- C. Locational, developmental, and operational standards.** Recycling facilities shall comply with all of the following standards.
1. **Reverse vending machines.** Reverse vending machines are allowed subject to the following:
    - a. The machines shall be installed as an accessory use to an allowed primary use, and shall not require additional parking;
    - b. If located inside of a structure, the machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation;

- c. If located outside of a structure, the machines shall not occupy or block required parking spaces or drive aisles and shall be appropriately screened from view from the public right-of-way, subject to the approval of the Director;
- d. The machine(s) shall be set back at least 20 feet from any property line, and not obstruct vehicular circulation or pedestrian access in compliance with Americans with Disability (ADA) regulations;
- e. The machines shall not exceed a floor or ground area of 50 square feet total, including any protective enclosure, nor eight feet in height;
- f. The machines shall have a maximum sign area of four square feet for each machine, exclusive of operating instructions; and
- g. The area in front of the machines shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn.

2. **Small Collection Facilities (up to 350 square feet).**

- a. The facility shall not exceed a floor or ground area of 350 square feet, not including space required for periodic removal of materials or exchange of containers;
- b. The facility shall not use power-driven processing equipment, except for reverse vending machines;
- c. The facility shall not be located within 50 feet of any parcel zoned or occupied for residential use;
- d. The facility shall be set back at least 10 feet from any property line, and not obstruct vehicular or pedestrian circulation;
- e. The facility shall accept only glass, metal, or plastic containers, paper, and reusable items;
- f. All exterior stored materials shall be immediately stored in containers that:
  - (1) Are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material.
  - (2) Are of a capacity sufficient to accommodate materials collected and the collection schedule.
  - (3) Have lids that remain closed whenever materials are not being inserted or removed.
  - (4) Have lids that provide a seal that prevents stormwater intrusion and prevents materials from being dispersed or exposed to the outside environment.
- g. All collected items shall be stored in area that prevents any potential runoff, accidental or incidental, from reaching the storm drain system, with discharges permitted only through the sanitary district;
- h. Collection containers and site fencing shall be of a color and design that would be compatible and harmonious with the character of their location;

- i. Signs may be provided as follows:
    - (1) Recycling facilities may have identification signs with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container;
    - (2) Signs shall be both compatible and harmonious with the character of their location; and
    - (3) Directional signs without advertising messages may be installed subject to approval of the Director.
  - j. Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the primary use;
  - k. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present; and
  - l. Use of parking spaces by patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use, unless the Director determines that existing capacity is not fully utilized during the time the recycling facility would be on the site.
3. **Large Collection Facilities (greater than 350 square feet).** Collection facilities larger than 350 square feet of floor or ground area, or located on a separate parcel not accessory to a primary use.
- a. The facility shall not abut a parcel zoned or occupied for residential use;
  - b. The facility shall be screened from public rights-of-way, by eight-foot high solid decorative masonry walls or located within an enclosed structure;
  - c. Structure setbacks and landscaping shall be provided as required for the applicable zone;
  - d. All exterior stored materials shall be immediately stored in containers that:
    - (1) Are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material.
    - (2) Are of a capacity sufficient to accommodate materials collected and the collection schedule.
    - (3) Have lids that remain closed whenever materials are not being inserted or removed.
    - (4) Have lids that provide a seal that prevents stormwater intrusion and prevents materials from being dispersed or exposed to the outside environment.
  - e. All collected items shall be stored in area that prevents any potential runoff, accidental or incidental, from reaching the storm drain system, with discharges permitted only through the sanitary district;



- f. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis;
- g. Containers provided for “after hours” donation of recyclable materials shall be permanently located at least 100 feet from any parcel zoned or occupied for residential use, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials; and
- h. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.
- i. Site shall be signed with visible “No Dumping” signage in both English and Spanish. There shall be a security plan to prevent or discourage illegal dumping and illicit activities; high definition, infrared cameras shall be included in the security plan and provide clear facial and license plate details in the event of an illegal dumping occurrence with photo documentation retained for no less than a two week period.

### 18.48.150 – Public Assembly Uses in Residential Zones

- A. **Applicability.** The provisions in this section apply to public assembly uses located in residential zones where allowed
- B. **Standards.** Except as specified in this section, the premises on which an assembly use is located shall comply with the regulations and restrictions applicable to the residential zone in which it is located. New assembly uses within residential zones shall comply with all of the following standards.
  - 1. **Parcel size.** The minimum parcel size shall be one acre (43,560 square feet).
  - 2. **Location.** An assembly use shall have frontage on a site with a minimum of two separate access points to secondary or larger roadways as designated in the General Plan.
  - 3. **Separation for residential uses.** The main assembly hall and all other on-site structures shall be separated from the nearest parcel used for residential purposes by a minimum of 25 feet.
  - 4. **Circulation.**
    - a. The location of the assembly use and the on-site improvements shall provide for safe and efficient pedestrian and vehicular circulation.
    - b. The applicable Review Authority may require the presence of one or more parking attendants and/or police officers to ensure the safe operation of parking facilities, pedestrian circulation, and traffic circulation on the public right-of-way.
  - 5. **Hours of operation.** The applicable Review Authority shall determine the allowable hours of operation for an assembly use, taking into consideration appropriate factors that include, but are not limited to: size of the proposed facility, number of anticipated attendees, number and scope of the specific activities to be conducted on the site, the circulation pattern of the adjoining residential neighborhood, potential vehicular and pedestrian congestion, and proximity to adjoining residences.

6. **Noise.**
  - a. Regardless of the decibel level any noise generated from an assembly use shall not unreasonably offend the senses or obstruct the free use and comfortable enjoyment of neighboring properties.
  - b. Mitigation measures may be required to minimize noise impacts.
  - c. All noise generated from an assembly use shall be in compliance with Municipal Code Chapter 8.52.
7. **Overconcentration.**
  - a. **Separation standards.** An assembly use shall not be located within a 300-foot radius of another assembly use, disregarding the corporate boundary of the City, unless the Review Authority grants an exception. The Review Authority, in granting an exception, shall first find that the proposed concentration will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing in the neighborhood of the proposed use.
  - b. **Measurement.** The distance of separation shall be measured using a straight line, without regard to intervening structures or objects, from the property line of the parcel on which the assembly use is located to the closest property line of the parcel upon which is located another assembly use is located.
8. **Parking.**
  - a. Parking and loading requirements shall be in compliance with Chapter 18.30.
  - b. Parking shall not be allowed within required front or street-side setback areas.
  - c. An area for the safe and acceptable means of drop-off and pick-up of persons using the facilities shall be provided.
9. **Signs.** Signs shall be in compliance with the requirements of Chapter 18.32.
10. **Wall required.** A six-foot high solid decorative masonry wall shall be constructed and properly maintained along all property lines abutting residential uses, except in the front setback area or within a corner cutoff intersection area.

### 18.48.160 – Residential Care Facilities - General

- A. **Applicability.** The provisions in this section apply to all existing and proposed residential care facilities - general where allowed in an effort to preserve the residential character of neighborhoods; preclude the over-concentration of residential care facilities - general within individual neighborhoods or within certain parts of the City; and provide reasonable accommodations for the needs of persons with various disabilities. This section does not apply to residential care facilities - limited consisting of six or fewer residents provided the facility is licensed by the appropriate State and/or City department.
- B. **Permit requirements and review.**
  1. **Permit required.** In all residential zones, a residential care facility - general may be allowed subject to the approval of a Conditional Use Permit. All residential care facilities shall be subject to all zoning, subdivision, housing, and building regulations in addition to

any building or housing regulations and codes expressly applicable to residential care facilities - general, particularly building and fire safety requirements. No privately created covenant, equitable servitude, or other contract or agreement shall be used as the basis to deny an application to operate a residential care facility - general that is in compliance with the requirements of this section.

2. **Applicant's review of records.** An application for a Conditional Use Permit for a residential care facility - general shall be accompanied by a signed statement to the effect that the applicant has reviewed the permit records of the City and either those records show no allowed residential care facilities within the separation distances required by this section or that the applicant is requesting a waiver of the distance requirement.
  3. **Request for waiver.** If the applicant requests a waiver of the distance requirement, the Director shall refer the request to the Review Authority for action. The Review Authority shall base its decision on the actual distances involved, the overall number of residential care facilities in the neighborhood, the anticipated needs of the residents of the existing and proposed facilities, and any other factors the Review Authority deems relevant.
  4. **Review of permit.** A Conditional Use Permit for a residential care facility - general may be subject to periodic review by the Review Authority for the purpose of determining whether the permit holder has complied with all the conditions and requirements of the permit. Nothing shall prevent the Review Authority from initiating a review of the permit at any time.
  5. **Modification of conditions.** The Review Authority may at any time, either on its own initiative or in response to a request to do so, modify or delete any conditions of the permit or impose any new condition(s) if the Review Authority determines that the action is necessary in order to preserve the public health, safety, or welfare, or to prevent the creation or continuance of public nuisance.
  6. **Revocation of permit.** The applicable discretionary permit may be revoked upon a determination of the Review Authority that the holder of the permit has failed to comply with any condition(s) after being afforded a reasonable opportunity to do so. A proposed revocation may be appealed.
- C. Standards for residential care facilities.** Residential care facilities - general shall be subject to the requirements of the base residential zone, as well as all of the following standards:
1. Applicable requirements of the California Building, Housing, and Fire Codes shall be met;
  2. No sign which calls attention to the fact that the property is a residential care facility shall be posted;
  3. A residential care facility - general shall not be allowed to locate within 500 feet of the boundaries of a parcel with a residential care facility - limited (whether licensed or unlicensed), with six or fewer residents; and
  4. A residential care facility - general shall not be located within 750 feet of the boundaries of a parcel with another residential care facility – general.
- D. Measurement.** The distance between a residential care facility and another residential care facility shall be made in a straight line, without regard to the intervening structures or objects, from the property line of the parcel on which the residential care facility is located, to the closest property line of the parcel on which another residential care facility is located.

**18.48.170 – Secondhand Stores**

- A. Applicability.** The provisions in this section apply to secondhand stores . For regulations pertaining to pawnbrokers, secondhand dealers, junk dealers, or junk collectors refer to Municipal Code Chapter 5.40.
- B. Standards.** A secondhand store shall comply with the regulations and restrictions applicable to the zone in which it is located and all of the following:
1. **Design quality.** A secondhand store shall be of an architectural and visual quality and character that harmonizes with, or where appropriate, enhances the surrounding area;
  2. **Store front appearance.** The store front of a secondhand store shall not be distinguishable from a store selling new merchandise other than by signs and merchandise displayed;
  3. **Display of merchandise.** All merchandise shall be displayed in a similar manner to that of a store selling new merchandise; and
  4. **Enclosed structure.** All merchandise shall be displayed, sold, and stored within a completely enclosed structure.

**18.48.180 – Service Stations**

- A. Applicability.** The provisions in this section apply to all vehicle service stations where allowed.
- B. Standards.** A vehicle service station use shall comply with the regulations and restrictions applicable to the zone in which it is located and all of the following:
1. **Parcel size.** The minimum parcel size shall be 16,000 square feet;
  2. **Minimum street frontage.** The minimum street frontage shall be 120 feet. If located on a corner, at least one street frontage shall measure at least 120 feet.
  3. **Allowed uses.** The primary use of a service station shall be the dispensing of motor fuels, lubricants, vehicle recharging, and the exchange of motor vehicle parts in kind. Limited vehicle/equipment repair shall be limited to the hours of 7:00 a.m. to 7:00 p.m., daily.
  4. **Prohibited uses.** The following uses and operations shall be prohibited:
    - a. Activities involving vehicle body work and painting, and general vehicle/equipment repair ; and
    - b. Products or merchandise, excluding service station equipment, stored outside of any structure.
  5. **Sale of alcoholic beverages.** The sale of alcoholic beverages or other items unrelated to the operation of motor vehicles are only allowed subject to the approval of a Conditional Use Permit.
  6. **Within enclosed structure.** All operations, except services rendered directly to the occupant of a motor vehicle shall be conducted in an entirely enclosed structure;
  7. **Landscaping.** A minimum of 10 percent of the total project site shall be landscaped.

8. **Mechanical equipment screening.** All exterior mechanical equipment, except for the fuel pumps, shall be properly screened from public view to the satisfaction of the Director;
9. **Solid waste and recyclable storage areas.** At least 72 square feet of solid waste and recyclable storage area(s) shall be provided and shall be properly enclosed to the satisfaction of the Director;
10. **Lighting.** Adequate on-site lighting shall be provided.
11. **Mixed uses.** When there is a mixture of uses on the premises, the following apply:
  - a. The Review Authority may allow a mixture of uses with the approval of a Conditional Use Permit or Administrative Use Permit, as applicable for the use; provided the proposed uses are allowed within the subject zone;
  - b. The total number of off-street parking spaces shall be the sum total required for the various uses computed separately. Spaces located adjacent to fuel pumps shall not be counted toward meeting the off-street parking requirements; and
  - c. It shall be adequately demonstrated that each approved use/occupancy meets the applicable development standards and will not interfere with the independent operation of other occupancies or use(s) of land on the subject site.

#### 18.48.190 – Vehicle Dismantling

- A. **Applicability.** The provisions in this section apply to all vehicle dismantling uses where allowed in compliance with the Ravenswood Specific Plan.
- B. **Permit required.** It is unlawful for any person to carry on the business of a vehicle dismantling establishment without first obtaining a conditional use permit.
- C. **Application for permit.**
  1. **Site plan.** The application shall be accompanied by an accurate site plan showing the exterior boundaries of the property and the location of all structures existing or proposed.
  2. **Contamination report.** The application shall also be accompanied by a report, prepared by an environmental engineer or other qualified person, showing the results of an investigation of the property to determine whether any portion of the site has been contaminated with toxic or hazardous materials. If any contamination is found, the report shall include the measures required to eliminate the contamination, including any clean-up plan or program within the jurisdiction of any other governmental agencies.
- D. **Permit approval and annual renewal.**
  1. **Findings.** The Review Authority may grant the Conditional Use Permit if it finds that the proposed vehicle dismantling use will not be detrimental to the public health, safety, or welfare, and will be conducted in compliance with the requirements of this section and any other applicable laws.
  2. **Duration of permit.** If approved, the permit shall be issued for an initial period of one year. Thereafter, the permit shall be reviewed annually by the Review Authority to determine whether the permittee has complied with all of the conditions and requirements of the permit and has otherwise complied with all applicable laws, rules, and regulations, including, but not limited to, regulations pertaining to the storage and disposal of

hazardous materials. If the Review Authority finds that the permittee has satisfactorily complied with all of the conditions and requirements the Review Authority may extend the permit for an additional one-year term.

3. **Nuisance Abatement Program.** Every permit shall require the vehicle dismantling establishment to participate in the City's nuisance abatement program for the removal of abandoned, wrecked, or dismantled vehicles, at no cost to the City. The participation in this program shall constitute a public benefit and aesthetic contribution to the community by those types of establishments that would otherwise be regarded as undesirable land uses.
4. **Clean-up of contamination.** If the site contains any area of contamination from toxic or hazardous materials, the permit shall contain a condition requiring a clean-up of the contamination within a specified period of time, in compliance with a clean-up plan approved by the Review Authority and any other governmental agency responsible for supervising the establishment and implementation of the clean-up plan.
5. **Review of permit.** The Review Authority may at any time, either on its own initiative or in response to an application or request to do so, modify or delete any conditions of a permit or impose any new conditions if it determines that the action is necessary in order to preserve the public health, safety, or welfare, or to prevent the creation or continuance of a public nuisance.
6. **Change of ownership.** In the event of any sale or other transfer of ownership of a vehicle dismantling establishment, or in the event any vehicle dismantling establishment discontinues the conduct of its business for 90 consecutive days, then all permits approved for the establishment shall automatically terminate and have no further force or effect.
7. **Appeals.** A decision of the Review Authority may be appealed.

### 18.48.200 – Water Wells

Property owners are expressly prohibited from drilling or installing new private water wells. All existing private water wells must be reviewed by the Public Works Department.

### 18.48.220 – Merger, Demolition or Elimination of Affordable Dwelling Units

- A. No dwelling unit(s), except for single family and two family dwellings, may be merged, demolished or eliminated except as authorized by the provisions of this section. Any application for merger, demolition or elimination is required to obtain a Conditional Use Permit. All such building applications shall be subject to notice and hearing procedures as required by other provisions of this Code. For the purposes of this section, merger means the combining of two or more dwelling units, resulting in a decrease in the number of dwelling units within a building, or the enlargement of one or more existing units while substantially reducing the size of others. The term "removal" encompasses merger, demolition and elimination.
- B. The Commission shall consider the following criteria, as appropriate, in the review of applications to merge, demolish, or eliminate dwelling units:
  1. Whether the housing has a history of serious, continuing Code violations;
  2. Whether the housing has been maintained in a decent, safe, and sanitary condition;

3. Whether removal of the unit(s) would eliminate only owner occupied housing, and if so, for how long the unit(s) proposed to be removed have been owner occupied;
  4. Whether the project converts rental housing to other forms of tenure or occupancy;
  5. Whether the project conserves existing housing to preserve cultural and economic neighborhood diversity;
  6. Whether the project protects the relative affordability of existing housing or increases the number of affordable units;
  7. Whether the project increases the number of on-site bedrooms or dwelling units or increases the number of family-sized units on-site;
  8. Whether the project is of superb architectural and urban design, meeting all relevant design guidelines, to enhance existing neighborhood character;
  9. Whether the replacement project would maximize density on site;
  10. Whether removal of the unit(s) is necessary to correct design or functional deficiencies that cannot be corrected through interior alterations;
  11. Whether the number of bedrooms provided in the merged unit will be equal to or greater than the number of bedrooms in the separate units;
  12. Whether removal of the unit(s) is consistent with General Plan policies.
  13. Whether the proposed removal will control environmental effects such as dust and sound pollution.
  14. Whether all debris from the removal will be properly disposed of.
- C.** The Commission may approve a Conditional Use Permit for the merger, demolition or elimination of such dwelling units only if it makes all of the following findings:
1. The proposal will not be materially detrimental to the public interest of the affected neighborhood and the City.
  2. The proposal is consistent with the City's General Plan policies, Development Code requirements, and all other City rules and regulations.
  3. Whether the project is necessary to permit construction of special needs facilities such as, but not limited to: childcare centers and affordable housing developments that serve the greater good of the entire community.
- D.** When a project is approved, for each unit merged, demolished or eliminated, the developer shall be required to provide an affordable designated unit in the new project to a qualifying household in perpetuity or a unit subject to the Rent Stabilization and Just Cause for Eviction Ordinance of 2010. For designated units, the affordability level of the unit and the income level of the qualifying household shall be set by resolution of the City Council. The developer shall enter a regulatory agreement with the City to provide for the provision of any such units, and the regulatory agreement shall be recorded with the San Mateo County Recorder's Office.
- E.** In lieu of providing replacement unit(s), as determined by the City Council, the developer shall be required to pay a fee for each unit merged, demolished, or eliminated to mitigate the impact of

the loss of affordable housing in the City. The amount of the fee shall be set by resolution of the City Council. The in lieu fee is due prior to the issuance of a demolition permit.

- F.** If the units in a building to be merged, demolished, or eliminated are occupied, the provisions of Municipal Code Chapter 14.02 pertaining to tenant protections and Municipal Code Chapter 14.08 pertaining to the Ellis Act, shall be complied with, unless the units are in a building owned by a non-profit housing organization or the tenant elects to receive replacement housing. Nonprofits seeking to demolish affordable housing units must comply with the requirements of the California Relocation Act, any successor statute or if not state law, relocation requirements imposed by the City.
- G.** No permit to demolish a residential building in any zoning district shall be issued until a building permit for the replacement structure is approved and the time for filing an appeal or court action has lapsed with no appeal or court action filed, unless the building is determined to pose a serious and imminent hazard as defined in the Building Code. . In the event an appeal or court action is filed, a permit to demolish a residential building shall not be issued unless the appeal is resolved in favor of the demolition or the court action upholds the demolition.
- H.** Properties Withdrawn Pursuant to the Ellis Act (Government Code Section 7060 et. seq.)

A project on a site where the Ellis Act has been invoked is not subject to the provisions of this section prior to any evictions allowed pursuant to the Ellis Act. Furthermore, the project shall be exempt from the following requirements:

1. To demonstrate that the project is necessary to permit the construction of special needs facilities under subsection C.3.
2. To provide replacement housing under subsection D.
3. To pay an in-lieu fee under subsection E.

The developer is required to obtain a permit and pay the applicable fee for any demolition.



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