

**Building Inspections**

*A department policy is based on an interpretation of a code provision and is subject to change based on new and/or additional information.*

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**BATHROOMS IN FOOD ESTABLISHMENTS**

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The sanitary facility requirements for a food establishment must address the definition of "restaurant" as given in California Plumbing Code." A restaurant is defined as a business which sells food to be consumed on the premises." In restaurants the code requires separate bathrooms for male and female customers.

However, some discretion may be allowed as to whether this type of establishment is a "restaurant" if the primary function of the establishment is takeout orders, with some minor seating capacity for use by waiting customers or on site consumption of single service items. By setting certain limits for small food establishments, the Building Department does not necessarily require separate facilities for male and female customers. In those cases a single, unisex bathroom will meet the intent of the code.

Each food establishment is reviewed on a case-by-case basis. For instance, a large capacity takeout restaurant where full meals are served to sit down customers on a regular basis would not be exempt from separate facilities. However, a bakery, deli or similar shop might qualify if the size of the dining area were small enough to limit seating capacity.

The following criteria shall be used in evaluating each request for a unisex bathroom:

- \* Food and beverages are suitable for takeout orders.
- \* Food is served on single service plates, bowls, etc.
- \* Seating capacity is limited by floor space to not more than 25 customers (this will be determined by building department personnel after a floor plan has been submitted for review).
  - The kitchen shall have its own hand washing facility.

A letter signed by the business owner, which identifies the specific components of the evaluation criteria that apply to that particular business, must be provided as part of the plan check process.