



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Planning Commission Staff Report**  
**July 8, 2024**

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**Topic:** Conditional Use Permit (CUP) Nos. 2024-06 and No. 2024-07 – Raising Cane’s Chicken Fingers (1303 North Bristol Street)

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**RECOMMENDED ACTION**

1. Adopt a resolution approving Conditional Use Permit No. 2024-06 for drive-through window service, as conditioned.
2. Adopt a resolution approving Conditional Use Permit No. 2024-07 for after-hours operation, as conditioned.

**EXECUTIVE SUMMARY**

Jay Higgins, with Raising Cane’s Chicken Fingers (applicant), on behalf of Charles Manh (property owner), is requesting approval of Conditional Use Permit (CUP) No. 2024-06 and No. 2024-07, to allow the construction of a new eating establishment (Raising Cane’s Chicken Fingers) with drive-through window services and after-hours operation (between 12:00 a.m. and 5:00 a.m.), respectively, at 1303 North Bristol Street. The subject site is comprised of Assessor’s Parcel No. (APN) 405-272-21 and 405-272-24, which would be voluntarily merged as part of this project. The applicant is making the request pursuant to Sections 41-424.5(e) and 41-424.5(j) of the Santa Ana Municipal Code (SAMC), which permits eating establishments with drive-through window service and after-hours operation, subject to review and approval of a CUP by the Planning Commission. Staff is recommending approval of the requests, as the proposed project will reintroduce business activity on a vacant lot located on a major commercial corridor, and because the development will provide additional services to residents, workers, and visitors in the area. Moreover, the project complies with the General Plan goals and policies as it seeks to preserve and improve the character and integrity of existing neighborhoods and districts through the promotion of a clean, safe environment, as well as promote the economic growth and fiscal stability of the City. Lastly, the project will not negatively impact the surrounding community as the project has been designed to address any potential impacts related to noise, traffic, lighting, and odor.

**DISCUSSION**

**Project Description**

The proposed project includes construction of a new single-story, 2,899-square-foot commercial pad building, with a 1,866-square-foot patio area for outdoor seating. The complete scope of work also includes approximately 13,811 square feet of enhanced landscaping throughout the project site, double drive-through lanes approximately 382 feet in length, a trash enclosure, and 21 parking stalls. To accommodate the overall project, the applicant proposes to merge multiple parcels identified in a purchase and sale agreement with the City (Agreement for Exchange or Real Property No. A-2022-113).

**Table 1: Project and Location Information**

<b>Item</b>	<b>Information</b>	
Project Address and Council Ward	1303 North Bristol Street – Ward 5	
Nearest Intersection	Washington Avenue and Bristol Street	
General Plan Designation	General Commercial (GC)	
Existing Zoning Designation	Bristol Street Corridor Specific Plan (SP1) – Commercial (C-5)	
Surrounding Land Uses	North	Medical Office
	East	Residential
	South	Vacant
	West	Santa Ana College
Property Size	1.12-acres (49,010 square feet)	
Existing Site Development	The subject site is a currently vacant	
Proposed Building Size	2,899 square feet	
Use Permissions	Allowed with a conditional use permit (CUP)	
Zoning Code Sections Affected	Uses	SAMC Section 41-424.5(e) and Section 41-424.5(j)
	Operational Standards	SAMC Section 41-425

As designed, the project site would provide vehicular access from Bristol Street through a 40-foot drive aisle, enhanced with decorative pavers. The proposed building would be situated along the north side of the property, with the drive-through entry accessed along the south property line, extending along the east property line with double lanes that accommodate vehicle queuing up to 37 vehicles. A separate driveway exit would be provided for the drive-through lane, along the north end of the property. Additionally, the proposed drive-through lane would be designed in a manner that would provide approximately 153 feet of additional spill over area located behind the parking stalls, without impeding the vehicle parking back up requirements. Lastly, the 382-foot drive-through lane meets minimum required stacking/queuing requirements per the SAMC, which require eighty feet from the entry to the order point and eighty feet from the order point to the pickup window.

The proposed building design is consistent with other Raising Cane’s Chicken Fingers locations and features a contemporary style characterized by brick veneer, wood paneling, distressed metal panels, and smooth stucco. The building design features a neutral color scheme, comprised of brown, grey, black, and white to complement the proposed materials. Additionally, metal finishes are prominently used in the awnings, equipment-screening panels, and patio canopy, enhancing the modern aesthetic. Prominent commercial storefront windows are also placed across all elevations, further enhancing the commercial look and feel of the development. The project site would be enhanced with approximately 13,811 square feet of landscaping, which is proposed to soften the appearance of the parking area along Bristol Street and Washington Avenue, to provide a buffer for the outdoor patio, and to offer additional sound attenuation for properties to the east. The plant palette would include robust plant materials including trees, shrubs, palms, succulents, grasses, and groundcover. Included as part of the landscaped area would be an adjacent and separate parcel to the north (APN: 405-272-21), which as part of this project would be merged and landscaped and would be improved with a new property line wall between the subject property and the property to the north property. This adjacent parcel is approximately 1,050 square feet in size, and would extend the subject site 10 feet to the north.

The proposed restaurant dining room and drive-through hours of operation would be Sunday through Thursday from 9:00 a.m. to 1:00 a.m. and on Friday and Saturday from 9:00 a.m. to 1:30 a.m. The outdoor patio seating would be limited to 12:00 a.m. (midnight). At this time, the applicant is not requesting live entertainment or alcohol sales for onsite consumption. Table 2 below provides a detailed comparison of the project’s compliance with the applicable land use and development standards.

**Table 2: Development Standards**

Standard	Required by the COM/C-5 Zoning District	Provided
Front yard	15 feet minimum	Complies: 15 feet
Side yard (adjacent to the street)	15 feet minimum	Complies; 15.8 feet
Rear yard (abutting residential)	5 feet minimum	Complies; 25.5 feet
Landscape Front and Side Street Yard	15 feet at Washington Avenue and Bristol Street	Complies: Bristol Street – 15 feet Washington Avenue – 15.8 feet
Building Height	22.5 feet maximum adjacent to residential	Complies; 22.33 feet
Parking	Restaurant: 24 spaces minimum (8 spaces per 1,000 sq. ft. restaurant) Patio: 8 spaces minimum 32 spaces total	21 spaces provided pursuant to AB 2097
Floor Area Ratio (F.A.R.)	0.50 FAR maximum	Complies; 0.06 FAR (2,899 square feet)

Standard	Required by the COM/C-5 Zoning District	Provided
Stacking Distance	160 feet; 80 feet to menu board and 80 feet to pick-up window	Complies; 80 feet from the order point/ menu board to beginning of drive-through lane, 80 feet from pick-up window/pay window to the menu board

*Assembly Bill No. 2097*

On September of 2022, Assembly Bill 2097 (AB 2097) was signed into law by Governor Newsom and became effective on January 1, 2023. The primary objective of this legislation is to restrict local governments from imposing parking regulations on commercial and residential projects that are located within 0.5 miles of a major transit location. AB 2097 defines major transit location as an existing rail or bus rapid transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

The proposed project requires 31 parking spaces subject to Section 41-1341 of the SAMC. However, the subject site is located within 0.5 miles of major route intersection located north of project site at the intersection of Seventeenth Street and Bristol Street. Therefore, the proposed 21 parking spaces will not require Planning Commission approval of a variance application. In light of the reduction, conditions of approval would require the applicant to establish a parking management plan should the parking availability impact the surrounding neighborhood.

**Project Background**

In 1991, the City Council adopted the Bristol Street Corridor Specific Plan (SP1) to address the projected increase in traffic as part of revitalization efforts of the corridor stemming from a now-defunct redevelopment project area. Several parcels along Bristol Street were acquired by the City by way of right-of-way acquisition, which includes the subject property, 1303 North Bristol Street (APN: 405-272-24) and APN: 405-272-21.

The existing commercial buildings serving an eating establishment and medical office were later demolished in 2008 and the properties sold through Agreement for Exchange or Real Property No. A-2022-113 to Charles Manh for redevelopment on June 21, 2022. Subsequently, the property owner entered into a lease agreement with Raising Cane’s Chicken Fingers for redevelopment, and on May 30, 2023, the applicant submitted Development Project Application No. 2023-22 (DP No. 2023-22). Since then, the applicant worked with City staff to address various concerns related building design,

onsite circulation, required landscaping, and merging and redeveloping all the parcels identified in the agreement. In response to City concerns, the applicant ultimately made several site plan changes, with the final site plan design presented as part of this CUP request. The DP application was deemed complete on May 20, 2024, and the required entitlement applications were submitted May 20, 2024. A lot merger for the parcels identified in agreement No. A-2022-113 is being processed under Lot Merger No. 2023-06 (LM No. 2023-06).

The subject Raisings Cane’s Chicken Fingers would be the second location in Santa Ana, with the other located at 2250 East Seventeenth Street. That location opened in December 2019.

### **Project Analysis**

Although eating establishments are permitted by right in the C5 zoning district, those with drive-through window service or operating between the hours of 12:00 a.m. and 5:00 a.m. require approval of a Conditional Use Permit (CUP) by the Planning Commission, pursuant to Sections 41-424.5 (e) and 41-424.5 (j) of the SAMC. The C5 zoning district designation enables the applicant to submit the required CUP application for consideration by the Planning Commission to conditionally permit the proposed drive-through service and after-hours operation.

### **Conditional Use Permit for Drive-Through Window Service**

Staff recommends approval of the applicant’s request for a CUP to allow drive-through window service, as it would provide additional services to the community, facilitate development of a vacant site, promote economic growth and stability of the City and would be designed and operated in a manner that is not anticipated to create a nuisance for neighboring properties. By providing drive-through window services, the eating establishment would provide additional dining opportunity in a manner that is convenient to both residents of Santa Ana, nearby workers, and commuters. Furthermore, the project would create new permanent jobs for the community and boost property and sales tax revenues.

The proposed project is also designed to minimize any nuisance to the single-family residential neighbors to the east, related to light pollution, noise, odors, and vehicle circulation. Measures taken include shielding the proposed lighting and placing light standards in locations to limit impacts to the neighboring residential properties. The lighting adjacent to residential properties would be less than 5-foot candles as required by the City’s design guidelines and range from 0.49 to 4.2-foot candles at the property line, adjacent to the residences to the east. Beyond the property line, the illumination would reduce to 0.0-foot candles, as a result of the shields and screen wall.

The primary noise sources associated with the proposed Raising Cane’s restaurant would consist of drive-through operations (i.e., sound from the ordering intercom and vehicles idling/queuing in the drive-thru lanes), parking lot noise, outdoor dining, and mechanical equipment. To address noise concerns, the applicant is proposing to provide enhanced landscaping along the eastern property line wall with Pacific wax myrtle shrubs, which can grow up to the height of the perimeter wall in order to provide additional sound attenuation, which would supplement existing/proposed perimeter block walls. Pursuant to a noise study provided for the project, the exterior noise levels generated in the project vicinity would be within 1.1 A-weighted decibels (dBA) of the City’s allowable exterior noise standards of 50 dBA. Per the California Department of Transportation (Caltrans) *Technical Noise Supplement to the Traffic Noise Analysis Protocol* (2013), a noise level increases of 3 dBA is generally regarded as barely perceivable. Therefore, the 1.1 dBA range is not anticipated to generate significant noise that would negatively impact the adjacent properties.

To address odor emissions from the building, a high-quality air scrubber would be installed to limit odors from prepared food. The drive-through lane will offer an additional 153 feet of spill over area to avoid off-site impacts, and an independent drive-through exit will minimize onsite circulation disruption or safety concerns. Furthermore, operationally, the patio area hours of operation would be limited to 12:00 a.m. and conditions of approval would require staff members to provide assistance by taking orders directly from customers during peak hour in the event that the eating establishment experiences an influx of customers.

#### Conditional Use Permit for After-Hours Operation

Staff recommends approval of the applicant’s request for a CUP to allow after-hours operation as extended hours of operation would provide additional opportunities to customers, allow the business to compete with similar establishments in the surrounding area, and offset the demand at the existing Raising Cane’s Chicken Fingers location in Santa Ana. The project would be designed in a manner that would not result in negative impacts to the surrounding neighborhood during the extended hours. Allowing for extended hours of operation would provide dining opportunity to community members working irregular hours. However, the after-hours operation would be limited to 1:00 a.m. Sunday through Thursday and 1:30 a.m. on Friday and Saturday, similar to other eating establishments located in the corridor, to mitigate potential impacts to the neighboring residential properties. These proposed hours of operation are not anticipated to create any nuisances related to the noise and lighting. As previously described, the noise levels would be at a noise level that is exceeding the City’s allowable nighttime exterior noise level of (50 dBA), but which will not be detectible by the residential properties adjacent to the proposed use.

The lighting adjacent to the neighboring properties during the proposed after-hours operation times would be within the permissible illumination of 5-foot candles and reduce to 0-foot candles on the neighboring properties as required by the SAMC. Additionally, the after-hours operation would allow the establishment to compete with other fast-food establishment such as In-N-Out Burger located at 815 North Bristol Street (open Sunday through Thursday from 10:30 a.m. to 1:00 a.m. and Friday and Saturday from 10:30 a.m. to 1:30 a.m.), Taco Bell located at 1801 North Bristol Street (open Monday through Sunday from 8:00 a.m. to 2:00 a.m.), McDonald’s located at 501 North Bristol Street (open Sunday through Thursday from 5:00 a.m. to 11:30 p.m. and Friday and Saturday from 6:00 a.m. to 8:00 p.m.) and Jack in the Box located at 719 North Bristol Street (open twenty-four hours, seven days a week), which would help promote the economic growth and stability of the City by supporting the redevelopment of an underutilized site. Lastly, in establishing second location within City boundaries would provide additional support to accommodate the demand for eating establishment and capture spending within the City limits rather than other locations outside of the City.

#### *General Plan Consistency*

The approval of the proposed project is consistent with the General Plan land use designation of General Commercial (GC), as the proposed project would serve a commercial use, which are supported in land use designation area. Additionally, the proposed project would also be consistent with several goals and policies of the General Plan. Specifically, the project aligns with Land Use Element (LU) Goal LU-2 and Policies LU-2.2 and LU-2.6, which aims to provide a balance mix of land uses that meet the City’s diverse needs, capture local spending, offer a range of employment opportunities, and promote rehabilitation. The proposed project would provide for a new dining opportunity in the local area that would include an additional service to Santa Ana residents and visitors, which would promote local spending and offer employment opportunities. The extended hours of operation would extend the hours throughout the City would capture local spending. Furthermore, the applicant’s investment to develop the property would further encourage developed in the surrounding area.

The proposed redevelopment as part of the project would also be consistent with Goal LU-3 and Policies LU-3.4 and 3.7, which seek to preserve and enhance the character of the existing commercial area, foster a safe and clean environment for the community and ensure that the scale and massing of the new development is compatible and harmonious. The applicant is proposing to construct a new pad building with associated site improvements and extensive site landscaping, which would overall enhance the character of the area considering the site was previously vacant and undeveloped. Additionally, the proposed building would be 22.5 feet in height and 2,899 square feet in size to ensure the building size is compatible with the adjacent residential properties and would not cast a shadow or create a looming effect on adjacent residential properties.

The project proposes landscaping improvements, which will feature a variety of plant materials including trees, perennials, succulents, shrubs, grasses, and groundcover, which would further help enhanced the viability of the commercial site, would create a harmonious environment, and would help promote a clean and safe environment for Santa Ana’s residents, workers, and visitors.

The project would also be consistent with the Economic Prosperity Element (EP), Goal EP-1 and Policy EP-1.2, which seeks to foster a dynamic local economy that provides and creates employment opportunities and expand the City’s efforts in achieving its full employment potential. The proposed request would allow the owner and applicant to establish a business and construct a new building that would result in fostering a dynamic local economy, by creating new employment opportunities through activating an underutilized undeveloped property. This would in turn promote the fiscal stability and growth of the sales tax of the City as a whole. This would also be consistent with Policy EP-1.8, which promotes fiscal stability and growth of sales tax. Lastly, the project would be consistent with Goal EP-3 and Policies EP-3.7 and EP-3.8, which promotes a business friendly environment where businesses thrive, promotes a solution-based customer focus in order to facilitate additional development, and promotes a balance of community benefits. Consistent with these goals the redevelopment of site to develop with a new pad building that would serve an eating establishment would create a more business friendly environment along Bristol Street as it would deter any illicit activity and encourage business operations at neighboring properties and other remaining undeveloped properties in the corridor. Additionally, it would provide services to the community and additional dining options through the drive-through and after-hours services in a manner that is not anticipated to create on-site or off-site impacts to customers or the community, through careful site planning and operation practices.

### **Public Notification and Community Outreach**

Project notifications were posted, published, and mailed in accordance with City and State regulations. Copies of the public notice, including a 1,000-foot notification radius map, and the site posting are provided in Exhibit 9. The site is located within the Washington Square Neighborhood Association, whose leadership was routinely notified of the project and of its major milestones during the development review process.

The project is not subject to the City’s Sunshine Ordinance. However, to ensure ample neighborhood outreach, staff encouraged the applicant to provide routine updates to the Washington Square Neighborhood Association. The applicant communicated with the neighborhood leaders to discuss the project. Following initial discussions, community leaders expressed concerns with the originally proposed hours of operation. To address community concerns and mitigate any potential impact to the surrounding residential properties, staff worked with the applicant to adjust the proposed hours of operation to

those presented as part of this CUP request. At the time this report was printed, no additional issues of concern were raised.

### **ENVIRONMENTAL IMPACT**

Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is exempt from further review pursuant to Section 15303 of the CEQA Guidelines (Class 3 – New Construction). Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures, which includes commercial buildings for restaurant uses not exceeding 10,000 square feet located in urbanized areas. The project proposes to establish an eating establishment within a new 2,899-square-foot commercial building with double drive-through lanes and after-hours operation in an urbanized area. As such, a Notice of Exemption, Environmental Review No. 2023-72 will be filed for this project.

### **ECONOMIC AND FISCAL IMPACTS**

There is no fiscal impact associated with this action.

### **EXHIBIT(S)**

1. Conditional Use Permit Resolution – Drive-Through Facility
2. Conditional Use Permit Resolution – After-Hours Operation
3. Vicinity Zoning and Aerial Map
4. Site Photo
5. Project Site Plan
6. Project Floor Plan
7. Project Elevations
8. Conceptual Landscape Plan
9. Copy of Public Notices

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