

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

**Regular Meeting of
May 25, 2004**

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

Planning Commission Recommendation:

That the City Council amend the snack shop definition, as previously recommended, by introducing the attached ordinance.

Background:

Previously, the Planning Commission approved the proposed text amendment to clarify the definition of snack shop and distinguish it from restaurants, which have significantly higher parking requirements. The matter was sent to Council in February and the Council sent it back to Commission with concerns about the prohibition of table service in the proposed definition. The Commission discussed the text amendment at their March meeting and reviewed the matter of table service. At that time, the Commission concluded again that their initial recommendation precluding table service, was an important feature in distinguishing the two kinds of uses and directed staff to present their original recommendation. On May 11, 2004 the Council reviewed the matter and Councilman Reviczky requested that staff survey existing snack shops in the City to determine if they have table service and survey surrounding cities to determine how they distinguished between restaurants and snack shops.

Analysis:

Staff conducted the requested research as shown on the attached summary tables. Within the City there are nine snack shops which range in size from 1,000 to 2,000 square feet and have seating accommodating between 6 and 44 patrons. None of the businesses contain table service with the exception of Café Bonaparte (originally the Downtown Bakery which provided table service).

The cities of Manhattan, Redondo and Torrance all have separate categories for snack shops with lesser parking requirements than a restaurant. Each of these cities use examples of snacks in their definitions but do not have table service prohibitions, though some restrict the number of tables or the number of seats.

Summary of Commission Findings on the Definition and Parking Requirements:

The Commission felt that there are two universals in the way cities define restaurants. First that they have limited kitchen facilities which makes them incapable of preparing full meals; and second that there is no waiter or waitress service. They felt that one key to distinguishing the two uses is that a snack shop tends to be more self service and typically without a large full-time staff other than cashiers or clerks. The Commission rejected other methods for defining the use such as limiting business size since that may only create a small restaurant but one which may have a high parking impact. The Commission also felt that the matter of table service goes to the parking demand issue. A snack shop connotes a business that one uses as part of other activities, where one picks up the snack and leaves the establishment. A restaurant is a use that tends to be more of a destination where one sits down for an extended period for a meal. If your not sitting down to a meal you are not monopolizing parking either on-street or on-site for an extended period. According to the Commission, table service would not mean a clerk occasionally bringing an item to a table when the business is not busy. The Commission noted that by precluding table service, their intent is to preclude the formal use of

waiter/waitress staff as part of the normal business operation. If someone comes in and orders a coffee or soda at a walk up counter, and an employee who may not be busy at the time, walks around the counter to deliver that soda or snack to the patron at a table, that would not be not considered waiter/waitress table service.

The Commission also felt that removing the table service prohibition portion of the definition will render the definition useless for staff and prospective snack shop businesses. The Commissioners felt that should the prohibition be eliminated, that Council should consider eliminating the snack shop distinction entirely, though that is not the Commission's preference, since to do so will effectively eliminate new snack shops from locating in the City. The Commissioners concluded they had done their due diligence in studying this matter, and were comfortable with original text and their original recommendation, as follows:

“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.”

Sol Blumenfeld, Director
Community Development Department

Stephen R. Burrell
City Manager

Attachments:

1. Surveys
2. Proposed Ordinance
3. Commission Minutes

Snack Shops in Hermosa Beach

Establishment	Gross Floor Area (sq. ft.)	Approx. Seating	Waiter/Waitress Table Service?
Java Man	1000	44	No
Starbucks, P.C.H.	1400	30+	No
Starbucks, Hermosa Ave.	1500	40	No
Larson's Deli	1140	20	No
Coffee Bean and Tea Leaf	2000	36	No*
Jamba Juice	1200	10	No
Cold Stone Creamery	1450	6	No
Lappert's Ice Cream	1150	18	No
**Café Bonaparte (previously Downtown Bakery)	1400	NA	NA

*Order at the counter, however, employees may sometimes deliver food/beverage to a customers table.

**Currently closed for remodeling. Approved as a retail "Bakery" not a Snack Shop: *Bakery "means the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site. This classification includes incidental consumption of said goods on the premises"*

Sample Definitions and Parking Requirements from Selected Cities for Snack Shops or Similar Eating Places

City	Eating Place Type	Definition	Parking Requirements
Manhattan Beach	Food and Beverage Sales	Food and beverage sales may include, but are not limited to: breads, pastries, ice cream, frozen yogurt, candy, juices and coffee. On-site consumption of alcoholic beverages is prohibited.	1 space/200 sq. ft of gross floor area. (5:1000)
San Diego	Food and Beverage Sales and Snack Shops	An establishment which is maintained, operated and/or advertised or held out to the public as serving snack foods, such as donuts, ice cream, yogurt, candy, cookies, bakery items, beverages and similar items to be consumed either on the premises or off the premises.	1 space/250 sq. ft of gross floor area, (4:1000) except if this use shall contain more than 12 seats, then there shall be required 1 space for every 100 sq. ft.
Orange	Restaurant, Class IV, Snack Shops	An establishment serving snack foods, such as donuts, ice cream, yogurt, candy, cookies, bakery items, beverages, and similar items to be consumed either on the premises, either indoors or outdoors, or off the premises.	1 space for each 100 hundred square feet of floor area (10:1000); with CUP the Planning Commission may permit a lesser number of parking spaces, no less than one space for each 200 square feet (5:1000)
Long Beach	"Ready-to-eat restaurant	A use, that sells food in a form that is ready to eat at the time of sale, and is primarily designed for takeout, with on-site service area limited to one hundred fifty (150) square feet of dining/in front of counter area. Full service kitchens are not allowed. Such uses as bakeries, delicatessens, donut shops, ice cream shops, and yogurt shops are common	1 space per 250 square feet of Gross Floor Area (4:1000) <i>(distinct from the restaurant requirement of 10:1000)</i>
Westport Beach	Eating and Drinking Establishment – Take Out Service Limited (as distinct from "take-out full service" restaurant)	Establishments offering a limited variety of food or beverage principally for off-site consumption, but which may include incidental seating for consumption on-site. Typical uses include bakeries, candy, nut, confectionary stores; ice cream and frozen desserts; small delis; and similar establishments with the following characteristics: a) more than 30% of transactions for off-site consumption, b) customers are served at counter or service window, c) No more than 6 seats are provided	1 space per 250 square feet (4:1000) <i>(distinct from requirement for Eating and Drinking Establishment full service or full service take out which is 13:1000)</i>
Ugana Beach	Restaurant, full service and Restaurant take-out" (no snack shop definition)	"Restaurant, full-service" means a business devoted to the serving of prepared food to patrons where the food is consumed on the premises and the customers order and are served while seated. "Restaurant, take out" means a business which primarily prepares food cooked on the premises intended for off-site consumption but which may also provide seating;	1 space for each 100square feet of gross floor area including outdoor seating area(s), or 1 space per 3 seats, whichever is greater. (10:1000) <i>(No distinctions for take out restaurants.)</i>
Arroyo Viejo (Current)	Snack Bar and/or Snack Shop	means an establishment that serves a snack usually for consumption between meals; specifically, items such as donuts, ice cream, yogurt or cookies are considered snacks, and the planning commission may consider additional items as snacks.	the same as for a "restaurant" (10:1000) unless it can be shown to the planning commission that the characteristics of the building; it's location, and other mitigating factors result in less parking being necessary for the business.