

LEGISLATIVE DIGEST

[Planning Code - Prohibiting Employee Cafeterias within Office Space]

Ordinance amending the Planning Code to prohibit Employee Cafeterias, as defined in the Health Code, within Office space, except for existing Employee Cafeterias; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Section 102 of the Planning Code defines uses and terms used throughout the Code. “Office, General” is defined in Section 102 as “A Non-Retail Sales and Service Use that includes space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location, services including, but not limited to, the following: professional, banking, insurance, management, consulting, technical, sales, and design; and the non-accessory office functions of manufacturing and warehousing businesses, multimedia, software development, web design, electronic commerce, and information technology.” It does not include “Non-Retail Professional Services as well as Retail Uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.” Section 202.2 establishes location and operating conditions for specific use categories.

Amendments to Current Law

The definition of “Office, General” in Section 102 is amended to provide it is subject to the operating conditions of Section 202.2. Section 202.2 is amended to provide that an “Employee Cafeteria,” as defined in Health Code Section 451(h), is prohibited in Office space but that any such use lawfully existing or finally approved as of July 24, 2018 may continue and be maintained. It may not, however, be expanded or re-installed if abandoned. An “Employee Cafeteria” is defined in the Health Code as “a food facility located within business premises where the business employees are provided or sold food on a regular basis. Food and drink are not regularly served to the public and the food establishment is not subject to tax. The operators of the food facility are either employees of the business or are contracted by that business.”