



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

To:	HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
From:	Lynn Burgess, AICP, Chief Planner
Meeting Date:	April 7, 2010
Subject:	Starbucks in the Forest Hill Safeway, the Food Service Establishment Ordinance, and the Evolving Grocery Store Business Model
CEQA:	This action does not constitute a "Project" as defined by the California Environmental Quality Act (CEQA)

RECOMMENDATIONS

1. Determine that no use permit is needed to add a Starbucks kiosk to the Forest Hill Safeway, because it is designed to be accessory to the primary use and integrated as a department of Safeway, and thus no appeal by Safeway of staff's decision, which was based on precedents involving the interpretation of PGMC 23.64.115, "Food service establishments," is necessary; and
2. Direct staff and the City Attorney to return with a Council Policy clarifying the Council's interpretation of PGMC 23.64.115, "Food service establishments," for review and approval, to be in effect until the update to the ordinance, scheduled in the Council's work plan, is completed.

BACKGROUND

On December 8, 2009, Forest Hill Safeway received ARB approval of a proposed remodel in order to accommodate a coffee bar/kiosk within the interior of the store, with no mention of the proposed coffee vendor. In February 2010, Safeway inquired as to whether they could operate a Starbucks establishment in the new kiosk. This activity is proposed to be located entirely within the store, and would cater to Safeway's customers.

Based on previous city interpretations of PGMC 23.64.115, "Food service establishments," CDD staff determined that a Starbucks would not be allowed under this section of the Code. Safeway submitted a formal appeal of this code interpretation on March 12, 2010.

At staff's suggestion, Safeway's representatives requested an abeyance of the appeal so that the City Council could consider the issue. An appeal hearing can be agendized for the May 6, 2010 Planning Commission meeting, if needed.

Given several of the issues that this request raises, overall direction is needed to guide processing of this and other similar applications that may be submitted. Only the Council can provide such overall direction. Depending on the decision of the Council, processing the appeal may not be necessary.

PRIOR AND CURRENT CODE PROVISIONS

Several sections of the Municipal Code that are relevant to the discussion are summarized below, and are attached in full (Attachments 1- 4):

Commercial Zone District – Uses: Section 23.32.020 of the Commercial C-1 District provides that retail bakeries, ice cream stores, and candy shops, among other uses, are allowed outright (no use permit required). A separate list of uses, including banks, restaurants, grocery stores, and produce markets, among other uses, are allowed subject to approval of a use permit (Attachment 1).

Accessory Uses: PGMC 23.08.240 & 23.64.040, define “accessory uses” as those that are incidental to the principal use of a property. Within the C-1 District, accessory uses are allowed as long as they are constructed concurrent with or subsequent to the principal use of the property. The dictionary defines “incidental” as related to or accompanying something more important. Thus, the accessory use cannot be the primary use of the property, but rather one that is subordinate and minor in significance. It must also incorporate the concept of reasonable relationship with the primary use (Attachment 2).

Fast Food Restaurants. As early as 1979, concerns were raised concerning fast food restaurants in Pacific Grove, based on their perceived social impacts on visitors and residents and their aesthetic impacts on the look and feel of the community. In 1980, the Council adopted Ordinance No. 1223, the City’s first iteration of a “fast food ordinance,” which stated that, “No use permit application shall be received, considered, or issued for any ‘fast food’ restaurant” (Attachment 3).

In 1993, the Fairway Shopping Center inquired about leasing space for a Taco Bell. In March 1994, the Council formed a subcommittee to review issues and compare Ordinance No. 1223 to zoning codes from other jurisdictions.

In February 1995, a formal application for a Taco Bell restaurant was submitted. After extensive discussions, the Council adopted Ordinance No. 1999, amending the fast food ordinance, in order “to maintain the [existing] prohibition while providing a more precise definition of covered establishments” (Attachment 4). The goals of the ordinance, as enunciated in the adopted resolution, were to:

1. Ensure “that commercial uses [in the City] are balanced, that business and industry are compatible with [the] city’s residential character, and that the city will promote a healthy economy while preserving the local community character.”
2. Foster and preserve “the unique character of Pacific Grove’s commercial neighborhoods, including, among other characteristics, a moderately paced, relaxed attitude, the ability to know and do business with local shopkeepers, and an appreciation for visiting and patronizing small shops and food establishments.

Ordinance No. 1999 provides direction to how staff may process a use permit application, and states that no use permit shall be accepted, processed, or considered, for a “food service establishment” having *all* of the following characteristics:

- i. “serving short-order or quick-service food”;
- ii. “serving food primarily in paper, plastic, or disposable containers”;
- iii. such that customers may remove the “food or beverage products from the food service establishment for consumption”; and

- iv. is a formula-based food service establishment required by contract “or other arrangements to operate with standardized menus, ingredients, food preparation, architecture, décor, uniforms, or similar standardized features.”

This Ordinance, codified in PGMC 23.64.115, “Food service establishments,” is still in effect. The Chapter has no definition of a food service establishment. It is, therefore, unclear if the ordinance applies to only principal uses on a property or if it also applies to accessory uses. The ordinance also is worded in a way that triggers its effect only as to uses required to secure a use permit. The language of the code does not directly address food service uses that are permitted outright in the C-1 District. (More details on the chronology of events that led to this ordinance are provided in Attachment 5.)

THE EVOLVING BUSINESS MODEL FOR GROCERY STORES

Ever since World War II, the prevailing business model for grocery stores has been undergoing almost continual evolution. As early as 1973, market research informed grocery store owners that consumers wanted “superstores” selling, in addition to food and other staples, flowers, fresh baked goods, deli sandwiches, clothes, and other conveniences, all at one location.¹ Relatively quickly, some supermarkets added these services, as well as banks, pharmacies, dry cleaning, and others.

It is not uncommon today to see locally owned and chain grocery stores and supermarkets offering a full-service deli with both pre-made and made-to-order (prepared onsite) hot foods, gourmet sandwiches, salad bars, juice bars, coffee bars, and snack foods. In some, but not all cases, interior and exterior seating areas and additional exterior signage have been provided for these uses.

Not all grocery stores have fully followed this evolution. Grove Market, for instance, offers ready-to-go sandwiches and salads, but has not chosen to offer the other services.

PRIOR APPLICATIONS AND CITY INTERPRETATIONS

In 2003, the former Albertson’s grocery store at Country Club Center submitted a letter to CDD suggesting that because a “coffee establishment” was only a department of a “food store,” it was *not* subject to the “food service establishment” definition in PGMC Section 18.08.030 (grease trap requirements), nor PGMC Section 23.64.115, “Food service establishment” provisions of the zoning code. The City Attorney responded by indicating that a “food store” would only be exempt if the store did not prepare or process food in a manner that would contribute grease to the sewer system. The City Attorney further indicated that because a coffee operation would have a sink, it was not exempt from PGMC Section 18.08.030, and pointed out that an ice cream shop had recently been required to have a grease trap. City Attorney Fleishman went on to state that a “use permit would be required for the Starbucks, and since the establishment meets all the criteria under subsection (b) of Section 23.64.115, the City cannot process or approve a use permit for the Starbucks.”

In 2005, Safeway requested as part of a building remodel to add a Starbucks coffee kiosk as an accessory use similar to its deli and bakery. Safeway indicated that the coffee kiosk would not be a sublease, and would be operated by Safeway employees. Based on the prior interpretation

¹ “Superstores May Suit Customers to a T-shirt or a T-bone,” *Wall Street Journal*, March 13, 1973.

of PGMC 23.64.115, “Food service establishments,” Safeway was asked to remove the kiosk from the remodel plans.

Other coffee shops in town have been approved with a use permit (i.e., B’s, Juice & Java, and The Works). These coffee shops are principal uses in their locations, have seating, and serve ready-made sandwiches and an assortment of drinks for consumption on the premises and to-go. They do not fall under PGMC 23.64.115, because they are not formula-based food service establishments required to operate with standardized menus, ingredients, décor, uniforms, and similar standardized features.

Other related uses that have been allowed with a use permit are the Shell Station’s conversion of the automotive bays to a food mart, including the sale of take-out foods, and Pavel’s Bakery’s expansion of their use to offer salads and sandwiches as well as a seating area. The new food mart at the Shell Station and deli seating area at Pavel’s Bakery are accessory uses and subordinate to the principal use at both sites.

DISCUSSION

In light of the changing business model for grocery stores (and perhaps other commercial uses, such as gas stations), a question arises as to whether it was either 1) the original intent, or 2) the appropriate interpretation and application of PGMC 23.64.115 to disallow a food service establishment that is truly accessory in nature (i.e., is located within the interior of the principal use on-site, and is incidental to and designed to serve the customers of the principal use) and where no use permit or use permit amendment is required. If a Starbucks coffee kiosk in Safeway met these criteria, **the key policy question at issue is: would allowing such a use be best for the community going forward?** In order to implement whatever answer the Council deems best, the City also needs to decide whether such a decision would promote or work against the stated goals of Ordinance 1999, which seek to ensure that commercial uses are balanced, that business and industry are compatible with the city’s residential character, and a healthy economy is promoted while preserving the local community character.

While the City’s interpretation of the ordinance has denied such uses in the past, such an interpretation may well be overly broad, and prohibit and otherwise restrict uses that would enhance the local economy in a way that does not negatively affect the desired aesthetics and character of the city’s commercial districts. The standard that may be appropriate for Forest Hill, for example, may well be a different standard than is appropriate for the Downtown.

ALTERNATIVES

There are several alternative decisions that the City Council could make to provide further clarity as to the intent and application of PGMC 23.64.115 as it applies to Safeway’s appeal of the City’s standing interpretation:

1. The Council could determine that no use permit is needed to add a Starbucks kiosk to the Safeway, because it is designed to be accessory to and integrated as a department of Safeway. To meet the definition of an accessory use in this case, the Starbucks kiosk would be located entirely within the interior of the store with no separate exterior entrance. PGMC 23.64.115, “Food service establishments,” applies to food and beverage restaurants, and does not apply to grocery stores. The business model for grocery stores is evolving, and as long as accessory/incidental uses are fully integrated into the food store such as that described above, these uses are grandfathered in under Safeway’s existing use permit and there is no basis or need for the City to get involved. Staff has

the ability to approve Safeway's request and other similar requests. Staff and the City Attorney would prepare a Council policy clarifying this interpretation of PGMC 23.64.115 for Council review and approval. Thus, no appeal would be necessary for approval of the Starbucks, and staff would return the appeal application and check to Safeway. This is staff's recommended action.

2. The Council could determine that a Starbucks kiosk is a use that is allowed outright (no use permit required), because even though it is an accessory use, it is more similar to an ice cream store or bakery than a restaurant. Within the C-1 District, ice cream stores and retail bakeries are allowed outright (no use permit required). Since PGMC 23.64.115 is triggered only by uses that require a use permit, this ordinance does not apply to the proposed kiosk. Thus, no appeal would be necessary for approval of the Starbucks, and staff would return the appeal application and check to Safeway.
3. The Council could choose to continue the existing interpretation of Ordinance 1999. Council has, in its adopted five-year plan, already directed staff to initiate an ordinance review to clean up current ambiguities in PGMC 23.64.115 and to clarify its application to the City's separate commercial districts. Thus, an appeal is not appropriate at this time, and if Safeway or others still believe the City's interpretation of Ordinance 1999 is inappropriate, they would be encouraged to provide those comments during the development of the ordinance amendments.
4. The Council could choose to take no action, thus allowing the Safeway appeal of staff's decision, based on precedents involving the interpretation of PGMC 23.64.115, "Food service establishments," to proceed to the Planning Commission. The appeal hearing can be placed on the agenda for the May 6, 2010 Planning Commission meeting.

DISCUSSION OF POSSIBLE IMPACTS AND NEXT STEPS

A possible impact of selecting Alternative #1 above is that other commercial businesses, such as gas stations, may request a variety of accessory uses within the interior of their businesses. The standard business model for gas stations has evolved to include fast food restaurant outlets, full-service delis, markets, etc. Other commercial business owners could also assert that such uses are accessory to their principal use and request uses otherwise prohibited by PGMC 23.64.115. Staff would process such applications on a case-by-case basis, to ensure consistency with the newly adopted Council policy.

There is also a technical aspect in the wording of PGMC 23.64.115 that deserves attention. As written, this code section is triggered only by uses that require a use permit. If a use is found not to require a use permit, this section does not apply. Given this possibly unintended flaw in the ordinance, this is one area to be addressed in the review and clean-up.

The ordinance review and clean-up noted in Alternative #3 is already in the Council's strategic work plan for 2010. Alternative #3 has the effect of clarifying the ordinance purpose and intent and making the corresponding changes to the regulations through a full public hearing process. This process is anticipated to take approximately six months.

FISCAL IMPACT

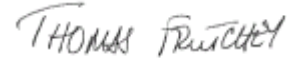
None.

ATTACHMENTS

1. PGMC Section 23.32.020, Uses Permitted in C-1 District
2. PGMC Section 23.08.240 & 23.64.040, Definition and Provisions for Accessory Uses
3. Ordinance No. 1223, approved 9/17/80
4. Ordinance No. 1999, approved 7/19/95
5. Chronology of Events related to Food Service Establishment Ordinance

Respectfully submitted,

Reviewed by,



Lynn Burgess, AICP
Chief Planner

Thomas Frutchey
City Manager

Chapter 23.32 C-1 DISTRICTS

23.32.020 Uses permitted.

The following uses are permitted in the C-1 district:

(a) Any use permitted in any R district; provided, that any building in which such a use is located conforms to all the conditions and restrictions on such a use, such as setbacks, yard areas and site area requirements pertaining to such a use in the R district where it is permitted, except that where there is a mixed usage and over 50 percent of the street-level frontage is devoted to a C-1 type of usage, the C-1 conditions and restrictions only shall apply.

(b) Abstract and title companies, antique stores, art supplies, art galleries, bicycle shops, bookstores, bakeries – retail, barbershops, beauty parlors, blueprint, photocopy or addressograph services, contractors (general building, general engineering, specialty or subcontractors as defined in the Business and Professions Code of the state of California), candle shops, candy stores, collection agencies, drapery stores, dressmaking stores, dress shops and clothing stores, drugstores, florists, furniture stores, furriers, gift shops, gunsmiths, hardware stores, hobby shops, ice cream stores, jewelers, locksmiths, music stores, mail order catalogue stores, offices, newsstands, paint stores, photographic or camera shops or studios, picture framing shops, radio or television stores, shade shops, shoe stores, shoeshine parlors, stationery stores, sporting goods stores, stamp and coin stores, stamp redemption stores, tobacco shops, travel agencies, typewriter repairs, telephone exchange or answering services, toy stores, tailor shops, variety stores, yarn shops; provided, that no merchandise, tools, machinery, equipment, or materials shall be stored or displayed outside of a building.

(c) The following, subject to first securing a use permit:

(1) Appliance repairs, ambulance services, auctioneers, automobile agencies, amusement arcades, automobile repair shops, banks, billiard parlors, bowling alleys, boat sales, bath or massage parlors, business, professional, or trade colleges, businesses from which minors are excluded by law or by the owner, bus depots, creative arts, cleaners, catering services, ceramic studios, chemists, dancing studios or academies, department stores, diaper services, employment agencies, exterminators, electronics assembly manufacture, furniture refinishing, gymnasium and health studios, garden shops, golf ranges, grocery stores, hatcheries, lapidary or gemstone stores, laundries or laundromats, laboratories, linen supply services, mortuaries, mobile home sales, motorcycle sales, miniature golf courses, parking lots, print shops, produce markets, plumbing shops, parcel delivery services, parking garages, pet grooming, recycling facilities, rental of appliances, tools or machinery, refrigeration equipment, repair services, radio or television stations, restaurants, savings and loan associations, service stations, sign painting or manufacturers, taxi service, theaters, tile shops, used car lots, veterinarians, other commercial uses that the planning commission determines to be of the same general character as the above permitted uses; provided, that no merchandise, tools, machinery, equipment, or materials shall be stored or displayed outside of a

building; and it is further provided, that coin-operated vending or amusement machines displayed outside of a building shall require a separate use permit.

(2) Temporary use permits, good for not over 30 days, may be granted for temporary outdoor sales events of new merchandise by merchants holding use permits or otherwise qualified to operate in a C-1 district; provided, that such outdoor sales are operated in conjunction with their established retail operations, and for Christmas tree sales, or other sales on private property, connected with festivals or holidays.

(3) Applications for permit shall be made to the city manager on forms prescribed by him/her, and shall be granted by him/her, if they qualify under the above criteria. Fees for processing all such permits shall be as established by the council, and shall accompany each application. All forms of outdoor sales displays, except as specifically permitted herein, are prohibited.

(4) Other uses may be added to the list in this section under procedures set forth under PGMC [23.72.071](#).

(d) Notwithstanding the provisions of subsection (c) of this section, no use permits shall be granted for service stations in the area bounded by Grove Streets and Central Avenue on the north, 12th Street on the east, Pine Avenue on the south, and Granite and Pacific Streets on the west.

(e) Notwithstanding the foregoing provisions, the gardening of vacant lots may be permitted in the C-1 district under a use permit reviewable every six months and subject to such conditions as may be prescribed by the use permit. The application shall be accompanied by a written agreement by the owner to grant the city a lien for any cost incurred by the city in restoring such property to its condition prior to such use, in the event the owner fails to make such restoration after such use ceases. [Ord. 09-005 § 34, 2009; Ord. 1765 N.S. § 17, 1991; Ord. 1613 N.S. § 1, 1987; Ord. 1418 N.S. § 4, 1984; Ord. 1110 N.S. § 1, 1979; Ord. 1065 N.S. § 6, 1979; Ord. 948 N.S. § 1, 1977; Ord. 855 N.S. § 1, 1975; Ord. 822 N.S., 1975; Ord. 602 N.S. § 1, 1968; Ord. 532 N.S., 1966; Ord. 453 N.S., 1964; Ord. 210 N.S. § 11-134(1)(a), 1952].

Chapter 23.08 DEFINITIONS

23.08.240 Use, accessory.

“Accessory use” means a use incidental and accessory to the principal use of real property or a building located on the same building site, or for which a use permit has been issued pursuant to PGMC [23.64.185](#). [Ord. 1030 N.S. § 1, 1978; Ord. 210 N.S. § 11-181(1)(w), 1952].

Chapter 23.64 GENERAL PROVISIONS AND EXCEPTIONS

23.64.040 Accessory uses in C, I, U districts.

Accessory uses and buildings in any C, I, or U district may be permitted where such uses or such accessory building shall be allowed only when constructed concurrent with or subsequent to the main building. [Ord. 210 N.S. § 11-141(1)(a)(3), 1952].

ORDINANCE NO. 1223 N. S.

ORDINANCE ADDING SECTION 23.64.115 TO MUNICIPAL CODE PROHIBITING USE PERMITS FOR "FAST FOOD" RESTAURANTS.

THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES ORDAIN AS FOLLOWS:

1. Section 23.64.115 is hereby added to the Municipal Code to read as follows:

"23.64.115. No use permit application shall be received, considered, or issued for any "fast food" restaurant. The term "fast food restaurant" as used in this ordinance shall mean any establishment whose principal business is the sale of foods to the consumer in a ready to consume state for consumption on or off the premises and whose design or operation includes two (2) or more of the following characteristics:

- (a) Foods are usually served in paper, plastic or disposable containers.
- (b) Foods are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for a customer to exit the motor vehicle.
- (c) The consumption of food within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed or encouraged.
- (d) The facilities for on premise consumption of food are insufficient for the volume of food sold in the restaurant.
- (e) A restaurant which has as its principal business the sale of prepared meals and/or ready-to-eat food or beverage for consumption on or off the premises, and which is affiliated with three or more other restaurants with a similar name, trademark, trade name, trade style, or type of food service, by commonality of ownership, control, or contract arrangement, or which are advertised to give the appearance of affiliation.


2. This ordinance shall not apply to a temporary food or beverage stand or booth at a public event, or a sandwich shop.

3. This ordinance shall take effect 30 days after its final passage.

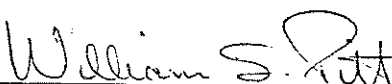
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 17th day of September, 1980, by the following vote:

AYES: Councilmembers Fisher, Franco, Sloan, Long, and Mayor Williams.
NOES: Councilmembers Hughes and Martine.
ABSENT: None.

APPROVED: September 17, 1980


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 1999 N.S.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE RESCINDING SECTION 23.64.115 OF THE PACIFIC GROVE MUNICIPAL CODE AND ADOPTING A NEW SECTION 23.64.115 REGULATING FOOD SERVICE ESTABLISHMENTS AND APPROVING A NEGATIVE DECLARATION

WHEREAS, this council is committed to furthering Policies 11 and 12 in the land use chapter of city's general plan, to wit, that the city will ensure that commercial uses are balanced, that business and industry are compatible with city's residential character, and that city will promote a healthy economy while preserving the local community character; and

WHEREAS, this council finds that such policies are furthered by fostering and preserving the unique character of Pacific Grove's commercial neighborhoods, including, among other characteristics, a moderately paced, relaxed attitude, the ability to know and do business with local shopkeepers, and an appreciation for visiting and patronizing small shops and food service establishments; and

WHEREAS, this council further finds that certain food service establishments, i.e., fast food restaurants providing formula menus and service, are not in keeping with the described character in that they are inconsistent with the established and desired aesthetics of the many commercial districts, in that they offer rushed, ready made meals from formula menus, in that those drawn to a fast food restaurant for a quick meal will be less likely than those dining in a more traditionally paced restaurant setting to visit nearby shops;

WHEREAS, presently the city's zoning regulations (Section 23.64.115) provide that "fast food restaurants," as defined in said section, are prohibited in the city; and

WHEREAS, this council wishes to amend the current city zoning regulations to maintain the prohibition while providing a more precise definition of covered establishments;

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

SECTION 1. This council has considered the proposed negative declaration prepared in conjunction with the regulations contained herein, together with comments received during the public review process. This council hereby finds on the basis of the initial study and the comments that there is no substantial evidence that the regulations will have a significant effect on the environment and, therefore, this council approves the negative declaration.

SECTION 2. Section 23.64.115 of the Pacific Grove Municipal Code hereby is rescinded.

SECTION 3. A new section 23.64.115 hereby is added to the Pacific Grove Municipal Code, to read as follows:

MNA336

23.64.115 Food service establishments. (a) Applications for use permits for food service establishments shall be accepted and processed under the terms of Chapter 23.72 of this Code.

(b) No use permit application shall be accepted, processed or considered for a food service establishment having all of the following characteristics:

- (i) It specializes in short order or quick service food service;
- (ii) it serves food primarily in paper, plastic or other disposable containers;
- (iii) it delivers food or beverage products in such a manner that customers may remove such food or beverage products from the food service establishment for consumption;
- (iv) it is a formula food service establishment required by contractual or other arrangements to operate with standardized menus, ingredients, food preparation, architecture, decor, uniforms, or similar standardized features.

SECTION 4. This ordinance shall become effective on the thirtieth day following final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 19th day of July, 1995, by the following vote:

AYES: Costello, Davis, Honegger, Koffman, Zito

NOES: Huitt, Yadon

ABSENT: None

APPROVED:


SANDRA L. KOFFMAN, Mayor

ATTEST:


PETER WOODRUFF, City Clerk

APPROVED AS TO FORM:


GEORGE C. THACHER, City Attorney

Food Service Establishments - History & Interpretations	
1979	<p>First PC Hearings to consider Ordinance to exclude certain "traffic generating food service businesses". <i>Interim Ordinance (No. 1144)</i> Adopted November 1979.</p>
1980	<p>Ordinance (No. 1223) Adopted Sept. 1980 applied to "restaurants" which has a principal business (to sell prepared meals and/or ready to eat foods).</p> <p>It was pointed out that it <u>would not apply</u> to doughnut and ice cream shops as they would <u>not be</u> considered "restaurants".</p> <p>Ordinance states that it <u>would not apply</u> to temporary stands, or <u>sandwich shops</u>.</p>
1993	<p>Owners of Fairway Shopping Center letter to CDD Director inquired re: Taco Bell.</p>
1994	<ul style="list-style-type: none"> • <u>March</u> - The City Council referred Fast Food Ord to PC and formed Subcommittee to review issues. • <u>July</u> - The Subcommittee report to PC. It outlined the challenge of defining "fast food"; it listed associated offensive attributes of FF (drive-up, traffic/parking, litter, architecture/signage, & loitering/vandalism). The report summarized ordinances from other jurisdictions (Petaluma, Carmel, St Helena, Newport Beach, Hayward, Cerritos, Monterey, Rancho Cucamonga). The report listed several course of actions: 1) do nothing, 2) rescind, 3) revise, 4) address in General Plan, and 5) control through Conditional Use Permit (as in Monterey). • <u>August</u> - CDD staff presented a 106 page report to the Planning Commission. It included the Subcommittee report, mtg. minutes, full copies of other jurisdictions ordinances, PC letters stating their views, and public comments. • <u>September</u> - PGRA Ltr. request for "Specific Plan" for Forest Hill, not react to threats of lawsuits & urgency, Ord revisions should take into account entire city not just one area. • <u>December</u> - City Council Hearing extensive review of zoning authority and power to regulate fast food.
1995	<ul style="list-style-type: none"> • <u>February 7th</u> Taco Bell submits formal Application for sandwich shop (pointing out that a Subway had been approved) • <u>February 15th</u> <p>--City Attorney provided three ordinance revision options to City Council. The first two options allowed fast food with conditions, and the third option prohibited restaurants (meeting five criteria). The first option used "restaurant" and the second option used "food service establishment".</p> <p>--CDD staff presented Code Interpretation to City Council re: Taco Bell. Definition of a sandwich discussion, allowing Taco Bell to proceed.</p>

	<p><i>continued</i></p> <p>--Council member provided list of existing fast food in Forest Hill: Little Chicken House, Philadelphia Hoagie, Allegro Pizza, Brick Oven Pizza, Round Table Pizza, Little Caesar's Pizza, McDonalds, Subway, Ocean Sushi, and Michaels Grill Taqueria.</p> <p>--Moratorium on FF per City Attorney George Thacher.</p> <ul style="list-style-type: none">• <u>May 4th</u> CDD staff report to PC requesting to delete existing Ord. and add new revised Ord.• <u>June 29th</u> City Council Special Meeting: Exact language drafted (Modification of Option "A")• <u>July 19th</u> Approved ND and Adopted Ordinance (No. 1999) New 23.64.115
2003	Albertsons request for Starbucks, argued that it is department of a "Food Store" per Code 18.08.030 (grease trap). CDD Response: Starbucks would be a "Food Service Establishment" b/c of utensil sink/subject to grease trap reqs., thus, not a "Food Store".
2005	Safeway - Building Remodel, CDD Staff Indicated Starbucks Kiosk within store not allowed per Ord No. 1999.
2010	Safeway - Proposing New Remodel