



City of Santa Ana
20 Civic Center Plaza, Santa Ana, CA 92701
Staff Report
December 6, 2022

TOPIC: ZOA No. 2022-04 (Outdoor Dining) & ZOA No. 2022-05 (Mobile Food Trucks)

AGENDA TITLE:

Public Hearing - Zoning Ordinance Amendments (ZOAs) Nos. 2022-04 and 2022-05 Amending Chapter 41 of the Santa Ana Municipal Code to Establish Permit Requirements and Standards for the Development of Outdoor Dining Areas and the Operation of Mobile Food Trucks on Private Properties

RECOMMENDED ACTION

1. Find and determine that the adoption of these ordinances are exempt from further review under the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, as amended from time to time; and
2. Adopt an ordinance approving Zoning Ordinance Amendment No. 2022-04 establishing permit requirements and development and operational standards for outdoor dining areas on private properties; and
3. Adopt an ordinance approving Zoning Ordinance Amendment No. 2022-05 establishing permit requirements and operational standards for the operation of mobile food trucks on private properties.

DISCUSSION

At the request of the City Council, staff has prepared two zoning ordinance amendments (ZOAs). The first, ZOA No. 2022-04, proposes to amend sections 41-130, 41-522, and 41-1341, and adds Section 41-130.5 and Article XXI (Outdoor Dining On Private Property) to Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) establishing regulations relating to the permit requirements and placement, development, and operational standards of outdoor dining areas on private properties. The second, ZOA No. 2022-05, proposes to amend Section 41-121 and adds Article XXII (Mobile Food Trucks On Private Property) to Chapter 41 of the SAMC establishing regulations relating to permit requirements and operational standards for mobile food trucks operating on private properties.

Planning Commission Action

At its regularly scheduled meeting on November 14, 2022, the Planning Commission voted 4:0 (Vice-Chair Calderon, Alderete, and Morrissey absent) to recommend that the City Council adopt an ordinance approving ZOA No. 2022-04 and an ordinance approving ZOA No. 2022-05. After the Planning Commission meeting, minor changes to the mobile food truck ordinance were made to reflect feedback from the business community.

ZOA No. 2022-04 for Outdoor Dining

Chapter 41 of the SAMC currently regulates outdoor dining areas as an ancillary use to eating establishments and requires that such area provide off-street parking at a rate of eight parking spaces per 1,000 square feet of gross floor area but exempts such area to be parked if the area of outdoor dining is less than 25 percent of the gross floor area of the eating establishment, or 1,000 square feet, whichever is smaller. This current parking requirement can make outdoor dining costly and infeasible for small businesses. No additional specific outdoor dining regulations are currently prescribed within Chapter 41 of the SAMC.

ZOA No. 2022-04 proposes to establish a streamlined administrative permit process and flexible regulations pertaining to the placement, development, and operation of outdoor dining areas that benefit eating establishments and enhance the pedestrian ambiance of the City. In addition, it proposes provisions to ensure that such areas do not adversely impact adjacent uses, properties, and surrounding neighborhoods. The proposed regulations build upon those regulations established by the Take It Outside guidelines (attached hereto as Exhibit 3 for reference) established pursuant to Executive Order No. 5-2020. In addition, ZOA 2022-04 proposes to reduce the off-street parking requirements for outdoor dining areas. Table 1 below illustrates the proposed regulations which would be applicable to all new outdoor dining areas and those proposed to be expanded.

Table 1: ZOA No. 2022-04 Proposed Outdoor Dining Regulations

Topic	Proposed Regulations
Application & Permit	Require submittal of an administrative permit application and approval by the Planning and Building Agency (PBA).
Zone Requirements	Allow outdoor dining as an ancillary use in all zones that currently allow eating establishments, restaurants, cafes, etc.
Placement, Development, & Design Standards	<ol style="list-style-type: none">1. Allow a 15-percent encroachment into required front and street side yard setbacks.2. Require landscape buffers between outdoor dining area and property lines and parking spaces/drive aisles.3. Require the use of durable construction materials and compatibility with the architectural style of primary building/use.4. Require measures to reduce potential impacts on nearby sensitive land uses.5. Limit the signage to a menu board/sign.6. Require lighting in accordance with Chapter 8 of the SAMC.

Topic	Proposed Regulations
Operational Standards	<ol style="list-style-type: none"> 1. Require proper maintenance of the outdoor dining area and development site. 2. Require that the hours of operation be consistent with the eating establishment. 3. Require that the sale and consumption of alcohol be in accordance with an approved Conditional Use Permit. 4. Prohibit outdoor cooking.
Parking Requirements	Reduce the number of required off-street parking for outdoor dining areas. Outdoor dining areas of 500 square feet or less serving an eating establishment of less than 2,500 square feet will not be required to provide additional off-street parking. Outdoor dining areas less than 25-percent of the gross floor area of the eating establishment or 1,000 square feet, whichever is smaller, will continue to be exempt from providing additional parking as currently allowed per the SAMC. Outdoor dining areas exceeding these thresholds will require to provide off-street parking at a rate of one parking space per 250 square feet of outdoor dining area. In addition, parking exemptions have been included to allow up to three required parking spaces to be converted into outdoor dining for an integrated development site and up to 25-percent of the required parking spaces for a stand-alone eating establishment site.
Executive Director Modifications	Establish an administrative modification process that allows the Executive Director to grant modifications based on special circumstances and findings.
Permit Enforcement, Modification, Revocation & Termination	Establish an enforcement, modification, revocation, and termination process in which the outdoor dining permit can be revoked or modified by the City if the outdoor dining area turns into a public nuisance. In addition, it will establish a termination process in the event that the outdoor dining area is unoccupied or untenanted for more than six months.

ZOA No. 2022-05 for Mobile Food Trucks

The operation of mobile food trucks on private property on a semi-permanent basis is currently not allowed in the City. Mobile food trucks are currently only allowed to operate on a temporary basis during special events on private property through the issuance of a land use certificate by the PBA. ZOA No. 2022-05 proposes to allow mobile food trucks to operate on private property on a semi-permanent basis subject to the approval of a mobile food truck permit by the PBA and operational standards. The proposed operational standards build upon those established by the Take It Outside guidelines. Table 2 below illustrates the proposed mobile food truck regulations that would apply to mobile food trucks operating on private property citywide.

Table 2: ZOA No. 2022-05 Proposed Mobile Food Truck Regulations

Topic	Proposed Regulations
Application & Permit	Require submittal of an administrative permit application and approval by the PBA for all mobile food trucks proposing to operate on private property. The permit would be required to be renewed yearly.
Zone Requirements	Allow mobile food trucks to operate as an ancillary use in all mixed use, professional, commercial, and industrial zones.
Property & Location Requirements	<ol style="list-style-type: none"> 1. Require that mobile food truck can only operate from a private property that is located along and adjacent to an arterial street, as identified by the Mobility Element of the General Plan.

Topic	Proposed Regulations
	<ol style="list-style-type: none"> 2. Require that the private property be in compliance with all applicable development standards, such as parking, landscape, signage, etc. Nonconforming properties will have to provide site enhancements (i.e. new landscaping, trash enclosure, repaving and restriping parking, etc.) to bring the site into closer compliance. 3. Prohibit mobile food truck from operating on undeveloped/vacant lots and property developed as a standalone parking lot or a service/gas station. 4. Prohibit mobile food trucks from operating on private property that contains an existing eating establishment and/or is located within 300 feet of a site/property containing an eating establishment that operates during the proposed mobile food truck hours of operation. <i>Requirement was modified after the Planning Commission hearing based on feedback from the business community.</i>
Number of Mobile Food Trucks per Lot Area	Allow one mobile food truck per 10,000 square feet of lot area/integrated development site area, with a maximum of three total.
Operational Standards	<ol style="list-style-type: none"> 1. Require compliance with all applicable federal, state, and local laws. 2. Prohibit mobile food trucks from operating before 6:00 p.m. and after 2:00 a.m. daily. 3. Prohibit mobile food trucks from operating after 10:00 p.m. on Sundays through Thursdays and after 11:59 p.m. on Fridays and Saturdays, if within 200 feet of a property zoned and/or used strictly for residential purposes. 4. Prohibit mobile food trucks from operating on properties zoned and/or used strictly for residential purposes. 5. Prohibit overnight parking of mobile food trucks on the subject private property. 6. Prohibit mobile food trucks from encroaching into any required yards, path of travel, fire lanes, line of sight, etc. 7. Require that a unisex restroom be available to employees and customers within 50 feet of the mobile food truck. 8. Allow mobile food trucks to have a seating area of up to 350 square feet. 9. Require waste receptacles to be provided. 10. Require proper maintenance of the mobile food truck and its operations and development site. 11. Prohibit the use of generators and require direct connection to an electrical source.
Permit Enforcement, Modification, Revocation, & Termination	Establish an enforcement, modification, revocation, and termination process in which the mobile food truck permit can be revoked or modified by the City if the operation of the mobile food truck turns into a public nuisance.

Consistency with the Santa Ana General Plan

The proposed zoning ordinance amendments are consistent with various goals and policies of the Santa Ana General Plan. Goal 2 (Diverse Economic Base) of the Economic Prosperity Element (EP) encourages the maintenance and enhancement of the diversity and regional significance of the City's economic base. Policy EP-2.6 (Small Business Assistance) supports and encourages small business development, incubators, and microenterprises through start-up assistance and identification of fiscal resources for entrepreneurship. The proposed amendments will provide small eating establishments the ability to expand their operations outdoors and provide

entrepreneurial opportunities for small businesses to start their own mobile food truck business. In addition, the actions will allow brick-and-mortar businesses to expand their operations to different locations and markets in the City.

Goal 3 (Business Friend Environment) of the EP promotes a business friendly environment where businesses thrive and build on Santa Ana's strengths and opportunities. Policy EP-3.5 (Simplify The Process) encourages the development of streamlined processes and business assistance through the permitting process. Policy EP-3.6 (Responsive to Trends) encourages the maintenance of flexible and up-to-date land use regulations that are responsive to changing business trends, best practices, technological advancements, and community needs. The proposed zoning ordinance amendments will create a streamlined and flexible permitting process for outdoor dining areas and mobile food trucks and establishes best practice development and operational standards. The amendments are also responsive to market conditions that were impacted by COVID-19.

Goal 2 (Land Use Needs) of the Land Use Element (LU) encourages a balance of land uses that meet Santa Ana's diverse needs. Policy LU-2.2 (Capture Local Spending) in particular encourages a range of commercial uses to capture a greater share of local spending, and offer a range of employment opportunities. Policy LU-2.7 (Business Incubator) encourages the support of land use decisions that encourage the creation, development, and retention of businesses in Santa Ana. The proposed zoning ordinance amendments will encourage the development of new businesses and help retain current businesses by providing them with tools to help them stay competitive with neighboring markets.

Lastly, Goal 4 (Complete Communities) of the LU supports a sustainable Santa Ana through improvements to the built environment and a culture of collaboration. Policy LU-4.1 (Complementary Uses) encourages the promotion of complete neighborhoods by encouraging a mix of complementary uses, community services, and people places within a walkable area. The proposed zoning ordinance amendments will provide ancillary and complementary uses and services, which will help promote the creation of complete and walkable neighborhoods and streets. Outdoor dining areas and mobile food trucks can assist with beautifying and activating retail centers and creating people places.

ENVIRONMENTAL IMPACT

Pursuant to the California Environmental Quality Act ("CEQA") and the CEQA Guidelines, the adoption of these ordinances are exempt from CEQA review pursuant to sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because these ordinances will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility these ordinances will have a significant effect on the environment and are not a "project", as defined in Section 15378 of the

CEQA Guidelines. As a result, a Notice of Exemption, Environmental Review (ER) No. 2022-88 for ZOA No. 2022-04 and ER No. 2022-99 for ZOA No. 2022-05, will be filed upon adoption of these ordinances.

FISCAL IMPACT

There is no fiscal impact associated with the adoption of these ordinances.

EXHIBIT(S)

1. Ordinance Approving ZOA No. 2022-04
2. Ordinance Approving ZOA No. 2022-05
3. City of Santa Ana: A Guide for Outdoor Business Operations "Take It Outside"
4. Copy of Public Hearing Notice

Submitted By: Minh Thai, Executive Director, Planning and Building Agency

Approved By: Kristine Ridge, City Manager