

Just What Is A Restaurant?

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When is a restaurant not a restaurant? City Council will be asked to answer the question quite soon.

Is McDonald's a restaurant? If not, what is it?

The planning department at city hall thinks it has the answer, but confirmation from the legislators will be needed to make it legal.

Some weeks ago the council approved an ordinance that provided that restaurants henceforth could be built in certain former restricted areas along main thoroughfares where the zoning was for apartments and hotels (R-3).

Intentions were to help Palm Springs enhance its not outstanding reputation as a gourmet capital by opening up land uses, especially along East Palm Canyon Drive.

There were some restrictions: the site must have a minimum frontage of 100 feet, be at least 30,000 square feet in size; be not closer than 150 feet from any single-family home; plenty of landscaped parking space, etc.

With that law on the books, the city sat back and waited for developers with plans for a La Scala, Perrino's Scandia type eatery in Palm Springs.

But what came in? McDonald's! And that isn't what the city wanted.

There was considerable pressure on city hall for McDonald's. It centered mainly on City Planner John Mangione, from his five children.

Despite this kind of lobbying, Mangione was able to get approval from the city Planning Commission an amendment to the restaurant ordinance that, more than anything, says what McDonald's is not.

It took two pages of legal phraseology to write the hamburger haven and others of its kind out of contention.

The amendment concedes that a restaurant . . . "is a comprehensive term meaning an eating house providing service to the general public." But then it gets specific:

"Within the term restaurant (some of which are further defined hereinafter) are cafes, cafeterias, coffee-houses, coffee shops, dinner houses, drive-in or drive-through restaurants, fast food service establishments, fountain lunches, lunchrooms, sandwich shops, tea rooms, and waffle houses."

(There was no mention of pancake houses, a virtual slap in the face for Lindy Lou's and

Sambo's.)

At the bottom of the first page the proposed amendment centered in on McDonald's.

"Drive-in or drive-through restaurant means any building or structure where food and drink are served for consumption, either on or off the premises, by order from and/or service to vehicular passengers outside the structure, including service from an outdoor service window."

In case that didn't include McDonald's, the amendment defined "fast food establishment." This means . . . "where food not displayed for selection as in a cafeteria, and which food may or may not be cooked to order or be pre-prepared, is served to the customer at a window or over a counter, for consumption elsewhere on the premises or away from the premises, as the customer prefers."

To control any restaurants which may sprout up along East Palm Canyon Drive some day, the amendment provides that the relaxed R-3 zoning for restaurants does not include . . . "cafeterias, drive-in or drive-through restaurants, or fast food service establishments . . ."

City planners say they wouldn't like to see "anything less" than a Bob's Big Boy along that street.

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