

ALDANA, CHRISTOPHER

From: PARTIDA, ANNA
Sent: Monday, December 4, 2023 1:05 PM
To: ALDANA, CHRISTOPHER
Subject: FW: Zoning Application 22-11 (Raising Cane's) at Von Hemert location

Follow Up Flag: Follow up
Flag Status: Completed

Public comment to be added to report

From: Ty Hansen <tystick000@gmail.com>
Sent: Sunday, December 3, 2023 4:18 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: Zoning Application 22-11 (Raising Cane's) at Von Hemert location

I am opposed to Application ZA-22-11 regarding demolishing the VonHemert furniture store into a Raising Cane's fast food location a number of reasons

1. The two lane side road to Newport Boulevard will be overwhelmed by traffic, specifically on the weekends, when visitors leaving the beaches need to feed the kids. I believe the traffic jams will be nightmarish.
2. As a person who visits the intersection at E 16th Street and Newport Blvd. daily, I have seen my share of collisions and near collisions. These accidents will only increase, not decrease.
3. The businesses and mobile home park located on E 16th will experience a very negative effect regarding parking and access. In addition, as is well established, fast food litter will only exacerbate the homeless persons garbage that already exists in the area.
4. West Coast Marine, located just down the block on Commercial Way (a private road) already has difficulty getting large boats in and out of its location. That access can only get worse.
5. The City of Costa Mesa leadership is only interested in advancing it's own agenda... increasing tax and fee revenue regardless of who gets killed in that intersection. Only a small percentage of people win, and the rest of us locals lose.

Why not just build more homes like they did down the street? Why not build a state of the art sober living home? This is only about making the VonHemerts richer than they already are.

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ALDANA, CHRISTOPHER

From: Antonia Cohrs <antonia.cohrs61@gmail.com>
Sent: Monday, December 4, 2023 1:48 PM
To: PC Public Comments; ALDANA, CHRISTOPHER
Subject: Raising Cane's, 1595 West Newport Boulevard, MCUP Application

Follow Up Flag: Follow up
Flag Status: Completed

Chairman Eret and Planning Commission:

I am a resident of Costa Mesa and am thrilled to hear that Raising Cane's is seeking approval to open a second location. As someone who lives and works in Costa Mesa this is the type of business that I support coming to our town.

This use is a perfect addition to the Westside area, and given that it is along Newport Blvd., the location could not be better. This type of use shows the reinvestment potential in the area and will only continue the revitalization of the area. This part of Newport Blvd. is in a transition with new uses, residents, and businesses coming to the area. As the area evolves it is an opportunity for the street and general area to improve. This is exactly the kind of use and business this area calls for.

I urge you to vote in favor of the proposed MCUP. Thank you for your time!

Best,

Antonia Cohrs

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ALDANA, CHRISTOPHER

From: Isabella Mourani <isabellamourani@gmail.com>
Sent: Tuesday, December 5, 2023 11:23 AM
To: ALDANA, CHRISTOPHER; PC Public Comments
Subject: Raising Cane's, 1595 West Newport Boulevard, MCUP Application

Dear Chairman Eretz and Planning Commission

As a longtime Costa Mesa resident, please let this letter serve as my support for the proposed Raising Cane's. The proposed site (former Von Hemert Furniture) redevelopment will bring a much-needed upgrade to the area, being both aesthetically pleasing and revitalizing a now vacant complex. As a young professional, restaurants like this are great, they serve a tasty meal and it is affordable, convenient, and fast! I encourage you to support Raising Cane's and their new proposed location!

Thank you for your consideration.

Sincerely,

Isabella Mourani

2833 Club House Rd

Costa Mesa, CA 92626

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ALDANA, CHRISTOPHER

From: Mike Brazil <mBrazil140@gmail.com>
Sent: Tuesday, December 5, 2023 10:20 AM
To: ALDANA, CHRISTOPHER; PC Public Comments
Subject: Raising Cane's, 1595 West Newport Boulevard, MCUP Application

Chairman Eret and Planning Commission:

As a young professional, now almost exclusively remote, running out to grab lunch has become the part of my day when I interact with other people face-to-face. Having an option like Raising Cane's on Newport Blvd. would be great – and save me the extra miles of heading to the one on Harbor. Their food is delicious, fast, and affordable. And I don't want to leave out their great crew – always friendly and smiling. Currently this site is vacant and has been for some time – I hope you support the proposed use and approve the project before you.

Thank you for your time.

Sincerely,

Mike Brazil

432 Enclave Cir, Costa Mesa, CA 92626

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KILLYBROOKE ELEMENTARY



714-424-7945



3155 Killybrooke Ln. Costa Mesa, CA 92626



killybrooke.nmusd.us



Laura Taylor, Principal

Dear Raising Cane's Costa Mesa Team,

I wanted to take a moment to express our heartfelt gratitude for the incredible support and presence you brought to Killybrooke Elementary during Red Ribbon Week. Your commitment to connecting with our school, understanding our needs, and uplifting our students and staff has left a lasting impact.

Karina Gil, your team member who served as our Principal for the Day, was truly amazing in every way. Her genuine connection to the Costa Mesa community and her passion for supporting our students shone brightly. Her visit was a source of excitement and motivation for our students, and they were absolutely thrilled to receive generous donations and hear her encouraging words. Additionally, our staff was so excited to have lunch from their principal for the day. That was so thoughtful and a much needed pick me up.

Your involvement during Red Ribbon Week not only brightened our days but also reinforced the importance of meaningful connections within the Costa Mesa community. We are deeply grateful for your partnership and the positive influence you have on our school. We look forward to future collaboration and meaningful connection with Cane's as it evolves in our Costa Mesa community.

Once again, thank you, Raising Cane's Costa Mesa, for your support and partnership, and for making a difference in the lives of our students. We look forward to continuing our partnership in the future and creating more memorable moments together. Our schools are so lucky to have community partners that are invested in building up our youth. Your presence in our community is impactful and for that we are grateful.

With warm regards and appreciation,

Laura Taylor

Principal

Killybrooke Elementary School

From: Kelly Normandin <kmn021@gmail.com>
Sent: Thursday, December 7, 2023 8:03 PM
To: PC Public Comments; ALDANA, CHRISTOPHER
Subject: Raising Cane's, 1595 West Newport Boulevard, MCUP Application

Chairman Eretz and Planning Commission:

I have worked on the Westside of Costa Mesa for more than two decades. In that time a lot has changed, a lot has improved, and some areas still need work. With the proposed Raising Cane's along Newport Blvd., you have an opportunity to spruce up a corner that "still needs work." This would be a great addition to the area and a great community partner for the city. Please consider this application and I hope you will support their request.

Thank you for your time.

Sincerely,

Kelly Normandin
741 Schenley Bay
costa mesa ca
92626

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From: Stacy Mason <stacymason@gmail.com>
Sent: Friday, December 8, 2023 11:25 AM
To: PC Public Comments
Subject: Re: 1595 Newport Blvd

Dear Costa Mesa Planning Division:

I am writing in response to an Official Public Notice I received in the mail regarding application number ZA-22-11, PDVR-23-003 & PMND-23-003. The affected address is 1595 Newport Boulevard. I am a neighbor and homeowner in the Level1 community (cross streets Newport Frontage Road/Industrial), and I strongly ask that this proposal not be approved.

Currently, the 1500 block of Newport Boulevard is quiet. It is located on Frontage Road, which is narrow and winding, and 16th Street, which is also not very large. Right now (even without such a busy business like Raising Cane's), the traffic backs up on 16th street during evening rush hour, and there are times it is impossible for me to turn right onto 16th from south-bound Newport Boulevard and then make the left onto Newport Frontage Road because cars are already there. Adding a Raising Cane's will guarantee that I will never be able to use that intersection to go home again.

The proposed hours of Raising Cain's are 9am until the wee hours of the morning (2am or 3am). This would guarantee additional traffic to what can already be a congested intersection. It would also bring unwanted noise and trash.

In addition, the application is asking for exceptions. It deviates from required parking by seven stalls, the drive-through will be 10 feet wide instead of the normal 11 feet, and it will be 20% closer to the street than what is normally required. If a vehicle is too large for the drive-through, they would need to park and walk in. If there are fewer parking spaces, where will they park to do so? There are already parking issues with people illegally parking on the east side of Newport Frontage Road, making a narrow road even narrower. Where will the drive through lane go? If the building is closer to the road and has a smaller parking lot, the drive-through will likely spill onto 16th street and/or wind onto the Newport Frontage Road or even Newport Boulevard.

For the above reasons, please do not approve this business proposal. We have plenty of fast-food restaurants on 17th Street and Harbor Boulevard. We do not need a Raising Cane's outside of those areas, especially when it cannot abide by current building requirements, disrupting our neighborhood.

Thank you for your consideration. Please contact me via email with any questions.

Stacy Mason

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From: Jonathan Mason <jonathandavidmason@gmail.com>
Sent: Sunday, December 10, 2023 4:52 PM
To: PC Public Comments
Subject: Public Comments against Raising Cane's at 1595 Newport Boulevard

To whom it may concern,

I am an owner and resident at the Level 1 community, less than an 1/8th of a mile from the proposed location for a new Raising Cane's at 1595 Newport Boulevard. The growth of new restaurants is usually a positive development in our community, but there are too large a number of issues with this proposition.

The small roads between Newport Boulevard and Superior (with the exception of 17th St.), as well as the Newport Boulevard frontage roads are very narrow and already tight passing spaces against oncoming traffic. Adding a busy restaurant (known to have exceptionally long drive through lines, similar to In N Out and Chick-fil-A) will only cause more congestion. As it stands, northbound on the West Newport Boulevard Frontage Road gets backed up at 16th St., trying to turn onto or cross Newport Boulevard.

The traffic and customer noise, with the operation hours ending at 2 or 3:30 in the morning, is inappropriate with the housing just feet to the West on 16th Street. And the multiple building exceptions speak to the inadequate site conditions for this project. These include building deviation requests of an overly narrow drive-through lane, truncated parking space counts, and erecting the structure closer to the street than normal commission requirements.

For all the above reasons listed above, I strongly urge this project to not be approved.

Thank you,
Jonathan Mason

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From: Lester Tucker <lestertucker@gmail.com>
Sent: Monday, December 11, 2023 8:29 AM
To: PC Public Comments
Subject: PLEASE APPROVE Raising Canes!

I am writing to let you know I strongly urge you to approve a Raising Canes on Newport Blvd. This company is OUTSTANDING. They are very proactive in managing their properties which are always very well kept (e.g. no homeless vagrants, graffiti, dead plants, etc.) I know people are going to say no because of traffic but if people in Costa Mesa/Newport are worried about traffic then they should move. It's a fact of life here, it's the beach and it's crowded. A new drive thru restaurant isn't going to make a lick of difference in the traffic. What should we cancel the Newport Boat Parade because too many people drive on Newport Blvd? Of course not. This company really promotes the right things about business entrepreneurship, trains their employees well and gives back to the community. They are also very proactive in managing the drive thru cars so PLEASE SAY YES! Food is sooo good.

Jon Tucker
west side

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From: Laura Whitcher <laura.whitcher@ukg.com>
Sent: Monday, December 11, 2023 8:52 AM
To: PC Public Comments
Subject: Raising Cane's

Hello,

I wanted to send a note in support of putting in Raising Cane's where the old Grant's for Guns is located. Their food is great, and I think a lot of us locals would love having a Cane's closer than we have now. I know for sure that my two teenage sons would be thrilled.

This should also bring some great revenue to the city of Costa Mesa.

From a local in NB:)

Laura Whitcher
UKG Strategic Account Manager
(310) 779-7766

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From: Ethen Thacher <ethen.thacher@gmail.com>
Sent: Monday, December 11, 2023 9:12 AM
To: PC Public Comments
Subject: Raising Cane's

Hello Costa Meas Planning Commission -

I work in the City of Costa Mesa and I'm emailing the Planning Commission to request approval of Zoning Application 22-11, Development Review PDVR-23-0003, and Minor Modification PMND-23-0003 for the demolition of an existing 25,159-square-foot furniture store and the construction of a new 2,913-square-foot drive-through restaurant (Raising Cane's) with a drive-thru, and 1,303 square feet of outdoor patio area.

Thank you, Ethen

--

Ethen Thacher
(714) 914-5616
ethen.thacher@gmail.com
www.linkedin.com/in/ethenthacher

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From: Brad Kelly <brad@makenaprop.com>
Sent: Monday, December 11, 2023 9:39 AM
To: PC Public Comments
Cc: ALDANA, CHRISTOPHER; gkelly57@pacbell.net
Subject: Raisin Canes Application ZA-22-11
Attachments: Canes Planning Commission.pdf

Please see attached comments related to the above project to be included in the package for the planning commission tonight December 11, 2023.

Cc: Christopher Aldana

Brad Kelly
President
M a k e n a P r o p e r t i e s

Office (949) 348-3333
Cell (949) 533-5722

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December 11, 2024

Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Re: Application No. ZA-22-11, Site Address 1595 Newport Blvd

Dear Chairman Eret and Planning Commission:

As a resident of Costa Mesa, I am concerned with the plan referenced above for the following reasons:

- **These high-volume drive through food service business really stretch the standard of traffic and often miss the mark resulting in:**
 - Back up to traffic on adjacent streets
 - In N Out on 19th
 - Canes on Harbor Boulevard
 - Chick Fillet on Harbor Boulevard
 - Goop Kitchen Costa Mesa
 - On site traffic flow impacting neighboring properties
 - Denny's on harbor Blvd (Canes)
 - Seiwa Market (Chic Fillet)
 - Home Depot (Northgate Mercado)
- **The project didn't address any impacts or offer any accommodations to the neighbors.**
 - How can a project that increases traffic and intensity of use NOT have an impact?
- **The project seemed to avoid any improvements of the adjacent street as no consideration was evident of:**
 - Widening the street
 - Improving the existing sidewalk
 - Providing more on street parking for the neighborhood
 - Getting rid of the overnight RV/Homeless parking

The City of Costa Mesa is considering being more lenient on their own standards (parking, residential proximity, traffic, landscape) although these types of uses have demonstrated repeatedly to being a problem and warrant a more strict application of standards.

Sincerely,



Brad Kelly

From: Cyndie Williams <cyndie@infinitigroupllc.com>
Sent: Monday, December 11, 2023 10:44 AM
To: PC Public Comments
Cc: ALDANA, CHRISTOPHER
Subject: Raising Canes ZA-22-11

Hello Planning Commission Members,

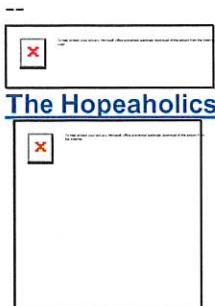
Thank you for considering my comments. I work out of 1545 Old Newport Blvd in Costa Mesa and am writing in opposition to the proposed site with the current plans for traffic and parking. I reviewed the traffic study and it is apparent that the traffic engineers agree there will be a deficit in drive through queuing space during peak times resulting in either parking spaces, sidewalks, or streets being blocked with cars. What is the solution here? The main driveway proposed with block cars passing on Old Newport Blvd during business hours and this must be considered. This will cause issues with the surrounding businesses including, but not limited to 1545 Old Newport.

Additionally, if I understood this correctly, these numbers of potential cars passing through Raising Canes proposed by the traffic study are increased by 1% each year. What happens with the potential growth of the city of Costa Mesa with the current residential development project? Has that been calculated into the planning and development of Raising Canes? Surely, this will be more than a 1% increase in traffic and I would like to hear solutions and outcomes based on the culmination of both projects as they affect this part of Costa Mesa greatly.

Finally, the homeless issue on Old Newport Blvd is vast and we continuously need to employ the local law enforcement to aid in removing homeless people from the property at 1545. I share a concern about this problem growing with the census created by Raising Canes and the residential development project.

I believe there needs to be further thought and study before deciding or approving the CUP as written. I would only ask that the thoughts and comments from the surrounding businesses should have a louder voice in the planning commission's consideration in this matter

Again, thank you for your time today.



Cyndie Dunkerson Williams, CATCIII
VP of Legal

w: www.infinitigroupllc.com
e: cyndie@infinitigroupllc.com
m: (949) 254-2727 | p: (949) 715-7773 | f: (949) 606-9220
[Hope by the Sea](#) | [Hope Lodge](#) |
[Ken Seeley Communities](#) | [Mental Wellness](#) |
[N.E.M. Recovery Centers](#) | [Serene Behavioral Health](#) |

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From: Gregg Kelly <gkelly57@pacbell.net>
Sent: Monday, December 11, 2023 11:01 AM
To: PC Public Comments
Subject: Public Comments to ZA-22-11
Attachments: RaisingCanes.pdf

December 11, 2023

Planning Commission
77 Fair Drive
Costa Mesa, CA 92626

Chairman Eret and Planning Commission:

Re: Application No. ZA-22-11, Site Address 1595 Newport Blvd

My name is Gregg Kelly and I own the property at 1555 Newport Blvd, which is adjacent to the proposed Raising Cane's development. As the property owner along with my tenant West Coast Marine Service, we may be the most impacted by this project. I ask for your serious consideration to my concerns.

1. I would like more time to review the project. I just received the details of the plan 3 days ago, and it seems unfair to only allow a weekend during the holidays to review and comment on the potential impact to our business. Contrary to Raising Cane's claim of outreach to the adjacent neighbors in their letter to the City dated November 6, 2023, no such outreach was ever made to me as the property owner or my tenant. I suspect this lack of outreach and communication is true for many in the neighborhood.
2. Parking is a significant issue in this area of Costa Mesa. The street parking spaces are full and every business has restricted parking signs. Raising Cane's in this neighborhood will only make parking worse. Allowing them a variance for a reduced number of spots is irresponsible.
3. Traffic caused by cars in the drive-through queue could be a serious issue. I visited the Cane's on Harbor Blvd twice this last week, and both times the queue of cars fully consumed the parking lot and extended onto and blocked the right lane of Harbor Blvd. I took a picture, which I have included as Exhibit A. The Cane's on Harbor Blvd has a longer drive-through queue than what is proposed, and it leads me to believe the flow of traffic in front of my property will be greatly impacted. It only takes one car waiting to make a left hand turn into a full queue of cars to completely stop traffic on Newport Blvd.
4. Commercial Way between Newport Blvd and Superior Ave. is a private street. Repaving and cleaning this street is the financial responsibility of the property owners along this road. The additional traffic and litter from Raising Cane's will make it more expensive for me and the other property owners.

I respectfully ask the Planning Commission to not approve this Application No. ZA-22-11 as presented, and at the very least give us more time to research possible solutions to my concerns and the concerns of the community.

Sincerely,

Gregg Kelly

EXHIBIT A

Raising Cane's Harbor Blvd, Costa Mesa

Picture taken December 8, 2024 approx 6:10 PM



From: Dan <dkang68@gmail.com>
Sent: Monday, December 11, 2023 11:24 AM
To: PC Public Comments
Subject: ZA-22-11 Raising Cane's

I am the property owner next door to the proposed Raising Cane's.

A few general concerns of the planning of Costa Mesa City and specific to my property:

As it is more a function of what the Community and City of Costa Mesa wish to envision as how the future of the balance in live and work opportunities, I'm concerned that we are developing around a commercial fast food corridor that does not serve the community at this time.

Some of the key points in particular of this development:

- 1) A drive through use that intends to be open till 3:30 am which we have seen the effects on Harbor Blvd.
- 2) GOOP has already created a traffic back up on Newport Blvd, with no alternative corrections.

Some comments and notes from surrounding interested parties and myself:

1-The current buildings at 1595 Newport Blvd are below grade without a permit, and proper drainage at grade needs to be addressed by the city on the next use.

2 - The current buildings and improvements at 1595 Newport Blvd have buried the adjacent neighbor's front building up to the window and built into the utility easement - the city needs to consider the impacts to the adjacent property as they approve drawings for the project.

3 - The proposed project should not be allowed a variance on parking requirements as Westside Costa Mesa already has a parking shortage since the city has approved multiple conversions of mfg zoning to C2 type uses without addressing the increased demand on street parking.

4- The city is aware that members of the community do not want more high traffic impact to Newport Blvd - Starbucks and Chick Fillet's planning applications were denied for this reason and Raising Cane on Harbor has regularly created a dangerous traffic backup and it will be worse at this location

5-The 19 West Mixed Use and Mesa West Plans encourage architectural appeal, small business and entrepreneurship...national fast food chains, such as this project, are not consistent with the type of local Main Street businesses that are cultivating Westside Costa Mesa.

6-The city approved high density housing in 2021-22 for the adjacent properties between 16th and Placentia, how shortsighted is this project's traffic impact to future development of housing that will also impact traffic.

PARTIDA, ANNA

PH-3

From: nick@wcmservice.com
Sent: Monday, December 11, 2023 11:26 AM
To: PC Public Comments
Subject: No. ZA-22-11
Attachments: Dec 11, Doc 1.pdf

Please review attached document in regards to Application number: ZA-22-11
Site Address 1595 Newport BLVD.

Thank you,
Nick Kelly
949-698-0550
Nick@wcmservice.com
West Coast Marine Service
1555 Newport BLVD.
Costa Mesa, CA. 92627

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Sent from my iPhone



www.westcoastmarine.com

December 11, 2023

Planning Commission

77 Fair Drive

Costa Mesa, CA 92626

Chairman Ereth and Planning Commission:

RE: Application No. ZA-22-11, Site Address 1595 Newport Blvd.

My Name is Nick Kelly and I own West Coast Marine Service, adjacent to the proposed Raising Cane's development. I have operated this business in this location for 13 years.

1. I have not had sufficient time to review this potential development. I only received the plans Friday the 8th. I feel this has not given me enough time to consider all potential impacts. I am on my property every day and available, however, neither Raising Cane's nor the property owner at Von Hemert have contacted me to discuss the impact of this decision. In the short amount of time I have had over the weekend these are a few of my initial concerns.
2. Parking: Parking in this area is severely restricted. I currently sublet a private curb side on Commercial way across from my property for my employees. The curbside parking in front Von Hemert is currently almost 100% occupied by vagrants who live in their cars or are taken up by other businesses in our area. Having a Raising Cane's with added traffic and a need for parking will certainly cause more Parking issues.
3. Traffic: The intersection of 16th and Newport Blvd is already dangerous enough. I witness multiple car accidents in this intersection every year. I have personally almost been hit by a driver running a red light in this intersection. 16th and Newport Blvd is a thorough fair for students heading to and from school from West side Costa Mesa to Newport Mesa Unified school districts. We currently have great examples of



www.westcoastmarine.com

traffic congestion in Costa Mesa. The Raising Cane's on Harbor Blvd., Chick fil A on Harbor and In' N out on 19th street. In my business we cater to the local boating community. Again, having extra traffic congestion with a Raising Canes will make access to my facility much more difficult and hurt the profitability of the business.

4. See attached Exhibit A aerial photo for the following:

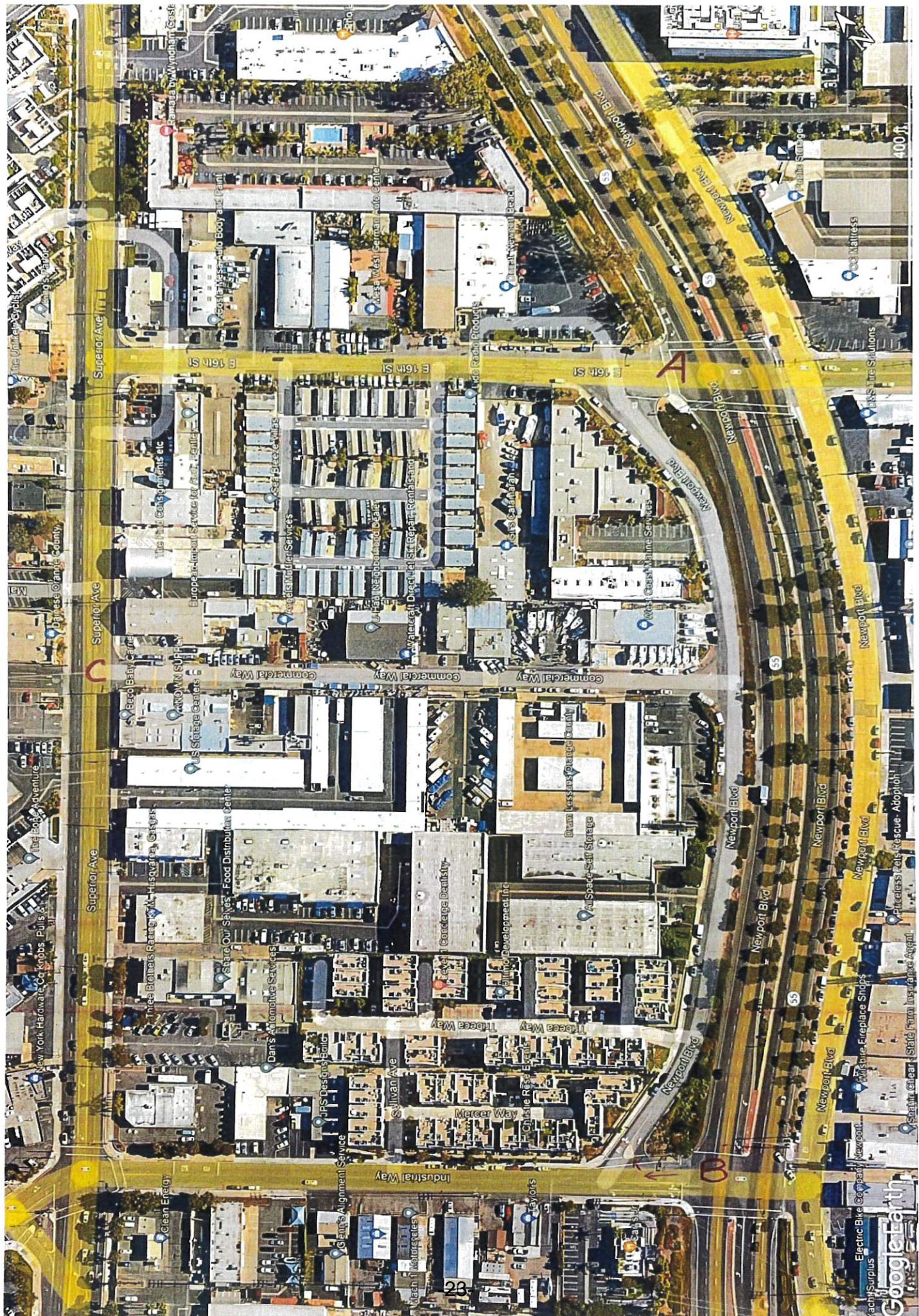
Intersection A with a Raising Cane's in my attached aerial photo is going to negatively affect my business. This intersection is our primary intersection we use to conduct business. We serve the local boating community and customers trailer their boats through this East 16th street intersection to us for service. This intersection is the safest and easiest point to access our business. We have not been able to utilize intersection B because the city constructed a curbed island. Visiting truck and trailers cannot maneuver around this curbed island. I must educate our customers bringing boats to not use intersection B. If intersection A, and B become problematic we will be forced to use intersection C at Commercial Way and Superior. Intersection C does not have a signal and is more dangerous to use with large truck and trailers. Commercial way is a private street, and I would be at the mercy of the other business owners to make sure we can get through with our truck and trailers. We also have deliveries of new engines and new boats continuously coming throughout the year. Large semi-trucks will have major problems accessing our property to deliver our merchandise that we sell. This will negatively impact sales and service of my business.

I sincerely ask the Planning Commission to issue a continuance at the very least because we have not had enough time to consider all the potential impacts of this decision.

Thank you,

Nick Kelly

A handwritten signature in black ink, appearing to read "Nick Kelly".



February 7, 2024

Planning Commission Chair Adam Eret
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

CC: Planning Commission Members:

Russell Toler, Karen Klepack, Jon Zich,
Johnny Rojas, Angely Andrade Vallarta,
Jimmy Vivar
Scot Drapkin, Assistant Director of EDS

Subject: Detailed Objections to and a request for Denial of Project
ZA-22-11, PDVR-23-0003, PMND-23-0003 (Raising Cane's at 1595 Old
Newport Boulevard)

Planning Commission Chair Eret and Commissioners:

On behalf of the Consortium of property owners: Steve Schwimer, Paul Schwartz, Gregg and Nick Kelly, Dan Kang, Michael Guerin and John Morehart, we hereby express our unequivocal **opposition** to project ZA-22-11, PDVR-23-0003, and PMND-23-0003, re: Raising Cane's Restaurant at 1595 Old Newport Boulevard.

Our comprehensive objections, detailed below, highlight our numerous concerns:

Raising Cane's is playing the system by using February, the slowest month of the year for fast food restaurants, as a basis for the Stantec traffic study to entitle a too-small irregularly shaped property bordering a narrow, congestion side street for its fast food restaurant. The low numbers of the traffic study allowed for a number of conditional uses needed to squeeze and manipulate the site plan to fulfill parking and queuing requirements.

May is more typical of normal traffic for fast food restaurants while still accounting for school and traffic impacts on surrounding areas.

Page two

Planning further picks over zoning codes to justify unwarranted environmental impacts on 100+ residents in the adjacent Sea Breeze Villa mobile home park by dismissing **CMMC 13-49** of the General Plan, and Measure K, that exist to protect mobile home parks from such impacts.

Raising Cane's proposed use doesn't align with the goals of Measure K and the General Plan to meet State housing mandates. It's piecemeal planning at best.

Planning did not include Measure K overlay and goals relating to land use and mobile home park residents in general;

Planning failed to include General Plan goals and elements regarding 100+ residents at the adjacent Sea Breeze Villas.

Individually and separately, the **denial** of the Raising Cane's project is warranted.

Traffic Study Flaws

Planning should have requested a traffic study based on the busier months of May instead of one of the two slowest months of the year for the fast food industry. Note that School is in session in May as well.

The study does not take into account extrapolated traffic data for the increased sales each year of the sales goals shown by Raising Cane's for its Seven Year Plan. That is from \$5.4mm in 2023 to \$8.0mm by 2030.

Note: the Stantec traffic study was conducted in February 2023, a month of **heavy rain**, and according to QSR50 (a Journal for fast food restaurants) among the **two slowest months** for fast food restaurants during the year.

Note: in 7 years, according to Raising Cane's Co-CEO A J Kumeran, sales are projected to increase from \$5.4 mm per store (2023) to \$6.1mm (2024),

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to \$8 mm per store in 2030. (per QSR 50 report of April 2023, regarding the top 50 fast food restaurants.). (that's 8% sales increase per year.)

Note: a significant amount of traffic going to Raising Cane's is destination oriented, versus by-pass trips, which adds to the trips per thousand per square feet normally associated with drive in restaurants. (See Fehr & Peers Technical Memorandum for the City of Citrus Heights - Raising Cane's September 3, 2020).

Note: Stantec also failed to include the traffic impact on Newport Boulevard and Industrial Way, and 16th Street, intersections known for daily gridlock between 4 and 6 PM, nor its impacts on private streets of the adjacent properties. Making a left or right turn onto 16th, and then a left onto Old Newport during rush hour has only a 2 - 3 car stack on 16th and no left turn lane on 16th and Old Newport Boulevard.

The slowest month for fast food restaurants, February, can't provide data required for a realistic site plan that meets May through August traffic, parking and queuing impacts.

Minimally, a new traffic study must be done during May for a realistic traffic flow, parking and queuing impact at this site, taking into account Raising Cane's dependence on destination oriented traffic and yearly increases in sales.

Note: Staff suggests that a reduction in operating hours would result in lessening the need for additional parking and queuing, per Condition of Approval 6.

It appears disingenuous since Peak Operating Hours are at the lunch and dinner hours, when parking and queuing are at the highest need, and a reduction in total operating hours would not lessen the need for additional spaces or queuing requirements.

Note: Raising Cane's has suggested off-site parking for staff, but never identified the site in the year since.

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Note: Operating hours, including truck deliveries, will be from 7 AM to either 4 AM or 5:30AM (included are 2 hours for cleaning the site and restaurant), depending on the day of the week. Total operating hours of 21 to 22.5 hours per day impacts on 100+ residents must be addressed.

MEASURE K OVERLAY AND GOALS

Measure K, approved by Costa Mesa voters in November, 2022, identifies specific properties for which there is opportunity for the city to meet their Regional Housing Needs Assessment numbers mandated by the State Department of Housing and Community Development.

Measure K is further designed to protect and expand residential uses for low and middle income residents currently in commercial zoning. (Up to 70% in the overlay are Middle and South American ancestry.) Measure K goals include expanding affordable housing and protecting Mobile Home parks.

As a Consortium of adjacent property owners, we are interested in determining a scope of work for a specific plan for the area, including a plan for assemblage of those adjacent properties to help meet the 11,721 unmet housing needs (years 2021 - 2029) for the City of Costa Mesa. We believe Raising Cane's severely **restricts** such a specific plan for mixed use and affordable housing closely aligned with the goals of Measure K and the General Plan.

Note: The proposed Raising Cane's is adjacent to the **Sea Breeze Villas**, a 62 unit mobile home park built in 1992; and, within 90 feet of the project. (The homes are 30 years old, thin wall construction with single pane windows.) More than one hundred residents occupy the units.

Sea Breeze Villas is a legal non-conforming residential use grandfathered in a commercial zone. **It is a mistake to dismiss CMMC Section 13-49 development standards in lieu of Measure K's passage.** It is counter to

the General Plan goals and Measure K meant to protect residence and Mobile Home Parks from the developmental impacts of this intensity. It's a slap in the face of over one hundred low income residents who have little to no resource to mitigate these impacts.

GENERAL PLAN ELEMENTS INCONSISTENT WITH CUP:

CD-8.1 Development Compatibility - access, circulation, parking, should be as far away from residences (and mobile home parks) as possible.

LU-3.1 states "Protect existing stabilized neighborhoods, including mobile home parks, from encroachments of incompatible or potentially disruptive land uses or activities."

Raising Cane's is asking to operate between the hours of 9 AM and 3:30 AM Thursday through Saturday, and 9 AM and 2 AM Sunday through Wednesday (deliveries as early as 7 AM occurring any day of the week).

Raising Cane's estimates it will take an additional two hours to clean and close the operation. This will entail cleaning the parking lot as well. All in all, hours of operation will range from 7AM to either 4 AM or 5:30 AM the following day. That is 21 hours to 22.5 hours of operation every day, regardless of the impacts on adjacent residents.

Noise, traffic, loitering, trash, lights, smells, etc. are all disruptive to the residents of the Sea Breeze Villas.

N-2.1 Limit the hours of operation adjacent to residential in order to minimize excessive noise.

It is important to emphasize that Sea Breeze Villas were built in the 1992, having thin walls and single pane windows; staffs' sound study at 3150 Harbor adjacent condos have double pane windows and stucco and concrete walls.

Parking lot cleaning, vehicle noise including load music, tire squealing and braking, loud mufflers, motorcycles, diesel engines, yelling, door

slamming, all are noise impacts affecting adjacent residents at all hours of the days and nights.

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LU-2.11 Parking lots and other noise sources (such as speakers for ordering) should **face away from residential homes**.

The proposed Raising Cane plan parking lot **faces** the Sea Breeze Villas and not Old Newport Boulevard, and therefore does not meet the requirements of LU-2.11.

IN SUMMARY

In light of these comprehensive concerns, we strongly urge the Planning Commission to **deny** ZA-22-11, PDZVR-23-0003, and PMND-23-0003.

There are significant deficiencies in the Stantec traffic study utilizing February 2023 data, The month of **May** better reflects truer peak hour traffic, parking, and queuing impacts for the proposed site. 2024 to 2030 sales projections stated by Raising Cane Corporate should be incorporated into a year by year traffic simulation to stress test the site plan.

The **site plan** should be **flipped** per CD-8.1, N-2.1, LU-2.1 and LU-2.11 with parking, queuing and ordering facing Old Newport Boulevard to comply with the General Plan and Measure K.

The summary dismissal of CMMC Section 13-49 is a slap in the face of the low income residents of Sea Breeze Villas. To not protect adjacent residential uses is counter to the elements and goals of the General Plan and Measure K that call for the respect of all its residents, and is an error on the part of Planning.

Finally, we believe Raising Cane's is piecemeal planning for an area now covered by Measure K, and this area is better served by a comprehensive specific plan that better achieves the goals of Measure K.

Deny ZA-22-11, PDZVR-23-0003, and PMND-23-0003.

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Respectfully submitted for the above listed consortium,

S/S **DAVID SWERDLIN**

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Swerdlin & Associates, A Governmental Relations Group
31125 Via Cristal
San Juan Capistrano, CA 92675
swerdlin@me.com.
949-636-4407

COLGAN, JULIE

From: Bradd Barmettler <bradd.barmettler@gmail.com>
Sent: February 6, 2024 2:46 PM
To: PC Public Comments
Subject: Fwd: I am glad to hear Caines Chicken is coming to 16th and Newport Blvd.

Dear Planning Office,

I recently heard the property on the corner of 16th and Newport Blvd is going to become a Cane's Chicken.

As someone who lives on 16th street I am excited to have yet more choices when it comes to eating out. I am also glad I do not have to spend 40 minutes driving to the one on Harbor Blvd anymore and I now can drive 5 minutes over to this new one.

I am also glad to hear the property will now be rented after being vacant for almost 4 years.

The homeless have abused the property by parking out front and living in their cars, parking shopping carts out front, leaving trash on the sidewalk and in the street, and sleeping on and around the building.

Many construction workers have left their vehicles in the street in front of the vacant building for months on end, cluttering up the area with dilapidated vehicles.

It will be great to see the chain link fence once construction is over be removed for years to come.

With all those new condos the city had permitted over the last decade, it will also take some pressure off other restaurants and give folks in this area more choices.

Lastly, it's a great corner for a fast food joint, that corner has been hardly used since VonHemert Interiors last rented it out. And there are no adjacent homes on any side of the building.

I vote yes on Cane's Chicken!

I live at 2421 E. 16th #5 Street, Newport Beach. Just 5 blocks down from where Cane's Chicken will be going in on the Costa Mesa/Newport Beach city boarder.

Thank you,

--

Bradd Barmettler
949-533-6405

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ALDANA, CHRISTOPHER

From: PARTIDA, ANNA
Sent: Thursday, February 8, 2024 8:17 AM
To: ALDANA, CHRISTOPHER
Subject: FW: Raising Caines Chicken coming to Newport Blvd

Follow Up Flag: Follow up
Flag Status: Flagged

From: GRIFFEN Kathy <Kathy.GRIFFEN@biomerieux.com>
Sent: Wednesday, February 7, 2024 7:42 PM
To: PC Public Comments <PCPublicComments@costamesaca.gov>
Subject: Raising Caines Chicken coming to Newport Blvd

Hello,

I am a Costa Mesa Resident and I just wanted to voice my approval for the Raising Caines Chicken to come to Newport Blvd. I think it would be an excellent spot to open this restaurant. It will save me a 40 minute run to the nearest one today. I Think it is a perfect spot and I am glad the existing building will no longer be vacant. This area will be is easy to get in and out of and Costa Mesa area needs more reasonably priced restaurant choices. I live on 474 Cabrillo Street in Costa Mesa and I look forward to Canes Chicken coming to our area.

Kind Regards,
Kathy Griffen



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