



CITY COUNCIL

STAFF REPORT

September 21, 2022

ITEM TITLE: RAISING CANE'S (APPLICANT); CP-21-0004, CUP-21-0004, DRC-21-0017, SPR-21-0018, AND CEQA CLASS 32 EXEMPTION FOR A NEW DRIVE-THROUGH RAISING CANE'S RESTAURANT AND OUTDOOR PATIO AT 900 PALM AVE (APN 626-212-36-00). USE-21-0054. (0600-20)

ORIGINATING DEPARTMENT:

Community Development

EXECUTIVE SUMMARY:

The owner of a property at 900 Palm Avenue, which is in the C/MU-1 (General Commercial & Mixed-Use) Zone, has initiated the process to demolish an existing building and construct a new Raising Cane's restaurant with a drive-through facility and outdoor patio seating. The Design Review Board reviewed the project's design on June 16, 2022 and recommended approval of the project's design with a vote of 4-0 (1 absent).

RECOMMENDATION:

That the City Council adopt Resolution 2022-73, approving Regular Coastal Permit (CP-21-0004), Conditional Use Permit (CUP-21-0004), Design Review Case (DRC-21-0017), Site Plan Review (SPR-21-0018), and a categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 Class 32 (In-fill Development Projects) proposing to demolish an existing building and construct a new Raising Cane's restaurant with a drive-through facility at 900 Palm Ave (APN 626-212-36-00) in the C/MU-1 (General Commercial and Mixed Use) Zone subject to the conditions as specified in the attached resolution.

OPTIONS:

In addition to receiving this report and adopting staff's recommendations, the City Council can:

- Approve the project with modifications requested by the City Council; or
- Disapprove the project and deny the requested permits by making specific findings for denial; or
- Continue the Public Hearing to a specific future meeting to allow staff to provide additional information upon which a decision can be rendered.

BACKGROUND/ANALYSIS:

An application (USE-21-0054) was originally submitted to the City on December 16, 2021 for Regular Coastal Permit (CP-21-0004), Conditional Use Permit (CUP-21-0004), Design Review Case (DRC-21-0017), Site Plan Review (SPR-21-0018), and a categorical



exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 Class 32 (In-fill Development Projects) proposing to demolish an existing building and construct a new Raising Cane's restaurant with a drive-through facility at 900 Palm Ave (APN 626-212-36-00) in the C/MU-1 (General Commercial and Mixed Use) Zone. (USE-21-0054).

The project site is an existing 26,588 square foot (0.61-acre) lot situated on the northeast corner of Palm Avenue and 9th Street. The project would demolish the existing drive-through and 4,867 square foot commercial building (Union Bank) with four drive aisles and construct a new 1,918 square foot Raising Cane's drive-through with two drive aisles. Vehicular ingress and egress to the property would be provided from two of the existing curb cuts, one located on 9th Street, which would be a full-movement driveway, and one located on Palm Avenue that is a right-in right-out only driveway. A second existing curb cut located along 9th Street, south of the curb cut that is proposed to be maintained, would be removed as a part of the project. For the project's proposed internal circulation, the project proposes a two-way drive aisle located east and north of the commercial building and west of the parking spaces which are located adjacent to the eastern property line. The two drive aisles dedicated to the use of the drive-through are situated parallel to each other in a "C" shape that wraps around the western side of the restaurant and would locate adjacent to the western and southern property lines for the site. The drive-through drive aisles that front 9th Street (western property line) and Palm Avenue (southern property line) would be completely screened.

The proposed restaurant would provide customer ordering via walk-up and an outdoor patio area for seating. There would be no interior customer seating area aside from access to customer restrooms (one ADA public gender-neutral restroom). The proposed outdoor patio seating area is 776 square feet. The restaurant would serve breakfast, lunch, and dinner, and the proposed hours of operation are 9:00 A.M. to 03:30 A.M. Monday to Sunday. The average number of employees per shift is estimated to be 10, although more employees could be brought on to handle special events or peak hours of business.

The properties situated to the north, south, east, and west of the project site are located in the C/MU-1 Zone and the land uses are commercial in character. In addition, other drive-through establishments exist nearby and the previous use on the site incorporated a drive-through.

Building Orientation & Design: The proposed project would consist of a 1,918 square foot single-story Raising Cane's restaurant with a two-drive aisle drive-through facility and a 776 square foot covered outdoor patio seating area. The proposed building is designed with a unique Imperial Beach prototype that provides a coastal design with artistic waves decorating portions of the screening of the drive aisles from the adjacent streets and is intended for drive-through and walk-up service with outdoor dining. The architectural style features a rectangular shaped building with varying roof heights, various building materials, enhanced screening of the drive-aisles, art graphics depicting the character of the local community, coastal accent colors, and a mixture of wall finishes. The overall height of the building would be 20', including the structure's parapet and signage. Direct pedestrian access to the restaurant would be provided off Palm Avenue and an ADA path of travel originating from the eastern portion of the parking lot would provide access to the restaurant's walk-up service. The restaurant's drive through facility with two-drive aisles and parking lot would be accessible from both Palm Avenue as well as off 9th Street. The restaurant's parking lot would be located on the eastern portion of the property east of the proposed restaurant and would provide 16 parking spaces, including two ADA stalls, three Vanpool/EV charging stations, and three mobile curbside pick-up spaces. Landscaping would be installed around the parking lot perimeter and within the parking area.

A 776 square foot outdoor patio is proposed that would be visible from Palm Avenue and would consist of outdoor dining facilities. The patio would include decorative colored concrete/enhanced paving and a 11'3½" tall, covered patio with decorative string lighting. The area would be shielded from traffic off both Palm Avenue and the drive aisles by a decorative wooden fence that measures 3'2" in height and wraps around the patio area and by landscaping consisting of shrubs and succulents. A new bicycle parking area inclusive of two bicycle storage areas, one for long-term bicycle parking (one long term covered, lockable enclosure with permanently anchored racks for one bicycle) and one for short-term bicycle parking (three new bicycle racks with two bike capacity each), is proposed adjacent to the outdoor seating area.

Building Materials: The building proposes a variety of building materials and wall finishes. The proposed building façade and screening element materials include the following: summit gray cement stucco, Boral brick/meridian brick with an Alamo blend, mountain fog Portland cement stucco, oyster shell cement stucco, and Belden Norman brick masonry. The metal accents would be powder coated steel with a matte black finish and an anodized black aluminum storefront system finish. Plank materials along the perimeter of the site would be composed of Trex, wood-alternative composite planks made of recycled materials. Trex products are tested to withstand extreme weather conditions and hold their color over the life of the product, outlasting wood and minimizing frequent maintenance. The benches and railings would be weathered teak, mahogany, and English walnut.

C886 Imperial Beach CA - Walk-Up Elevations w/ DT Canopy





Trash Enclosure: An enclosed proposed trash, recycling, and organics enclosure would be situated in the northeastern corner of the lot away from both street frontages (9th Street and Palm Avenue), surrounded by landscaping, and away from the outdoor seating. The enclosure would be constructed from 8" gray granite colored concrete masonry unit (CMU) block walls with a single course of charcoal colored designer block, a 7'1" tall access door on the southern elevation, two sets of metal frame swinging double doors on the western elevation, and a ribbed metal panel standing seam roof. Waste, recycling, and organics pick-up would occur from the waste and recycling area accessed off 9th Street.

With issuance of a Conditional Use Permit, the proposed design may be considered to meet the intent and purpose of the design standards outlined in IBMC Section 19.83.010 and contribute positively to the mixed-use corridor, which is comprised of a mix of commercial and residential uses. The applicant's design provides varied building materials and architectural interest beyond what currently exists and would promote pedestrian activity with an active commercial use.







Building frontage and Floor to Ceiling Height: New buildings with frontage along Palm Avenue would be required to provide an active commercial use and a building depth of 25-feet per IBMC Section 19.26.020(A)(1). The applicant is proposing a large decorative canopy with a screening element that completely screens the drive-through drive aisles from the street views from both Palm Avenue and 9th Street. The screening element would be comprised of brick columns that measure 16'-7" tall and cement stucco archway pop outs that either have the business logo or Imperial Beach coastal wave art. The archways measure between 17'-9¹/₄" to 20'-5" with the tallest archway framing the pedestrian walkway on Palm Avenue. The screening has an articulated base comprised of vertical wooden fencing with black metal supports that would be placed in between the archways and columns. The wooden fencing measures 5-feet in height, screening the street views from the vehicles in the drive aisles. The screening also has an articulated top with black metal mesh framed on the top and bottom by black metal supports. Two of the prominent archways located directly adjacent to the southern property line fronting Palm Avenue highlight and enhance the five-foot wide ADA accessible pedestrian walkway comprised of stamped concrete which leads directly from the sidewalk fronting Palm Avenue to the business entrance as well as open patio seating. The enhanced pedestrian walkway provides direct pedestrian access from the Palm Avenue sidewalk to the business. The building depth would be 77-feet. The proposed drive-through establishment requires a Conditional Use Permit, which is a discretionary act that may authorize a particular use at a particular location subject to specific conditions. Due to the unique characteristics of the use, the City Council may determine whether the proposed design meets the intent of the active commercial use requirement.

Per IBMC Section 19.26.070, all commercial spaces on the ground floor are required to have a floor-to-ceiling height of 15-feet. The applicant has stated that they are proposing a reduced interior floor-to-ceiling height of 11-feet to maintain health and life safety standards, improve the energy efficiency of the building, and to adhere to proportional design standards. As the proposed Raising Cane's drive-through/walk-up is a unique business model that would provide no interior customer access or seating area aside from access to customer restrooms (one ADA public gender-neutral restroom), and instead, would provide customer ordering via walk-up and an outdoor patio area for seating, the interior of the building would only function as an interior kitchen where food would be prepared. As such, environmental health and life safety adherence for the interior of the building was considered. The applicant informed staff that the proposed 11-foot-tall ceiling height would be more readily cleanable and within reach of its crew members who would be tasked with maintaining cleanliness. Additionally, with regard to maximizing the energy

efficiency of the structure, the energy consumption necessary to provide conditioned air in a volume to accommodate a building with a 15-foot floor to ceiling height for a functional kitchen is less energy efficient. Furthermore, given the small size of the proposed Raising Cane's structure, a 15-foot floor to ceiling height would require the design to be disproportionately tall and would, by Brand standards, be out of the realm of good proportional design.

Additionally, the applicant has proposed a lower canopy floor to ceiling height of 10-feet as the applicant states that a 15-foot floor-to-canopy height would negatively impact the customer experience as it would minimize the total shaded square footage provided beneath the canopy, and thus, maximizing the sun exposure for customers dining outdoors. By providing a lower canopy height more shading would be provided to the customers, enhancing their dining experience. The canopy proposed by Raising Cane's would be intended to maximize its usable outdoor square footage, providing increased 'activated' space on site. As such, the proposed restaurant would provide an 11-foot interior floor to ceiling height, a 10-foot floor-to-ceiling height for the outdoor patio. Due to the unique characteristics of the use, the City Council may determine whether the proposed design meets the intent of the floor-to-ceiling height requirement.

Parking: Per IBMC Section 19.48.050(E)(1), drive-through establishments are required to provide one parking space for every 50 square feet of net floor area plus one space per two employees at the largest work shift. Per IBMC Section 19.04.575, net floor area is defined as, "...the total horizontal area of all the floors of a building included within the interior walls, exclusive of areas used exclusively for permanently installed heating and air conditioning units, mechanical equipment rooms, elevator shafts, basements or attics less than seven feet in height, permanent parking spaces, driveways, ramps, common kitchens, bathrooms, and hallways included within a building and areas used exclusively by employees in commercial and manufacturing businesses within a building." Technically, as the proposed Raising Cane's building interior would be exclusively utilized by employees with the only customer accessible space being a bathroom, there is no proposed net floor area for this project. However, staff requested that the applicant provide parking calculations for the outdoor patio seating area to meet the intent of the requirement which is to provide customers and employees with sufficient off-street parking. The proposed outdoor patio is 776 square feet (1 stall/50 square feet) = 16 off-street parking spaces and the largest shift would have 10 employees (1 stall/2 employees) = 5 off-street parking spaces for a total of 21 off-street parking spaces for the project. The applicant has proposed to provide a total of 16 off-street parking spaces, including 11 standard, two ADA stalls, three designated mobile curbside pickup, and three designated carpool/vanpool/EV charging stations in conjunction with implementing transportation demand management (TDM) strategies to off-set the employee and customer parking needs.

The applicant assessed the potential TDM strategies for the project site and developed a TDM Plan to off-set the employee and customer parking needs, reduce vehicle miles traveled and greenhouse gas emissions, while increasing the utilization of active transportation. The TDM plan recommendations were to implement the following strategies:

- Providing secure bicycle storage racks for at least (2) bicycles. A long-term bicycle parking rack should also be provided for (1) bicycle. These storage racks should be provided at the Raising Cane's.
- Clean air / Vanpool / EV parking spaces to be provided per the 2019 CALGreen standards but also to encourage carpooling for employees.

- Disseminate information on the two SDMTS bus routes within a short walking distance of the Raising Cane's. Bus Routes 933/934 and 901 provide convenient access to the property along 9th Street and Palm Avenue.
- Raising Cane's to offer Commuter Benefits which allow Crew members (employees) to defer pre-tax funds towards their own purchasing of transit funds.

The applicant is proposing to include a new bicycle parking area inclusive of two secure bicycle storage areas, one for long-term bicycle parking (one long term covered, lockable enclosure with permanently anchored racks for one bicycle) and one for short-term bicycle parking (three new bicycle racks with two bike capacity each); three designated mobile curbside pickup and three designated carpool/vanpool/EV charging stations; would disseminate information on the two San Diego Metropolitan Transit System bus routes 933/934 and 901; and provide commuter benefits to their employees. The proposed 16 parking spaces proposed for the project in conjunction with the implementation of the TDM strategies may meet the purpose of the off-street parking requirements which is to provide space off public streets for automobiles and other vehicles, to prevent traffic congestion, to encourage safe vehicular travel, and to provide for the welfare and convenience of residents and shoppers.

In accordance with the City's commercial landscaping requirements, the parking lot would include landscaping such as trees, shrubs, and grasses. Additionally, as a part of the project, one existing curb cut off 9th Street would be removed.

Queuing: The opening to the drive-through lane would locate at the northeastern corner of the proposed building, and the drive-through lane would wrap around the north and west sides of the building in a counter-clockwise direction. The drive-through would provide two side-by-side entry lanes and two order boards, which would allow Raising Cane's to take orders from two customers at the same time. After the order boards, the two lanes would merge into a single drive-through lane prior to the pay and pick-up window. Overall, the project site would provide a total queuing capacity of 300 feet, for a drive-through queuing capacity of 15 vehicles. Additionally, the site would have an additional on-site queuing capacity of 145 feet in the drive aisle adjacent to Palm Avenue, and 120 feet in the drive aisle adjacent to Ninth Street, resulting in an additional on-site queuing capacity of 13 vehicles.

The applicant completed a drive-through (DT) queuing analysis for the proposed project to evaluate the adequacy of the drive-through lane queuing capacity. The applicant analyzed the proposed restaurant with two existing Raising Cane's establishments located within San Diego County. Based on the report's findings, which was considered by the City's traffic engineer, it was determined that the proposed project site would have an on-site queuing capacity of 28 vehicles, which would be able to accommodate the expected peak demand.

Lighting: Exterior lighting has been incorporated on the screening elements and building to enhance the architecture of the building and landscaped areas of the site. Additionally, four pole lights are placed throughout the site facing the interior of the lot to ensure that the lighting would enhance safety and circulation as well as not impact the surrounding neighbors and uses. Per the photometric plan for the project, the project lighting would be restrained in color and brightness. All of the lighting and lighting fixtures are architecturally compatible and scaled to the buildings with consideration for energy efficiency.

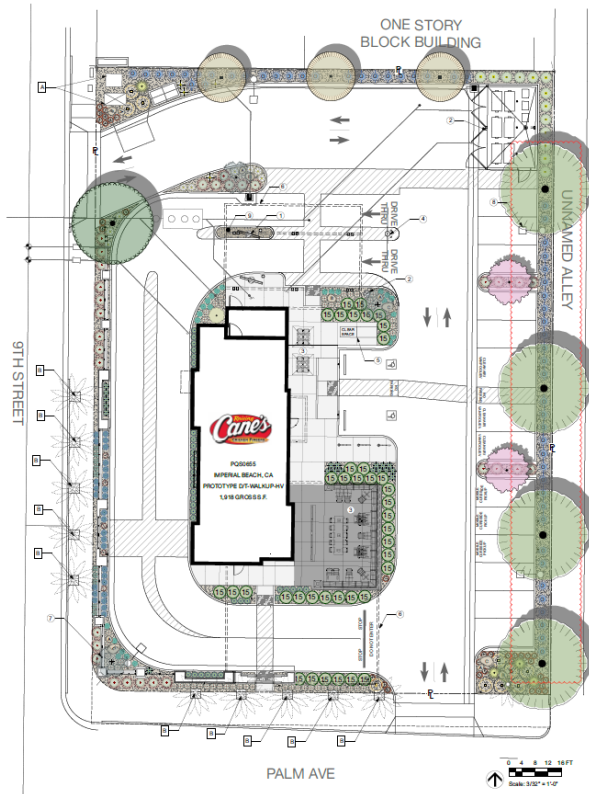
Landscaping: Typically, new commercial development requires that 15% of the total site be landscaped. The project proposes to install a total of 4,154 square feet of planted landscaping consisting of a mix of trees, shrubs, perennials, succulents, and ground cover of copper canyon

crushed stone 1"-4" in diameter and Apache gold-colored boulders ranging in 28" – 50" in diameter. In total, the project would install 13 new trees.

Materials



Apache Sunset Boulders Copper Canyon Crushed Stone Natural colored concrete with 3/8" sawcut joint Smoockstack 102 integral colored concrete with 3/8" sawcut joint 1"-4" crushed gravel mortared in colored cement



Plant List

Symbol Botanical Name	Common Name	Size Qty	Matrs	Size	WUCOLS
<i>Acacia greggii</i> (Red Gum)	Red Gum	24" Box 3	10 - 20 ft	15 - 20 ft	Low
<i>Abutilon x Marmor</i> (Black)	Maria's Blackberry Tree	30" Box 1	15 - 35 ft	20 - 35 ft	Low
<i>Chloris arvensis</i>	Mexican Blue Palm	30" Box 3	35 - 40 ft	8 - 8 ft	Low
<i>Centrosecula (E. Standard)</i>	Western Redbud	24" Box 2	15 - 20 ft	15 - 20 ft	Low
<i>Flou Sence</i>	African Bursera	30" Box 4	20-30 ft	> 36 ft	Low
<i>Lantana x 'New Gold'</i>	New Gold Lantana	5 gal 10	12 - 15 in	18 - 24 in	Low
<i>Smilax glabra</i> (Black Anemone)	Black Anemone	15 gal 10	8 - 8 ft	8 ft	Low
<i>Diea europaea</i>	Little Olive	15 gal 10	6 - 8 ft	4 - 5 ft	Low
<i>Phytolacca umbellata</i> (Maur)	Dead Nettle/Heartson	15 gal 10	3 - 5 ft	3 - 4 ft	Low
<i>Chamae Cleya Star</i>	Clay Blue Lily	5 gal 10	12 - 30 in	12 - 24 in	Low
<i>Aspidistra 'Blackboard'</i>	Blackboard Anemone	5 gal 5	3 - 4 ft	1 - 2 ft	Low
<i>Agave x 'Fireline'</i> (Silver Green)	Shaded Glass Octopus Agave	15 gal 4	4' 0"	6' 0"	Low
<i>Stromanthe 'Blue Star'</i>	Blue Star Lily	5 gal 10	15 - 18 in	2 ft	Low
<i>Alca spicata</i>	Coral Aloe	5 gal 10	2 - 3 ft	1 - 2 ft	Low
<i>Yucca filamentosa</i>	African Umbrella	15 gal 1	20 ft	1 - 2 ft	Low
<i>Yucca filamentosa 'Silver Spurge'</i>	Silver Spurge	5 gal 10	1 - 2 ft	2 - 3 ft	Low
<i>Yucca filamentosa 'Silver Spurge'</i>	Red Yucca	5 gal 10	3 - 4 ft	4 - 5 ft	Low
<i>Yucca filamentosa</i>	Palmetto Plant	5 gal 10	1 - 2 ft	20 - 30 ft	Low
<i>Sanicula 'Fossil'</i> (Maur Fossil)	Styponque Sanicula	5 gal 10	3 - 4 ft	1 - 2 ft	Low
<i>Sanicula repens</i>	Blue Chastity	5 gal 10	> 12 in	15 - 24 in	Low
Total					330

Materials Legend

Material	Size	Area
Copper Canyon Crushed Stone (mortared in)	1"-4" DIA	40 SF
Copper Canyon Crushed Stone	3/4" DIA	4,163 SF
Apache Gold Boulders	28" - 50" DIA	5,670 SF
	32" - 40" DIA	4,670 SF
	40" - 50" DIA	4,670 SF
Direct Color® Smoockstack 102 - 50 integral colored concrete w/ 3/8" sawcut joints		863 SF
Finish: TOPCAST® # 808		
Natural colored concrete w/ 3/8" sawcut joints		1,079 SF
Finish: TOPCAST® # 808		

Existing Tree Protection & Removal Notes

Existing plant material to remain and to be protected unless otherwise noted.

(R) palm

Existing Notes

- (R) utility lines and wall
- (R) open

Proposed Notes

- (P) order board per Architect
- (P) pre order board per Architect
- (P) patio furniture per Architect
- (P) benches per Architect
- (P) bring form like storage per Architect
- (P) overhead structure per Architect
- (P) perimeter wall and pillars per Architect
- (P) light post per Electrical (T) 10"
- (P) mortared in gravel

IRRIGATION NOTES

Landscape Plan is in compliance with the State Model Efficiency Landscape Ordinance (SMLELO) 100% of plant material are drought tolerant and low water use per WUCOLS.

In all planting areas, the volume water irrigation (subsurface drip) will be provided to maximize water infiltration into the soils.

- Site design of the irrigation system shall conform to the hydraulic plan of the landscape design plan.
- A dedicated water meter shall be provided for customer landscape area.
- An outdoor hose "water control" shall be utilized. Controller shall be programmed to water in early morning or night.
- A dedicated water meter shall be provided for each controller.
- Water use calculation shall certify conformance with the current requirements.
- Tools are to be regularly checked.

TOTAL LANDSCAPE AREA: 4,164 SF (15.6%)
SITE AREA: 26,588 SF
PROJECT TYPE: Commercial
WATER SUPPLY: Potable

i 21-40

KIESEL-DESIGN
 Kiesel Landscape Architecture Inc.
 401 E Main Street
 Ventura, CA 93001
 (805) 647-0730
 jackson@kiesel.com
 CJA 1026

Raising Canes Imperial Beach RC#686
 920 Palm Ave
 Imperial Beach, CA 91902

Submitter: # DATE NAME
 12.13.21 Settlement Submittal
 03.01.22 Settlement Re-submittal
 07.11.22 Settlement Re-submittal

Type: CUP Submittal

Initial Setup Date: November 25, 2021

Drawn By: # NAME DATE
 J. Chang 07/2022

Title:
Conceptual Landscape Plan

Sheet Number:
L0.1



Design Review Board:

The Design Review Board reviewed the project on June 16, 2022, and recommended approval of the project's design with a vote of 4-0 (1 member absent) (Reference Attachment 3) with the following recommendations:

- Install all of the proposed EV Charging stations in the proposed EV charging parking areas
- Look in to installing commercial solar panels
- Consider replacing the wood materials along the perimeter with something more durable
- Place the materials key on the elevations for more clarity
- Consider replacing the color of the brick veneer with a lighter tone/stone color, or use the cobble veneer or integrated seashells
- Incorporate vertical shrubs or vines on the columns facing 9th Street (street frontages) instead of succulents
- Replace the coast live oaks with faster growing trees that incorporate a shade canopy
- Consider the area south of the trash enclosure for additional landscaping
- Replace the concrete with pavers or stamped concrete in the dining area

Most of the recommendations have been addressed and incorporated into the project/plans and/or have been provided as conditions of approval within Resolution 2022-73. Regarding the comment, "Incorporate vertical shrubs or vines on the columns facing 9th Street (street frontages) instead of succulents", the applicant assessed the feasibility of incorporating vertical shrubs or

vines, but found that it would not be feasible to incorporate the green vertical elements on the columns. The applicant stated that vertical shrubs and vines on walls require excessive watering to maintain the appearance, as well as promote habitation by unwanted rodents and pests, which would present a health and safety conflict. As an alternative to vertical shrubs or vines, Raising Cane’s proposes to incorporate a combination of hand-painted beach-wave murals on the towers, along with Coral Aloe (2-3 ft. mature height) and Red Yucca (3-4 ft. mature height), to soften the appearance of the screening elements along the street frontage.

Additionally, regarding the comment, “Consider the area south of the trash enclosure for additional landscaping”, the applicant assessed the feasibility of incorporating additional landscaping south of the trash enclosure and found that it would not be feasible. The applicant stated that in consideration of the distance of the trash enclosure from Palm Avenue and the series of (three) planters between the right of way and the trash enclosure, visibility of the trash enclosure from Palm Avenue would be minimal and that the pedestrian door to the rear of the enclosure would be an integral part of Raising Cane’s operations. As such, the space adjacent to the door would not be a viable area to incorporate additional landscaping.

General Plan/ Zoning Consistency: The proposed development is subject to C/MU-1 (General Commercial & Mixed-Use) zoning requirements. The purpose of the C/MU-1 zone is to provide areas for businesses to meet the demand for commercial goods and services required primarily by the local population. It is intended that the dominant type of commercial activity in the C/MU-1 Zone will be community and neighborhood serving retail and office uses. Mixed-use development and multiple family residences are also permitted in the C/MU-1 Zone. The proposed project would provide restaurant services, meeting the intent of the land use designation.

Zoning:

Standards	Provided/Proposed
<p>Yard requirements for the C/MU-1 zone are as follows:</p> <p>A. Front Yard. Zero feet; up to forty percent of the project frontage may be set back up to an additional five feet. Front yards facing Donax Avenue or Calla Avenue shall be a minimum of fifteen feet.</p> <p>B. Side Yard. There shall be a minimum side yard of five feet.</p>	<p>A. The project fronts Palm Avenue. The front yard measured from the building measures 30’ to 38’, allowing for the covered patio seating, decorative canopy, drive-through aisles and a landscape buffer between the building and right-of-way. The screening element locates directly adjacent to Palm Avenue.</p> <p>B. The side yards of the project are adjacent to 9th Street and an alley. The side yard for the portion of the building off the alley adjacent to the eastern property line measures 52’ from the patio and 80’ from the building and the side yard for the portion of the patio off of 9th Street measures 29’6”.</p>

<p>C. Rear Yard. There shall be a minimum rear yard of ten feet.</p> <p>The open space and landscaping requirements as stated in Chapter 19.50 of this code shall be met.</p>	<p>C. The rear yard abuts the parking area and the commercial building of the adjacent property and measures approximately 72'5" feet from the property line to the proposed building.</p> <p>15% of the site must be landscaped, and 15% of the site provides planted landscaping.</p>
<p>"Active Commercial Uses" as defined in Chapter 19.05 are required for all buildings with frontage along Palm Avenue at a minimum of 60% of each building's ground floor lineal footage, have direct pedestrian access from the Palm Avenue sidewalk or a plaza, and have a minimum building depth of twenty-five feet. The remaining forty percent must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking (Section 19.26.020.A.1).</p>	<p>The Raising Cane's proposed building would locate along Palm Avenue and is proposing a large decorative canopy with a screening element that completely screens the drive-through drive aisles from the street views from both Palm Avenue and 9th Street. The proposed screening element is comprised of brick columns and cement stucco archway pop outs that either have the business logo or Imperial Beach coastal wave art. The screening has an articulated base comprised of vertical wooden fencing with black metal supports that would be placed in between the archways and columns. The screening also has an articulated top with black metal mesh framed on the top and bottom by black metal supports. Two of the prominent archways located directly adjacent to the southern property line fronting Palm Avenue highlight and enhance the five-foot wide ADA accessible pedestrian walkway comprised of stamped concrete which leads directly from the sidewalk fronting Palm Avenue to the business entrance as well as open patio seating. The enhanced pedestrian walkway provides direct pedestrian access from the Palm Avenue sidewalk to the business. The proposed building depth is 77-feet.</p> <p>The proposed drive-through establishment requires a Conditional Use Permit, which is a discretionary act that may authorize a particular use</p>

	at a particular location subject to specific conditions. Due to the unique characteristics of the use, the City Council may determine whether the proposed design meets the intent of the active commercial use requirement.
For property with a side or rear yard abutting a residential zone, the second floor shall be set back a minimum of five feet from the abutting residential property line and the third floor shall be set back a minimum of ten feet from the abutting residential property line. (Section 19.26.041)	The property does not abut a residential zone.
Minimum lot size of 3,000 square-feet (Section 19.26.050).	The lot size is 26,588 square feet.
Minimum street frontage of 30 feet (Section 19.26.060).	The Palm Avenue frontage is approximately 130.11 feet, and the 9 th Street frontage is 180.10 feet.
Maximum building height of four stories or 40 feet (Section 19.26.070).	The project proposes a building height of 20-feet. The applicant would be required to show conformance with the height requirement as required by IBMC 19.04.400.
All commercial spaces on the ground floor shall have a minimum fifteen-foot floor-to-ceiling height; and single-story commercial buildings shall have a minimum building height of twenty feet. (Section 19.27.070).	Per IBMC Section 19.26.070, all commercial spaces on the ground floor are required to have a floor-to-ceiling height of 15-feet. The applicant has stated that they are proposing a reduced interior floor-to-ceiling height of 11-feet to maintain health and life safety standards, improve the energy efficiency of the building, and to adhere to proportional design standards. As the Raising Cane's drive-through/walk-up would be a unique business model that would not provide interior customer access or seating area aside from access to customer restrooms (one ADA public gender-neutral restroom), and instead, would provide customer ordering via walk-up and an outdoor patio area for seating, the interior of the building would only function as an interior kitchen where

food would be prepared. As such, environmental health and life safety adherence was considered. The applicant informed staff that the proposed 11-foot-tall ceiling height would be more readily cleanable and within reach of its crew members who would be tasked with maintaining cleanliness. Additionally, with regard to maximizing the energy efficiency of the structure, the energy consumption necessary to provide conditioned air in a volume to accommodate a building with a 15-foot floor to ceiling height for a functional kitchen would be less energy efficient. Furthermore, given the small size of the proposed Raising Cane's structure, a 15-foot floor to ceiling height would require the design to be disproportionately tall and would, by Brand standards, be out of the realm of good proportional design.

Additionally, the applicant has proposed a lower canopy floor to ceiling height of 10-feet as the applicant states that a 15-foot floor-to-canopy height would negatively impact the customer experience as it would minimize the total shaded square footage provided beneath the canopy, and thus, maximizing the sun exposure for customers dining outdoors. By providing a lower canopy height more shading would be provided to the customers, enhancing their dining experience. The canopy proposed by Raising Cane's would be intended to maximize its usable outdoor square footage, providing increased 'activated' space on site. As such, the proposed restaurant would provide an 11-foot interior floor to ceiling height, a 10-foot floor-to-ceiling height for the outdoor patio. Due to the unique characteristics of the use, the City Council may determine whether the proposed design meets the intent of the floor-to-ceiling height requirement.

The building height would be 20 feet.

<p>No buildings shall be located less than five feet from any other building on the same lot. (Section 19.26.080)</p>	<p>No other buildings are proposed on the same lot.</p>
<p>Landscaping requirements are as follows (Section 19.50.030, Commercial Landscaping):</p> <p>A. Not less than fifteen percent of the total site shall be landscaped and permanently maintained.</p> <p>B. There shall be a five-foot-wide landscape area between any parking area and any public street right-of-way.</p> <p>C. A portion of a property not used for buildings, parking, walkways, loading or storage areas shall be landscaped.</p> <p>D. There shall be a minimum three-foot by fifteen-foot, or forty-five square foot, landscaped area within the parking area (not including perimeter area landscaping) for every three parking spaces or the equivalent. A minimum width of three feet is required. A four-foot by fifteen-foot area may be permitted for every four spaces, five-foot-wide for five spaces, etc.</p> <p>E. Prior to issuance of any building permits, a complete landscaping plan shall be submitted to the Community Development Department for approval. Such approval shall be subject to appeal in the manner set forth in Sections 19.84.070 through 19.84.090.</p> <p>F. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaping areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material.</p> <p>A permanent irrigation system shall be installed to serve all landscaped areas.</p>	<p>A. The project proposes to install a total of 4,154 square feet of planted landscaping consisting of a mix of trees, shrubs, perennials, succulents, and ground cover of copper canyon crushed stone 1"-4" in diameter and Apache gold-colored boulders ranging in 28" – 50" in diameter. In total, the project would install 13 new trees.</p> <p>B. The project provides a 14.6' landscape area between the parking lot and Palm Avenue.</p> <p>C. Portions of a property not used for buildings, parking, walkways, loading, or storage are landscaped.</p> <p>D. The project provides adequate landscaping in the surface parking spaces.</p> <p>E. A complete landscape plan would be required prior to issuance of building permits.</p> <p>F. Landscaping and required watering system shall be installed prior to the use of the premises subject to state requirements.</p>

	<p>A permanent irrigation system shall be installed to serve all landscaped areas subject to state requirements.</p>
<p>Required parking spaces for drive-through establishments in the C/MU-1 Zone: one space for each fifty square feet of net floor area, plus one space per two employees at largest work shift (BMC 19.48.050.E).</p>	<p>Per BMC Section 19.48.050(E)(1), drive-through establishments are required to provide one parking space for every 50 square feet of net floor area plus one space per two employees at the largest work shift. Per BMC Section 19.04.575, Net floor area is defined as, "...the total horizontal area of all the floors of a building included within the interior walls, exclusive of areas used exclusively for permanently installed heating and air conditioning units, mechanical equipment rooms, elevator shafts, basements or attics less than seven feet in height, permanent parking spaces, driveways, ramps, common kitchens, bathrooms, and hallways included within a building and areas used exclusively by employees in commercial and manufacturing businesses within a building." Technically, as the proposed Raising Cane's building interior would be exclusively utilized by employees with the only customer accessible space being a bathroom, there is no proposed net floor area for this project. However, staff requested that the applicant provide parking calculations for the outdoor patio seating area to meet the intent of the requirement which is to provide customers with sufficient off-street parking. The outdoor patio is 776 square feet (1 stall/50 square feet) = 16 off street parking spaces and the largest shift would have 10 employees (1 stall/2 employees) = 5 off street parking spaces for a total of 21 off-street parking spaces for the project. The applicant has proposed to provide a total of 16 parking spaces, including 11 standard, two ADA stalls, three designated mobile curbside pickup, and three designated carpool/vanpool/</p>

	<p>EV charging stations in conjunction with implementing transportation demand management (TDM) strategies to off-set the employee and customer parking needs. The TDM strategies proposed include: a new bicycle parking area inclusive of two secure bicycle storage areas, one for long-term bicycle parking (one long term covered, lockable enclosure with permanently anchored racks for one bicycle) and one for short-term bicycle parking (three new bicycle racks with two bike capacity each); three designated mobile curbside pick-up and three designated carpool/vanpool/ EV charging stations; would disseminate information on the two San Diego Metropolitan Transit System bus routes 933/934 and 901; and would offer commuter benefits to employees. The proposed 16 parking spaces proposed for the project in conjunction with the implementation of the TDM strategies would meet the purpose of the off-street parking requirements which is to provide space off public streets for automobiles and other vehicles, to prevent traffic congestion, to encourage safe vehicular travel, and to provide for the welfare and convenience of residents and shoppers.</p>
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Surrounding Land Use and Zoning:

Surrounding Properties	Surrounding Zoning	Surrounding Land Use
North	C/MU-1 (General Commercial & Mixed-Use)	Commercial
South	C/MU-1 (General Commercial & Mixed-Use)	Commercial
East	C/MU-1 (General Commercial & Mixed-Use)	Commercial
West	C/MU-1 (General Commercial & Mixed-Use)	Commercial

ENVIRONMENTAL DETERMINATION:

This project may be categorically exempted from the requirements of the California Environmental Quality Act (CEQA) as a Class 32 project pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

FISCAL IMPACT:

FISCAL YEAR:	21/22
BUDGETED:	N/A
BUDGET AMENDMENT	N/A
ACCOUNT NO(S):	101-0000-221-01-02
PROJECT NO(S):	21-0054-DEP
FISCAL ANALYSIS:	The applicant has deposited \$8,500 to fund the processing of this application.
CURRENT BUDGET:	\$8,500
ANTICIPATED EXPENDITURE:	\$8,500

ATTACHMENTS:

1. Resolution 2022-73
2. Architectural Plans
3. DRB June 16, 2022 Meeting Minutes
4. Landscape Plan and Landscape Materials Board
5. Colored Elevations, Building Materials Board, and Project Renderings
6. Transportation Demand Management Plan
7. Applicant DRB Response Letter