

## Solano Restaurant Limits Debated at TONA Meeting

At the October 2005 TONA general membership meeting, Dave Fogarty of the Berkeley Office of Economic Development, speaking on business conditions in Berkeley, noted that several districts have looked to quota systems, like the limit on the number of restaurants in the Solano Avenue Ordinance, with varying results. The Elmwood has restricted several types of businesses (including bookstores, at one time), and the Euclid area is considering a restaurant limit.

In the discussion period of the TONA meeting, residents expressed strong and varied views about the Solano restaurant limit. One speaker asserted that demographic statistics show more single adults (young and old) without children than families with children in the neighborhood now, and she noted that adults who work long hours at careers want and need restaurant meals more often than others. Another resident noted that he had moved to Thousand Oaks because of the restaurant limit, because he wanted a variety of neighborhood-serving businesses close by, and restaurants drive out shoe repair shops, dry cleaners, pharmacies, video stores, and the like (restaurants have higher profits and can pay higher rents).

Another resident noted that several storefronts on Solano are now vacant; why not permit restaurants to open there and liven up the street? Someone countered that businesses are leaving because rents are too high, and allowing high-rent restaurants to take their places will drive other rents up, too. One speaker advocated loosening the 10 pm closing time, to serve people who work late and to make the street less deserted at night; she cited the ambiance in Paris and New York at night.

A longtime resident spoke of the years-long process she had participated in, with Solano merchants, residents, and the city Planning Department, to develop the Solano Avenue Ordinance, working diligently to consider and anticipate various outcomes and unintended consequences. The ordinance could be reconsidered, she recognized, but the process needs to include various stakeholders and be undertaken thoughtfully and thoroughly.

One point in the ordinance that is sometimes confusing to residents is the limit to 12 restaurants in the Berkeley portion of Solano (Alameda to Tulare on the south side of the street; Alameda to Neilson on the north side). When the ordinance was enacted, existing restaurants were “grandfathered”—allowed to remain restaurants because they were already there. So the actual number of permitted restaurants, from the outset, was 23, not 12. And, since a use permit is issued for the location, not the specific restaurant, that number will continue even when a restaurant closes (unless the landlord chooses to rent to another type of business instead; this has happened only once in the past several decades). The Albany portion of Solano has no restaurant limits.

People in the neighborhood are also sometimes confused by the definition of a restaurant (called a “food service establishment”) in the law. The distinguishing factor is whether the business has facilities (at minimum, a table and chair) for customers to consume the food on the premises. This definition is somewhat arbitrary, but the line had to be drawn somewhere. Hence, the dispute over La Farine, which was granted a food service permit (probably because of neighborhood popularity) even though the findings required for granting a new permit under the law were not made. Supporters of the ordinance bemoan the fact that the city does not always follow or enforce it.

The restaurant limit controversy was not resolved at the meeting, but the exchange of views was enlightening and helps neighbors understand one another’s positions. To continue the discussion, post your views on the TONA discussion group site

([http://groups.yahoo.com/group/thousand\\_oaks/](http://groups.yahoo.com/group/thousand_oaks/)), and read other people's opinions there. Meanwhile, enjoy the more than 50 restaurants on Solano Avenue!