

January 20, 2004

**Honorable Mayor and Members of the
Hermosa Beach City Council**

**Regular Meeting of
February 10, 2004**

SUBJECT: TEXT AMENDMENT 03-3 - TO CLARIFY THE DIFFERENCES BETWEEN SNACK SHOPS AND RESTAURANTS

Planning Commission Recommendation:

To recommend the City Council amend the snack shop definition by introducing the attached ordinance.

Background:

On February 18, 2003, the Planning Commission recommended adoption of a text amendment to clarify the definition of snack shop in order to differentiate it from restaurants. Clarifying the difference between a snack shop and a restaurant is important as it affects the required parking for the business. A restaurant is required to provide 10 spaces per 1000 square feet of floor area and a retail shop is required to provide 4 spaces per 1000 square feet of floor area. In many instances a business cannot provide all parking on site, and the parking can only be satisfied through approval of a Parking Plan by the Planning Commission to accept in-lieu parking. Since payment of in-lieu parking fees is a major cost for a business, the Planning Commission directed staff to revise the definition to eliminate ambiguity.

Analysis:

The Commission discussed the following items to help clarify the distinction between restaurants and snack shops in addition to the current limitation on types of food available:

1. Prohibition of table (waiter/waitress) service.
2. Limitation on the amount of seating
3. Limitation on the public service area relative to gross floor area.
4. Restriction on the types of kitchen hoods.

After considering these options the Commission decided to revise the definition to prohibit table service and require limited seating and limited public service area, but rejected restricting the type of kitchen hood.¹ With respect to the amount of seating and public area, the Commission considered examples of some existing snack shops that have previously obtained Planning Commission approval for relief of parking requirements based on their use as a snack shop and decided to simply refer to limited service area relative to gross floor area and limited seating capacity, rather than assigning a specific limitation on the number of seats and the amount of public service area.²

The Commission recommended amendments to both the definition section and the parking section for snack shops. Food types, and type of table service are included in the definition. Additional general language relating to seating limitations and the amount of public area are included in the parking standards as they relate to parking demand. The proposed amendment to the definition of snack shop is:

“Snack shop or snack bar means a retail establishment that is distinguished from a restaurant as it does not include waiter/waitress table service and does not serve full meals or have a kitchen capable of serving meals but instead serves snacks or non-alcoholic beverages for consumption on the premises or for take-out usually for consumption between meals; specifically, items such as donuts and other baked

goods, ice cream, yogurt, cookies, coffee, tea, and juices are considered snacks. ~~and the Planning Commission may consider additional items as snacks.~~”

The proposed amendment to parking requirements, Section 17.44.030(O), is:

“The parking requirements for a snack bar and or snack shop shall be the same as that for restaurant, unless it can be shown to the Planning Commission that the characteristics of the building; its location, size and other mitigating factors such as limited service area relative to gross floor area and limited seating capacity result in less parking ~~than necessary for the business demand~~ than for a restaurant use. In these cases the Planning Commission may consider the retail commercial requirement for parking, pursuant to Section 17.44.210 Parking Plans.”

Ken Robertson
Senior Planner

CONCUR:

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell
City Manager

Attachments:

1. Proposed Ordinance
2. Planning Commission Resolution Minutes

Notes:

1. The Uniform Building Code requires Type I hoods for venting over cooking units including deep fat fryers, broilers, fry grills, seam jacked kettles, hot top range oven, barbecues, rotisseries and other similar equipment that produces comparable amounts of steam, smoke, grease or heat. The Commission considered modifying the definition of snack shop to prohibit Type I hoods, but recognized that would also prohibit such traditional snack shop businesses as donut shops or cookie shops.
2. The following businesses have been approved as snack shops with varying floor area, percent of public area and amount of seating:

	Gross Floor Area (sq.ft.)	Public Area (sq.ft.)	Percent Public Area	Approx. Seating
Java Man	1000	650	65%	44
Espresso Wash (now vacant)	1140	600	53%	20
Starbucks, P.C.H.	1400	800	57%	30+
Starbucks, Hermosa Ave.	1500	800	53%	40