



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814

www.CityofSacramento.org

Meeting Date: 6/19/2012

Report Type: Public Hearing

Title: Appeal [Applicant]: McDonald's on Stockton Boulevard and 2nd Avenue (Noticed on 6-1-12)

Report ID: 2012-00442

Location: District 5

Recommendation: Conduct a public hearing and upon conclusion, pass a Resolution denying the Special Permit request to construct a new restaurant with drive-through facility on approximately 0.99 acres in the General Commercial (C-2) zone.

Contact: Antonio Ablog, Associate Planner (916) 808-7702; Lindsey Alagozian, Senior Planner (916) 808-2659, Community Development Department

Presenter: Antonio Ablog, Associate Planner (916) 808-7702, Community Development Department

Department: Community Development Dept

Division: Planning

Dept ID: 21001221

Attachments:

- 01-Description/Analysis
- 02-Background
- 03-Vicinity Map
- 04-Land Use Map
- 05-Applicant Appeal
- 06-October 2011 Letter from Michale Di Geronimo Representing McDonald's
- 07-Opposition Letters
- 08-Signed Petition Sample
- 09-Resolution - Project Denial
- 10-Exhibit A - Site Plan
- 11-Exhibit B - Floor Plan
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- 15-Exhibit F - Color Elevations and Materials
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City Attorney Review

Approved as to Form
Sabina D. Gilbert
6/7/2012 4:49:04 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
5/30/2012 4:05:18 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 6/4/2012 10:35:54 AM



Description/Analysis

Issue: The applicant is requesting to construct a new 3,897 square foot McDonald's Restaurant with a drive-through facility on approximately 0.99 acres at the southeast corner of Stockton Boulevard and 2nd Avenue. The restaurant is an allowed use; however, approval of a Special Permit is required to establish a drive-through facility on the subject site. On April 12, 2012, the Planning Commission voted to deny the Special Permit to operate a drive-through facility. On April 23, 2012, the applicant submitted an appeal of the Planning Commission's decision.

Policy Considerations: The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General Plan Update designation of the subject site is Urban Corridor Low, which is defined as:

"Urban Corridor Low includes street corridors that have multistory structures and more-intense uses at major intersections, lower-intensity uses adjacent to neighborhoods, and access to transit service throughout. At major intersections, nodes of intense mixed-use development are bordered by lower-intensity single-use residential, retail, service, and office uses. Street-level frontage of mixed-use projects is developed with pedestrian-oriented uses. The streetscape is appointed with landscaping, lighting, public art, and other pedestrian amenities. (p. 2-88)"

The proposed restaurant with drive-through facility conflicts with key urban form characteristics envisioned for parcels designated as Urban Corridor Low. These conflicts include:

- *A development pattern with moderate lot coverage, limited side yard setbacks, and buildings sited up to the corridor to create a consistent wall.*

The proposed restaurant comprises approximately 10% of the overall site and does not provide moderate lot coverage. The restaurant building is situated on the site such that the drive-through lane borders the southern and eastern property lines, creating a large 21' street-side setback and large 43' front setback. The restaurant is therefore not sited up to the corridor nor does it provide for a consistent street wall development pattern.

- *More intense mixed-use development at intersections with stepped down residential uses in between.*

The proposed restaurant would be located at the northwest intersection of Stockton Boulevard and 2nd Avenue, for which the General Plan recommends development to be more intense in nature, incorporating a mix of uses. The proposed restaurant with drive-through facility is not a mixed use development as it is a single-story, relatively small stand-alone restaurant. Additionally, the project site directly abuts residential uses to the west without providing a buffer of less intense uses in between.

- *Building facades and entrances directly addressing the street.*

While the restaurant itself faces Stockton Boulevard, the main entrance is located along the northern elevation, which faces the onsite parking lot. The proposed design does not directly address the street, but in fact places a strong emphasis on the drive-through facility.

- *Buildings with pedestrian-oriented uses such as outdoor cafes located at the street level.*

The proposed restaurant does provide an outdoor patio dining area at the front of the building at street level however; the patio dining area is disconnected from the sidewalk along Stockton Boulevard as the drive-through exit lane lies between the two. Therefore, pedestrians walking along the sidewalk on Stockton Boulevard must walk through the internal parking lot or drive-through lane in order to reach the outdoor patio dining area. The restaurant with drive-through is therefore, not pedestrian oriented but vehicle oriented.

- *Attractive pedestrian streetscape, with sidewalks designed to accommodate pedestrian traffic, that includes appropriate landscaping, lighting, and pedestrian amenities/facilities.*

As stated previously, the proposed restaurant building is not sited directly on the corner of Stockton Boulevard and 2nd Avenue, as the drive-through lane lies between the restaurant and the adjacent sidewalks. Pedestrian accessibility to the site is therefore impaired. Furthermore, no onsite sidewalk is provided that would connect the restaurant to the existing sidewalks along either Stockton Boulevard or 2nd Avenue. It is staff's position that the location of the drive through lane diminishes pedestrian access to the store and diminishes the sites ability to provide an active streetscape.

The allowed uses within the Urban Corridor Low as described in the 2030 General Plan include retail/service uses, such as the proposed project. However, the 2030 General Plan has identified many goals and policies related to Corridors. As it is not a pedestrian oriented use, the development of the site with a restaurant with drive-through facility is in direct conflict with some of these goals and policies; such as:

- *Corridors:* Support the development of major circulation corridors that balance their vehicular function with a vibrant mix of uses that contribute to meeting local and citywide needs for retail, services, and housing and provide pedestrian-friendly environments that serve as gathering places for adjacent neighborhoods. (Policy LU 6.1)
- *Corridor Uses:* The City shall encourage residential, mixed-use, retail, service, commercial, and other pedestrian-oriented development along mixed-use corridors to orient to the front of properties with entries and stoops fronting the street. (Policy LU 6.1.5)
- *Visual and Physical Character:* The City shall promote development patterns and streetscape improvements that transform the visual and physical character of typical automobile-oriented corridors by:
 - Enhancing the definition of the corridor by locating buildings at the back of the sidewalk, and establishing a consistent street wall. (Policy LU 6.1.12)

Although the Floor Area Ratio (FAR) standard within the 2030 General Plan for Urban Corridor Low development is 0.30 minimum and 3.00 maximum, the project site is exempt from the minimum FAR requirement as the site is less than one acre in size, and designated for such a commercial use.

Overall, the proposed McDonald's restaurant with drive-through does not meet the 2030 General Plan goals and policies related to Corridors, nor does it comply with many other policies related to larger Citywide Land Use and Urban Design principles because the proposed site layout is not pedestrian oriented, is not engaging to the Stockton Boulevard streetscape, and does not provide a buffer to the adjacent residential uses to the west.

Environmental Considerations:

California Environmental Quality Act (CEQA): Environmental Planning Services has prepared an Initial Study and a Mitigated Negative Declaration for the proposed project. On March 3, 2009, the City Council approved the 2030 General Plan and certified the Master Environmental Impact Report (Master EIR). Development consistent with the C-2 zoning was included in the Master EIR, and the Initial Study prepared for the project examined the project for the purpose of identifying any additional significant environmental effects, or project-specific effects, that could occur with the project and that were not examined in the Master EIR.

The Mitigated Negative Declaration was circulated for public review Monday, August 1, 2011 through Wednesday, August 31, 2011. The City received numerous comment letters regarding the proposed project. The majority of comment letters consist of statements of opposition to the project for a variety of general issues including traffic, noise, lighting, health, quality of life, property values, vagrancy, crime, trash and general plan consistency. A few of the comment letters raised specific concerns with the initial study/draft mitigated negative declaration, but none would require changes to the initial study or mitigated negative declaration that would result in the need for recirculation of the document.

The draft mitigated negative declaration for the McDonald's project is available for review at the following URL:

<http://www.cityofsacramento.org/dsd/planning/environmental-review/eirs/>

CEQA review is not required for projects that the lead agency determines it will not approve. Because staff is recommending denial of the project application, staff has not prepared findings for adoption of the mitigated negative declaration and mitigation monitoring plan. The majority of comments received for this project did not distinguish between typical project comments and comments specifically directed towards the environmental review of the project.

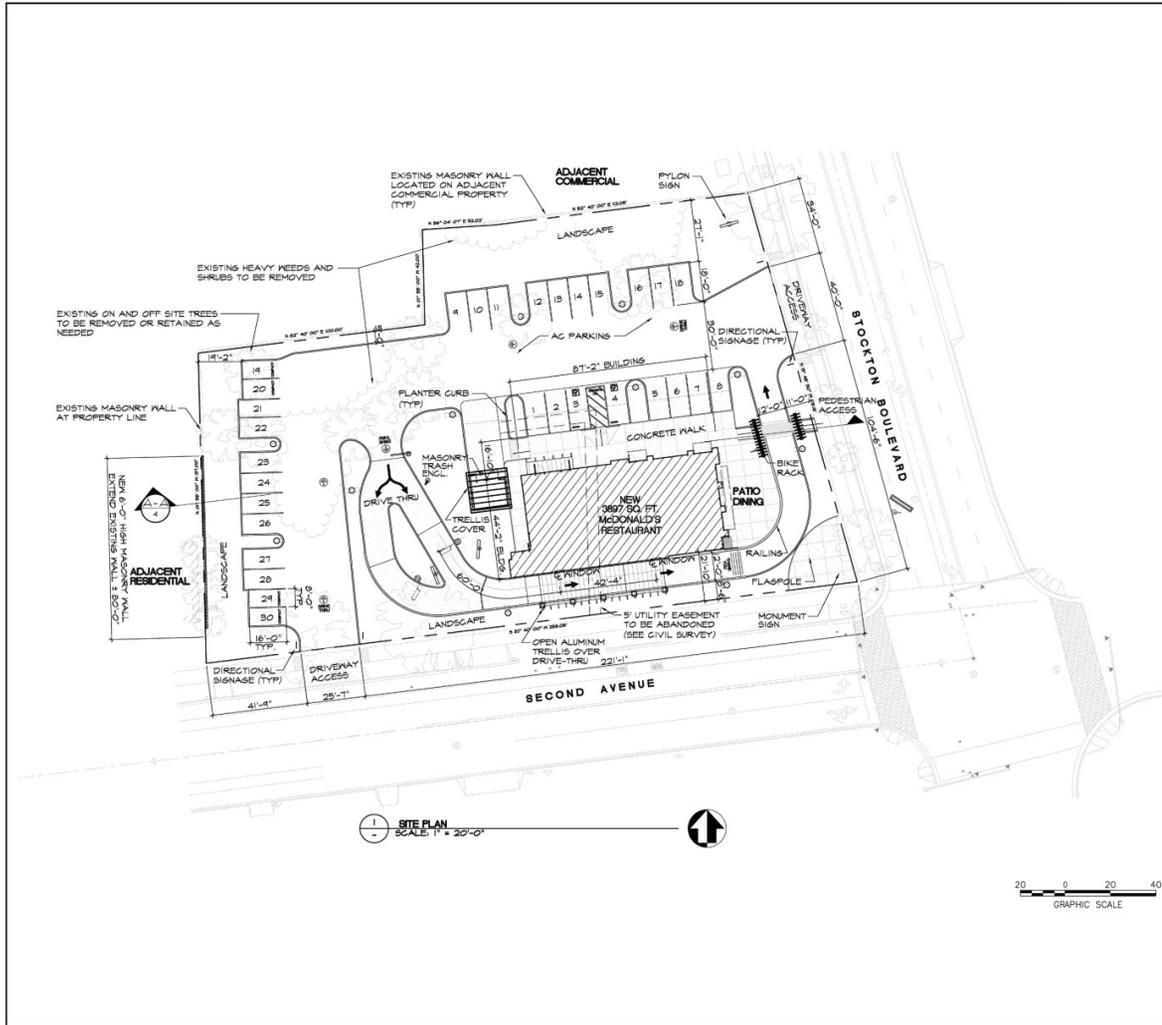
Commission/Committee Action: The project was heard by the Planning Commission on April 12, 2012. After hearing from staff, the applicant, and a number of speakers both for and against the project, the Planning Commission voted 6 -1 to deny the Special Permit for a drive-through facility. The Commission made this decision as it determined that the Special Permit for a drive-through facility was not consistent with the Urban Corridor Low General Plan Designation, was not pedestrian friendly, did not engage the street, and had the potential to negatively impact the

residences to the west. On April 23, 2012, the Planning Commission decision was appealed by the applicant. In accordance with Section 17.200.030 (G) of the Sacramento City Code, appeals to Planning Commission decisions are made to the City Council.

Rationale for Recommendation: The project consists of a proposal to construct a new 3,897 square foot McDonald's Restaurant with drive-through window. Staff does not support the proposed project as the wrap around drive-through design is inconsistent with the goals and policies contained in the 2030 General Plan and the site design of the proposed restaurant conflicts with the Oak Park Design Guidelines.

Financial Considerations: This project has no fiscal considerations.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.



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SITE INFORMATION

SITE ADDRESS:
2624 STOCKTON BOULEVARD
SACRAMENTO, CA 95817

EXISTING USE: UNDEVELOPED

PROPOSED USE:
NEW 3,111 SQ. FT. RESTAURANT WITH DRIVE-THRU

A.P.N.: 014-0085-046-000

ZONED: C2

SITE AREA: 42,112 SQ. FT. (APPROX. ONE ACRE)

LANDSCAPE AREA: 11,500 SQ. FT.

LANDSCAPE PERCENTAGE: 28%

BUILDINGS AND TRASH ENCLOSURE PERCENT: 4%

PARKING AREA PERCENTAGE: 19%

CONCRETE AND AC PAVING PERCENTAGE: 50%

PARKING REQUIREMENTS:
ONE SPACE PER 3 OCCUPANTS
SPACES REQUIRED BASED ON 40 OCCUPANTS: 50
SPACES PROVIDED: 50
TYPICAL SPACE SIZE: 11' X 18'
COMPACT SPACE SIZE: 8' X 16'
ACCESSIBLE PARKING SPACES PROVIDED: 2

SITE SIGNAGE:
SIGN PROGRAM TO BE COMPLETED BY McDONALD'S CORPORATION UNDER SEPARATE APPLICATION.

BUILDING INFORMATION

ROOM OR AREA	AREA	OCCUPANT LOAD
CUSTOMER SERVICE	109 S.F.	1
DINING	621 S.F.	70 SEATS
RESTROOMS	308 S.F.	ACCESSORY TO DINING
KITCHEN	1049 S.F.	5
SUPPORT	528 S.F.	3
CREW AND OFFICE	181 S.F.	3
WALK-IN BOXES	246 S.F.	
UTILITY	100 S.F.	ACCESSORY USE
		TOTAL 87

TOTAL GROSS AREA: 5,841 S.F.
MAXIMUM BASIC ALLOWABLE AREA: 6,000 S.F.
OCCUPANCY GROUP: A2
CONSTRUCTION TYPE: VB
SPRINKLERS: NO
STORIES: ONE
HEIGHT: 23'-4"
MAXIMUM ALLOWABLE HEIGHT: 40 FEET

DEFERRED APPROVALS

- SIGNAGE OTHER THAN ADA REQUIRED SIGNAGE AND DIRECTIONAL SIGNAGE ARE NOT INCLUDED IN THIS APPLICATION. THE SIGN PROGRAM WILL BE COMPLETED BY McDONALD'S CORPORATION UNDER SEPARATE APPLICATION.
- KITCHEN EQUIPMENT AND DECOR. FINAL DESIGN TO BE COMPLETED BY McDONALD'S CORPORATION DURING DESIGN DEVELOPMENT.

CRM Architects & Planners, Inc.
3022 Eastern Blvd., Sacramento, CA 95834
Phone: (916) 486-4600 Fax: (916) 486-4601

McDonald's USA LLC
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STAMP
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CHECKED BY: [Signature]
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REN. 1/13/11
STATE OF CALIFORNIA

REVISIONS

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DRAWING TITLE
PRELIMINARY ARCHITECTURAL SITE PLAN

PROJECT NO.: CR-11
DATE: 03-24-10

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SHEET: B
DRAWN BY: [Signature]
CHECKED BY: [Signature]

3

PLANNING DOCUMENTS

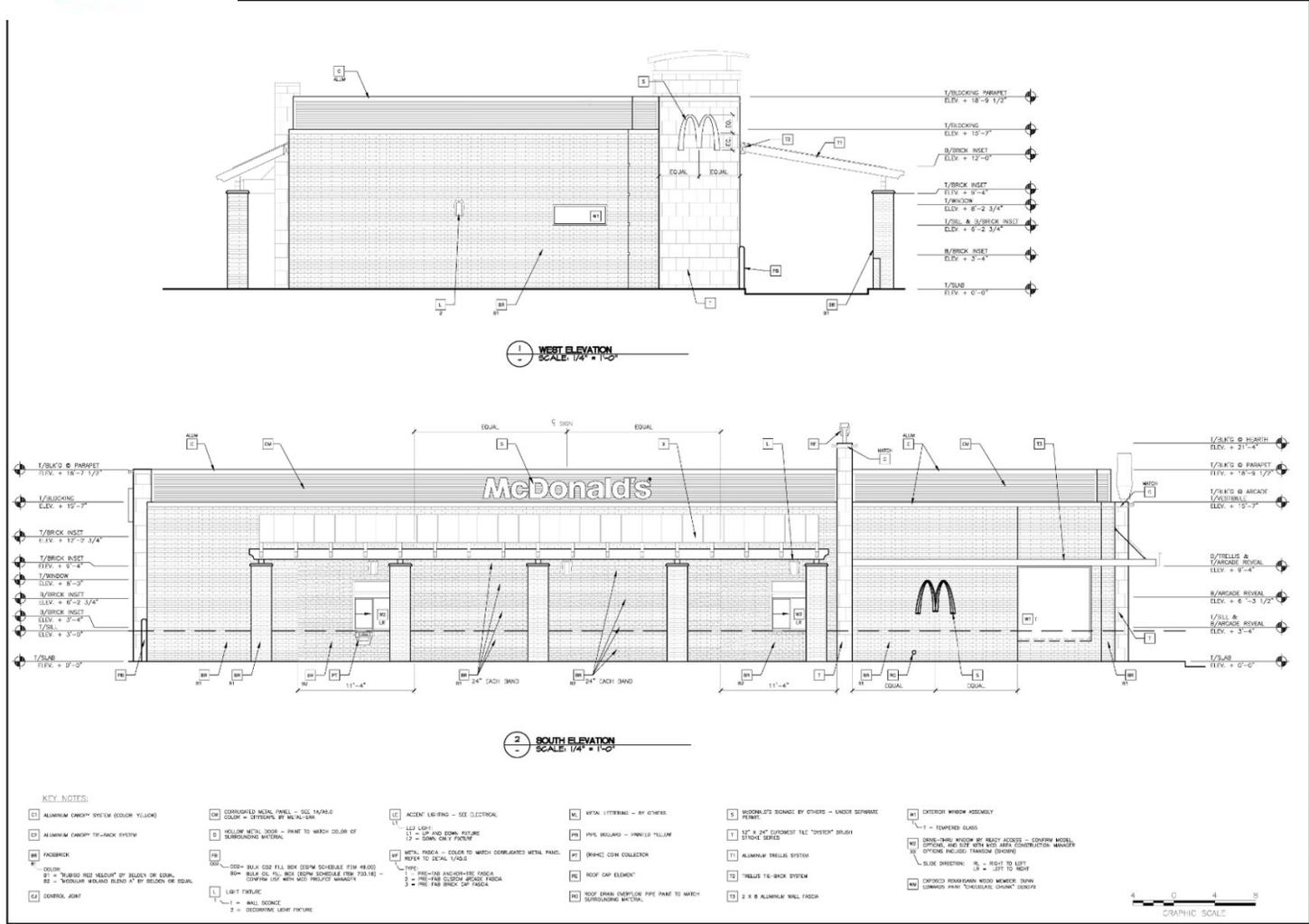
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2624 STOCKTON BOULEVARD, SACRAMENTO, CALIFORNIA 95817

Exhibit A: Site Plan



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PLANNING DOCUMENTS

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3022 Adams Blvd., Sacramento, CA 95833
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CONSULTANT

M. McDonald's USA LLC

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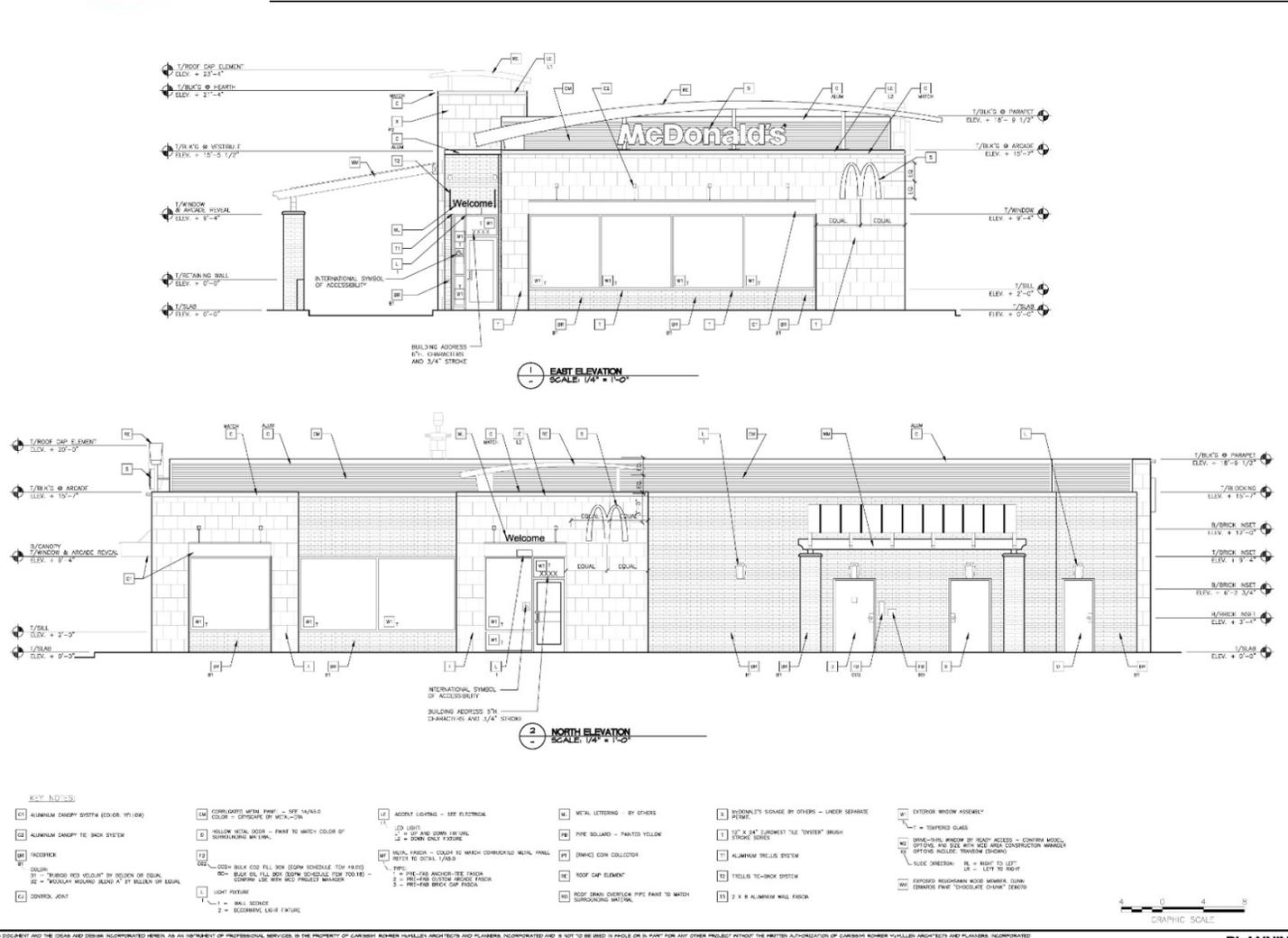
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1	ISSUED FOR PERMIT	08-14-10

DRAWING TITLE: **PRELIMINARY ELEVATIONS**

PROJECT NO.:	DATE:
FILE NO.:	08-14-10
DRAWN BY:	8
CHECKED BY:	

2824 STOCKTON BOULEVARD, SACRAMENTO, CALIFORNIA 95817 LC#004-4604

Exhibit D: Exterior Elevations



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2027 Faber Place, Sacramento, CA 95835
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CONSULTANT

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DRAWING TITLE
PRELIMINARY ELEVATIONS

PROJECT NO.	DATE
04071	08-21-10

FILE NO.	ISSUED BY	CHECKED BY
04071	mm	mm

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2624 STOCKTON BOULEVARD, SACRAMENTO, CALIFORNIA 95817
 LC#004-4604

PLANNING DOCUMENTS

Exhibit D: Exterior Elevations



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North Elevation



East Elevation

Color Legend:



Yellow - Color Match
Pantone 100C



Accent "Modular Midland Blend"
By Belden or Equal



Base "Rubigo Red Velour"
By Belden or Equal



Corrugated Metal Panel
City Scape Metal - ERA



Aluminum Trellis System
City Scape



Eurowest Tile
Brush Stroke Series
"Oyster"



McDonald's
2624 Stockton Blvd.
Sacramento, CA
Sheet 9



Exhibit E: Color Elevations/Materials

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South Elevation



West Elevation

Color Legend:



Yellow - Color Match
Pantone 109C



Accent "Modular Midland Blend"
By Belden or Equal



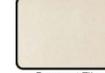
Base "Rubigo Red Velour"
By Belden or Equal



Corrugated Metal Panel
City Scape Metal - ERA



Aluminum Trellis System
City Scape



Eurowest Tile
Brush Stroke Series
"Oyster"



McDonald's
2624 Stockton Blvd.
Sacramento, CA
Sheet 10



Exhibit F: Color Elevations/Materials



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Proposed Restaurant



Existing Conditions



McDonald's
2624 Stockton Blvd.
Sacramento, CA



Exhibit G : Perspective Rendering

Background

The applicant is requesting to construct a new 3,897 square foot McDonald's Restaurant with drive-through window on approximately 0.99 acres at the southeast corner of Stockton Boulevard and 2nd Avenue. The subject site is an existing vacant parcel located on the northwest corner of Stockton Boulevard and 2nd Avenue.

On May 8, 2003, the City Council approved entitlements for the project site and adjacent parcels to the north, for the project known as The Stockton Boulevard Mixed Use Building (P02-009). The Stockton Boulevard Mixed Use Building project consisted of one level of subterranean parking, 6,000 square feet of ground level retail and parking, 54,800 square feet of second and third level office space, and 12-market rate apartments located on the fourth level. The Stockton Boulevard Mixed Use Building was never constructed and many of the entitlements expired. The previously merged parcels were subsequently subdivided, resulting in the current parcel layout.

The proposed McDonald's restaurant with drive-through facility was submitted on September 30, 2010. On November 5, 2010 city staff sent a letter to the applicant requesting that the site plan be revised to provide a pedestrian-oriented layout, and that the building itself be redesigned in order to be compatible with the surrounding neighborhood. Subsequently, city staff met with the applicant on several occasions re-emphasizing the requested changes; also stating that staff does not support the proposed layout of the project.

The project was scheduled to be heard by the City Planning Commission (CPC) on October 27, 2011, with a staff recommendation of denial. The applicant requested a continuance in order to determine if the project could be modified to address the staff concerns. The project was continued to the December 8, 2011 CPC agenda. During the interim period, the applicants provided staff with a proposed site plan that placed the drive-through on the interior of the site and addressed a majority of planning staff concerns. The reconfiguration of the drive-through resulted in the relocation of the Stockton Boulevard drive way to the northern portion of the site. This change required additional analysis of driveway locations on the project site. The project was withdrawn from the CPC's December 8, 2011 agenda in order to finalize the project review and analysis of the driveways.

In order to justify the new location of the Stockton Boulevard driveway, the applicant attempted to work with UC Davis and the City's Department of Transportation (DOT). The applicant offered to relocate UCD's Stockton Boulevard driveway to line up with their newly proposed driveway location. Ultimately, UCD was not able to support this modification to their site because it would create a negative impact to their on-site circulation. The applicant worked with the City's DOT to study potential modifications to the striping and lane design, including a potential median on Stockton Boulevard that would allow for the applicant's driveway location. Ultimately, it was determined the necessary changes were not feasible for the applicant to construct. The applicant should be commended for their attempt to address the concerns of the planning staff.

The applicant has determined they cannot move forward with the limited driveway access on Stockton Boulevard that would result from placing the drive-through facility on the internal portion of the site. Once they determined the internal drive-through would not be feasible, the applicant requested that the original site design be taken forward to the CPC for a public hearing. The applicant has made a majority of the requested changes to the building elevations and is close to meeting the requirements of the Urban Design Director. Any determination on the Design Review entitlements will not be considered until a decision has been made regarding the Special Permit for the drive-through facility. As analyzed in this report, staff does not support the proposed Special Permit with a perimeter drive-through design.

Public/Neighborhood Outreach and Comments: Upon the project submittal, notification of the proposal was sent to WALK Sacramento, Oak Park Business Association, Oak Park Neighborhood Association (OPNA), Oak Park Redevelopment Advisory Committee (RAC), Stockton Boulevard Partnership, and the Medical Center Neighborhood Association. City staff received numerous phone calls, letters, and emails from neighbors and the neighborhood groups, stating concern and opposition to the proposed project (see Attachment 7). As stated previously, the concerns were in regard to safety, pedestrian accessibility, lighting, noise, proposed hours of operation, quality of life, air quality, and traffic. All emails and letters received are attached. City staff also received 275 pages of a standardized petition, totaling over 1,700 signatures, submitted on behalf of the group Healthy Development of Oak Park. A sample page of this petition is attached to this report as Attachment 8.

On April 11, 2012, a letter was submitted by Margaret Trujillo, Area Construction Manager for McDonald's (see attachment 5). This letter argues that the proposed project will redevelop and revitalize a vacant infill site and that staff did not consider the General Plan as a whole with regards to the findings on the project, that the proposed project complies with all applicable development standards, and that the proposed project will redevelop an underutilized urban site. Staff has reviewed this letter and has determined that staff's analysis and findings appropriately support the position for recommending denial of the Special Permit.

Project Design

Land Use

The applicant proposes to construct a new 3,897 square foot McDonald's Restaurant with a drive-through window. Restaurants that meet the City's development standards are allowed within the General Commercial (C-2) zone without the approval of entitlements. However, a Special Permit pursuant to 17.24.050(44) of the Zoning Code is required for a drive-through service facility.

Setbacks, height and bulk

Table 2: Height and area standards			
Standard	Required	Proposed	Deviation?
Height	35'	23'-4" at corner cap element	no
Front setback	7.5'	43'	no
Side setback	0'	110'	no
Rear setback	15'	130'	no
Street side setback	5'	21'	n/a
Floor Area Ratio (FAR)*	No Minimum to 3.0 Maximum	.09	no
Lot coverage	40,000 sq. ft. max.	3,897 sq. ft.	no

* Per the General Plan, small commercial (less than 1 acre), where permitted by the land use designation, shall be exempt from the minimum FAR requirement.

As indicated above, the project meets or exceeds all applicable height and area requirements.

Access, circulation, and parking

Vehicle Parking: The Zoning Code specifies one parking space per three (3) seats of a restaurant. The proposed McDonald's restaurant will provide ninety (90) seats within the restaurant, requiring thirty (30) on-site parking spaces. The proposed site plan provides thirty parking spaces, thus meeting the requirement.

Bicycle Parking: The project is required to provide bicycle parking based on the number of required vehicular parking spaces. The Sacramento City Code, Section 17.64.050, requires one (1) bicycle parking space for every twenty (20) required vehicle parking spaces. The McDonald's restaurant is required to provide two bicycle parking spaces; one a Class I, the other a Class I, II, or III. Although a bike rack is shown on the site plan, a Class I bicycle parking space/locker is not shown.

Access: As stated previously, ingress and egress to the site will be provide via a driveway (ingress and egress) off of Stockton Boulevard, as well as a driveway (ingress and egress) off of 2nd Avenue, with a large internal parking lot connecting the two driveways. The drive-through lane will provide egress to the internal parking lot, parallel to Stockton Boulevard. The City's Department of Transportation has reviewed the site

plan and has no objections to site access or internal circulation.

Pedestrian Circulation: Off-site pedestrian access is provided via an attached sidewalk along Stockton Boulevard. However, in order to walk from the sidewalk to the building, a pedestrian must walk through either the drive-through lane or parking lot. A direct sidewalk connecting the street sidewalk to a building entrance is not provided. With their most recent revisions, the applicant has augmented the site plan to include a plaza area at the southeast corner of the site. Staff believes that the new plaza area would create a more meaningful impact if it offered direct access to a store entry.

Building design, signage and landscaping

The proposed McDonald's restaurant is rectangular in shape, approximately eighty-seven(87) feet long and forty-four (44) feet in width, with the main entrance facing the internal parking lot. In response to staff's comments on the original proposal, the applicant has made several changes to the building elevations. The exterior walls are now proposed to be finished with brick and tile instead of stucco. Metal awnings painted yellow are proposed to be placed above the windows at the front elevation, continuing at the northern side intermittently. A painted aluminum trellis system supported by brick pilasters will cover the drive through area adjacent to the southern side of the building. A small, taller corner element is proposed at the southeastern portion of the restaurant, with a roof-cap at the top. Corrugated metal paneling will form the upper portion of the parapet and will screen any mechanical equipment. The proposed colors are brick reds, yellows, taupe, and grey reflecting the colors and materials found on surrounding site. The landscaping plan provided complies with the City's Parking Lot Tree Shading Design and Maintenance Guidelines.

As the project site is located within the Oak Park Design Review area, the applicant was provided comments and suggested revisions in order for the building to be consistent with the established guidelines. As stated in the Oak Park Design Guidelines, the purpose of the Oak Park Design Guidelines and Standards is, '...to provide consistent design principles for residential and commercial structures that can contribute to the creation of neighborhoods with a strong, cohesive sense of place, and can improve the overall character of neighborhoods, by making them more attractive, safe, and inviting places to live.' The following is the list of comments that were given to the applicant. Some of these comments have been addressed by the latest plans, but others have not.

Comments Addressed

1. Brick treatment should be used for elevations, so that the building is consistent with surrounding structures.
2. A wainscot veneer can be integrated into the elevations, as on the County building across the street from 2nd Avenue.
3. Consider using a metal roof and/or awnings, to better complement the hotel and hospital buildings across the street from Stockton Boulevard.
4. Reconsider the color scheme by using more compatible colors with the surrounding neighborhood.

5. Use high quality building materials so that the restaurant further complements the existing neighborhood.

Outstanding Items

6. Reconsider the layout of the drive-through, so it will be less conspicuous to the public. Our policy is to design the drive-through facility so it has minimum visibility from street views.
7. Design the site and building layout to encourage pedestrian activity.
8. Consider a corner element to emphasize the corner of Stockton Boulevard and 2nd Avenue, so there will be a pedestrian path that connects the street crossing, sidewalks, and the site.

The proposed project is considered to be a Design Director level of review for Design Review. Though a number of comments related to colors and materials have been addressed, issues related to pedestrian connectivity and prominence of the drive through area remain. Due to the of the underlying lack of support for the currently proposed project, the project has not yet been scheduled for a Design Director hearing, as the Special Permit is necessary in order to proceed with the project.

In evaluating Special Permit proposals of this type, the Council is required to make the following findings:

1. *Sound Principles of Land Use. A special permit shall be granted upon sound principles of land use.*

The Special Permit for the drive-through should not be granted as the proposed project is not based upon sound principles of land use in that it is inconsistent with the goals and policies of the 2030 General Plan. The proposed project is inconsistent with the goals and policies relating to providing pedestrian oriented development within corridors, locating buildings at the back of sidewalk so that they engage the street, and promotion of walking, biking, and transit use. Additionally, the proposed project is not based upon sound principles of land use in that the design of facility conflicts with the Oak Park Design Guidelines.

2. *Not Injurious. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.*

As proposed, the drive-through service facility is detrimental to the public health, safety and welfare because it directly impedes pedestrian movement from adjacent public sidewalks to the proposed restaurant, thereby jeopardizing the safety of pedestrians.

3. *Must Relate to a Plan. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.*

The proposed drive-through service facility does not comply with the objectives of the 2030 General Plan in that the project site layout, including the location of the drive-through, conflicts with the urban form guidelines for the Urban Corridor Low General Plan designation by not siting the building up to the corridor. Additionally, the main entrance does not directly address the street, and the layout of the site is not pedestrian oriented. The proposed drive-through service facility also does not comply with many other goals and policies contained in the 2030 General Plan, by not providing a sensitive transition between the existing neighborhood and the new commercial use, and the layout of the site which does not promote walking to services, biking, and transit. Additionally, the design of the building as proposed conflicts with the Oak Park Design Guidelines which promote a strong connection between the building, sidewalk, and street.

4. *The design and location of the facility will not contribute to increased congestion on public or private streets or alleys adjacent to the subject property;*

A Traffic Impact Study for the proposed project was prepared by the City's Department of Transportation and it has been determined that, as designed, the project will not contribute to increased congestion on streets adjacent to the subject property.

5. *The design or location of the facility will not impede access to or exiting from the parking lot serving the business, impair normal circulation within the parking lot or impede pedestrian movement;*

The design and location of the drive-through will not impede access to or exiting from the parking lot for the McDonald's restaurant, nor will it impair normal circulation within the parking lot. However, the location of the drive-through lane will directly impede pedestrian movement to/from the adjacent City sidewalks located along Stockton Boulevard and 2nd Avenue, as the drive-through lane lies between the sidewalk and the building entrances. Additionally, sidewalks connecting the proposed McDonald's restaurant to the City sidewalks are not proposed, further impeding direct pedestrian movement on to the site.

6. *The design and location of the facility will not create a nuisance for adjacent properties.*

As the proposed restaurant with drive-through will not be located directly adjacent to the residential properties to the west, it is not expected to create a nuisance. Additionally, an 18' landscaped area will separate the adjacent residential uses from the parking lot. As required by code, a six-foot high solid masonry block wall separating the residential and commercial use will be constructed, in order to reduce environmental aspects associated with the drive-through service facility. Overall, the location and design is similar to

other restaurants with drive-through facilities, with the exception being that the drive-through lane impedes pedestrian movement. However, the design and location of the proposed facility is not expected to create a nuisance for adjacent properties.

In addition to the above findings, the Zoning Ordinance establishes the following standards for drive-through service facilities that are to be used in reviewing the adequacy of project design:

1. *A minimum stacking distance of one hundred eight (180) feet shall be provided to each pick-up window or automated machine.*

The proposed drive-through service facility provides a stacking distance in excess of one hundred eighty (180) feet or ten (10) vehicles, thus meeting the minimum stacking distance.

2. *A facility with separate ordering point(s) and pick-up window(s) shall provide stacking space for at least four vehicles in advance of each ordering point and stacking space for at least four vehicles between each ordering point and pick up window.*

The proposed drive-through service facility provides a stacking distance for six vehicles from the entrance to the drive-through lane and the menu/order board, and provides a stacking distance for four vehicles from the menu/order board to the pick-up window. Thus, the proposed drive-through service facility meets the required stacking spaces.

3. *Entrances to drive-through lanes shall be at least twenty-five (25) feet from driveways entering a public or private street or alley.*

The entrance to the proposed drive-through lane would be located approximately eighty (80) feet from the nearest driveway along 2nd Avenue, thus meeting the distance requirement.

4. *Drive-through service facilities shall not be considered as justification for reducing the number of required parking spaces.*

The proposed ninety (90) seat McDonald's restaurant is required to provide thirty (30) onsite parking spaces and thirty (30) parking spaces are proposed. Therefore, the parking requirement is met, and a reduction in the number of required parking spaces has not been requested.

5. *The minimum width of each drive-through lane shall be eleven (11) feet. The entrance to the lane and the direction of traffic flow shall be clearly designated by signs and pavement marking or raised curbs.*

The proposed drive-through lane(s) would be approximately twelve (12) feet in width, with directional signs and pavement markings directing the traffic flow, at both the entry

and exit points. Therefore, the drive-through requirements have been met.

6. *A solid six-foot high masonry sound wall shall be constructed on the property boundary when the site is contiguous to residentially zoned or used property(ies).*

As part of the proposed project, a new six-foot high CMU wall along the western property boundary would be constructed, where the site is contiguous to residentially zoned properties, thus meeting the requirement.

7. *Operation of the drive-through service facility shall be restricted to between the hours of seven a.m. and ten p.m. when the site is contiguous to residentially zoned or used property(ies) unless the planning commission approves different hours of operation during the review of the special permit.*

The applicant has requested that the hours of the proposed drive-through service facility be between five a.m. and eleven p.m., seven days a week. City staff does not support the requested extension of the proposed drive-through service facility hours as the site is contiguous to residentially zoned/used properties.

Commission Decision

The project was heard by the Planning Commission on April 12, 2012. In addition to presentations by both staff and the applicant, a total of 34 members of the public addressed the Commission with 26 speakers opposed to the granting of the Special Permit and 8 speakers in favor of the request. Planning Commission ultimately voted 6 - 1 to deny the Special Permit for a drive-through facility. The Commission made this decision as it determined that the Special Permit for a drive-through facility was not consistent with the Urban Corridor Low General Plan Designation, was not pedestrian friendly, did not engage the street, and had the potential to negatively impact the residences to the west. The Commission complimented the proposed operator on his successful businesses in the Sacramento area, but did not believe that the site design was appropriate for the subject location.

Applicant Appeal

On April 23, 2012, the Planning Commission decision was appealed by the applicant. In accordance with Section 17.200.030 (G) of the Sacramento City Code, appeals of Planning Commission decisions are made to the City Council. Within the appeal, the applicant argues that the Special Permit should have been granted as:

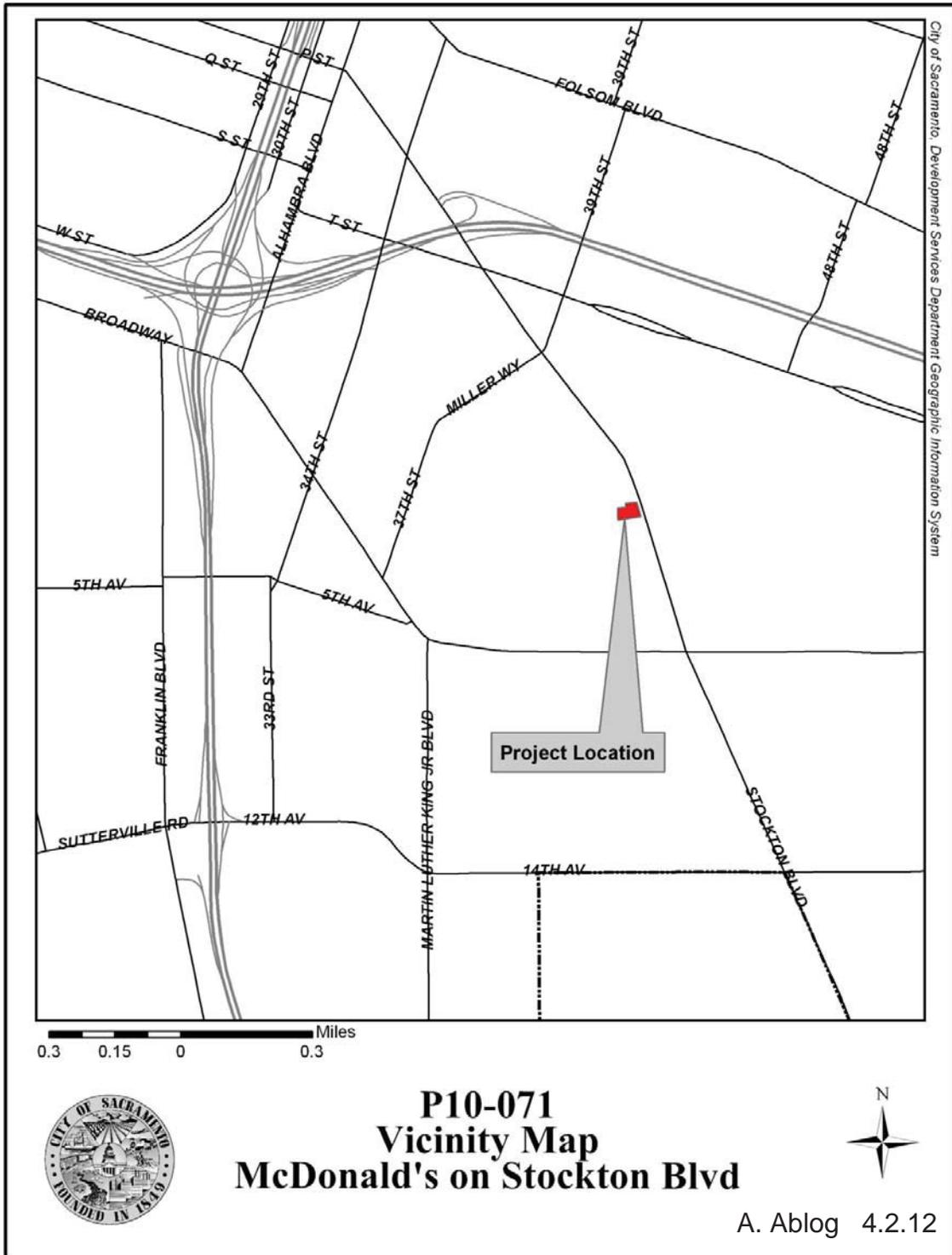
- The project will redevelop a vacant site in the Oak Park neighborhood;
- Approval of the project would have a number of economic benefits including the creation of 55 to 60 permanent jobs and increased sales tax revenue;
- The project is consistent with the General Plan when considered as a whole; and

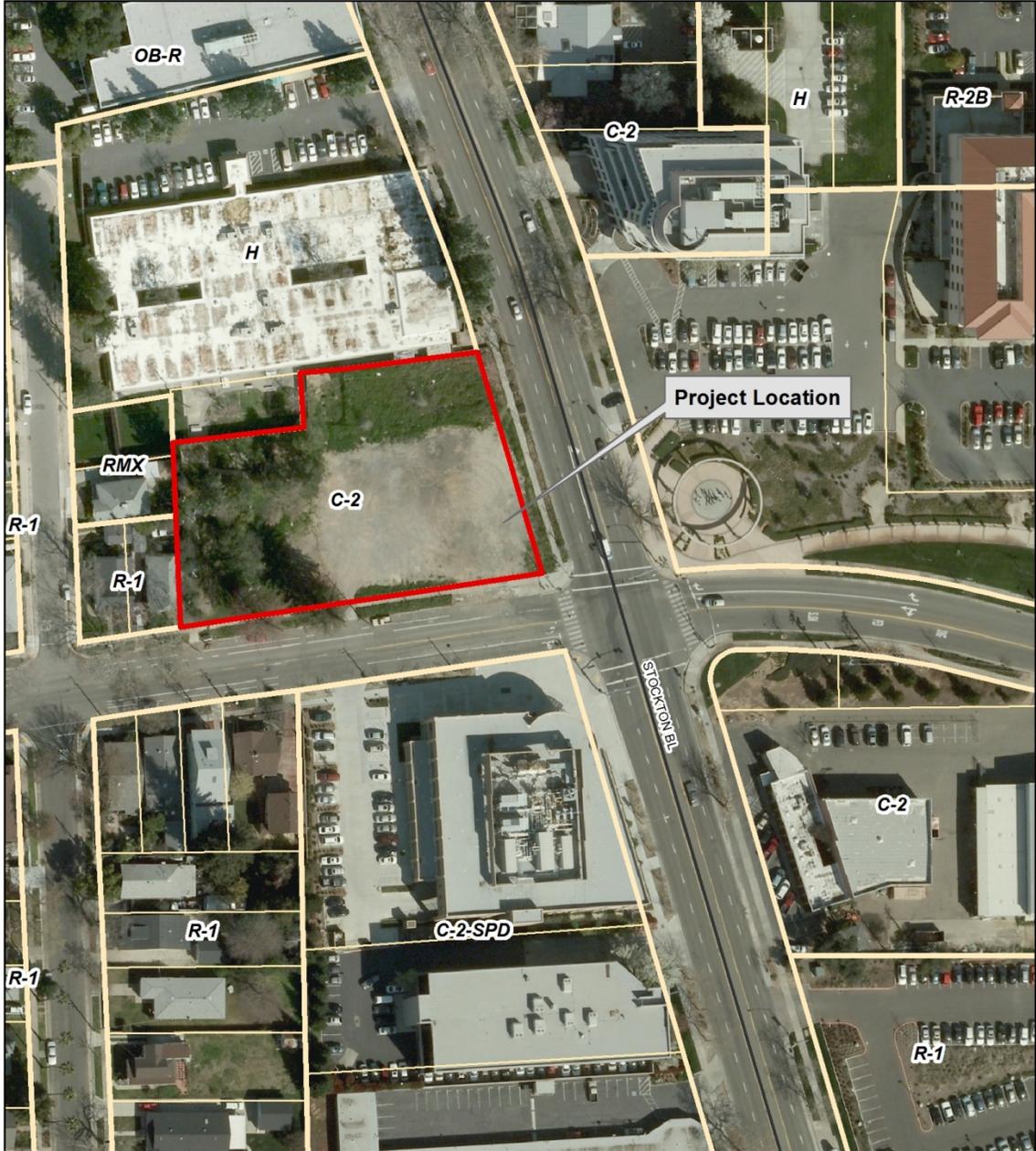
- The location of the drive-through lane does not create a safety hazard or impediment for bike or pedestrian traffic.

Staff continues to believe that the drive-through facility, as designed, is inappropriate for the subject site. Both the General Plan and the Oak Park design guidelines recommend that buildings front directly on the street to ease pedestrian access and to create an appropriately scaled street wall. In placing the drive-through lane between the building and the street, the current restaurant fails to comply with these design recommendations.

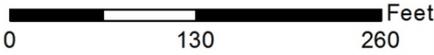


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P10-071
Land Use Map
McDonald's on Stockton



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ATTACHMENT A

APPEAL OF PLANNING COMMISSION'S DENIAL OF APPLICATION FOR A SPECIAL PERMIT (P10-071)

(McDonald's @ Stockton Boulevard & 2nd Avenue)

The grounds for the appeal of the Planning Commission's decision denying the issuance of the Special Permit (the "Decision") are as follows:

The Special Permit should have been granted since it will allow for the construction of an attractively designed new restaurant on a long vacant infill site (the "Project"). When constructed and opened, the Project will provide a host of benefits to the Oak Park community and the City of Sacramento as a whole as outlined in detail in the attached letter from McDonald's USA, dated April 11, 2012 (the "McDonald's Letter"). The McDonald's Letter is incorporated herein by this reference. These benefits include all of the following:

- The creation of a gathering place for a diverse (and otherwise under-served) group of community members: families with children, professional and service workers, seniors, students, and customers with physical and mobility challenges. In short, the Project will facilitate social interaction and involvement by further activating the currently unused and undeveloped portion of the Oak Park community.
- The operation of a restaurant providing a wide range of access and dining options to its customers: drive-thru service, pedestrian, bicycle and automobile access for both indoor and outdoor dining areas along with community tables, family tables, and counters.
- Jobs not only for those employed directly at the restaurant (approximately 55 to 60 permanent jobs (both entry-level and managerial)), but also numerous construction jobs. The restaurant will also be operated by the Ritchey Family – a Sacramento-based McDonald's franchisee who has a long successful history of operating restaurants and investing in the City of Sacramento.
- Increased sales tax and property tax revenue.
- A stable, first-class business partner for the City and the local community. Unlike many of its competitors, McDonald's corporately owns or leases all of the real estate on which its restaurants operate. As a result, McDonald's regularly invests significant sums to maintain and, when necessary, upgrade its restaurant facilities. By locating the restaurant on a long-vacant infill site at a major intersection, the Project will help to rejuvenate the area, stimulating additional economic and community investment.

The Planning Commission's findings that allegedly support the Decision are not based on any relevant evidence, are inconsistent with prior staff findings or conclusions, and/or are inaccurate.

Finding No. 1: The Project is Not Inconsistent with the General Plan. The first Planning Commission finding allegedly supporting the Decision is that the Project is inconsistent with the goals and policies of the 2030 General Plan (the "General Plan"). Such a finding is legally inaccurate, and contradicted by prior staff determinations as well as by the zoning for the Project site. Specifically, the Mitigated Negative Declaration for the Project (the "MND"), dated July 26, 2011, prepared and circulated by the City, unambiguously states that the Project is "consistent with the General Plan and zoning designations for the project site." (MND, at 11.) As detailed in the McDonald's Letter and the correspondence from its land use counsel attached thereto, the proposed restaurant with a drive-thru lane is expressly allowed under the City's Zoning Code, subject only to the issuance of a Special Permit. (Sac. Mun. Code, §§ 17.20.010; 17.24.050.) By law, a city's zoning code, including the uses allowed thereunder, must be consistent with the applicable city's general plan. (*See Leshar Communications, Inc. v. City of Walnut Creek*, 52 Cal.3d 553, 570-71 (1990).) In other words, the claimed inconsistency, if one truly existed, would violate state law.

Whether a Project is consistent with a general plan must be based on an evaluation of the entirety of the general plan and not just selected, limited portions thereof. As explained in McDonald's Letter, based on the applicable legal standard, the Project is and can be found consistent with the General Plan, including those facilitating pedestrian, bicycle and public transit access. In addition, the Project implements critical policies that emphasize the importance of infill development, community reinvestment and economic revitalization.

Finally, with respect to the consistency issue, the City's council members enjoy a broad amount of discretion in interpreting the General Plan, the nature of the City's long-term land use planning goals, and the most feasible way to implement those policies (*See, e.g. No Oil, Inc. v. City of Los Angeles*, 196 Cal.App.3d 233, 244 (1987)). As a result, the City Council has the right and legal ability to find that the Project is consistent with the General Plan, including the goals and objectives set forth therein.

It was also alleged under this finding that the Project "conflicts with the Oak Park Design Guidelines." Any such determination is arbitrary and a violation of due process, and thus cannot be used to support the denial of the Special Permit. No such design review determination was part of the Planning Commission's Decision. As stated in the staff report to the Planning Commission, "the [P]roject has not yet been scheduled for a Design Director hearing, as the City Planning Commission entitlement (Special Permit) is necessary in order to proceed with the [P]roject." Further, the Project, including the design of the restaurant building's main arcade, which faces Stockton Boulevard, complies with all applicable design requirements.

Finding No. 2: The Project Is Not Detrimental to the Public Health, Safety or Welfare. The Planning Commission found that the "proposed . . . drive-through service facility is detrimental to the public health, safety, or welfare because it directly impedes pedestrian movement from adjacent public sidewalks to the proposed restaurant, thereby jeopardizing the

safety of pedestrians.” No substantial or other evidence was presented at the Planning Commission to support this finding. In fact, as pointed out in the McDonald’s Letter and by those speaking in favor of the Project at the Planning Commission hearing, all credible evidence is to the contrary. Specifically, the City’s Department of Transportation reviewed the site plan and internal circulation plan for the Project and confirmed that vehicular and pedestrian access is not problematic. Staff’s comments from the City’s Department of Transportation at the Planning Commission hearing were to the same effect. Not surprisingly, the MND and Traffic Impact Study evaluated the Project’s potential construction and operational-related traffic impacts, as well as potential impacts on transit, bicycle facilities, and pedestrian circulation, and concluded there will be no significant adverse impacts or no impact in this regard. McDonald’s traffic engineer also opined that based on his professional experience the drive-thru facility presents no safety issues.

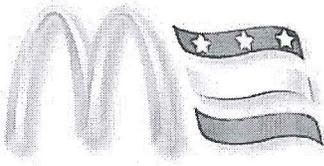
Additionally, as explained to the Planning Commission, McDonald’s has operated thousands of other restaurants with drive-thru facilities with substantially similar designs to that of the Project without safety issues. A representative of the Ritchey Family, the franchisee that will actually operate the Project’s restaurant, also confirmed that he was not aware of any accidents involving pedestrians and automobiles in the drive-thru lanes for the McDonald’s restaurants in the Sacramento area that his family has operated for decades. In short, there is simply no basis for the subject finding.

Finding No. 3: The Project Does Comply with the Objectives of the 2030 General Plan. While stated as a separate finding (i.e. “the proposed drive-through facility does not comply with the objectives of the 2030 General Plan”), Finding No. 3, which allegedly supports the Decision, is simply a restatement of Finding No. 1. Accordingly, for the reasons set forth above, such a finding is not a valid basis on which to deny the issuance of the Special Permit.

The additional comment under Finding No. 3 that the Project does not provide “a sensitive transition between the existing neighborhood and the new commercial use” is belied by the design buffer for the Project. This buffer separates the restaurant and drive-thru facility from the existing neighborhood and consists of a new masonry wall and the use of existing and significant additional landscaping (including 47 new trees) as described in detail in the McDonald’s Letter.

Finding No. 4: The Location of the Drive-Thru Lane Will Not Directly Impede Pedestrian Movement to/from the Adjacent City Sidewalks. Similar to Finding No. 3, Finding No. 4 does not constitute a separate basis for denial of the Special Permit. Rather, the alleged grounds for Finding No. 4 do not materially differ from those specified for Finding No. 2. No credible evidence exists that the drive-thru lane will directly impede pedestrian movement as stated in the Decision. This Planning Commission’s finding also ignores the reality that any retail use proposed for the Project site will need to have one or more curb cuts to allow for some vehicle access to the retail use in question. The mere fact that cars will need to exist and enter the Project for its economic viability cannot be used as a basis for denying the subject application.

The appeal also will be based on such additional written communications, testimony, and other evidence that may be presented on or before the date that the appeal is heard by the Council. McDonald's and the applicant appreciate the Council's consideration of the subject appeal.



Margaret Trujillo, LEED AP
Area Construction Manager

McDonald's USA, Pacific Sierra Region
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Phone: 925-949-6060 Cell: 650-575-7264 Fax: 925-476-0490
margaret.trujillo@us.mcd.com

April 11th, 2012

To: Honorable Chairman Harvey
Members of the Planning Commission

FROM: Margaret Trujillo, Area Construction Manager, McDonald's USA

Subject: **McDonald's on Stockton Boulevard & 2nd Avenue.**
A request to construct a new 3,897 square foot restaurant with drive-through facility on approxi .99 acres in the General Commercial (C-2) zone. (P10-071)
Location/Council District:
Northwest corner of Stockton Boulevard and 2nd Avenue, CD 5

Dear Honorable Chairman Harvey and Members of the Planning Commission:

McDonald's USA, LLC ("McDonald's") submits this letter in support of our application for the proposed development of a McDonald's restaurant at the intersection of Second Avenue and Stockton Boulevard.

The purpose of this letter is to detail some of the many benefits of the Project to the City of Sacramento and its residents, including the redevelopment and revitalization of a long-vacant infill site, and to address some of the more technical comments and/or concerns raised about the Project in the Staff Report. McDonald's is proud of our proposed, neighborhood-friendly design and is confident the Project is both aesthetically pleasing and also fully consistent with the City of Sacramento's General Plan and the applicable City Code provisions.

We would like to first and foremost, thank Staff for spending many hours with us in pursuit of the best site design for this vacant lot. The McDonald's team has been working diligently with Planning and Community Development Staff to find the best site design for the project. We have worked together with staff over the past 14 months brainstorming, collaborating and troubleshooting many design scenarios. The McDonald's team has explored 9 site configurations and has fairly considered every scenario as suggested by staff.

We also appreciate the acknowledgment in the Staff Report of (i) McDonald's good faith and diligent efforts with respect to its willingness to attempt to address staff's concerns regarding the drive-thru lane aspects of the Project, (ii) its decision to make the "majority of the [staff] requested changes to the [restaurant's] building elevations, and (iii) that the Project is "close to meeting the requirements of the Urban Design Director." The proposed configuration of the drive-thru lane and other alternative options reviewed by staff and McDonald's are discussed in more detail below.

Thank you for your time and consideration,
Margaret Trujillo, Area Construction Manager, McDonald's USA

In the interest of providing Commissioners with complete information necessary for your study and review of our application, please consider the following analysis and details for the proposed McDonald's.

A. The Project Will Provide Multiple Benefits to the Surrounding Community and the City as a Whole.

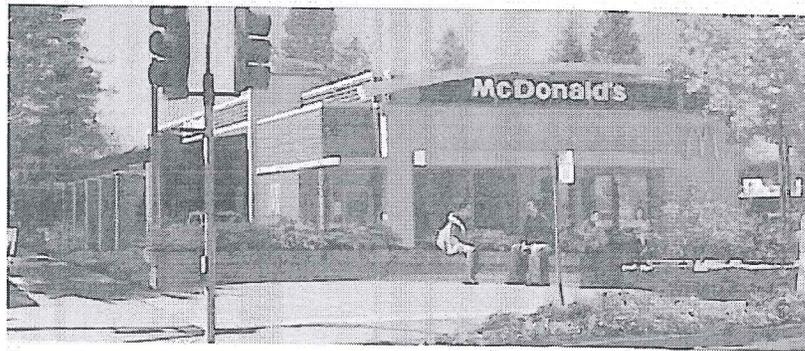
McDonald's proposes to build a new restaurant with a drive-thru facility on an infill site that has been vacant now for more than 30 years ("Project Site"). If allowed to proceed, the Project will create or result in all of the following:

- A gathering place for a diverse (and other under-served) group of community members: families with children, professional and service workers, seniors, students, and customers with physical and mobility challenges. In short, the Project will facilitate social interaction and involvement by further activating the currently unused and undeveloped portion of the Oak Park community.
- A restaurant providing a wide range of access and dining options to its customers: drive-thru service, pedestrian, bicycle and automobile access for both indoor and outdoor dining areas along with community tables, family tables, and counters.
- Jobs not only for those employed directly at the restaurant (approximately 55 to 60 permanent jobs (both entry-level and managerial)), but also numerous construction jobs. The restaurant will also be operated by the Ritchey Family – a Sacramento-based McDonald's franchisee who has a long successful history of operating restaurants and investing in the City of Sacramento.
- Increased sales tax and property tax revenue.
- A stable, first-class business partner for the City and the local community. Unlike many of its competitors, McDonald's corporately owns or leases all of the real estate on which its restaurants operate. As a result, McDonald's regularly invests significant sums to maintain and, when necessary, upgrade its restaurant facilities. By locating the restaurant on a long-vacant infill site at a major intersection, the Project will help to rejuvenate the area, stimulating additional economic and community investment.

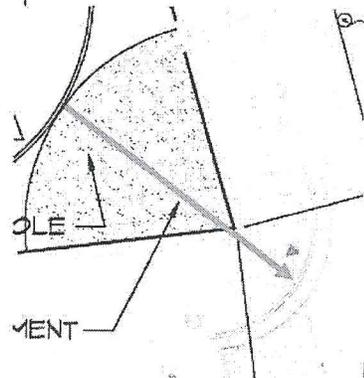
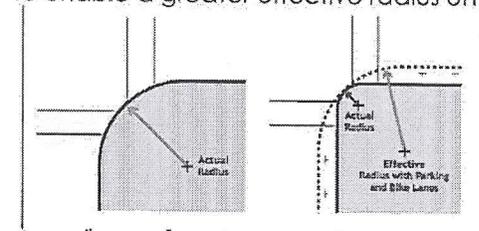
With respect to the above, it is worth noting that the Project Site is also located in the Oak Park Redevelopment Plan area, where a number of businesses have recently closed. The Project reflects a significant private reinvestment in the community and will not rely on any public funding. In so doing, the proposed restaurant implements the strategic goals highlighted in the Oak Park Redevelopment Plan, which focus on increasing and developing "economic activity in the area by attracting new business, assisting existing business and enhancing property values." (Oak Park Redev. Plan, at 5.)

The Proposed McDonald's development enhances walk-ability and bike-ability of the neighborhood by providing:

- o **site lighting** will provide a safe well lit enhancement to the safety and security to what is now a dark empty lot
- o **shade trees** and landscape improvements will provide an attractive canopy and sun protection
- o **Sidewalk improvements** will be a feature of this project
- o **Streetscape** – open and flexible to creating a corner feature such as rendering depicting street level area with low planter benches providing an attractive resting and conversation spot for passers-by.

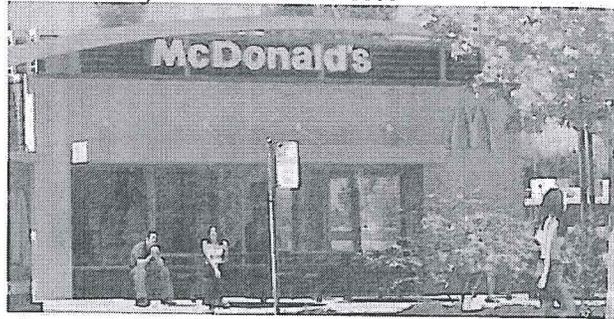


- o **Reduction of Corner Radii:** we could provide side-walk level concrete area to enable a greater effective radius on the corner



Proposed Idea

- **walking distance to transit stop across street** – proximity to two bus stops (1 across Stockton, 1 across 2nd)
- **Enhances the Pedestrian Smart Scorecard** for adjacent Offices by providing an off-site restaurant destination within walking distance with: indoor and outdoor seating
- **Proximity to residential** provides a walk-able opportunity for neighborhood employment, a gathering and social area with free Wi-Fi
- **Site Optimization:** the building location is set as close to the corner as possible with the Main arcade design presence, an open bay 28' long bank of windows, patio and landscape directly addressing the street.
- **Onsite Parking** relative to the public sidewalk is located to the side and rear of the building
- **Minimized Curb Cuts** reduced the two existing curb cuts on 2nd down to one by shifting 1 curb cut to Stockton Blvd
- **Connecting Pedestrian pathway** to building will be accented with waymarking trellis features, as well as a safe path clearly marked by detectable warnings and a textured stamped concrete path.
- **Existing class II bike lanes on 2nd:** support and enhance safety by providing striping and stop signs from curb cuts exiting the site
- **Bike Storage** - provide secure bike storage & racks and visible from the primary dining areas
- **ADA Accessibility** –fully ADA accessible project will be CASp certified with the state
- **Restaurant features an outdoor seating area:** adds a lively use that encourages pedestrian activity and creates a *walk-able destination* to a corner dominated by Medical Office uses



B. Drive-Thru Configuration History.

The current configuration of the drive-thru lane for the Project is consistent with McDonald's original application for the same. However, McDonald's expressed its willingness to accommodate staff's request to change the application to provide for an "internal" drive-thru lane. As indicated in the Staff Report, McDonald's had no objection to proceeding with such a configuration. However, the City's Department of Transportation would not approve the contemplated reconfiguration with access onto Stockton Boulevard without conditioning such approval on impairing access to the nearby UC Davis facility. Because UC Davis was (not surprisingly) unwilling to allow this to occur, the reconfiguration is not feasible.

McDonald's also reviewed and analyzed with staff another alternative for the drive-thru lane, which, if adopted, would limit driveway access on Stockton Boulevard, but still allow for the internal drive-thru. This alternative would, however, result in all or the majority of the project traffic being diverted onto 2nd Avenue, the primary access for the residential area behind the Project Site. As a result, based on, among other factors, McDonald's sincere desire to be a good neighbor, McDonald's does not consider this alternative to be feasible.

McDonald's understands that the City's Department of Transportation has no objection to and has approved the configuration of the drive-thru lane being considered by the Planning Commission on April 12. The proposed design is consistent with other drive-thru lanes recently approved by the City in different locations such as our 56th & Folsom restaurant which is also located directly in front of residential.

Similar site configurations have been successfully implemented by McDonald's in thousands of locations across the United States. While the Staff Report makes reference to perceived "safety" issues with the contemplated drive-thru lane, it references no empirical evidence or expert analysis to support the claim, or otherwise document how this configuration would be unsafe in any way. To the contrary, McDonald's is fully confident - based on the decades of operational history of many substantially similar restaurants that this configuration is a safe and sound design.

C. The Project Satisfies All Applicable Consistency and Other Zoning Requirements. The Project Is Consistent With the General Plan

As detailed in the attached letter from our land use counsel and as set forth below, when the correct legal standard is applied, the Project can and should be found by the Planning Commission to be consistent with the General Plan. The Staff Report focuses piecemeal on some limited aspects of the General Plan and elements of the

Project, and then concludes based thereon that the Project does not "meet the 2030 General Plan goals and policies." No such inconsistency exists.

With respect to the general goals and policies cited in the Staff Report, it should be emphasized that the Project Site is less than one acre. As a result, as noted in the Staff Report, the Project is exempt from the minimum Floor Area Ratio General Plan requirements for Urban Corridor Low development. (Staff Rpt. At p. 8.) The specific exemption demonstrates that the references to lot coverage and limited setbacks are not relevant with respect to the Project Site given the limited amount of square footage that exists within the boundaries of the subject property.¹

Also, with respect to the staff's comments regarding policy considerations for parcels designated as Urban Corridor Low, as set forth in more detail below, the Project facilitates for pedestrian-oriented uses, permits only limited curb cuts (only two curb-cuts are being requested with no objection from the City's Department of Transportation), and is designed to have the restaurant building's main arcade face the street (Stockton Blvd.). The comments in the Staff Report on pages 6 and 8 thereof that no "buffer" exists between the Project and adjacent residential uses to the west fail to account for the masonry wall discussed at page 11 of the same report, as well as the 47 new trees/28% landscape that would be planted as part of the Project.

Further, as explained above, the Project must be evaluated against the entirety of the City's General Plan for purposes of determining consistency. An analysis of the Project's attributes within this context highlights its consistency with key General Plan themes, as noted in the 2030 General Plan Annual Report, which include:

- Growing Smarter
- Maintaining a Vibrant Economy
- Developing a Sustainable Future
- Living Lightly-Reducing Our "Carbon Footprint"
- Creating a Healthy City
- Making Great Places

The Project Will Contribute to the City "Growing Smarter."

The Project is a prime example of helping the City to "grow smarter" since it facilitates infill development on a long-vacant site near public and passive transit

¹ Even if one assumed that the lot coverage and setback goals were relevant to an evaluation of the Project, the history of the Project Site demonstrates that any "mixed used" development within the confines of the Project Site is an unlikely occurrence due to existing and foreseeable future market conditions.

opportunities, consistent with Land Use Policies 1.1.4 (Leading Infill Growth), 1.1.5 (Infill Development), and 2.1.6 (Neighborhood Enhancement). In so doing, the Project helps:

to enhance community character, optimize City investments in infrastructure and community facilities, support increased transit use, promote pedestrian and bicycle friendly neighborhoods,...and enhance retail viability. (General Plan, at 2-8.)

As detailed above, the Project also redevelops a site that has been vacant for decades, serving to revitalize the area, consistent with Land Use Policy 2.6.2 (Redevelopment and Revitalization Strategies).

In addition, the Project will support pedestrian and bicycle access of the local community to the restaurant. Among other things, McDonald's will construct frontage improvements along Stockton Boulevard and Second Avenue, including sidewalk landscaping, curb and gutter. The Project Site is readily accessible by vehicle and public transit, located near major transportation corridors and an existing bus stop. As noted in the MND, the Project will not remove any existing pedestrian or bicycle facilities, will not adversely affect pedestrian travel, and will not impair development of any pedestrian or bicycle facility that is planned in the City of Sacramento Bikeway Master Plan. (MND, at 50.) Also, by locating the Project near residential uses, access to passive transit is enhanced by providing employment opportunities to nearby residents.² In short, the Project cannot be viewed in a vacuum as suggested by the Staff Report.

The Project Will Help the City to "Maintain a Vibrant Economy."

The Project will help to implement related important economic goals by fostering a "supportive business climate and a healthy, sustainable economy that increases the City's ability to expand existing businesses and attract and retain new businesses." (General Plan, at 2-143; see also Economic Development Policy 1.1.7 (Sustainable Businesses).) This type of private investment in and commitment to the community is particularly critical now given the uncertain state of redevelopment in California.

McDonald's is one of the nation's corporate leaders. McDonald's, in partnership with its local franchisees, has a very strong reputation for being a good corporate citizen generally, maintaining safe, economically viable, and aesthetically appealing restaurant facilities, as well as contributing positively in other ways to the communities they serve. Here, for example, corporate and local sponsorships for agencies and organizations such as the Ronald McDonald House, the Asian Chamber of Commerce, the Urban League, Perspectives, Recent Healthy Men, and Healthy Families Health Fair exemplify the type of commitment that McDonald's and its local franchisees consistently demonstrate in the City of Sacramento.

² For example, a recent survey conducted as part of McDonald's outreach efforts identified three current McDonald's employees living in the immediate vicinity of the Project Site.

- **Strength of McDonald's Economic Impact:**
 - On an individual restaurant basis, the average McDonald's in 2010 generated nearly \$2.3 million in revenues and employed nearly 54.9 people. It spent about 24,210 on business taxes and licenses, and more than \$51,686 on payroll taxes. Combined, these expenses averaged nearly \$210 per day, and accounted for more than 3.6% of total expenses.
 - The multiplier effect of an average restaurant's overall spending was an additional \$425,285 in taxes. This brings the total tax effect to nearly \$501,180.
 - Local Impact in Sacramento and Impact to this neighborhood
 - 55-60 new jobs (75+ with extended hours)
- **McDonald's as a Taxpayer.** In 2010, McDonald's restaurants spent more than 3.3% of their revenues, and more than 3.7% of their total expenses, for business taxes, licenses, and payroll taxes. Overall, McDonald's spends nearly \$12.4 million on these taxes, or nearly \$33,895 per day. These expenditures do not include region and federal income taxes on profits.

When the multiplier effect of its overall expenditures in the local communities is factored into the tax impact, McDonald's creates more than \$64.3 million in taxes due to the generation of new jobs and the additional purchases of goods and services from other local businesses.

To put into perspective the impact of the business tax and license expenses, if the taxes and fees paid by McDonald's and those generated by its spending within the region were spent on particular programs in Sacramento County alone, they would account for the following percentages of the 2009-2010 approved budget for the County for the following programs:

Budget Category--Sac County Only	2009-10 Approved	By McDonald's	McDonald's & Multiplier Taxes
County Library	\$500,000	789.25%	14653.46%
Education	\$15,634,538	25.24%	468.62%
Environmental Management	\$5,350,812	73.75%	1369.27%
Health & Sanitation	\$556,136,150	0.71%	13.17%
Park Construction	\$96,546	4087.41%	75888.47%
Public Assistance	\$663,196,693	0.60%	11.05%
Public Protection	\$644,340,782	0.61%	11.37%
Public Ways & Facilities	\$110,132,605	3.58%	66.53%
Recreation	\$18,184,246	21.70%	402.92%
Roadways	\$14,334,533	27.53%	511.12%

*If percent exceeds 100.0%, it indicates the taxes could pay more than the General Revenue budget request.

The Project Will Help the City "Develop a Sustainable Future" And "Live Lightly By Reducing The Carbon Footprint."

- **Environmental Responsibility:**

The proposed McDonald's Development of this infill lot presents an opportunity within the neighborhood to further City Goals, and will support the "Sacramento Climate Action Plan" and Green Development Code goals.

Green Development Code

The Green Development Code project - the update of the zoning code - will remove barriers to development, and incorporate the City's commitment to sustainable principles. Proposed actions of the Green Development Code include the following:

- Reorganizing the Code for ease of use;
 - Developing Citywide plan/design review requirements;
 - Providing flexibility in development standards to facilitate development of smaller urban infill lots; and
 - Updating development standards to recognize urban and traditional development patterns identified in the General Plan.
-
- This proposed development is a participant of McDonald's National test for LEED Volume to certify 25 new projects under the United States Green Building Council LEED rating system.
 - Below are a few of the many energy and sustainability elements included in our proposed building design:
 - Refrigerants (All refrigeration equipment uses non-ozone depleting, chlorine-free refrigerants to help protect the atmosphere)
 - 100% of Building Signage is LED (uses 69% less energy compared to traditional fluorescent lamp signage)
 - 100% Dining Room and restroom lighting is LED (76% reduction in energy vs. fluorescent lamp fixtures)
 - Greenheck VariGreen Exhaust Fan (ECMs cut energy use by 42-52% vs. belt drive exhaust fan units)
 - Low Oil Volume (LOV) Fryers (use 40% less oil and 4% less energy vs. common high efficiency fryer models)

- Cooking Oil (recycled cooking oil through the bulk oil program – is used for the creation of biodiesel fuel)
- TPO White Roof (White roofs save cooling energy and reduce the urban heat island effect that is associated with dark surfaces)
- High Efficiency Gas Water Heater (increases water heating efficiency by 15%)
- Low Flow Toilets – 1.28 GPF/ Low Flow Urinals – 0.50 GPF (reduces water usage by 20% vs. standard 1.6 GPF toilets and save 50% in water usage vs. standard 1.0 GPF urinals)
- Formaldehyde-free Insulations (Specified formaldehyde-free building, ductwork and pipe insulations help contribute to better indoor environmental quality)
- Renewable Energy Credits (RECs) – (McDonald's USA has made a national commitment to match 30% of its electricity use at company-owned restaurants in 2011 and 2012 with renewable energy credits from U.S. wind sources)
- **Landscape**
 - 47 New Trees will be planted: Parking lot shade tree coverage will exceed the City's requirement of 50% shading
 - Over 90% of the selected plants are considered low water use. 10% or less are considered medium water use. There are no high water use plants (IE- tur grass) specified on the plan.
 - Native trees and shrubs have been suggested: Those trees and plants include Valley Oaks, Manzanita and Wild Lilac
 - Plants have been selected to promote habitat and encourage sustainable long term maintenance.
 - Water conservation- All plants will be irrigated with drip irrigation and all landscape areas will have a minimum 2" depth of organic mulch.

The Project Will Help "Create a Healthy City."

There is little question that the development of the long vacant lot and subsequent operation of a business thereon by a reputable company like McDonald's in conjunction with the Ritchey Family will mitigate against crime and vandalism in the subject area, create a sense of place, and enrich the overall economic vitality of the City. Also, while not relevant for the Commission's land use based decision, many of the letters in opposition to the Project object to McDonald's food offerings without taking into account any of the following:

- **Food Quality, Safety, and Sustainable Supply Chain:**
 - McDonald's is committed to sourcing all of our food and packaging from sustainable sources, with an initial focus on beef, poultry, coffee, palm oil, fish and fiber. In 2010, more than 36% of the virgin fiber used in our consumer packaging came from certified sources.
 - McDonald's has an ongoing commitment to global purchasing standards and performs annual assessments of our suppliers by the Sustainable Fisheries Partnership (SFP). As a result, 100% of our fish in US Restaurants comes from Marine Stewardship Council (MSC)-certified fisheries
 - McDonald's is one of the largest purchasers of apples in the U.S.
 - Fruit is automatically included in every Happy Meal served in the U.S.
 - McDonald's burgers are made with 100% USDA-inspected beef with no fillers, extenders or preservatives.
 - In 2008, McDonald's announced that all fried menu items in our U.S. restaurants, from our World Famous Fries® and hash browns, to our chicken choices and Filet-O-Fish® sandwich are 0 grams trans- fat, per serving.
 - Our Chickens are sourced from the US and fed a hormone-free diet without growth-promoting antibiotics
 - High-quality food begins with high-quality ingredients, and McDonald's uses many of the same trusted ingredients and brands used at home.
 - In 1973, McDonald's became the 1st quick service restaurant company to provide nutrition information to customers
 - Our menu is adaptable to requests from our customers – skip the low-fat yogurt in our real fruit smoothie? Fries without salt? Grilled chicken with your premium spring-mix salad? We can do it!

The Project Will Create a "Great Place" for the Local Community.

The Project's proposed design also will help to positively activate a long-vacant site, by including welcoming outdoor seating areas³ and creating a sense of place for the restaurant's guests and employees

Employee Experience:

- In 2011, McDonald's was ranked #8 in Fortune's Best Global Companies to Work For and Best Companies for Leaders lists. We were also a proud recipient of the prestigious Catalyst Award. 84% of our total U.S. workforce are minorities and/or women. For over 50 years, we have been training and developing our employees at our 7 Hamburger Universities – Credits from HU can be transferred to many public and private schools towards a 2 year or 4 year degree.
 - **Our proposed development Features:**
 - The proposed development will provide an attractive, safe and inviting destination which balances the needs of all who access site and restaurant. Our design is mindful of the diversity of community needs, and is inclusive to the broadest spectrum within the community: bikers, pedestrians, physically challenged, both young and elderly, as well as families with young children. Our goal was to be inclusive of the many modes and points of access to the restaurant.
 - **Site Organization:**
 - Efficient and safe vehicular and pedestrian circulation
 - The "high activity" indoor and outdoor dining areas of the building are oriented towards the main street. The main building façade and primary architectural feature of the building is on the corner and addresses Stockton Boulevard, with an additional entrance on the parking lot side.
 - The building has been sited as close to the corridor as our site accessibility and operational flow allows. The placement blends with the diversity of street building setbacks along Stockton Boulevard and Second Avenue.
 - The design and location of the drive-thru will not impede access to or exiting from the parking lot for the McDonald's restaurant, nor will it impair normal circulation within the parking lot. Features include Columns and trellis elements screening drive-thru lane
 - Bike racks & storage will be provided at the main building frontage in clear view of the main windows and patio dining
-

D. The Project Complies With All Applicable Regulations and Development Standards.

Excluding the consistency argument and certain limited design issues to be resolved at a later date, the Staff Report acknowledges the Project complies with all applicable regulations and development standards, including those relating to traffic, access, tree shading, parking, and drive-thru lanes, necessary for the granting of the Special Permit,⁴ except for the claim that "the drive-through service facility is detrimental to the public health, safety and welfare because it directly impedes pedestrian movement from adjacent public sidewalks to the proposed restaurant, thereby jeopardizing the safety of pedestrians."

E. Drive-Thru Hours: 5am-11pm with extended hours Friday – Sunday until 1am at the Drive-Thru only

McDonald's seeks an extension of the hours of operation for the drive-thru facility, as may be granted by the Planning Commission in its discretion, so that the restaurant may better serve the community given the numerous surrounding uses that operate on a 24-hour basis, including the Shriner's Hospital and the UC Davis Medical Center, which are major employment and service centers in the immediate vicinity. Further, the noise analysis prepared by the City in connection with the Project evaluated the potential impacts of the drive-thru operation with extended hours, and concluded that no significant impacts on sensitive receptors, including nearby residential uses, will occur. (MND, at 39; Environmental Noise Assessment, at 7.) While the Staff Report states its opposition to the requested extended hours of operation for the drive-thru lane, no basis for this position is provided, except for a general reference to the Project Site's contiguity to residential uses. Yet, as noted in our counsel's attached letter, the applicable regulations expressly contemplate the authority of the Planning Commission to approve the proposed hours. Such extension would be consistent with other nearby quick-service restaurant uses, such as the Jack in the Box restaurant, located only one block away, that is permitted to operate its drive-thru facility 24 hours per day.

⁴ For example, the City's Department of Transportation reviewed the site plan and internal circulation plan and confirmed that vehicular and pedestrian access is acceptable. The MND and Traffic Impact Study evaluated the Project's potential construction and operational-related traffic impacts, as well as potential impacts on transit, bicycle facilities, and pedestrian circulation, and concluded there will be no significant impacts in this regard. (Traffic Impact Study, at 50.) The Project is also consistent with the uses contemplated in the General-Commercial (C-2) zoning, and complies with all setback, height and bulk standards. (Staff Report, at 11; MND, at 11.) It also complies with vehicle and bicycle parking requirements. Site access and internal circulation have been determined acceptable by the City's Department of Transportation. The Project also complies with the City's Parking Lot Tree Shading Design and Maintenance Guidelines. (Staff Report, at 11-12.)

In closing, McDonald's is committed to doing the right thing. Our people and sustainability efforts ensure that our business practices and policies continue our rich heritage of making a positive impact on our global and local communities.

At the heart of everything we do— food we prepare, communities we serve, and projects we build—is the commitment to our shared community values. There is nothing we value more than the trust of our customers, and being allowed to be part of their community is a privilege. On behalf of McDonald's and the Ritchey Family, I would like to thank you for the consideration of both the Commission and staff of this matter and look forward to directly addressing any questions, suggestions, and/or comments the Commission may have concerning the Project on April 12.

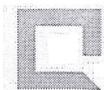
For the reasons set forth, we respectfully request that the Planning Commission approve the application for a Special Permit with extended drive-thru hours and allow the proposed project (the "Project") to proceed to the Design Review stage.

Sincerely,

Margaret Trujillo, on behalf of the Ritchey Family and McDonald's USA, LLC

**ATTACHMENTS TO 4.11.12 LETTER TO PLANNING COMMISSION
FROM MCDONALD'S**

- 1. Letter from Michael Di Geronimo of Miller Starr Regalia to Margaret Trujillo of McDonald's;**
- 2. McDonald's Economic & Employment Fact Sheet; and**
- 3. Bio for John Ritchey**



Michael E. Di Geronimo
michael.digeronimo@msrlegal.com
925 941 3247

April 11, 2012

Margaret Trujillo
Area Construction Manager
Pacific Sierra Region
McDonald's USA
2999 Oak Road, Suite 900
Walnut Creek, CA 94597

Re: Agenda Item 3: McDonald's — Second Ave. & Stockton Blvd. (P10-071)

Dear Margaret:

At your request and in anticipation of the upcoming April 12, 2012 hearing before the Planning Commission, we evaluated the consistency of the above-referenced project (Project) with the City of Sacramento's General Plan and other relevant City planning documents and Code provisions.

Despite much progress being made in terms of McDonald's and City staff working collaboratively on a number of the design issues, we understand that staff continues to take the position that the Project is not consistent with the General Plan and the Oak Park Design Guidelines.

However, this question of consistency is entirely within the purview of the Planning Commission, as the decisionmakers in this matter. As set forth more fully below, our analysis continues to support the conclusion that there is more than sufficient basis for the Commissioners to determine the Project — which will redevelop and revitalize a long-vacant infill site — is appropriately located, pedestrian-oriented, aesthetically pleasing, and consistent with the General Plan, other relevant City planning documents, and the applicable City Code provisions. Accordingly, the Planning Commission has the legal authority to approve the Project.

On a related note, should the Planning Commission choose to move forward with the Project and approve the requested special permit (Special Permit), we recommend the Commission adopt the appropriate CEQA findings, as indicated in Section C below.

A. The Project Is Consistent With The Applicable General Plan And Zoning Designations, As Well As Other Relevant Planning Documents.

The General Plan designation for the Project Site is Urban Corridor Low. This designation envisions:

street corridors that have multi-story structures and more intense uses at major intersections, lower intensity uses adjacent to neighborhoods, and access to transit service. At major intersections, nodes of intense mixed-use development will be bordered by lower intensity single-use residential, retail, service and office uses. This designation provides for a mix of horizontal and vertical mixed-use development and single-use commercial and residential development that includes retail, service, and office uses, and gathering places such as a plaza, courtyard, or park.

(General Plan, at 2-88.)

The zoning designation for the Project Site is General Commercial (C-2). The C-2 zone allows for the proposed single-use retail or commercial development envisioned by McDonald's. (Sac. Mun. Code, § 17.20.010.)

As confirmed in the Initial Study/Mitigated Negative Declaration ("MND") prepared by City staff and as discussed more fully below, the Project is "consistent with the General Plan and zoning designations for the project site." (MND, at 11.) This includes key General Plan policies that focus on the importance of facilitating pedestrian, bicycle and public transit access. In addition, the Project implements critical policies that emphasize the importance of infill development, community reinvestment and economic revitalization.

1. The Project Must Be Evaluated Against The General Plan As A Whole.

As a threshold matter, the City's decisionmakers (i.e., Planning Commissioners and Council Members) — as the bodies that recommended approval of and ultimately enacted the General Plan — enjoy a broad amount of discretion in interpreting the document, the nature of the City's long-term land use planning goals, and the most feasible way to implement those policies. (*No Oil, Inc. v. City of Los Angeles*, 196 Cal.App.3d 233, 244 (1987)) (court may only reject a city council's interpretation of its own laws if its "interpretation was arbitrary, capricious or entirely lacking evidentiary support.")

Any decision by an agency affecting land use and development must be consistent with its general plan. *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 570 (1990); *Friends of Lagoon Valley v. City of Vacaville*, 154 Cal.App.4th 807, 815 (2007). However, to be consistent, an action, program or project need only be "in agreement or harmony" with the general plan, meaning that, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. *Friends of Lagoon Valley*, 154 Cal.App.4th at 817; *City of Irvine v. Irvine Citizens Against Overdevelopment*, 25 Cal.App.4th 868, 879 (1994).

In making this consistency determination, the project at issue must be evaluated against the general plan as a whole. Because policies in a general plan reflect a range of competing interests, an agency is permitted to weigh and balance the plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's purposes. *Save Our Peninsula Comm. v. Monterey County Supervisors et al.*, 87 Cal.App.4th 99, 142 (2001). See also *Friends of Lagoon Valley*, 154 Cal.App.4th at 816; *Anderson First Coalition v. City of Anderson*, 130 Cal.App.4th 1173, 1192 (2005).

2. Consideration Of The Project Must Take Into Account All Relevant General Plan Policies And Weigh Them Accordingly.

Contrary to these well-established principles, the Staff Report primarily focuses on a limited number of narrowly construed policies that highlight the general value of pedestrian orientation (and mixed uses, to a lesser extent) throughout many areas in the City.¹ First, as discussed in the detailed letter from McDonald's dated April 11, 2012 (the "McDonald's Letter"), the Project is not inconsistent with the policies noted in the Staff Report.

Second, and more importantly, focusing only on these policies to the exclusion of other relevant ones is improper. Taking an approach that elevates any one set of policies, thereby negating other applicable policies, would violate state law. See *Sierra Club v. Board of Supervisors*, 126 Cal.App.3d 698, 708 (1981) (invalidating precedence clause that stated one provision controlled in case of conflict).

¹ Some of the statements in the Staff Report, in fact, could be interpreted to mean that any restaurant with drive-thru facilities is intrinsically inconsistent with the General Plan Corridor policies and Citywide policies that foster pedestrian orientation. Taken to the extreme, this would mean that no restaurant with a drive-thru facility could ever be determined as consistent anywhere in the City. This would obviously be an unreasonable interpretation of the General Plan and the Zoning Code, which expressly contemplate drive-thru facilities with issuance of a Special Permit. In addition, such an interpretation would be improper, since it would create an express conflict between the General Plan and the Zoning Code, which would be unlawful under State Planning and Zoning Law.

Finally, as detailed in the April 10, 2012 letter from McDonald's, the use of the Project Site for the proposed restaurant with a drive-thru lane is expressly allowed under the City's Zoning Code, subject only to the issuance of a Special Permit. By law, a city's zoning code, including the uses allowed thereunder, must be consistent with the applicable city's general plan. (See *Leshar Communications, Inc. v. City of Walnut Creek*, 52 Cal.3d 553, 570-71 (1990).) Accordingly, any interpretation that would create a conflict between the general plan and zoning code would be unlawful. For the above reasons as well as those set forth more fully in the McDonald's Letter, there is more than ample basis for the Planning Commission to conclude the Project is consistent with the General Plan and will help the City achieve key General Plan policy objectives.

B. The Project Complies With All Applicable Regulations And Development Standards.

As described more fully in McDonald's Letter, the Project complies with all applicable regulations and development standards. No empirical evidence is offered by staff to support its claim that the drive-thru service facility is "detrimental to the public health, safety and welfare" because it allegedly jeopardizes the safety of pedestrians. The only issue identified by staff relates to the hours of operation. McDonald's seeks an extension of the hours of operation for the drive-thru facility (operating hours 5:00 a.m. to 11:00 p.m., with drive thru operations until 1:00 a.m. on Friday, Saturday, and Sunday nights), as may be granted by the Planning Commission in its discretion. Further, the noise analysis prepared by the City in connection with the Project evaluated the potential impacts of the drive-through operation with extended hours, and concluded that no significant impacts on sensitive receptors, including nearby residential uses, will occur. (MND, at 39; Environmental Noise Assessment, at 7.) While the Staff Report states its opposition to the requested extended hours of operation for the drive-through lane, no basis for this position is provided, except for a general reference to the site's contiguity to residential uses. Yet, the applicable regulations expressly contemplate the authority of the Planning Commission to approve the proposed hours during the review of the Special Permit. (Sac. Mun. Code, §17.24.050, fn. 44(b)(vii).)

C. Required Findings To Adopt The Mitigated Negative Declaration.

Apart from the consistency issues discussed above, there is the related matter of required CEQA findings that will be necessary for the Planning Commission to approve the Project. As you know, based on staff's recommendation of denial, the Staff Report does not present any CEQA findings in connection with the MND.

While, as a technical matter, the Planning Commission would not need to adopt CEQA findings if it follows the staff recommendation, it appears premature to assume the Commission will do so. This is particularly true given the ample basis upon which the Planning Commission could and should determine the Project is

Margaret Trujillo
April 11, 2012
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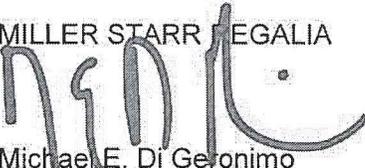
consistent with the General Plan and other applicable City provisions, and could approve the Project given its ability to support and otherwise facilitate numerous key City policy objectives.

As confirmed in the Staff Report, most of the comments received in connection with the Project raise general concerns about a limited range of environmental topics, but none of the comments raises any significant environmental issues that warrant additional CEQA review or recirculation of the MND. (Staff Report, at p. 5.) Our analysis of the public comments supports this conclusion; i.e., the MND fully evaluates the potentially significant environmental effects that could result from the Project and adequately mitigates all identified impacts.

Accordingly, to ensure the Planning Commission is not effectively precluded from approving the Special Permit on CEQA grounds, we have enclosed a list of CEQA findings that the Planning Commission could make, which are based on substantial evidence in the record.

In conclusion, as discussed at length above, there is ample support in the record for the Planning Commission to determine the Project is consistent with the General Plan and other relevant City planning documents and Code provisions. Accordingly, the Planning Commission, as the decision makers on this matter, has the legal authority to approve the Special Permit and should do so.

Very truly yours,

MILLER STARR LEGALIA

Michael E. Di Geronimo

MED:elt

Encl.

cc: Susan Green (by email)
John D'Anna (by email)
Lorraine Fortelka (by email)
Heather Forest (by email)

ATTACHMENT 1

FINDINGS FOR ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN

In accordance with section 15074 of the CEQA Guidelines (14 Cal. Code Regs., § 15074), the Planning Commission of the City of Sacramento has reviewed and considered the information contained in the Mitigated Negative Declaration ("MND") for the proposed McDonald's Restaurant, dated July 26, 2011, together with all comments received during the public review process and responses provided thereto, and the staff report discussing the MND. The Planning Commission hereby adopts the MND and finds on the basis of the whole record before it, including the initial study, MND, and all comments received and responses provided thereto, that the MND complies with the requirements of the California Environmental Quality Act, Pub. Resources Code, §§ 21000 *et seq.*, in that:

1. The MND sufficiently analyzes all potentially significant impacts of the proposed project;
2. There is no substantial evidence that the project, as mitigated pursuant to the measures contained in the MND, will have a significant impact on the environment; and
3. The MND reflects the City's independent judgment and analysis.

SPECIFIC CEQA FINDINGS.

In July 2011, City staff prepared an initial study for the project (the "Initial Study"), which is part of the record of proceedings reviewed and considered by the Planning Commission in connection with this matter. Based on the information contained in the Initial Study, City staff identified that the project may result in potentially significant environmental impacts to Aesthetics (Relating to Light and Glare), Air Quality, Cultural Resources, Hydrology and Water Quality, Hazards, and Utilities and Service Systems. In response to this determination, the applicant agreed to incorporate mitigation measures from the City of Sacramento 2030 Master Plan EIR as appropriate, to mitigate the potentially significant environmental impacts to reduce any such impacts to a less than significant level. The MND was released for public review, and circulated from Monday August 1, 2011 through Wednesday, August 31, 2011, in accordance with CEQA's requirements.

The City received numerous comment letters regarding the proposed project, the majority of which state opposition to the project based on general concerns relating to traffic, noise, lighting, health, quality of life, property values, vagrancy, crime, trash, and general plan consistency. None of the comments set forth any specific significant environmental concerns that had not been adequately addressed in the MND.

In adopting the MND, the Planning Commission finds that the MND, together with the documents that constitute the record of proceedings on which the Planning Commission's decision is based, was prepared in compliance with CEQA, and further makes the following specific findings regarding each potentially significant environmental impact identified in the MND:

1. Aesthetics. The Initial Study concluded that, without mitigation, the proposed development of the currently-vacant parcel would result in additional sources of lighting, including lighting for parking and sidewalk areas, and exterior lighting on buildings, which could potentially result in light spill onto neighboring residential parcels. The Initial Study also concluded that, without mitigation, the proposed driveway on the 2nd Avenue side would also allow vehicle headlights to shine temporarily onto an existing residential property. To mitigate and reduce this potentially significant impact to a point where clearly no significant impacts would occur, the MND sets forth the following mitigation measures, which were agreed to by the applicant before the MND was released for public review:

- (a) Mitigation Measure LG-1. This mitigation measure requires structures proposed on the project site to be designed to avoid the use of the following features: (1) reflective glass that exceeds 50 percent of any building surface and on the ground three floors; (2) mirrored glass; (3) black glass that exceeds 25 percent of any surface of a building; and

(4) metal building materials that exceed 50 percent of any street-facing surface of a primarily residential building.

- (b) Mitigation Measure LG-2. This mitigation measure requires parking lot and security or exterior lighting on building facades to be designed to avoid any direct light or glare onto neighboring properties.

The Planning Commission finds that these mitigation measures set forth in the MND have been adopted, are included in the MMRP and will be enforced as conditions of approval, and will reduce the impact of lighting to a less than significant level.

2. Air Quality. The Initial Study concluded that, without mitigation, the project construction activities could potentially violate an air quality standard for PM₁₀ concentrations. To mitigate and reduce the potentially significant impacts of project construction activities to a less than significant impact, the MND sets forth the following mitigation measures, which were agreed to by the applicant before the MND was released for public review:

- (a) Mitigation Measure AQ-1. This mitigation measure requires the applicant to water all exposed surfaces, including, but not limited to soil piles, graded areas, unpaved parking areas, staging areas, and access roads, two times daily.
- (b) Mitigation Measure AQ-2. This mitigation measure requires the applicant to cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. This mitigation measure also requires any haul trucks that would be traveling along freeways or major roadways to be covered.
- (c) Mitigation Measure AQ-3. This mitigation measure requires the use of wet power vacuum street sweepers to remove any visible track out mud or dirt onto adjacent public roads at least once a day. This mitigation measure prohibits the use of dry power sweeping.
- (d) Mitigation Measure AQ-4. This mitigation measure limits vehicle speeds on unpaved roads to 15 miles per hour (mph).
- (e) Mitigation Measure AQ-5. This mitigation measure requires that all roadways, driveways, sidewalks, parking lots to be paved be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- (f) Mitigation Measure AQ-6. This mitigation measure requires the applicant to minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 5 minutes, and provide clear signage that posts this requirement for workers at the entrances to the site.
- (g) Mitigation Measure AQ-7. This mitigation measure requires the applicant to maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determine to be running in proper condition before it is operated.

The Planning Commission finds that these mitigation measures set forth in the MND have been adopted, are included in the MMRP and will be enforced as conditions of approval, and will reduce the impacts of project construction, grading and excavation activities to a less than significant level.

3. Cultural Resources. The Initial Study concluded that, without mitigation, the project construction activities that involve excavation of soil could potentially cause a substantial adverse change in the

significance of a historical or archaeological resource, or directly or indirectly destroy a unique paleontological resource. To reduce this potentially significant impact to a less than significant level, the MND sets forth the following mitigation measures, which were agreed to by the applicant before the MND was released for public review:

- (a) Mitigation Measure CR-1. This mitigation measure requires that in the event that any prehistoric subsurface archeological features or deposits are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Based on archeological test excavations, if the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action.
- (b) Mitigation Measure CR-2. If a Native American site is discovered, this mitigation measure requires an evaluation process that includes consultation with the appropriate Native American representatives.
- (c) Mitigation Measure CR-3. This mitigation measure requires that if a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

The Planning Commission finds that these mitigation measures set forth in the MND have been adopted, are included in the MMRP and will be enforced as conditions of approval, and will reduce the construction-related impacts on any previously unidentified cultural resources.

4. Hazards. The Initial Study concluded that, without mitigation, the project construction activities could potentially expose people to existing contaminated soil during construction activities or expose people to asbestos-containing materials or other hazardous materials. To mitigate and reduce these potentially significant impacts to a less than significant level, the MND sets forth the following mitigation measure, which was agreed to by the applicant before the MND was released for public review:

- (a) Mitigation Measure HAZ-1. This mitigation measure requires operations to stop if stained soil or other indications of hazardous materials are revealed during construction, until the suspect material is analyzed and disposed of properly by a certified hazardous material professional.

The Planning Commission finds that this mitigation measure set forth in the MND has been adopted, is included in the MMRP and will be enforced as a condition of approval, and will reduce the impacts of project construction with respect to hazards and hazardous materials to a less than significant level.

5. Hydrology and Water Quality. The Initial Study concluded that, without mitigation, the project could potentially degrade water quality and violate a water quality objective due to increases in sediments and other contaminants generated by construction and development of the project. To mitigate and reduce these potentially significant impacts to a less than significant level, the MND sets forth the following mitigation measures, which were agreed to by the applicant before the MND was released for public review:

- (a) Mitigation Measure W-1. This mitigation measure requires the applicant to pay the Combined Sewer System (CSS) Development Fee prior to issuance of a building permit. The Combined Sewer System fee at time of building permit is estimated to be \$797.89 plus any increases to the fee due to inflation.
- (b) Mitigation Measure W-2. This mitigation measure requires that prior to or concurrent with the submittal of improvement plans, a combined sanitary sewer study be approved by the

Department of Utilities. The study shall provide an analysis of the pre and post development condition of both the sewer and drainage flow that is contributing to the combined system. If it is shown that the post development conditions cause an increase in flow to the combined system, either onsite storage and/or improvements to the existing combined sanitary system will be required to the satisfaction of the DOU.

The Planning Commission finds that these mitigation measures set forth in the MND have been adopted, are included in the MMRP and will be enforced as conditions of approval, and will reduce the impacts of project construction with respect to hydrology and water quality to a less than significant level.

6. Utilities and Service Systems. The Initial Study concluded that, without mitigation, the project could potentially result in the determination that adequate capacity is not available to serve the project's demand in addition to existing commitments. To mitigate and reduce this potentially significant impact to a less than significant level, the MND sets forth the following mitigation measures, which were agreed to by the applicant before the MND was released for public review:

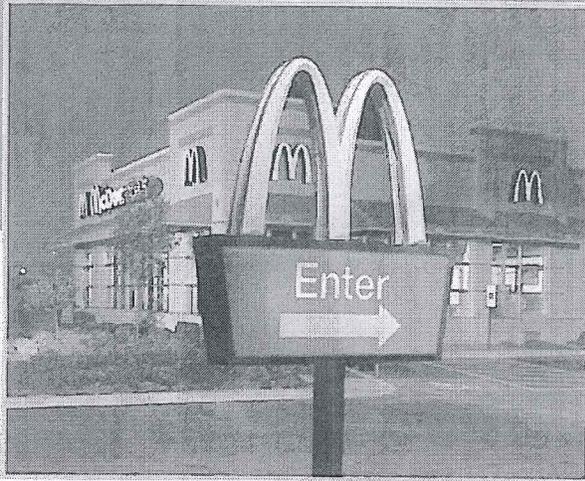
- (a) Mitigation Measure U-1. This mitigation measure incorporates Mitigation Measures W-1 and W-2, described above.

The Planning Commission finds that these mitigation measure set forth in the MND has been adopted, are included in the MMRP and will be enforced as conditions of approval, and will reduce the impacts of project construction with respect to utilities and service systems to a less than significant level.

The MND concludes that the project would have a less than significant impact or no impact upon Biological Resources, Energy and Mineral Resources, Geology/Soils, Noise, Public Services, Recreation, and Transportation/Circulation.

LOCATION AND CUSTODIAN OF THE RECORD

The documents and other materials that constitute the record of proceedings on which the City Planning Commission's decision is based, are located at the City of Sacramento's Community Development Department, 300 Richards Boulevard, Sacramento, California 95811. The custodian for these documents is Greg Bitter. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and 14 Cal.Code Regs., §15091(e).



Economics & Employment

Economically Speaking

McDonald's commissioned California State University, Sacramento Professor Dennis H. Tootelian to measure the economic impacts of our restaurants on our local community in 2010.

In 2010, McDonald's 163 restaurants in the greater Sacramento/Stockton/Modesto Area collectively:

- Spent nearly \$175.8 million in our local communities
- Returned nearly 47 cents of every dollar earned to the local economy
- Paid a total of nearly \$12.4 million in business taxes, licenses and payroll taxes plus additional sums for state and federal income taxes on profits
- Created more than \$69.3 million in taxes due to the generation of new jobs and the additional purchases of goods and services from other local businesses

...We're Lovin' It!

There are 163 McDonald's Restaurants in the Greater Sacramento/Stockton/Modesto Area, owned and operated by more than 54 franchisees.

McDonald's Corporation and its independent franchisees are Equal Opportunity Employers committed to a diverse and inclusive workforce.

Career Opportunities

- In 2010, McDonald's presence in the region created 23,135 jobs in the area
- Women comprised more than 62.5% of those employed by local McDonald's, 65.6% of which are in restaurant management positions
- McDonald's has received recognition from multiple sources for its employment practices including being listed as one of the "Top 10 Companies for Latinas to Work" by *Latina Style Magazine*, and making *Hispanic Magazine's* list of the "Top 60 Best Companies for Diversity"
- McDonald's topped *Working Mothers Magazine's* list of "2011 Best Companies for Hourly Workers" by implementing a host of family-friendly policies that benefit employees
- McDonald's was included on *Fortune Magazine's* list of Top Companies for Minorities to Work and *Black Enterprise Magazine's* 40 Best Companies for Diversity



For more information, please visit www.mcstate.com
or follow us on twitter @mcd_norcal



JR & TK Enterprises, Inc.
11300 Sanders Dr. Suite 13
Rancho Cordova, Ca. 95742

John Ritchey
McDonalds Franchisee

Started McDonald career in San Diego, 1977 as Operations Manager Trainee, with McDonalds McOpCo -
(McDonalds Company Owned/Operated Restaurants)

Prior to McDonalds, taught History and Industrial Arts at O'Farrell Magnet School, San Diego Unified School District

Education

San Diego High School
San Diego State University

McDonalds

Area Supervisor - San Diego Region
Business Consultant - Sacramento Region
Operations Manager - Sacramento Region
Training Manager - Sacramento Region
McDonalds Quality Manager, Consultant/West Division
Multi Department Head/Operations - Pacific Sierra Region

Began as McDonalds Franchisee/Owner Operator, 1997

Currently own and operate four McDonald restaurants in the greater Sacramento area.

8888 Madison Ave - Fair Oaks

1750 Howe Ave - Sacramento

1357 E. Bidwell - Folsom

111 College Town Dr. - Sacramento

John and his wife Terry Ritchey operate JR&TK Enterprises as a family business. John, Terry and their two Sons, John Jr. and Joe are also approved Franchisees with McDonalds Corporation. Collectively they handle the day to day business affairs as well as serve on a number of local and national boards and committees. Our business philosophy is simple. Operate our business at excellent levels provide a comfortable, safe, family friendly environment for our customers. We value people as our most important asset. This means we treat them with respect, offer flexible work environments, career advancements, education opportunities and compensations and benefits that are above average for our industry. A new benefit we began this year is "English Under The Arches" which is a comprehensive training program that allows our management candidates to enhance their English and management skill and a chance for a brighter future. Many of our training programs offer college credit recommendations.

Local affiliations include

Chamber memberships in Sacramento, Fair Oaks and Folsom Communities

Ongoing support and Past Board members of Ronald McDonald House of Sacramento

Served on capital campaign to build a Ronald McDonald house in Sacramento, UC Davis Medical Center

Support local community events throughout - Sober Grad Nights, School Fund Raisers with our McTeachers

Nights, Ronald McDonald House Charities, Reading and Math recognitions programs with several local

elementary and middle schools, High School sports program sponsorships, Nutritional Tours and Field Trips, Safe Halloween events, Sacramento State University Hornet Sports Program Sponsorship.

In addition to local activation efforts, we are also actively involved in ongoing partnerships with our neighbor franchises and agency partners. These include sponsorship through RMHC scholarships of local high school seniors for the past nine years, this year our organizations awarded over \$170,000 to nearly 150 students of all ethnic backgrounds. Since 1995 over \$2 million dollars have been awarded to local students. Last year, the local McDonald Franchises, contributed \$50,000.00 to make this program available.

Each year we support several activities in the community including the Sacramento Observers community health fair and the Black Expo.

We have partnered with several local, statewide organizations and community groups to provide informational booths at community events where we provide nutritional information on how to make healthy eating choices.

Over this past year we have participated in the following events and programs:

Keep California Beautiful

Community health fair at Tahoe Park

Step Out Walk Event to support the American Diabetes Association

Support of ADA through sponsorship of news segment on obesity in America

Lastly, we work closely through partnerships with organizations like, California Diabetics Association, the California School Nurses Organization, the California PTA, the California Academy of Physician Assistants and the Northern Area Dietetics Association (to name a few). We work in collaboration with these groups to provide nutritional information which helps educate our local community on how to make appropriate eating choices for various dietary needs.

We are proud to be McDonald Franchises. We are proud of our menu, our community involvement and our operations. Each one of our restaurants has been awarded excellence awards including "Outstanding Restaurant" which goes to the top 10% of all restaurants. This past September we were awarded the coveted "Ronald Award" This award is given to one Franchise for their commitment, service and operational excellence. This is one of the top awards presented to Franchisees by McDonalds Corporation.

What we bring

55- 60 new jobs to area

State of the art facility, complete with Free Wi- Fi and adult friendly siting areas.

Contemporary menu, including food choices like fresh fruit, Premium salads, Fruit and maple oatmeal, Bakery style rolls on our premium chicken sandwiches made with 8 grams of whole grain.

Happy Meals, now with 1% low-fat milk and a serving of apple slices, or choose not fat chocolate milk!

Complete meal choices for less than 600 calories, made just for you.

Family safe, smoke free environment

Local Entrepreneur, not a distant corporation entity

Hands on, operations overseen by owners!

Assessable, we love to be in the restaurants

Chance to earn up to 50 college credit recommendations through our employee training programs

Creation of over \$400,000 in new revenue form jobs, and the additional purchases of goods and service from other local business. (based on an economic impact study conducted by Dr. Dennis Tootelian from Sacramento State University)

A single McDonald restaurant in a community will return over \$1million to the local community

Leadership, our restaurants have been recognized for our efforts in hiring a diverse workforce.

Notable Mention

Working Mothers Magazine - list McDonalds as the 2011 Best Companies for Hourly Workers

Fortune Magazines - list of Top Companies for Minorities to work

Black Enterprise Magazine's - 40 Best Companies for Diversity

Latina Style Magazine - Top 10 Companies for Latinas to work

McDonalds Affiliations

Regional

Regional Leadership Council / Executive Council (RLC)

RLC Secretary

Northern California Golden Arches Association (NCGAA) /Past President

NCGAA / Vice President

NCGAA Board Member

Black McDonalds Operators Association / BMOA / NBMOA

BMOA / Chapter President Elect (2012 - Pacific Sierra Region)

Womens Operator Network - (WON)
Regional Purchasing Team - John Jr. (RLC Sub team)
Regional Operations Excellence Team - Joe (RLC Sub team)

National
National Marketing - Opnad Rep / Committee Chair (Opnad is our national marketing body)



**MILLER STARR
REGALIA**

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Fifth Floor F 925 933 4126
Walnut Creek, CA 94596 www.mslegal.com

Michael E. Di Geronimo
michael.digeronimo@msrlegal.com
925 941 3247

October 25, 2011

Honorable Chairman Yee
Members of the Planning Commission
City of Sacramento
915 I Street, Council Chambers
Sacramento, CA 95814

Re: Agenda Item 4: McDonald's — Second Ave. & Stockton Blvd. (P10-071)

Dear Honorable Chairman Yee and Members of the Planning Commission:

Our firm represents McDonald's USA, LLC ("McDonald's") with respect to the above-referenced application for the proposed development of a McDonald's restaurant at the intersection of Second Avenue and Stockton Boulevard in the City of Sacramento. As you know, McDonald's has applied to the City for a special permit ("Special Permit") and Design Review approval, required to allow it to construct a new 3,897 square foot neighborhood-serving restaurant. The request for a Special Permit is on your October 27, 2011 meeting agenda.

We have reviewed the Staff Report prepared in connection with this matter. The purpose of this letter is to set forth in detail McDonald's strong belief that the proposed restaurant — which will redevelop and revitalize a long-vacant infill site — is appropriately located, pedestrian-oriented, aesthetically pleasing, and fully consistent with the City of Sacramento's General Plan and the applicable City Code provisions. For the reasons set forth below, we respectfully request that the Planning Commission approve the application for a Special Permit and allow the proposed project (the "Project") to proceed to the Design Review stage.

A. The Project Is Located In A Redevelopment Area And Surrounded By Existing Urban Development Near The Freeway, And Facilitates Redevelopment Of A Vacant Infill Site That Is Designated For Commercial Uses.

McDonald's proposes to build a new restaurant with a drive-through facility on an infill site (less than an acre), located at the northwest corner of Second Avenue and Stockton Boulevard in the City of Sacramento ("Project Site"). The Project Site — which has been vacant for more than 30 years — is located in an urbanized area of the community that is served by existing utilities and urban services. (Initial Study/Mitigated Negative Declaration ("MND"), at 11, 41, 53.)

Honorable Chairman Yee
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The Project Site is completely surrounded by urban residential, commercial and institutional (medical-related) development. (MND, at 11.) These existing uses facing onto Stockton Boulevard include a Best Western Motel, the Shriner's Hospital, the UC Davis Medical Center, surface parking lots serving the hospital facilities and a Coca-Cola bottling production site, a mental health treatment facility, Gateway Recovery House and Psychiatric Treatment Clinic, a nearby freeway exchange, and residential uses. In addition, the Ronald McDonald House is less than one mile away from the Project Site.

The Project Site is also located in the Oak Park Redevelopment Plan area, where a number of businesses have recently closed. By locating the restaurant on a long-vacant infill site at a major intersection, the Project will help to rejuvenate the area, stimulating additional economic and community investment. It will also facilitate social interaction by further activating that portion of the Oak Park community.

The Project reflects a significant private reinvestment in the community and will not rely on any public funding. In so doing, the proposed restaurant implements the strategic goals highlighted in the Oak Park Redevelopment Plan, which focus on increasing and developing "economic activity in the area by attracting new business, assisting existing business and enhancing property values." (Oak Park Redev. Plan, at 5.) Further, this new development will serve as a catalyst for additional reinvestment in this area, as well as result in an infusion of employment opportunities, by creating numerous construction jobs and approximately 25 to 30 permanent jobs (both entry-level and managerial) once the restaurant is operating.

B. The Project Is Consistent With The Applicable General Plan And Zoning Designations.

The General Plan designation for the Project Site is Urban Corridor Low. This designation envisions:

street corridors that have multi-story structures and more intense uses at major intersections, lower intensity uses adjacent to neighborhoods, and access to transit service. At major intersections, nodes of intense mixed-use development will be bordered by lower intensity single-use residential, retail, service and office uses. This designation provides for a mix of horizontal and vertical mixed-use development and single-use commercial and residential development that includes retail, service, and office uses, and gathering places such as a plaza, courtyard, or park.

(General Plan, at 2-88.)

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The zoning designation for the Project Site is General Commercial (C-2). The C-2 zone allows for the proposed single-use retail or commercial development envisioned by McDonald's. (Sac. Mun. Code, § 17.20.010.)

As confirmed in the MND prepared by City staff and as discussed more fully below, the Project is "consistent with the General Plan and zoning designations for the project site." (MND, at 11.) This includes key General Plan policies that focus on the importance of facilitating pedestrian, bicycle and public transit access. In addition, the Project implements critical policies that emphasize the importance of infill development, community reinvestment and economic revitalization.

1. The Project Must Be Evaluated Against The General Plan As A Whole.

As a threshold matter, the City's decisionmakers (i.e., Planning Commissioners and Council Members) — as the bodies that recommended approval of and ultimately enacted the General Plan — enjoy a broad amount of discretion in interpreting the document, the nature of the City's long-term land use planning goals, and the most feasible way to implement those policies. (*No Oil, Inc. v. City of Los Angeles*, 196 Cal.App.3d 233, 244 (1987)) (court may only reject a city council's interpretation of its own laws if its "interpretation was arbitrary, capricious or entirely lacking evidentiary support.")

Any decision by an agency affecting land use and development must be consistent with its general plan. *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 570 (1990); *Friends of Lagoon Valley v. City of Vacaville*, 154 Cal.App.4th 807, 815 (2007). However, to be consistent, an action, program or project need only be "in agreement or harmony" with the general plan, meaning that, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment. *Friends of Lagoon Valley*, 154 Cal.App.4th at 817; *City of Irvine v. Irvine Citizens Against Overdevelopment*, 25 Cal.App.4th 868, 879 (1994).

In making this consistency determination, the project at issue must be evaluated against the general plan as a whole. Because policies in a general plan reflect a range of competing interests, an agency is permitted to weigh and balance the plan's policies when applying them, and it has broad discretion to construe its policies in light of the plan's purposes. *Save Our Peninsula Comm. v. Monterey County Supervisors et al.*, 87 Cal.App.4th 99, 142 (2001). See also *Friends of Lagoon Valley*, 154 Cal.App.4th at 816; *Anderson First Coalition v. City of Anderson*, 130 Cal.App.4th 1173, 1192 (2005).

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2. Consideration Of The Project Must Take Into Account All Relevant General Plan Policies And Weigh Them Accordingly.

Contrary to these well-established principles, the Staff Report primarily focuses on a limited number of narrowly construed policies that highlight the general value of pedestrian orientation (and mixed uses, to a lesser extent) throughout many areas in the City.¹ First, as discussed herein, the Project is not inconsistent with the policies noted in the Staff Report. Second, and more importantly, focusing only on these policies to the exclusion of other relevant policies is improper. Taking an approach that elevates any one set of policies, thereby negating other applicable policies, would violate state law. See *Sierra Club v. Board of Supervisors*, 126 Cal.App.3d 698, 708 (1981) (invalidating precedence clause that stated one provision controlled in case of conflict).

Rather, the Project must be evaluated against the entirety of the City's General Plan for purposes of determining consistency. In particular, there are other key policies that must be considered as well by the decisionmakers. For example, the Project facilitates infill development on a long-vacant site near public and passive transit opportunities, consistent with Land Use Policies 1.1.4 (Leading Infill Growth), 1.1.5 (Infill Development), and 2.1.6 (Neighborhood Enhancement). In so doing, the Project helps:

to enhance community character, optimize City investments in infrastructure and community facilities, support increased transit use, promote pedestrian and bicycle friendly neighborhoods,...and enhance retail viability. (General Plan, at 2-8.)

As detailed above, the Project also facilitates the redevelopment of a site that has been vacant for decades, serving to redevelop and revitalize the area, consistent with Land Use Policy 2.6.2 (Redevelopment and Revitalization Strategies).

In addition, the Project will help to implement related important economic goals by fostering a "supportive business climate and a healthy, sustainable economy that increases the City's ability to expand existing businesses and attract and retain new businesses." (General Plan, at 2-143; see also Economic Development Policy 1.1.7 (Sustainable Businesses).) McDonald's is one of the nation's corporate leaders.

¹ The Staff Report makes a number of broad statements, which could be interpreted to mean that any restaurant with drive-through facilities is intrinsically inconsistent with the General Plan Corridor policies and Citywide policies that foster pedestrian orientation. Taken to the extreme, this would mean that no restaurant with a drive-through facility could ever be determined as consistent anywhere in the City. This would obviously be an unreasonable interpretation of the General Plan and the City's Code, which expressly contemplate drive-through facilities with issuance of a Special Permit.

McDonald's, in partnership with its local franchisees, has a very strong reputation for being a good corporate citizen generally, maintaining safe, economically viable, and aesthetically appealing restaurant facilities, as well as contributing positively in other ways to the communities they serve. Here, for example, corporate and local sponsorships for agencies and organizations such as the Ronald McDonald House, the Asian Chamber of Commerce, the Urban League, Perspectives, Recent Healthy Men, and Healthy Families Health Fair exemplify the type of commitment that McDonald's and its local franchisees consistently demonstrate in the City of Sacramento.

Lastly, the use of the Project Site for a McDonald's restaurant with a drive-through lane is expressly allowed under the City's zoning code, subject only to the issuance of a Special Permit. By law, a city's zoning code, including the uses allowed thereunder, must be consistent with the applicable city's general plan. (*See Leshar Communications, Inc. v. City of Walnut Creek*, 52 Cal.3d 553, 570-71 (1990).) In short, there is more than ample basis for the Planning Commission to conclude the Project is consistent with the General Plan, which is in fact the case. Any finding to the contrary could only be made through a strained and artificially limited reading of the City's General Plan.

C. The Project Complies With All Applicable Regulations And Development Standards.

McDonald's proposes to construct a new 3,897 square foot restaurant with approximately 90 fixed seats, 30 parking stalls, an outdoor seating area, and a side-by-side drive-through facility. As confirmed in the Staff Report and as described below, the Project complies with all applicable regulations and development standards.

1. Proposed Design, Landscaping, And Pedestrian-Oriented Elements.

The Project's design includes an aesthetically pleasing restaurant building and attractive landscaping. The site layout includes dedicated walkways to ensure a seamless transition between the restaurant, the public sidewalk, and the nearby bus stop. Customers will enter the restaurant from this dedicated path through an overhead trellis, where they will have the opportunity to sit in an inviting outdoor patio area. A total of 28 percent of the Project Site will be landscaped, including a 16-foot, 9-inch landscaped area with trees and bushes that will provide a buffer between the restaurant and the adjacent residential uses. The Project also includes the construction of a six-foot high masonry block wall on the west side of the Project Site. The wall will serve as an additional buffer between the new restaurant and the adjacent residential uses.

McDonald's will construct frontage improvements along Stockton Boulevard and Second Avenue, including sidewalk, landscaping, curb and gutter, which will also facilitate access to the area by pedestrians and bicyclists. The Project Site is readily accessible by vehicle and public transit, located near major transportation corridors and an existing bus stop. As noted in the MND, the Project will not remove any existing pedestrian or bicycle facilities, will not adversely affect pedestrian travel, and will not impair development of any pedestrian or bicycle facility that is planned in the City of Sacramento Bikeway Master Plan. (MND, at 50.) In addition, by locating the Project near residential uses, access to passive transit is enhanced by providing employment opportunities to nearby residents.²

The City's Department of Transportation reviewed the site plan and internal circulation plan and confirmed that vehicular and pedestrian access is acceptable. The MND and Traffic Impact Study evaluated the Project's potential construction and operational-related traffic impacts, as well as potential impacts on transit, bicycle facilities, and pedestrian circulation, and concluded there will be no significant impacts in this regard. (Traffic Impact Study, at 50.)

The proposed construction will be sustainable in design, utilizing recycled materials including concrete and in constructing the wall treatments and seating areas and incorporating energy efficient appliances and building design (e.g., "cool" roof design).

2. Compliance With Proposed Development Standards And Drive-Through Regulations.

The Project is consistent with the uses contemplated in the General-Commercial (C-2) zoning, and complies with all setback, height and bulk standards. (Staff Report, at 11; MND, at 11.) It also complies with vehicle and bicycle parking requirements. Site access and internal circulation have been determined acceptable by the City's Department of Transportation. The Project also complies with the City's Parking Lot Tree Shading Design and Maintenance Guidelines. (Staff Report, at 11-12.)

In addition, the Project complies with all specified standards for drive-through service facilities. The Staff Report confirms this compliance (see pgs. 9-12). The only issue identified by staff relates to the hours of operation. McDonald's seeks an extension of the hours of operation for the drive-through facility, as may be granted by the Planning Commission in its discretion, so that the restaurant may better serve the community given the numerous surrounding uses that operate on a 24-hour basis, including the Shriner's Hospital and the UC Davis Medical Center, which are major employment and service centers in the immediate vicinity. Further, the noise analysis prepared by the City in connection with the Project evaluated the potential impacts of the drive-through operation with extended hours, and concluded that no

² A recent survey conducted as part of McDonald's outreach efforts identified three current McDonald's employees living in the immediate vicinity of the Project Site.

Honorable Chairman Yee
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significant impacts on sensitive receptors, including nearby residential uses, will occur. (MND, at 39; Environmental Noise Assessment, at 7.) While the Staff Report states its opposition to the requested extended hours of operation for the drive-through lane, no basis for this position is provided, except for a general reference to the site's contiguity to residential uses. Yet, the applicable regulations expressly contemplate the authority of the Planning Commission to approve the proposed hours during the review of the Special Permit. (Sac. Mun. Code, §17.24.050, fn. 44(b)(vii).) Such extension would be consistent with other nearby quick-service restaurant uses, such as the Jack in the Box, located only one block away, that is permitted to operate its drive-through facility 24 hours per day.

McDonald's certainly enjoys the continued opportunity to do business in the City of Sacramento, and believes that its expenditure of significant amounts of time and money to design this aesthetically pleasing restaurant will be of great benefit to this area and the greater City of Sacramento. Accordingly, McDonald's respectfully requests that the Planning Commission grant the Special Permit application, so that the Project may timely proceed to the Design Review stage.

Members of McDonald's planning team will be in attendance at the meeting on October 27th and will be available to answer any additional questions the Commission may have on this matter.

Very truly yours,

MILLER STARR REGALIA



Michael E. Di Geronimo

MED:elt

cc: Susan Green (by email)
John D'Anna (by email)
Lorraine Fortelka (by email)
Heather Forest (by email)

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Weather Forest, Associate Planner
City of Sacramento, Community Dev. Dept
390 Richards Blvd
Sacramento Ca 95811
(916) 808-5005

You are right, now is time to act

1. Increase in vagrant population & panhandling
2. Increase traffic congestion
3. Increased trash

4. Inappropriate location for commercial drive thru

5. Like parking problem throughout this neighborhood is the most inconvenient thing that I've ever happened to see whole

neighborhood. No one knows how annoying inconvenient it is to not be able to park

your own car in front of our home or have ^{company} coming & absolutely cannot park

anywhere near your home. Our

neighborhood has enough problems

& doesn't deserve anymore. Please help us

Thank

Barbara Wilson

3973 Sherman Way

Heston Forest, Associate Planner
City of Sacramento, Community Dev Dept
300 Richards Blvd.
Sacto Cal.

1. Increased traffic
2. Unpleasant smell of idling cars + fast food preparation
3. In our neighborhood we have excessive parking every week end - now they park at nites + now it is daytime parking with temporary parking in daytime - even tho this is a neighborhood that is "B" section - it just seems so unfair for us to have all the inconveniences for our own neighborhood. Last winter I had the problem of 3 times ~~times~~ that someone ~~parked~~ parked across my driveway.
4. I realize that I am giving problems about 2 blocks from 3rd Ave + Stockton, but what I am concerned about is the block that McDonald's wants would just spread problems all over our neighborhoods

Thank

Barbara Dean
3985 Sherman Way

August 26 '2011

Dear Heather Forest;

I am concerned and frustrated to hear of plans to put in a McDonalds' on the corner of Stocton and 2nd Avenue. That corner is already the most dangerous portion of our route when my children and I go on bicycles to ride around town. We have had several close calls and almost-accidents from distracted drivers not looking out for children on bikes. ^{at that intersection.} Having a drive through there would make the situation much worse for all bicyclists.

I don't think our neighborhood will benefit at all from having a McDonalds there. If there must be a restaurant there could it please be something local and healthy? We just don't need a fast-food restaurant increasing traffic congestion, making 2nd Ave unsafe for cyclists and trashing up our neighborhood.

Thank You
Virginia Bowland
Virginia Bowland

August 30, 2011

Heather Forest, Associate Planner
City of Sacramento
Community Development Dept
300 Richards Blvd
Sacramento, CA 95811

Dear Ms. Forest,

As an Oak Park resident & home owner, I do not want a McDonald's at the corner of 2nd Ave. and Stockton Blvd. We don't need bad food across from our UCD Medical Center. This would set a poor example for folks.

Further, we don't want any more bad food in Oak Park. As you may know, it took years to secure a decent grocery (Raley's Food Source) in our neighborhood.

Additionally, we do not want the added traffic & pollution on 2nd Ave, which is already an expressway between Riverside on the west & Stockton Blvd. on the east. It will draw more vagrants & trash!

I admonish you to vote NO on the McDonald's. I would love to have a locally owned & operated healthy

- 2 -

food restaurant there.

Sincerely,

Laura J. Cornwell

TO WHOM IT MAY CONCERN:

I AM A NEIGHBOR OF A FAST FOOD CHAIN AND HAD NO IDEA TILL I MOVED IN OF ALL THE DRAW BACKS.

1. HAZEROUS TRAFFIC BACK UPS
2. EXCESSIVE GARBAGE
3. IRATE CUSTOMERS
4. EXCESSIVE NOISES
5. WATER GUTTER FLOODERS
6. PARKING IN FRONT OF HOMES
7. CONSTANTLY MAKING U-TURNS
8. FOOD ODOORS
9. 4 AM FOOD DELIVERIES
10. CRIME/ROBBERIES
11. LOUD MUSIC IN CUSTOMER CARS

I AM ONLY GRATEFUL I AM 3 HOUSES AWAY SINCE MY NEIGHBORS THAT ARE ONLY 1 OR 2 HOUSES AWAY HAVE TO LISTEN EVERY FOOD ORDER OF THE DRIVE-THRU!

~~IF I LIVED WHERE ALL~~

MANY OF THE NEIGHBORS WENT TO CITY HALL AND FINALLY ELIMINATED THE 24 HOUR DRIVE-THRU WHICH HAS HELPED SOME BUT, IF WE HAD A CHOICE WE WOULD HAVE MADE THEM MOVE ~~ACROSS~~ THE STREET ^{TO} THE MAIN SHOPPING STRIP.

KAREN ORTIZ
1412 57TH ST
SACTO., CA.
95819

MITIGATED NEGATIVE DECLARATION FOR THE MCDONALD'S - 2ND Ave & STOCKTON BLVD
PROJECT (P10-071) CALIFORNIA (APN 014-0085-046-0000)

Tuesday, August 02, 2011

From: Barbara J. Gridley
2319 S. 67th St.
Fort Smith, AR 72903

To: Scott Johnson, Associate Planner
City of Sacramento, Community
Development Department
300 Richards Boulevard
Sacramento, CA 95811

SUBJECT: Complaint for building this project.

Dear Sir,

My house is two blocks from this proposed building site at 2623 41st St. on the cross street of 41st St. and 2nd Ave. There are already three McDonalds Fast Food Restaurants in this area. One is 1/2 block over from the Safeway on Alhambra Ave and where there are always beggars in front of asking for spare change and handouts. The other one's are on Stockton Blvd and Fruitridge Ave. and one on Broadway a few blocks from Alhambra Blvd. The Veterans Hospitals in Palo Alto and Fort Miley in San Francisco both have Fast Food restaurants in their lobbies. A Burger King, Domino's Pizza and a Long John Silver Franchise. They already have a Marriott's Hotel that has a full service dining restaurant in their Hotel plus a Starbucks there, also. There is also a Delicatessen right across the street from the University Davis Medical Hospital with another Starbucks just two blocks south of the Hospital on Stockton Blvd. McDonald's restaurants are junk food restaurants and I am opposed to locating one so close to my home which is one of the historical buildings in Oak Park. Ours is one of the better and nicer areas of Oak Park.

But another aspect of the building in this area is that there is an enormously rampant drug problem in this area. Three blocks from Broadway on 2nd Ave. there is a store that is predominantly where people sell right out in the open their drugs right on this particular street corner while the entire four block and sometimes eight block areas. They sell crack cocaine, heroin, methamphetamine and marijuana. There is also another store across Broadway to the north of 2nd Ave. where it's the same criteria and scenario with a four and eight block radius that is just amazingly rampant with drug trafficking. My house was broken into while it was under renovation where these druggies came in through the kitchen window and took \$10,000.00 worth of tools that belonged to the contractors and the neighbors saw them loading up a new microwave, dishwasher, table saw, paint sprayer and all other kinds of tools that the Insurance wouldn't cover because no one was living in the house at the time. There was a police report taken at the time in 2006. I am so deathly afraid that if they build this McDonalds at this site that it will become another place where all these drug transactions will move to and will bring this community down to another level of slum and ghetto deteriorations. Bringing down the nice Medical area also.

Like I said before that they should put their business in the lobby of the Hospitals where they would probably fare much better. There are already respectable restaurants right in this area on Stockton Blvd. I really don't think we need another Junk Fast Food Restaurant in our area where it will promote a criminal enterprise environment just two blocks from my house. I would be in constant fear of being broken into again and wouldn't want to have anyone come to my house and see all of these criminal activities going on in my neighborhood. I am fully and whole heartedly opposed to this idea. We have been trying to better our neighborhood while not detracting from it. It scares me that this is being considered at all while this is happening and the police are doing absolutely nothing about it.

Sincerely,



Barbara J. Gridley

Heather Forest

From: Eric Eric [ericiamg@gmail.com]
Sent: Tuesday, August 09, 2011 11:19 AM
To: Heather Forest
Cc: Scott Johnson
Subject: McDonalds

Dear Heather Forest,

You worked on the design review for my house that I built at 4312 2nd Ave. in 2008.

The City of Sacramento scrutinized every detail of my home construction. I spent tens of thousands in additional funds to meet the requirements.

Now I understand that the City is going to approve a McDonalds directly across the street from my house. There will be a constant flow of traffic in front of my house.

If there is a mandate to preserve the community, how does a fast food restaurant fit into community and historical preservation?

Earlier this year I specifically requested to be notified by city planners as this project was moving forward. I was told that this project had been pulled and no further planning was scheduled. Why have I not been notified until an Intent to Adopt has been approved? This is looking like some kind of cover-up to allow McDonalds to sneak around community approval.

UC Davis performed an impact study a few years back when they built the Center for Biophotonics. This study should have been used as a basis for the McDonalds study and the McDonalds traffic should be added to this study. Surely traffic will increase significantly on this relatively quiet street.

Is there a copy of the proposed construction plan?

Thank you,

Eric Jones

August 11, 2011

Oak Park Neighbors vs. McDonalds\

To Whom It May Concern:

Recently I was approached by a member of the Healthy Development of Oak Park Committee. I was asked to submit a letter regarding my experiences of living near a McDonalds drive-thru. I will gladly write this letter in the understanding that I do not have anything against McDonalds as a corporation or against McDonalds in a non-residential area. Unfortunately I live on 56th St., in East Sacramento, which does have a McDonalds drive-thru at the end of our street. The following problems have occurred:

- 1). Increased traffic /parking on 56th St.
- 2). Increased noise and garbage, specifically related to McDonalds – people throwing out wrappings, cups and trays as well as the noise of the dumpsters being emptied.
- 3). Increase in vagrants in the area, being attracted to fast food places.
- 4). Delivery noises and congestion.
- 5). Smell from the restaurant – both cooking and garbage.

These are the most common problems that our neighborhood has had to deal with. As I mentioned earlier I do not have anything against McDonalds or any other fast food restaurant that is located outside of a residential area. Regardless of what kind of drive-thru restaurant is located on 56th St., I am sure the same type of problems would occur.

Sincerely,


Michelle Brough

Scott Johnson

From: Kim Stevenson [kimstevenson8@gmail.com]
Sent: Thursday, August 11, 2011 1:25 PM
To: Scott Johnson
Subject: No more McDonalds PLEASE!

Scott Johnson

From: John Bauer [treeguybauer@cwo.com]
Sent: Thursday, August 11, 2011 4:55 PM
To: Scott Johnson
Subject: Proposed McDonalds @ Stockton & 2nd Ave

Dear Scott, I think that the proposed McDonalds will not be good for our neighborhood and I find the idea repulsive. Do you see that there is an epidemic of obesity in our culture? Does that matter? What do you base your decision on? Maybe that there will be more tax dollars going to the city of Sacramento? The traffic, litter and... urban blight it brings will drag the neighborhood down! Drive south on Stockton a mile or two, there are plenty of fast food restaurants there, and it looks like...a well I am going to try and not stoop too low and use the kind of language that is common if you drive down there.

Bad, very bad. You may get a pat on the back from your boss if you give this McDonalds at second Ave & Stockton the go ahead but the whole idea deeply offends me. I will fight it at every turn! I will make posters, I will go to meetings, I will if I can bring it down. Thank You John Bauer (Oak Park resident & home owner for over 10 years)

We have moved out of the Oak Park area--in fact, we no longer live in Sacramento at all. I do have to say that I was so impressed by the efforts being made to upgrade the neighborhood (I really, really miss Mighty Kong muffins!). I think having a McDonald's in that neighborhood is a GINORMOUS step backward and hope that you are successful in stopping it! It won't bring more jobs, and it's not close enough to UCDCMC to make it a worthwhile venue for those employees to grab a meal.

There are plenty, plenty of markets in Sacramento that could really use another McDonald's... that part of Oak Park isn't one of them.

I wish you all the best in your efforts.

Best wishes,
Jerrilynn Willis

Comments on McDonalds Mitigated Negative Declaration McDonald's – 2nd Avenue & Stockton Blvd (P10-071)

After reviewing the Mitigated Negative Declaration (Declaration), I have found several instances where the data is incorrect and/or incomplete, where assumptions are unwarranted and where the conclusions are unsubstantiated.

1. Study Area - The Traffic Impact Study (Study) confined its study of traffic impacts and noise solely to the McDonald site and the corner of 2nd Avenue & Stockton Blvd. The Study assumes that all car traffic to the proposed McDonalds would arrive via Stockton Blvd and exit either directly to Stockton Blvd or make a left turn from the 2nd Avenue driveway to return to Stockton Blvd. **This is an assumption which is not supported by current traffic patterns of Med Center/Shriner/Marriott employees and clients.** It is more realistic to assume that a significant number of vehicles will enter the neighborhood on residential streets (example: Y Street, Sherman Way, Colonial Way or Miller Way) and then travel on residential streets to avoid congestion on Stockton Blvd. Similarly, automobiles exiting the McDonalds parking lot onto 2nd Avenue would turn right, rather than left, to travel down 2nd Avenue to Broadway or to utilize residential streets to avoid traffic on Stockton Blvd. A complete study should include the residential streets within at least a four to five block radius of the proposed McDonalds.

With the exception of 2nd Avenue, the streets in the neighborhood adjacent to the proposed building site are relatively narrow. The bulk of the homes were built in the 1920s and lack the off-street parking that is required in newer neighborhoods. This means that many of the residents park on the street. Combined with parking by Med Center/Shriners/Marriott employees, these streets effectively have only one-lane access. Adding additional traffic to this neighborhood would have a significant negative impact.

The study also assumes that all McDonalds customers will arrive by automobile. Since there are three major employers within a few block of the proposed fast-food restaurant, and a number of the employees and clients already park in the adjoining residential neighbors, it is reasonable to assume that there would be measurable foot traffic across Stockton Blvd to McDonalds, and by employees and clients walking between their autos and the Med Center/Shriners/Marriott locations. Jay-walking across Stockton Blvd is already a problem, especially at shift changes. Addition of more pedestrians would make the problem worse.

2. Trip Generation – The Study begins with an estimate of 1,933 trips per day to the proposed McDonalds. This number is reduced to 1,018 trips per day, a 44% reduction, through what is described as pass-by analysis. Even though the standard reduction for pass-by traffic is 40%, the Study for some reason describes their larger reduction as "conservative".

The proposed fast-food restaurant is on the opposite side of a busy street from its main customer source (Med Center, Shriners and Marriott employees and clients). The most direct route between Med Center/Shriners/Marriott and the freeway entrances does not take commuters past the proposed McDonalds site. In order to get to McDonalds most drivers would have to make a special trip in that direction. Actual traffic patterns do not support a 44% pass-by reduction.

3. Roadway System – The MND lists five major roadways in the vicinity of the project. They are Stockton Blvd, Second Avenue, Broadway, X Street and Y Street. The descriptions of two of these five roads are incorrect or incomplete.

Second Avenue is an east-west roadway that extends from Franklin Boulevard to 49th Street. Within the study area, 2nd Avenue is a two-lane roadway, with one lane in each direction. Second Avenue serves residential and commercial land uses and has a posted speed limit of 30 mph.

Between Stockton Blvd and Broadway, Second Avenue is primarily a residential street. Currently there is an office building at the corner of Stockton Blvd and 2nd Avenue opposite the vacant lot where McDonalds is proposing to build. There is also a cluster of small businesses at 2nd Avenue and Broadway. The rest of the street has houses and apartments. The primary function of 2nd Avenue is as a residential street. To describe it as “serves residential and commercial land uses” is misleading.

Y Street is an east-west roadway located north of the project site that extends from Stockton Boulevard to 45th Street, then from 48th Street to 51st Street. Y Street provides one lane in each direction. This street serves also as one of three main roadways to access US Davis Sacramento Campus and Shriner's Hospital east of Stockton Boulevard.

According the Sacramento County Assessor's maps, Y Street consists of several sections. One segment runs from Stockton Blvd to 45th Street; another from 48th Street to 49st Street; and a third segment originates on 51st Street and dead-ends before reaching 49th Street. The segment running east from Stockton Blvd provides only limited access to the UC Davis Medical Center. The segment running east from Stockton Blvd does provide access to the Courtyard Marriott Inn. The Study also neglects to state that the Courtyard Marriott Inn is located on Y Street just north of Stockton Blvd. The existence of this business is completely ignored in the Study or in the Negative Declaration.

A longer segment of Y Street runs west from Stockton Blvd to Broadway, roughly parallel to 2nd Avenue. Sacramento High School is located at Y Street and 34th Streets. There are also two small churches on this segment of Y Street. The remainder of the street is residential. This segment of Y Street has significant potential of being adversely impacted by McDonald's traffic but is ignored in the study.

There is an existing driveway on the east side of Stockton Boulevard about 150 feet north of the intersection of Stockton Boulevard and 2nd Avenue. It provides access to a 58 spaces parking lot that serves UC Davis Sacramento Campus medical services buildings.

The Study fails to take note of the park that directly opposite the proposed McDonalds. The parking lot described in the Study is north of the park. Below is a description of the park located at Stockton Blvd and 2nd Avenue and its purpose.

The Richard and Annette Bloch Cancer Survivors Park at UC Davis Medical Center provides a **peaceful** environment for reflection and rest. It is intended as a place of hope and inspiration for people from throughout the region who have been affected by cancer.¹

¹ Source: UC Davis Cancer Center website

It is difficult to see how a fast-food restaurant is compatible with a park intended as a "peaceful environment". It is even harder to see how the proposed restaurant would have no impact on the park.

The description of the Roadway System included in the Study is incomplete and misleading. McDonalds is proposing to build in an established residential neighborhood and directly across the street from a park. The Study's conclusion of negative traffic impact on the neighborhood ignores the residential character of the area and is not supported by a comprehensive examination of the neighborhood.

3. Transit Facilities – This in another section of the Study where incomplete information leads to unsupported conclusions. The Study lists several bus routes in the area. What the Study fails to report is that there is a bus stop on Stockton Blvd just north of 2nd Avenue. This is also the site where McDonalds plans to locate a driveway to their facility. The Study makes no mention of the close proximity of the McDonalds driveway to an existing bus stop, nor does it examine the impact of McDonalds' traffic on bus traffic.

4. Pedestrians – The Study assumes that all of McDonald's customers will arrive by automobile. This assumption is not supported by traffic at existing restaurants and coffee shops in the area. The primary customer base will be the staff and clients of the UCD Medical Center, Shriners Hospital and the Courtyard Marriot Inn, all of which are located on the east side of Stockton Blvd. Pedestrian traffic crossing Stockton Blvd is already problematic. Construction of a fast food restaurant would only exacerbate the existing problem.

5. Delivery Times - The Declaration states that "regular" deliveries to the fast food restaurant would take approximately 1 hour and would be scheduled between 2 pm and 11 pm. This means that McDonalds could have a tractor-trailer delivering supplies late at night at least twice a week. There is no way to assure that there would be only two deliveries a week, or that they would proceed as quickly as forecast. There is not way to assure that deliveries will not interfere with regular traffic. No mitigation is provided for this problem other than to schedule "regular" deliveries between 2 pm and 11 pm.

The Mitigated Negative Declaration and Traffic Study fail to include several significant factors. There is no mention of a third employer in the study area (the Courtyard Marriot Inn) or of a park directly opposite the proposed McDonalds site. There is no acknowledgement that the location of the proposed McDonalds fast-food restaurant is on the periphery of an established residential neighborhood, across the street from a park and blocks from their major customer base. This report should be rejected on the basis that it is incomplete and cannot support its conclusion of negative impact. A trip to the proposed site and the adjacent neighborhood by the Planning Commission and staff would be helpful in understanding the full impact of the proposed development.

Thank you

Nancy Bougher
2541 41st Street
Sacramento, CA

Planning Commission,

August 18, 2011

I have some concerns with the proposed placement of McDonald's at 2nd Avenue and Stockton Blvd. This site is next to a mental health facility, Crestwood Manor. I worked at Crestwood Manor for twenty years as an adult education teacher. Crestwood serves clients with mental health issues, including alternative sentenced residents (individuals who are ordered by the courts to be incarcerated for criminal acts). Many residents at Crestwood are able to access the community with another resident or by themselves after they have shown they are capable and responsible. The residents with a history of sexual misconduct with minors are not permitted in the community unless accompanied by staff under special circumstances. The outings are planned with limited child access and have been made to the stores down the street: Walgreens , Food Source and Orange Freeze. This route passes in front of the proposed McDonalds. Crestwood residents with a history misconduct with children are not to be near schools, day care centers and other public institutions with children. Other residents at Crestwood have passes to access the community and would probably frequent the premises. Because Crestwood Manor is home to people with mental health issues, some which are registered sex offenders, I believe building a McDonald's drive-through restaurant is not an appropriate, safe or healthy location for its patrons or employees.

Could you please respond to my inquiry: If there is an incident involving minors on McDonald's premises or departing from McDonald's, is the city liable for placing children in harm's way? Or does the approval of the McDonalds by the Planning Commission or City Council invalidate such a claim?



Cris Johnson

4216 2nd Avenue Resident

Frankie Hansbearry
4210 2nd Avenue
Sacramento, CA 95817

TO: Planning Commission Members

RE: McDonald's - 2nd Avenue & Stockton Blvd. Project (P10-071)

DATE: August 18, 2011

I am a resident of Oak Park, having lived at the above address for the past 25 years. I am proud to live here and have seen many positive changes take place in this community over the years.

Last summer I was approached by two women who knocked on my door and asked me which design I liked better of two sample buildings for a McDonald's restaurant. This was how I learned about the proposed project. I asked why we (neighbors) hadn't been notified formally of this but they didn't know and were just doing the job they were hired to do. I began talking with other neighbors in the area and found that not only were others unaware of what was being planned, but that most were adamantly opposed to having a fast food drive-through restaurant at the corner of 2nd Avenue and Stockton Blvd. The proposed location is zoned mixed-use. Currently, most of the buildings in the area are medical. Next to the proposed site is a mental health facility, Crestwood Manor. Nowhere in the immediate vicinity are there other fast food restaurants with drive-through lanes. However, approximately 3 blocks south on Stockton Blvd. there is a Jack-in-the-Box, Subway, a major grocery store, Walgreens and other commercial enterprises. That seems to be an appropriate location for another drive-through restaurant.

I am concerned about the effect of having a drive-through so close to our homes will have on the quality and safety of our lives. Having lived here for 25 years, I have noticed the increase in traffic, both on Stockton Blvd. and 2nd Avenue. I have seen an increase in the number of bicyclists who use 2nd Avenue as a main artery for travel. I am concerned about the safety of pedestrians as well, who will have to cross lanes of drivers entering and exiting the parking area of McDonald's.

Besides increased traffic, I am quite unhappy about living so close to a business that I will have to smell, ie, the pollution of idling cars, the continuous smell of fast food being prepared. Since deliveries and garbage pickup for fast food restaurants have to take place during non-operational hours, I am certain that we will hear all of this from where we live. I also believe that there will be an increase in trash, and increase in the vagrant

population and panhandlers. These problems already exist over at the hub of fast food and commercial business I mentioned earlier, but that is NOT a residential area.

As a homeowner, I believe my property value will decrease because of the close proximity of a fast food restaurant with a drive-through. Certainly, if I had known, 25 years ago, that this charming neighborhood would be near a fast food chain, I would not have purchased my home. Can you imagine living next to a McDonald's, a Burger King, etc.? Would this affect the quality of your life?

I am aware that McDonald's corporation can and does employ vast numbers of people. I think here in Oak Park we can do better and I would love to support another kind of business that promotes walking, social networking and healthy commerce. I would fully support a local franchise that is sensitive to the needs of the immediate community. I know that I am not the only one who feels this way because I have taken the time to walk this neighborhood and speak with other residents. It is not an overstatement to say that at least 95% of the people I have spoken with DO NOT WANT a McDonald's drive-through restaurant at the corner of 2nd and Stockton. Will this be another instance in which corporate power supersedes the wishes of the majority of the people?

I strongly urge the Planning Commission members to vote against the building of a McDonald's double drive-through and that they consider the implications by imagining what it would be like for them and their families if they were forced to live next to a fast food restaurant.

Sincerely,


Frankie Hansberry

August 19, 2011

Heather Forest, Associate Planner
City of Sacramento, Community Development Department
300 Richards blvd.
Sacramento, CA 95811

Dear Heather,

I want to voice my opinion as to the planning commission that has a filed report that STATES, "there will be no negative impact relating to traffic congestion, air pollution, NOISE pollution regarding the proposed McDonald's double drive-through at 2nd Avenue and Stockton blvd.."

I've been to the McDonalds' near 54th street on Folsom blvd. The neighbors deplore that McDonalds. Needless to say the McDonalds will make a MESS of our neighborhood.

My reason:

Increased traffic congestion
Increased TRASH
Loud noise from speakers, cars with boom boxes, delivery trucks and garbage pickup.
Increase in vagrant population and panhandling
Danger to pedestrians and bicyclists trying to pass the entrance/exit.
Cars doing U-TUTNS in the middle of neighborhood blocks.
Unpleasant SMELL of idling cars and fast food preparation.
The crazies next door will jump the fence for fast food

This McDonalds will be RIGHT BEHIND my home!



Rick Grelle
2643 43rd Street
Sacramento, CA 95817
(916) 952-8507

Heather Forest

From: Kathy Adcock [jazzlily@sbcglobal.net]
Sent: Friday, August 19, 2011 10:26 AM
To: Heather Forest
Subject: Proposed McDonald's at 2nd Ave & Stockton Blvd.

August 19, 2011

Heather Forest, Associate Planner
City of Sacramento, Community Development Dept.
300 Richards Blvd.
Sacramento, CA 95811

Dear Ms. Forest:

Re: Proposed McDonald's at the corner of 2nd Ave and Stockton Blvd.

I live one and half blocks away from the proposed site. We already have the VFW Club and an eating establishment at the corner of 3rd Ave. and Stockton Blvd and one block further down we have a drug store, a grocery store and a Jack In The Box. In the other direction we have LaBou, the Bistro at the Courtyard, the Stockton Burger and a Starbucks further up. And there is some sort of another small eatery near the college book store.

There seems to be enough places to eat in this area. I have some very serious concerns about this proposal. And it **astounds** me that that the Planning Commission believes there will be *No Negative Impact* if a McDonalds is built on this corner.

First, I hate walking on Stockton Blvd because of the car/truck fumes. When I walk I avoid walking on Stockton Blvd as much as possible. This proposal will definitely increase the traffic causing more auto exhaust.

Second, I pick up trash from my front yard regularly because of the Orange Freeze Stand just a half block away. I would not want to live on Second Ave. if a McDonald's was built there. I hate to say it but many people are slobs and have little regard for their neighbors.

Third, I hear the large rumble and roar of the garbage truck that picks up the VFW's trash twice a week. The noise pollution is very high in this neighborhood especially at night. And it is 90% vehicle traffic noise. It will only increase day and night if a McDonald's is built here.

Fourth, I am approached by pan handlers in the Food Source parking lot on a regular bases. I try to avoid looking at a person and walking quickly so as to avoid being approached. This will just give them another place to hang out and hit people up for money and cigarettes. (I'm glad I don't smoke!) Don't get me wrong, I'm very glad Walgreen's and Food Source were built. It is was something this neighborhood really needed. But we don't need another fast food establishment.

Fifth, I could not stand the smell of French fries and burgers all day and night, it makes me sick to my stomach just to think about it. Yuck! I would not be able to keep my doors and windows open for fresh air as much as I do now.

If McDonald's really wants to build a fast food restaurant in the area, wouldn't it be better to put it near or next to the Ronald McDonald House in back of the hospital grounds?

I don't have any suggestions for what I'd rather see built on the corner of 2nd Ave and Stockton Blvd. But I know it's not a McDonalds.

Sincerest regards,

Kathy Adcock
4338 3rd Ave
Sacramento, CA 95817
916-456-9085

Heather Forest

From: mmgoodson1@comcast.net
Sent: Wednesday, August 24, 2011 9:47 PM
To: Heather Forest
Subject: Negative Impact on corner of Stockton and 2nd Avenue ?? !

Heather:

I am writing regarding the proposed McDonald's at 2nd Avenue and Stockton. I have lived two blocks from the corner of Stockton Boulevard and Sherman Way (since 1989), and about 5 blocks from the proposed McDonalds.

There would be an issue of increased traffic congestion with the building of a McDonalds at this intersection. I believe the Sacramento residents who are not familiar with this part of Stockton Boulevard do not realize how much the traffic congestion on Stockton Boulevard has increased the last couple of years due to the additions to the UC DMed Center, Shriner's Hospital, and other new health related buildings. On weekdays, around 3:30 p.m., until 5:30, traffic on Stockton coming from Broadway and 2nd Avenue, are two lanes backed-up all the way to the 50 and 80 freeway entrance.

Nearby the 2nd and Stockton location, there is a Jack in the Box, a Subway, and a Merlino Kiosk. The Elmhurst, MedCenter, and Oak Park neighborhoods and businesses in the area, need a cafe/restaurant, one that has healthier choices than a McDonalds, and not another fast food restaurant. We do not have a healthier-choice restaurant in this area, one that is within walking distance and open in the evenings for employees and residents. The fast food type of establishment would increase traffic congestion, increase delivery and garbage trucks, and bring additional air pollution from idling cars due to the commercial double-drive-through lanes. This proposed McDonalds on the corner of 2nd Avenue, is in the neighborhoods that are in the process of a renaissance with residents trying to improve their homes, community, and their lives.

I have not seen the plans but have been told by neighbors that are worried about the negative impact of this proposed plan, that it is an inappropriate location for a commercial drive-through.

PLEASE RECONSIDER the NO NEGATIVE IMPACT, and please notify the residents in the surrounding neighborhoods the date of this Planning Commission meeting so that we may attend to express our concerns.

Why would a NO NEGATIVE IMPACT be filed as related to this location???

Mina Goodson
3929 Sherman Way
Sacramento, CA 95817
mmgoodson1@comcast.net

Heather Forest

From: JoEllen Arnold [jarnold@macnexus.org]
Sent: Sunday, August 28, 2011 7:43 PM
To: Heather Forest
Cc: Healthydevelopmentforoakpark@googlegroups.com
Subject: McDonald's-2nd Ave. & Stockton Blvd. (P10-071)

Heather Forest, Associate Planner
City of Sacramento
Community Development Department
300 Richards Blvd.
Sacramento, CA 95811
HForest@cityofsacramento.org

Re: McDonald's-2nd Ave. & Stockton Blvd. (P10-071)

I am writing to register my strong opposition to the proposed development of a McDonald's restaurant with double drive-thru in my neighborhood.

As a resident of 4041 2nd Avenue since 1982, I am happy to say that I have seen steady improvement in the nearby surroundings since I first arrived. I enjoy seeing the increase in families walking and bicycling, both homeowners and renters caring for and improving their homes and more neighbors getting to know one another.

Despite what the Mitigated Negative Declaration says about this project, a McDonald's with a drive-thru would be very detrimental to the positive changes that I see here. The drive-thru would endanger pedestrians and cyclists with increased traffic and dangerous driveways crossing sidewalks. We would see trash from the drive-thru tossed from passing cars as they cut through the small streets in the neighborhood to avoid the snarled traffic at the already difficult corner of 2nd Ave. and Stockton Blvd.

A residential neighborhood is an inappropriate location for any development with a drive-thru. Neighbors adjacent to existing drive-throughs complain about the noise from the loudspeakers, the increased traffic in front of their homes and the endless trash littering their streets, sidewalks and yards. They say the hours the drive-throughs are open (5 AM to 2 AM) are incompatible with a pleasant quality of life and that delivery and trash pick-up take place in the middle of the night, making the restaurants even less compatible with residential life.

The hours proposed for the drive-thru in the project in question are 7AM-11PM Monday through Thursday with extended hours until 1AM Friday, Saturday and Sunday. Those hours are out of compliance with the City of Sacramento's laws governing hours of operation for drive-throughs adjacent to homes.

Cars streaming down 2nd Avenue, cutting through the smaller surrounding streets and idling while waiting in line at the drive-thru will generate noise and air pollution we absolutely do not need. Idling is linked to increases in asthma, allergies, heart and lung disease and cancer. We don't want to increase any of those!

I am not in favor of decreasing the quality of life in my neighborhood by adding the amount of traffic a drive-thru restaurant would draw. There are already 5 existing McDonald's with drive-throughs within a two mile radius of the site; adding another is not in the best interest of the immediate neighborhood or Sacramento as a whole. The empty lot in question has so much potential to become an asset and an enhancement to our charming older neighborhood. A mixed use development that would provide an attractive meeting place for people to walk and bike to, rather than another socially isolating drive-thru is what is needed there.

Please do not allow development of a McDonald's with drive-thru to proceed. I want my neighborhood to improve, not decline.

JoEllen Arnold
4041 2nd Avenue
Sacramento CA 95817
jarnold@macnexus.org
916 501 8995

Scott Johnson

From: deb belt [fab.studio@att.net]
Sent: Monday, August 29, 2011 5:05 PM
To: Scott Johnson
Subject: 2nd Avenue McDonald's

Aug. 29, 2011

Dear Mr. Johnson,

Please consider the surrounding neighborhood and Sacramento at large when reviewing the proposed McDonald's for the corner of Stockton Blvd. and 2nd Ave. I understand the McDonald's is to have a drive-through, which requires a special permit. Please do not allow this special privilege at the expense of the surrounding neighborhood, and Sacramento in general. Air pollution is a problem in our valley, and, as you know, legislation such as AB 32 is working to reduce greenhouses gases. Please be forward thinking and deny such outdated and poorly planned development such as drive through windows for fast food restaurants. Thank you for your consideration,
Debra Belt + Stephen Henry
2469 41st Street
Sacramento, CA 95817

Scott Johnson

From: Charlene Hauser [charlene.hauser@gmail.com]
Sent: Tuesday, August 30, 2011 2:39 PM
To: Scott Johnson
Subject: MND comments to Scott Johnson

Scott,

I appreciate your time meeting with us earlier this month to discuss the proposed drive-thru for 2nd and Stockton. As a community member living near the proposed site and primary care physician for the local area, below are some concerns I have with the Mitigated Negative Declaration.

1) Inconsistency of the project with the City of Sacramento Drive Through Service Facility Guidelines: (page 5 of MND)

- the guidelines clearly specify hours of operation for a drive thru adjacent to residential property as 7a-10 pm.
- the project hours proposed are 5a-11pm, with extended hours to 1am on weekends (including Sunday night) <http://www.cityofsacramento.org/dsd/planning/long-range/drive-thru-regulations.cfm>
- This inconsistency is not discussed at all in the mitigated negative declaration, leaving the MND incomplete.

2) Inconsistency with the General Plan: (Page 10 of MND) although the MND says it is consistent.

- according to Sac General Plan, the FAR for urban corridor low is 0.4-3.0
- although the FAR does not apply to lots less than 1 acre, and this lot is 0.99 acres, the point of FAR is to specify density of development. A FAR of 0.09 is not just out of the recommended range, it is not even remotely close to being higher density development, which indicates that there was no attempt for higher density development, and rather a complete disregard for GP guidelines. This project is 78% deficient of the minimum density required for a parcel that is only 0.01 acre larger than it's current size.
- This inconsistency is not discussed at all in the mitigated negative declaration, leaving the MND incomplete.

3) Traffic study is incomplete (page 45 of MND)

- although it evaluates multiple east/west streets in the grid around the proposed area, it does not address multiple north/south streets in the surrounding grid.
- It also describes 2nd ave as both residential and commercial, although clearly this is a residential section of 2nd Ave, with only a few scattered businesses within one mile from the site. This is an incorrect discussion of the roadway.
- it describes traffic as flowing mainly on Stockton Ave, and does not discuss how traffic will avoid the already difficult to maneuver intersection. Traffic patterns suggest cars will exit onto 2nd ave and travel through residential sections of Oak Park (such as on 43rd st) to return to their original destination, leading to increased traffic on other streets. This traffic pattern is not even considered in the MND, although it is an obvious consideration if you live these traffic patterns every day.

4) Pedestrian/bicycle safety

- although the MND evaluate reports no impact to pedestrian safety, WalkSacramento has evaluated the project and has made recommendations that would improve pedestrian safety (moving drive through to the back, or eliminating it all together), but these recommendations have not been adopted in the current proposal. Clearly this is not the safest design for a restaurant on this corner.
- the only discussion of ped/bike safety states that the project will not remove existing bike/ped facilities. What it does NOT address is how 1018 newly distracted drivers entering onto 2nd Ave will impact the pedestrians and bicyclists who travel that road. The MND also does not address how it will impact already tenuous bike

traffic on Stockton Blvd, which does not have a designated bike lane and already forces cyclists onto the sidewalk to travel north and south on Stockton Blvd. A drive-thru will further jeopardize these already high risk people. The MND does not discuss the current status of pedestrian and bicycle traffic at the corner, let alone the impact a drive thru restaurant would have on these equally (if not more) important forms of transportation.

- the traffic study is inadequate and does not assess ped/bike use of the intersection and completely disregards how 1018 new trips might impact alternate forms of transportation.

5) Air Quality and sensitive receptors

"There are sensitive receptors, including residential uses, and a care facility located adjacent to the subject site; however based upon the new net trips of approximately 1,018, and the existing conditions of the adjacent street segments, the project would not create significant impacts related to TACs. The Project Site is not located within 500 feet from the edge of travel lane for Highway 99 or I-5 and does not include any sensitive receptors; therefore, impacts related to TACs would not result in any new significant effect."

Although the MND reports there will be no issues for sensitive receptors because they the project site does not "include" them, these "adjacent" sensitive receptors (nearby residences, patients at the adjacent care facilities) are the TARGET CONSUMERS for this business and will clearly be on the premises of the proposed site. TACs should be evaluated with the consideration of sensitive receptors being located on the project site or require that McDonald's submit a business plan proving these people will not be their customers.

6) Noise

From the MND "As described earlier, deliveries related to the project are conditioned to occur during business hours. As a result, the restaurant drive thru operations would have a less than significant noise impact."

- 2pm-11pm are **NOT business hours** and there is no mitigation provided for the impact of this noise. As deliveries are "expected" to last an hour, it is conceivable that there would be tractor trailer noise at midnight, immediately adjacent to a care facility and a residence. There needs to be mitigation provided for this possibility.

Sincerely,
Neighbor and concerned physician,

--

Charlene Hauser, MD, MPH

University of California-Davis
Department of Family and Community Medicine
cell: [\(814\)777-5097](tel:8147775097)
charlene.hauser@gmail.com

Heather Forest

From: panetela@comcast.net
Sent: Tuesday, August 30, 2011 9:41 PM
To: Scott Johnson; Heather Forest; Jay Schenirer
Cc: jthomason@shra.org
Subject: Stockton and 2nd McDonalds

Hi, I'm Jeff Thomason of 2701 43rd street, I also own 2744 43rd street and 4300 2nd ave., the house next door to my home. I moved to Oak Park in 1980.

In 1980 there where two more homes in my neighborhood on 2nd ave., they where torn down for Crestwood Manor to expand. It never happened. Now john saca wants to build the 2 lane drive-thru where two homes once stood for about 75 years. That is wrong.

You know that every house on that block, (2nd ave ,between 43rd and Stockton blvd.) has 2 front windows. One is the living room and the other is a bed room. Would YOU want lights and noise from a drive thru across the street all night long? WOULD YOU RENT THAT HOUSE, WOULD YOU BUY THAT HOUSE? WOULD YOU want to live there?????

There are 6 property owners who will be devastated by this plan. Do they count?

This would be the first McDs. in Sacramento county to have it's main drive way entrance across from a residential home.

john saca is not neighborhood friendly. 2700 Stockton blvd. This was built by deceiving neighbors/owners. At Design And Review told that it would be office building. Then after ok'ed the city gave him a Special Permit, (no public hearings and major modification ok). WHY? Because no body would want to have the sound,{ 50dp } of 3 large fans dispersing toxic chemical vapors continuously, even when power goes out, [A large loud generator comes on. it also tests once a week], in your back yard/outdoor living space. He should not be involved with this property. He is a crook and maybe so is some city leaders too..

A plan submitted to city years ago was a 3 story mix use, about 5 retail on ground level, 2nd floor office space, top floor market rate residential lofts. I guess 2700 wouldn't mix with a mix use. ha ha Thanks city.

I know all 6 owners do not want the McDs

Should not the real neighbors have a **sensible** say in these matters?

Jeff 455-2592

Heather Forest

From: Asael Sala [asael@pesticidewatch.org]
Sent: Tuesday, August 30, 2011 1:06 PM
To: Heather Forest
Subject: Re: McDonald's-2nd Ave. & Stockton Blvd. (P10-071)
Attachments: McDonald's 2nd Ave. & Stockton Blvd._Opposition.docx

August 30, 2011

Heather Forest, Associate Planner
City of Sacramento Community Development Department 300 Richards Blvd.
Sacramento, CA 95811
Re: McDonald's-2nd Ave. & Stockton Blvd. (P10-071)

Dear Sacramento City Planning Commission Members:

Pesticide Watch strongly opposes the proposed development of the drive-thru McDonald's on 2nd Avenue and Stockton Boulevard based on the following principles:

- The Proposed construction of the drive-thru McDonald's is incompatible use with adjacent residential neighborhood and UC-Davis Cancer Survivors' Park. (City of Sacramento General Plan policies LU 2.1.2, 2.1.3, 2.1.6)
- The proposed plans Scored 1.2 out of possible 4 as reviewed by the Oak Park Neighborhood Association Land Use Committee evaluation.
- This plan does not maximize the development possibility of an infill space, which if fully utilized, leads to improved air quality, increased alternative transportation, and higher economic return to the city. (City of Sacramento General Plan policies LU 2.1.6, 2.6.1)
- This plan would be detrimental to the public health, safety, or welfare, or if it results in the creation of a nuisance.
 - A drive-through encourages social isolation.
 - A drive-through leads to littering, as trash is carried from the restaurant and discarded haphazardly, creating a nuisance for nearby residents.
 - Pedestrian safety is compromised by the drive-through presence and location as noted in Walk Sacramento's recommendations (already submitted).
 - This proposal is inconsistent with the Sacramento General Plan because the proposal has a FAR (floor to area ratio) of 0.09, which is clearly out of the range as set forth in the General Plan for parcels designated Urban Corridor Low [FAR 0.3- 3.0].
 - This proposal is inconsistent with SACOG Blueprint Plan of encouraging compact development and alternative transportation as it is auto oriented and has a very low FAR.
 - This proposal is inconsistent with the Broadway Stockton Urban Design Plan, which describes a drive through as an "undesirable use" and "discouraged use."
 - This proposal is inconsistency with historic, underserved neighborhood, and health corridor.

Sincerely,
Asael M. Sala
Community Organizer
Pesticide Watch & Pesticide Watch Education

Heather Forest

From: David [dahaugen@gmail.com]
Sent: Tuesday, August 30, 2011 7:49 AM
To: Heather Forest
Subject: say no to McDonald's

Dear Ms. Forest,

Please do not allow McDonald's to develop property at Stockton Blvd and 2nd Avenue.

I am a homeowner and single father of one boy; we live just around the corner from this location at 2532 42nd Street.

I am very concerned regarding:

1. Increased traffic congestion
2. Increased trash
3. Increased noise
4. Increased vagrancy (it's bad enough already)
5. Increased danger to pedestrians

Please do not allow such a negative development in our neighborhood. McDonald's represents everything that is "bad" about our society and culture -- to me, this mostly means encouraging poor diet habits and representing a multinational corporation that does so, right in my backyard!

Thank you for not supporting such a development in our neighborhoods.
David Haugen
916.320.9997

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

To the Planning Commission Members:

Our organization, Sacramento League of Urban Gardeners (SLUG) supports Healthy Development for Oak Park (HDOP) in their opposition to the planned construction of a McDonald's restaurant with a double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park.

Building healthy neighborhoods is critical to the overall health of our city. Supporting local businesses, having a voice in what happens in our communities, having places to gather in which the youngest to the oldest members are welcome and safe are important principles and foster connection within the community that ultimately lead to safer, healthier places to live and work. Community gardens, sit-down restaurants and coffee shops, having parks and places to rest or recreate, being able to walk or bike safely to work, school or to the local grocery store are examples of the healthy planning choices HDOP supports. Setting examples for our youth and families about the importance of physical activity, eating wholesome, fresh and locally grown food is also an important component in the legacy we wish to leave future generations.

The City of Sacramento's master plan for making neighborhoods pedestrian and bicycle-friendly is not fulfilled by putting in another fast food restaurant with a double-drive through. The long-term impact of fast food consumption is linked to chronic diseases such as diabetes, obesity and coronary disease, creating an additional long-term and costly burden on the community by increasing the health care costs of the most expensive diseases to treat. Healthy Development for Oak Park is fostering collaboration with the neighborhood to encourage the development of stable, local sources of revenue that will create a healthier Oak Park for generations to come.

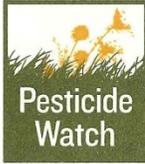
SLUG has a vested interest in the health and future of this community and we strongly urge you to reject the application of McDonald's to build a fast food restaurant with a double drive-through at 2nd Avenue and Stockton Boulevard.

Sincerely,



Josh Cadji
Sacramento League of Urban Gardeners

cc: Healthy Development for Oak Park



1107 9th Street, Ste. 601
Sacramento, CA 95814

Ph: 916.551.1883
Fx: 916.448.4560

www.pesticidewatch.org
info@pesticidewatch.org

August 30, 2011

Health Forest, Associate Planner
City of Sacramento Community Development Department
300 Richards Blvd.
Sacramento, CA 95811

Re: McDonald's-2nd Ave. & Stockton Blvd. (P10-071)

Dear Sacramento City Planning Commission Members:

Pesticide Watch strongly opposes the proposed development of the drive-thru McDonald's on 2nd Avenue and Stockton Boulevard based on the following principles:

- The Proposed construction of the drive-thru McDonald's is incompatible use with adjacent residential neighborhood and UC-Davis Cancer Survivors' Park. (City of Sacramento General Plan policies LU 2.1.2, 2.1.3, 2.1.6)
- The proposed plans Scored 1.2 out of possible 4 as reviewed by the Oak Park Neighborhood Association Land Use Committee evaluation.
- This plan does not maximize the development possibility of an infill space, which if fully utilized, leads to improved air quality, increased alternative transportation, and higher economic return to the city. (City of Sacramento General Plan policies LU 2.1.6, 2.6.1)
- This plan would be detrimental to the public health, safety, or welfare, or if it results in the creation of a nuisance.
- A drive-through encourages social isolation.
- A drive-through leads to littering, as trash is carried from the restaurant and discarded haphazardly, creating a nuisance for nearby residents.
- Pedestrian safety is compromised by the drive-through presence and location as noted in Walk Sacramento's recommendations (already submitted).
- This proposal is inconsistent with the Sacramento General Plan because the proposal has a FAR (floor to area ratio) of 0.09, which is clearly out of the range as set forth in the General Plan for parcels designated Urban Corridor Low [FAR 0.3- 3.0].
- This proposal is inconsistent with SACOG Blueprint Plan of encouraging compact development and alternative transportation as it is auto oriented and has a very low FAR.
- This proposal is inconsistent with the Broadway Stockton Urban Design Plan, which describes a drive through as an "undesirable use" and "discouraged use."
- This proposal is inconsistency with historic, underserved neighborhood, and health corridor.

Sincerely,

Asael M. Sala

Community Organizer
Pesticide Watch & Pesticide Watch Education

Heather Forest

From: Ephriam West [ephwest@comcast.net]
Sent: Wednesday, August 31, 2011 8:48 PM
To: Heather Forest
Subject: FW: McDonalds at 2nd and Stockton

From: healthydevelopmentforoakpark@googlegroups.com [<mailto:healthydevelopmentforoakpark@googlegroups.com>]
On Behalf Of Jamie Davis
Sent: Wednesday, August 31, 2011 7:58 PM
To: hdoakpark@gmail.com
Subject: Fw: McDonalds at 2nd and Stockton

--- On Wed, 8/31/11, Jamie Davis <cynon767@yahoo.com> wrote:

From: Jamie Davis <cynon767@yahoo.com>
Subject: McDonalds at 2nd and Stockton
To: HForest@cityofsacramento.org
Date: Wednesday, August 31, 2011, 7:56 PM

We're writing to give our input on the proposed McDonald's restaurant at the corner of 2nd Avenue and Stockton Boulevard. We urge the Planning Department to reconsider the plan to allow this project to continue as proposed. As neighborhood residents and property owners we feel that our community can do better than this, and should do better. We hope that something which better represents local interests and local identity can be done with the property in question. The addition of another drive through restaurant chain to this stretch of Stockton Boulevard will hardly enrich or improve the community the way a locally owned business or creative endeavor would do. We hope that you will reconsider this decision and look for better, healthier ways to direct the use of this property... ways that are beneficial to the surrounding community rather than harmful.

Jamie Davis & Emily Woolford

2483 San Jose Way

Sacramento, CA

Heather Forest

From: Yudell, Zanja [zyudell@csuchico.edu]
Sent: Wednesday, August 31, 2011 8:27 PM
To: Heather Forest
Subject: McDonald's at Stockton and 2nd Ave

Dear Ms. Forest,

I am writing to register my objection to the proposed McDonald's restaurant on Stockton Blvd. at 2nd Ave. I live at 2528 41st St., which is about two blocks from the site. As someone who regularly walks and bikes on both Stockton Blvd. and 2nd Ave, I am concerned about the likely increase in traffic, in particular the cars that will be crossing the paths of pedestrians and cyclists as they enter the drive-in and parking lot. I am especially concerned about the increased noise pollution produced by the idling cars and patrons of the restaurant, in particular in the evenings. I hope you will take seriously my objections as well as those of other neighborhood residents who would be affected by this project. I appreciate your consideration.

Sincerely,
Zanja Yudell
Assistant Professor, Department of Philosophy
CSU Chico

Heather Forest

From: Jamie Davis [cynon767@yahoo.com]
Sent: Wednesday, August 31, 2011 7:57 PM
To: Heather Forest
Subject: McDonalds at 2nd and Stockton

We're writing to give our input on the proposed McDonald's restaurant at the corner of 2nd Avenue and Stockton Boulevard. We urge the Planning Department to reconsider the plan to allow this project to continue as proposed. As neighborhood residents and property owners we feel that our community can do better than this, and should do better. We hope that something which better represents local interests and local identity can be done with the property in question. The addition of another drive through restaurant chain to this stretch of Stockton Boulevard will hardly enrich or improve the community the way a locally owned business or creative endeavor would do. We hope that you will reconsider this decision and look for better, healthier ways to direct the use of this property... ways that are beneficial to the surrounding community rather than harmful.

Jamie Davis & Emily Woolford

2483 San Jose Way

Sacramento, CA

Heather Forest

From: jmvini@aol.com
Sent: Wednesday, August 31, 2011 4:56 PM
To: Heather Forest
Subject: Opposition to proposed McDonald's (P10-071)

Heather Forest, Associate Planner
City of Sacramento
Community Development Department
300 Richards Blvd.
Sacramento, CA 95811
HForest@cityofsacramento.org

We are writing in opposition to the development of a McDonald's restaurant with a double drive-through at the corner of 2nd Avenue and Stockton Boulevard (P10-071). We totally disagree with the City staff's conclusion in the Mitigated Negative Declaration that there will be no negative impact on the area in terms of increased traffic, noise, and air pollution.

We have lived on Downey Way, which is six or seven blocks down Stockton Boulevard from the site of the proposed McDonald's, for over 25 years. As people who drive on Stockton Boulevard and walk through the neighborhood between Downey Way and 2nd Avenue on a daily basis, we are concerned about the increase in traffic and litter that will undoubtedly accompany the operation of a double drive-through McDonald's restaurant at 2nd Ave. and Stockton Blvd. In addition, last year we purchased rental property at the corner of 1st Ave. and 42nd St., which is directly behind the property just next to the proposed restaurant. We are very alarmed about the impact the proposed McDonald's will have on our tenants' enjoyment of the property, as well as the value of the property itself.

The area to the west of the proposed McDonald's is a quiet residential area with narrow, tree-lined streets, well-maintained homes, and little traffic. Many employees of the UCD Medical Center live there and walk to and from work. Bicycle riders are common. It is a quiet corner that is especially attractive to homeowners and renters because of its proximity to the Medical Center. Homes in the area have been stable or, as in the case of several homes on 42nd Street just behind the McDonald's property, have been improved recently.

Anyone who lives in the area knows that traffic can be heavy and back-up on Stockton Blvd. The conclusion in the Mitigated Negative Declaration that there will be no impact to traffic in the area is baffling. Having driven in the area for many years, and I can predict with certainty that people exiting the McDonald's property on Stockton Blvd. will turn to the right, even if they wish to head back towards downtown on Stockton Blvd., because it will be easier than making a left-hand turn. Then, they will likely turn right on 2nd Ave. (no U-turns are permitted at the intersection), make the next right (on 43rd St.), and wind through the quiet residential neighborhood. Those cars will travel right past our rental property, and past the back of the Crestwood Facility, which includes a long grassy lawn – a perfect place to throw some fast food packaging. I have often seen fast food garbage and other discarded items on that stretch when I have visited our rental property. A stream of traffic exiting a McDonald's restaurant one block away with a double drive-through open from 5:00 in the morning until 11:00 at night (and until 1:00 a.m. on Friday, Saturday and Sunday) will result in a great increase in the amount of traffic and litter on this otherwise pleasant little corner.

I understand that the City's planning regulations require a special permit for a drive-through. The proposed plan does not meet the regulatory requirements for granting such a permit. The proposed drive-through will

create a nuisance for adjacent properties, not only those homes on property directly next to or across the street from the proposed McDonald's, but the homes in the surrounding area as well. The drive-through will contribute to increased congestion on the surrounding streets. The design actually places the drive-through lane right along 2nd Ave., wrapping around the restaurant before exiting onto Stockton Blvd. This design makes pedestrian and bike travel along both streets less attractive, if not downright dangerous. I know that the Master Plan for the Sacramento area promotes pedestrian and bike traffic. The proposed drive-through restaurant will not advance that plan.

As residents and owners of two properties in the area that will be impacted by the proposed McDonald's, we ask you to support our efforts to keep our neighborhood the kind of place that attracts committed long-term residents. Please do not allow the development of the proposed McDonald's at the corner of 2nd Avenue and Stockton Boulevard.

Janet Vining and Eric Vega
3932 Downey Way
Sacramento, CA 95817
jmvini@aol.com

Heather Forest

From: Tiffany Wilson [wilson.tiff@gmail.com]
Sent: Wednesday, August 31, 2011 2:51 PM
To: Heather Forest
Subject: Fwd: Proposed McDonald's

Heather,

Per a previous email, below is another email that was sent to HDOP expressing concern for the proposed McDonald's at 2nd Avenue and Stockton.

Thanks,

Tiffany

----- Forwarded message -----

From: <kahlberg@surewest.net>
Date: Wed, Aug 31, 2011 at 1:21 PM
Subject: Proposed McDonald's
To: hdoakpark@gmail.com
Cc: jschenirer@cityofsacramento.org

Dear Healthy Development for Oak Park and Councilman Schenirer,

I am writing out of concern for the proposed plan to place a drive-through McDonald's at the location of Stockton Boulevard and 2nd Avenue. I am opposed to this project altogether, and even more opposed to allowing drive-through access. This plan will impact the neighborhood with increased traffic and increased noise. Speeding, red light running, and jaywalking are already too common between X Street and Broadway. Placing a busy drive-through restaurant on that corner will only increase the problems we currently contend with on a routine basis.

I am an oncology nurse at UCD Cancer Center and this restaurant is not in congruence with any known healthy lifestyle habits. Oak Park will absolutely not benefit from the high-fat, high-sodium, processed foods offered by McDonald's.

Furthermore, I live very near to the intersection of Stockton Boulevard and Broadway and routinely note the homeless sleeping and loitering around Jack in the Box, litter blowing down the street and piled at the bus stops and County Clinic, and late night traffic in the drive-through.

It is distasteful and disrespectful to the citizens of our region to be mobbed by the intentions of corporate, fast food America.

We should be honoring the diversity of our community and reflecting this in the offerings available for meals and gatherings. McDonald's does not meet this standard.

Most Sincerely,
Kristine Ahlberg
4740 7th Avenue
Sacramento
[\(916\) 451-4104](tel:(916)451-4104)

Heather Forest

From: Keith Klassen [keithaklassen@gmail.com]
Sent: Wednesday, August 31, 2011 10:53 AM
To: Heather Forest
Subject: Letter regarding McDonalds on 2nd Ave. and Stockton Blvd.

Hello Heather,

I am writing to voice my strong opposition to having a McDonald's built at the above location. I am part owner of the property at 4320 and 4324 2nd Ave. I feel that this fast food restaurant will be a detriment to the overall neighborhood and adversely affect my property and diminish its value, especially as a rental property. My income will go down and I will have a hard time finding renters as a result. I am especially concerned and oppose to the late night drive through being installed with the outlet dumping right out in front of my property - put yourself in my shoes... how would you like cars shining their headlights into your bedroom at all hours of the night.

If you have any authority and good will on this issue, please help to block this front happening, not just for me, but for the neighborhood that I represent.

Thank you.

Keith

--

Keith A. Klassen, Broker
Burmaster Real Estate Services, Inc.
2020 Hurley Way Suite 105, Sacramento CA 95825
Direct - 916.669.9030
Fax - 916.978.0999

DRE.# 01509214

Heather Forest

From: Ephriam West [ephwest@comcast.net]
Sent: Wednesday, August 31, 2011 6:08 AM
To: Heather Forest
Subject: McDonald's Opposition Letter
Attachments: My McDonald's Opp Letter.doc

Heather Forest, Associate Planner
City of Sacramento
Community Development Department
300 Richards Blvd.
Sacramento, CA 95811

August 31st, 2011

HForest@cityofsacramento.org

Re: Proposed McDonald's-2nd Ave. & Stockton Blvd.

Dear Sacramento City Planning Commission Members,

I've been a homeowner in Oak Park since October 1st, 1990. My home is just two blocks from the corner of 2nd Ave. and Stockton Blvd. In my opinion, this proposed site for the McDonald's Fast-Food Restaurant with a double drive-through, is a very bad idea. Although the entire UCD Medical Center Hospital Complex, along with the Shriners Hospital, has brought many jobs to our community, this intersection is an extremely busy and dangerous site for such a plan. Many people race down 2nd Ave. early to mid morning, throughout the day, and well after employees depart to go home. Quite a few people employed at the Med Center have bought homes here over the 21 years that I've been a resident, and they enjoy walking and riding their bicycles to and from work. There is plenty of Pedestrian and Bicycle Traffic that will be greatly affected by this plan. As well as the additional automobile congestion entering and leaving this site, we will have to put up with the noise of those cars, a decline in our air quality, and the discarded trash by patrons. Drive-through restaurants do not bring positive changes, or a "Sense of Community", to adjoining neighborhoods. Earlier this month, I along with a couple of my neighbors, canvassed 56th and 57th Streets off of Folsom Blvd. to get the resident's feedback about both the McDonald's and Taco Bell drive-through restaurants located nearby (on Folsom Blvd). We heard many complaints of traffic, noise, trash, etc. that echoes our own concerns here in Oak Park. If you are aware, or not aware, there are at least four McDonald's drive-through restaurants within a two mile radius of this proposed location, plus a Jack-In-The-Box located just 3-blocks south at the corner of Broadway and Stockton Blvd.

This planned site for a new McDonald's is an undesirable location for such a business, and I strongly oppose it. We want our neighborhood to be safe!

Chalmers E. West III
2700 42nd Street

Heather Forest

From: Jack Klassen [jackklassen@earthlink.net]
Sent: Thursday, September 01, 2011 10:46 AM
To: Heather Forest
Subject: RE McDonald's at 2nd Avenue and Stockton, Sacramento

Dear Heather,

I've just returned from vacation and found the deadline to drop you a note was yesterday. I hope you'll consider this opinion in any case.

I am part owner, with my two sons, in the property located at 4320/4324 2nd Avenue: directly across the street from the proposed restaurant.

I want to let you know of my opposition to the proposed McDonald's to be built at the 2nd Avenue location. I understand the property is appropriately zoned for commercial use, however, this particular type of use will adversely affect our property value. As I understand the proposal, the traffic pattern would be to exit the drive-thru onto 2nd Avenue in front of our property. This, together with the normal activity of a McDonald's, i.e. constant customer traffic, cooking odor, noise, garbage, vagrants, etc, will make our property difficult to rent and consequently lower the property value immensely. We've already been impacted by property values dropping and can't sustain another negative impact.

Other forms of commercial use would be far better in terms of being adjacent to a residential neighborhood.

I'm not sure of your capacity in this matter. Your email address was given to me without explanation. However, anything you are able to do to block this development would be appreciated by myself and others in this neighborhood.

Thank you for your consideration.

Sincerely,
-- Jack-

Jack Klassen
415-990-0998



OAK PARK NEIGHBORHOOD ASSOCIATION

POSITION ON PROPOSED MCDONALD'S RESTAURANT AT 2ND AVENUE & STOCKTON BOULEVARD SEPTEMBER 20, 2011

In response to community input, The Oak Park Neighborhood Association's (OPNA) Land Use Committee has taken a position of non-support of the proposed McDonald's restaurant, 2nd Avenue and Stockton Boulevard.

While we are aware there are many issues confronting the proposed project, OPNA has confined our position to the project as it affects land use and development in Oak Park.

OPNA has a dual matrix system which is based on community and expert input. Our goal is to evaluate each proposed. The proposed McDonald's scored a 1.3 and is therefore not supported by the Association.

OPNA encourages development in Oak Park that meets the design and commerce needs of the community. We encourage any developer to inform us if our scoring is in error or if improvements have been made to the plans that would benefit from further consideration.

The scoring is attached to this letter. The areas that received the low scores and are a cause for concern are:

- The low-density of the project consisting of a single floor with only a .09 floor area ratio
- Increased traffic impacts to 2nd Avenue between Broadway and Stockton Blvd
- Impacts to bicycle and pedestrian circulation within the medical district
- The inclusion of a double drive-thru directly adjacent to residences
- The project is in direct conflict with intent of the Broadway Stockton Urban Design Plan which states:
 - There should be a reduction in the inventory of commercial land
 - Mixed use land uses should be encouraged
 - Drive-thru restaurants should be discouraged
 - Undesirable land uses include fast food
 - Massing should be of a large scale
- Overwhelming vocal opposition from the Oak Park community

OPNA represents our community based on the input of our residents. We look forward to working with developers who bring jobs, progress and much needed services to our community. Please feel free to contact us with your thoughts as to how we can work with you to satisfy your needs and the needs of the community.

Sincerely,

Sam Allen
Chair, Land Use & Planning Committee

Michael Boyd
OPNA President

Heather Forest

From: Steve Tavares [stavares916@hotmail.com]
Sent: Thursday, September 29, 2011 10:23 PM
To: Heather Forest
Subject: McDonald's on 2nd Ave & Stockton

Hello,

I am writing to express my opposition to the construction of a McDonald's on the corner of 2nd Ave & Stockton. I feel this would have a negative impact on the neighborhood and surrounding community.

Thank you for your time and consideration.
Steve & Margaret Tavares

Heather Forest

From: Micah Baginski [baginski.micah@gmail.com]
Sent: Thursday, September 29, 2011 9:05 AM
To: Heather Forest
Subject: Opposition to the McDonald's on 2nd Ave and Stockton Blvd

Please add the following comments to the public record.

I am a resident of Oak Park and live one block from the proposed location of McDonanld's restaurant. There are already five existing McDonald's within a two-mile radius of the site; adding another is not in the best interest of the immediate neighborhood or Sacramento as a whole. We need to add local, healthy, affordable and sustainable businesses that will contribute to the positive changes taking place in Oak Park, not another fast food restaurant.

The fact that a variance is required for a locally unwanted land use is just cause for a rejection of this proposal. Please do not support this proposal. Thank you.

--

Micah Baginski
C. [916.600.4040](tel:916.600.4040)
Lic.#957507



TO: Heather Forest, Associate Planner
City of Sacramento Community Development Department
300 Richards Boulevard
Sacramento, CA 95811

FROM: Healthy Development for Oak Park

DATE: August 19, 2011

RE: McDonald's – 2nd Ave. and Stockton Blvd. Project (P10-071)

Enclosed for your review are (1) signed petitions compiled by our neighborhood organization, (2) letters of support which oppose the proposed building of a double drive-through McDonald's restaurant at the above-referenced location and (3) a summary of technical failures of the proposal.

If you have any questions, please feel free to contact Tiff Wilson at wilson.tiff@gmail.com.

WHY THIS PROPOSED DEVELOPMENT IS NOT APPROPRIATE USE FOR 2ND AVENUE AND STOCKTON BOULEVARD

According to Sacramento City Code 17.212.010 Special Permit Approval **REQUIRES**, but the proposal **DOES NOT FULFILL**:

Sound principles of land use

- **Incompatible use** with adjacent residential neighborhood and UC-Davis Cancer Survivors' Park. (City of Sacramento General Plan policies LU 2.1.2, 2.1.3, 2.1.6)
- Scored **1.2 out of possible 4** as reviewed by the Oak Park Neighborhood Association Land Use Committee evaluation <http://www.scribd.com/doc/61943399/Development-Matrix>
- Because of the drive-thru, this plan does not maximize the development possibility of an infill space (City of Sacramento General Plan policies LU 2.1.6, 2.6.1)
- Although there are other McDonald's in Sacramento that ARE designed to fit with surrounding environment, this one has not been designed to be consistent with the neighborhood, resulting in **inequity of design for Oak Park**

Not injurious

(detrimental to the public health, safety, or welfare, or if it results in the creation of a nuisance)

- A drive-thru encourages **social isolation**, which is associated with early death¹
- A drive-thru leads to **littering**, as trash is carried from the restaurant and discarded haphazardly, creating a nuisance for nearby residents
- **Pedestrian safety is compromised** by the drive-through presence and location as noted in WalkSacramento's recommendations (already submitted)
- There are frequent **sexual assaults, property crimes, and robberies** with a 0.5 mile radius of other drive-thrus in Sacramento <http://www.sacpd.org/crime/mapping/>

Must Relate to a Plan

- This proposal **is inconsistent with the Sacramento General Plan** because the proposal has a **FAR (floor to area ratio) of 0.09**, which is clearly out of the range as set forth in the General Plan for parcels designated Urban Corridor Low [FAR 0.3- 3.0].
- This proposal **is inconsistent with SACOG Blueprint Plan** of encouraging compact development and alternative transportation as it is auto oriented and has a very low FAR.
- This proposal **is inconsistent with the Broadway Stockton Urban Design Plan**, which describes a drive through as an "undesirable use" and "discouraged use."
- The drive-thru hours proposed by McDonald's are **inconsistent with City of Sacramento Drive-Thru Regulations**² (proposal: 5am-11pm, extended to 1am on Fri/Sat/Sun, whereas the guidelines are: 7a-10pm when adjacent to residential property)

Comment on Mitigated Negative Declaration

- Drive thru hours are inconsistent with Sac City Guidelines (as above)
- FAR is inconsistent with General Plan guidelines for Urban Corridor Low (as above)
- The traffic study is incomplete, as it addresses multiple east/west streets in the grid surrounding the proposal site, but only addresses one north/south street in the area

¹ House JS, Landis KR, Umberson D. Social Relationships and Health. Science 1988.

² <http://www.cityofsacramento.org/dsd/planning/long-range/drive-thru-regulations.cfm>

**WHY THIS PROPOSED DEVELOPMENT IS NOT AN APPROPRIATE USE FOR
2ND AVENUE AND STOCKTON BOULEVARD**

IN SUMMARY: Denying approval for the drive through is based on sound principles of land use, improves public health, avoids creating a nuisance, and is consistent with multiple planning documents.

Village Drive In

3810 60th St
Sacramento, CA 95820
916) 457-3196

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Opposition to proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

Planning Commission Members:

As the owner of a local business—the Village Drive In in Tahoe Park, I support Healthy Development for Oak Park (HDOP) in their **opposition** to the planned construction of a McDonald's restaurant with a 24-hour double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park for the following reasons:

Drive-through restaurants thrive on car turnover, which results in more traffic, endangering children, pedestrians, and bicyclists in the neighborhood.

- Large corporations, such as McDonald's, take jobs and money away from our thriving local businesses.
- The business model of a drive-through McDonald's impairs social gathering, a known necessity for a strong community.
- Allowing a drive-through restaurant in the Oak Park community is antithetical to the City of Sacramento's Master Pedestrian and Bicycle Plan.
- McDonald's promotes food that contributes to obesity, diabetes, and heart disease, which then costs the community as it pays for lifelong treatment of these chronic conditions.

Healthy Development for Oak Park is fostering collaboration within the neighborhood to encourage the development of stable, local sources of revenue that will create a healthier Oak Park, and city of Sacramento, for generations to come. We all have a vested interest in the health and future of this community and I strongly urge you to reject McDonald's application for a drive-through restaurant at 2nd Avenue and Stockton Boulevard.

Sincerely



Hui Jum, Owner
February 14, 2011

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Opposition to proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

Dear Planning Commission Members:

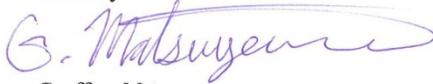
As a concerned citizen and local business owner, I *Geoffrey Matsuyama co owner of Café Lumiere* support Healthy Development for Oak Park (HDOP) in their **opposition** to the planned construction of a McDonald's restaurant with a 24-hour double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park for the following reasons:

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- Large corporations, such as McDonald's, take jobs and money away from our thriving local businesses.
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Healthy Development for Oak Park is fostering collaboration within the neighborhood to encourage the development of stable, local sources of revenue that will create a healthier Oak Park, and city of Sacramento, for generations to come. I have a vested interest in the health and future of this community and strongly urge you to reject McDonald's application for a drive-through restaurant at 2nd Avenue and Stockton Boulevard.

Sincerely



Geoffrey Matsuyama
Co owner of Café Lumiere (Bakery Lumiere)
5701 Broadway Suite B
Sacramento, CA 95820

Loving Hut Restaurant
3500 Stockton Blvd
Sacramento, CA 95820
(916) 451-6842

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Opposition to proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

Planning Commission Members:

As the owner of a local business—Loving Hut Restaurant on Stockton Blvd, I support Healthy Development for Oak Park (HDOP) in their **opposition** to the planned construction of a McDonald's restaurant with a 24-hour double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park for the following reasons:

Drive-through restaurants thrive on car turnover, which results in more traffic, endangering children, pedestrians, and bicyclists in the neighborhood.

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Healthy Development for Oak Park is fostering collaboration within the neighborhood to encourage the development of stable, local sources of revenue that will create a healthier Oak Park, and city of Sacramento, for generations to come. We all have a vested interest in the health and future of this community and I strongly urge you to reject McDonald's application for a drive-through restaurant at 2nd Avenue and Stockton Boulevard.

Sincerely



Manh Huynh and Thuy Nguyen, Co-owners
February 14, 2011

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Opposition to proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

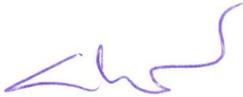
Planning Commission Members:

As a concerned citizen (or member of a particular organization), I (*we*) support Healthy Development for Oak Park (HDOP) in their **opposition** to the planned construction of a McDonald's restaurant with a 24-hour double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park for the following reasons:

1. Drive-through restaurants thrive on car turnover, which results in more traffic, endangering children, pedestrians, and bicyclists in the neighborhood.
2. McDonald's promotes food that contributes to obesity, diabetes, and heart disease, which then costs the community as it pays for lifelong treatment of these chronic conditions.
3. The business model of a drive-through McDonald's impairs social gathering, a known necessity for a strong community.
4. Large corporations, such as McDonald's, take jobs and money away from our thriving local businesses.
5. Local businesses offer more financial return per dollar to the city than large corporations.
6. Allowing a drive-through restaurant in the Oak Park community is antithetical to the City of Sacramento's Master Pedestrian and Bicycle Plan.

Healthy Development for Oak Park is fostering collaboration within the neighborhood to encourage the development of stable, local sources of revenue that will create a healthier Oak Park, and city of Sacramento, for generations to come. I (*we*) have a vested interest in the health and future of this community and strongly urge you to reject McDonald's application for a drive-through restaurant at 2nd Avenue and Stockton Boulevard.

Sincerely,
Chung Oh, Stockton Burgers
2033 Stockton Blvd.
Sacramento, CA 95817



Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Opposition to proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

Planning Commission Members:

As a concerned citizen (or member of a particular organization), I (*we*) support Healthy Development for Oak Park (HDOP) in their **opposition** to the planned construction of a McDonald's restaurant with a 24-hour double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park for the following reasons:

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Healthy Development for Oak Park is fostering collaboration within the neighborhood to encourage the development of stable, local sources of revenue that will create a healthier Oak Park, and city of Sacramento, for generations to come. I (*we*) have a vested interest in the health and future of this community and strongly urge you to reject McDonald's application for a drive-through restaurant at 2nd Avenue and Stockton Boulevard.

Sincerely,
Chang Park, Serv-Rite Market
3994 2nd Ave.
Sacramento, CA 95817



Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Opposition to proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

Planning Commission Members:

As a concerned citizen (or member of a particular organization), I (we) support Healthy Development for Oak Park (HDOP) in their **opposition** to the planned construction of a McDonald's restaurant with a 24-hour double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park for the following reasons:

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Healthy Development for Oak Park is fostering collaboration within the neighborhood to encourage the development of stable, local sources of revenue that will create a healthier Oak Park, and city of Sacramento, for generations to come. I (we) have a vested interest in the health and future of this community and strongly urge you to reject McDonald's application for a drive-through restaurant at 2nd Avenue and Stockton Boulevard.

Sincerely,
Nina Waraich, Subway Sandwiches
3000 Stockton Blvd.
Sacramento, CA 95817

TEJINDER SINGH Business Partner.
Tejinder Singh.

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Opposition to proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

Planning Commission Members:

As a concerned citizen (or member of a particular organization), I (*we*) support Healthy Development for Oak Park (HDOP) in their **opposition** to the planned construction of a McDonald's restaurant with a 24-hour double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park for the following reasons:

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Sincerely



Your name
Fred Ebrahimi

2/22/2011

Milano Pizza
3900 60th St.
Sacramento, CA 95820

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Opposition to proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

Planning Commission Members:

As a concerned citizen (or member of a particular organization), I (*we*) support Healthy Development for Oak Park (HDOP) in their **opposition** to the planned construction of a McDonald's restaurant with a 24-hour double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park for the following reasons:

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Healthy Development for Oak Park is fostering collaboration within the neighborhood to encourage the development of stable, local sources of revenue that will create a healthier Oak Park, and city of Sacramento, for generations to come. I (*we*) have a vested interest in the health and future of this community and strongly urge you to reject McDonald's application for a drive-through restaurant at 2nd Avenue and Stockton Boulevard.

Sincerely,
Abbas-Ali, Cig's & Snacks Market
3022 Stockton Blvd.
Sacramento, CA 95817



Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

6/2/2011

Subject: Proposed McDonalds at 2nd Avenue and Stockton Boulevard

Dear Planning Commissioners,

I am writing to share with you my concerns regarding the proposed McDonald's development at 2nd Avenue and Stockton Boulevard. As a registered dietitian who cares for patients near the project site, I am concerned and alarmed by the development proposal. My patients are **young children and teenagers who are vulnerable** to the community in which they live. They suffer from asthma, diabetes, and heart disease while they breathe polluted air, largely attributed to vehicle emissions, a necessary means of travel due to our car centric development pattern.

I work in the pediatric endocrinology clinic where I see children and teenagers every week to discuss healthy eating for weight management. In the United States, childhood overweight and obesity affect approximately 32% of children and teens with the prevalence of obesity among adults being 34%. The treatment of obesity continues to be reducing calories by choosing healthy foods and exercising more. Building a McDonald's across the street from the pediatric clinics will send the wrong message to these kids and teens (and their parents) who are trying to improve their lifestyle and lose weight. McDonalds markets and sells "kids meals." Just one of these "kids meals" provides up to 65-70% of the daily calories, ~100% of the daily fat, >100% of the saturated fat, and >60% of the salt that a 4-8 year old needs for the entire day. Making these types of unhealthy foods more available and easy to access with a drive-through is not in the best interest of the kids and teens who live in Oak Park and/or come to the UC Davis Medical Center for their health care.

According to the Centers for Disease Control and Prevention, healthy community design can improve people's health by:

- Increasing physical activity,
- Reducing injury, increasing access to healthy food,
- Improving air quality, and
- Strengthening the social fabric of a community. ¹

According to the World Health Organization, there are multiple social factors that determine health, regardless of the medical services available. These include:

- Social cohesion
- Access to a variety of healthy foods

¹ www.cdc.gov/healthyplaces

- Cycling, walking, and the use of public transportation²

A drive-through fast food restaurant depends on heavy vehicle traffic, which leads to *decreased* physical activity, *increased* injury of pedestrians and bicyclists, air pollution, and *less* social cohesion. If we instead focus on designing a healthy community (e.g., healthy food establishments, decreased dependence on automobiles due to increased active transportation facilities), my patients, and the citizens of Sacramento, may one day be able to finally escape the shackles of obesity, diabetes, asthma, and other chronic diseases. As a civic leader responsible for development decisions that impact the health of your constituents and our community, please support the citizens of Sacramento by rejecting the drive through permit request for 2nd Ave and Stockton Boulevard.

Sincerely,

Colleen S. Baucom-Pro, MAS, RD
Clinical Dietitian
Food and Nutrition Services
UC Davis Medical Center
2315 Stockton Blvd O118
Sacramento, CA 95817

² Wilkinson, Richard and Michael Marmot. *Social Determinants of Health: the solid facts*. 2nd ed. World Health Organization. 2003

Christoph Troppmann, MD, FACS
1128 43rd Street
Sacramento, CA 95819

June 6, 2011

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Subject: Proposed McDonalds Drive-Through Fast Food Restaurant at 2nd Avenue and Stockton Boulevard

Dear Planning Commissioners,

I am writing to share with you my concerns regarding the proposed McDonald's development at 2nd Avenue and Stockton Boulevard. As a physician who cares for patients near the project site, I am concerned and alarmed by the development proposal. Many of my patients are elderly, underserved, obese and highly susceptible to any negative influences emanating from the community in which they live. They suffer from asthma, diabetes, and heart disease while they breathe polluted air, largely attributed to vehicle emissions.

According to the Centers for Disease Control and Prevention, healthy community design can improve people's health by:

- Increasing physical activity,
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² Wilkinson, Richard and Michael Marmot. *Social Determinants of Health: the solid facts*. 2nd ed. World Health Organization. 2003

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Sincerely,

A handwritten signature in black ink, appearing to read 'Troppmann', with a long horizontal flourish extending to the right.

Christoph Troppmann, MD, FACS.

Kathrin Troppmann, MD, FACS
1128 43rd Street
Sacramento, CA 95819

June 6, 2011

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Subject: Proposed McDonalds Drive-Through Fast Food Restaurant at 2nd Avenue and Stockton Boulevard

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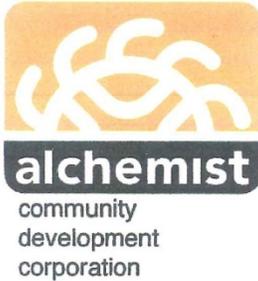
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Sincerely,



Kathrin Troppmann, MD, FACS.



Catalyst for Community Change

RE: PROPOSED MCDONALD'S AT 2ND AVE AND STOCKTON BLVD

To Whom It May Concern:

Alchemist CDC supports the efforts of Healthy Development for Oak Park in opposing the construction of a McDonald's restaurant at 2nd Avenue and Stockton Boulevard.

This proposed McDonald's ~~does not~~ promote health or safety in the Oak Park Community. Alchemist CDC opposes its construction for many reasons, including the following:

1. McDonald's promotes food that contributes to obesity, diabetes, and heart disease, which then costs the community as it pays for lifelong treatment of these chronic conditions.
2. Drive-through restaurants thrive on car turnover, which results in more traffic, endangering children, pedestrians, and bicyclists in the neighborhood.
3. The business model of a drive-through McDonald's impairs social gathering, a critical requirement for a strong community.
4. There are five McDonald's restaurants with drive-throughs within a two-mile radius of the proposed location. There is already an imbalance in the ratio of fast food outlets to healthy food outlets in this area.
5. Large corporations, such as McDonald's, take jobs and money away from our thriving local businesses.
6. Local businesses offer more financial return per dollar to the city than large corporations.
7. Allowing a drive-through restaurant in the Oak Park community is antithetical to the City of Sacramento's Master Pedestrian and Bicycle Plan.
8. There will likely be increased trash and litter, as evidenced by other fast food restaurants already within 0.3 miles of the proposed location.
9. Community members should have a voice in the planning process for businesses that impact their community in such a dramatic way.

Sincerely,

Davida Douglas
Executive Director

916.204.8260 • 1800 21st St., Ste. 100 • Sacramento, CA 95811 • alchemistcdc.org



July 28, 2011

Planning Commission - City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

RE: Proposed McDonald's Restaurant at 2nd Avenue and Stockton Boulevard

To the Planning Commission Members:

As a concerned citizen and business owner of Freedom Farms, I support Healthy Development for Oak Park (HDOP) in their opposition to the planned construction of a McDonald's restaurant with a 24-hour double drive-through at 2nd Avenue and Stockton Boulevard in Oak Park.

Building healthy neighborhoods is critical to the overall health of our city. Supporting local businesses, having a voice in what happens in our communities, having places to gather in which the youngest to the oldest members are welcome and safe are important principles and foster connection within the community that ultimately lead to safer, healthier places to live and work. Community gardens, sit-down restaurants and coffee shops, having parks and places to rest or recreate, being able to walk or bike safely to work, school or to the local grocery store are examples of the healthy planning choices Freedom Farms and HDOP supports. Setting examples for our youth and families about the importance of physical activity, eating wholesome, fresh and locally grown food is also an important component in the legacy we wish to leave future generations.

The City of Sacramento's master plan for making neighborhoods pedestrian and bicycle-friendly and California Endowments' 'Building Healthy Communities' initiative will not be fulfilled by putting in another fast food restaurant with a double-drive through. The long-term impact of fast food consumption is linked to chronic diseases such as diabetes, obesity and coronary disease, creating an additional long-term and costly burden on the community by increasing the health care costs of the most expensive diseases to treat. Freedom Farms and Healthy Development for Oak Park is fostering collaboration with the neighborhood to encourage the development of stable, local sources of revenue that will create a healthier Oak Park for generations to come.

We at Freedom Farms have a vested interest in the health and future of this community and strongly urge you to reject the application of McDonald's to build a fast food restaurant with a double drive-through at 2nd Avenue and Stockton Boulevard.

Sincerely,

Kory Grant Clift, Program Manager

www.freedomfarmsfood.org

cc: Healthy Development for Oak Park

Heather Forest

From: Steven Root [thrillyo@gmail.com]
Sent: Monday, October 10, 2011 10:59 AM
To: Heather Forest
Subject: Opposition to McDonald's Proposal to build drive-through restaurant at 2nd & Stockton

Greetings,

I am sharing my opposition to adding a McDonald's at the intersection of 2nd Avenue and Stockton Boulevard. Having lived at 4312 2nd Avenue for 2 years, directly across from the empty lot, I can honestly say it will not be a good fit for that part of the Oak Park Neighborhood.

I have nothing against McDonald's corporate or the other 5 locations within 2 miles of that empty lot. What I abhor is the City Planning Commission deciding what is right for a neighborhood instead of the actual residents who live there. The city has collected \$100's of my Oak Park (Sacramento) invested dollars from its selective ticketing practices along 2nd Avenue during the 2 years I lived there. It has done so for many other residents much longer. So instead of letting the neighborhood live in peace to then force the noise pollution, odor pollution, and unhealthy majority of a McDonald's food menu into their neighborhood interior just seems so disrespectful to me.

In light of the recent redistricting decision by City Council this matter will likely not go unnoticed. Please examine this issue not solely based on blueprints, sound walls, or egress, but rather the will of the actual residents to live in peace and wait however long it takes for a healthier option to fill that particular empty lot.

P.S. If the city is interested in filling up empty lots there are plenty in South Oak Park!

Sincerely,
Steven Root

Heather Forest

From: aeron.terry@gmail.com on behalf of Aeron Terry [aterry@stjohnsshelter.org]
Sent: Tuesday, October 11, 2011 1:59 AM
To: Heather Forest
Subject: No more mcdonald's please!

Hello,

I got your email from Healthy Development for Oak Park and would like to add my voice to the cause and ask that we do not add another McDonald's to the Oak Park area. There are already several within blocks of each other, and another is not needed. Surely there is something better that could be put in that location!

-Aeron Terry, current Oak Park resident.

Planning Commission
City of Sacramento
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

10/14/11

Subject: Proposed McDonalds at 2nd Avenue and Stockton Boulevard

Dear Planning Commissioners,

I am writing to strongly urge you to oppose the proposed McDonald's development at 2nd Avenue and Stockton Boulevard. As a pediatric dietician who cares for patients near the project site, I am extremely concerned about the potential impact of this development proposal. My young patients, are the underserved, lower socioeconomic population that is so very vulnerable to the local community environment. These children suffer from chronic diseases, including cancers, asthma, diabetes, and heart disease which can be further exacerbated by exposure to environmental hazards, including vehicle emissions. A drive-through fast food restaurant will increase their exposure to harmful environmental chemicals, right near the healthcare site for which they are being treated for their chronic diseases.

The McDonald's corporation has worked hard to earn their poor reputation for marketing unhealthful foods to children. By seeking a new drive-thru site so close to a major medical center, it appears they are seeking to prey further on the children that suffer from the chronic illnesses to which they contributed. What kind of message are we sending our families when we have one of the leading fast food, drive-thru restaurants within blocks of their healthcare facility?

I strongly encourage the Planning Commissioners to consider the negative impact of the proposed McDonald's drive-thru restaurant on the health of your constituents and our community. Please support the citizens of Sacramento by rejecting the drive-thru permit request for 2nd Ave and Stockton Boulevard.

Sincerely,

Dianne Mills, RD
Pediatric Dietician



October 14, 2011

VIA EMAIL

Heather Forest, Associate Planner
City of Sacramento Planning Division
300 Richards Blvd, 3rd Floor
Sacramento, CA 95811

RE: McDonalds – Stockton Blvd. (P10-071)

Dear Ms. Forest:

The McDonalds – Stockton Blvd project (P10-071) proposes a 3897 square foot restaurant with thirty parking spaces and a drive through facility. WALKSacramento previously commented on this project in a letter dated November 30, 2010. We would like to take this opportunity to reiterate and expand upon some of our comments.

The site of the proposed project is surrounded by residential and hospital land uses. The corner location is close to residents to the west and many employees and visitors to the hospital uses to the north, south, and east. It can be a superior pedestrian destination. However, the site design doesn't take advantage of its location.

The main entrance to the restaurant is near the middle of the building's north side, facing the parking lot and about 110' from the sidewalk. This is a long way to get into a building that, according to the general plan design guidelines for the site, should be "sited up to the corridor to create a consistent street wall." In addition to the long walk to the entrance, pedestrians must cross the drive-thru aisle and contend with customers that have just picked up their orders.

The drive-thru lane that wraps around the two sides of the restaurant facing the streets results in more than just an inconvenient and hazardous walk for pedestrians. It requires a deep setback from the street – about 55' from Stockton Boulevard and 37' from 2nd Avenue. It also results in a street wall with just two small drive-thru service windows and one window in the dining area.

WALKSacramento still recommends the same changes to the site plan and building design as we made in our previous comment letter. Those recommendations are:

- 1. Move the building to the corner of Stockton Boulevard and Second Avenue.**
- 2. Locate the main entrance at the corner of Stockton Boulevard and Second Avenue.**
- 3. Widen the sidewalks at the corner to create a larger pedestrian landing.**
- 4. Eliminate the drive through or locate it at the rear of the building.**

909 12th Street, Suite #122 • Sacramento, CA 95814 • 916-446-9255 • fax 916-443-9255

www.walksacramento.org

WALKSacramento encourages people to walk and bicycle in their communities. The benefits include improved physical fitness, less motor vehicle traffic congestion, better air quality, and a stronger sense of cohesion and safety in local neighborhoods. WALKSacramento is working to support increased physical activity such as walking and bicycling in local neighborhoods as well as helping to create community environments that support walking and bicycling.

Thank you for your consideration of these comments and recommendations. If you have questions or need additional information, please contact me at (916) 446-9255 or cholm@walksacramento.org.

Sincerely,

A handwritten signature in black ink that reads "Chris Holm". The signature is fluid and cursive, with the first name "Chris" being larger and more prominent than the last name "Holm".

Chris Holm
Project Analyst

April 3, 2012

Honorable Chairman Philip Harvey
Members of the Planning Commission
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Re: April 12, 2012 Sacramento Planning Commission Meeting
P10-071: Proposed Drive-through for McDonalds at 2nd Ave. and Stockton Blvd.

Dear Honorable Chairman Harvey and Members of the Planning Commission:

We are writing to respond to statements made in an October 25, 2011 letter submitted to you by Michael E. DiGeronimo on behalf of McDonald's. Mr. DiGeronimo's comments reveal his lack of knowledge concerning the history and current status of the property at issue, as well as a lack of appreciation of the needs of the surrounding neighborhood. We are a community group composed primarily of property owners and renters on 2nd Ave., directly east of the location of the proposed McDonald's. Many of us have lived in our homes for over 20 years. We have spent many hours meeting with neighbors, walking the nearby streets and talking to residents, and researching the city's plans for positive and healthy growth.

We address Mr. DiGeronimo's assertions as follows:

- Mr. DiGeronimo states that the corner of 2nd Ave. and Stockton Blvd. has been vacant for more than 30 years. (DiGeronimo letter, p. 1.) This is incorrect, as residents on 2nd Ave. are well aware. The two homes that previously occupied the corner were torn down in anticipation of a proposed mixed-use development that would have included retail businesses on the ground level and apartments upstairs. In fact, part of the staff's rationale for recommending that the Planning Commission approve the land use change required for the project was that the two houses would be replaced by new apartments and there would be no decrease in the city's housing supply. The houses were removed in the late 1990s. Unfortunately, even after the rezoning was approved by the Planning Commission, the project was not completed.

- Mr. DiGeronimo also asserts that the development of a McDonald's with a double drive-through open as many as 20 hours a day will help to rejuvenate the area and facilitate social interaction "by further activating that portion of the Oak Park community." (DiGeronimo letter, p. 2.) However, he does not explain how lines of cars streaming through a drive-through up to 20 hours a day will help to bring life to a vacant street corner. We assert that, quite the opposite, the proposed drive-through restaurant will bring increased vehicle traffic, reduce pedestrian and bike safety, and add noise, fumes and garbage to the surrounding neighborhood.
- Mr. DiGeronimo suggests that the area near the corner of 2nd Ave. and Stockton Blvd. is a long-standing urban wasteland of closed businesses, in need of rejuvenation. It is not. There has already been significant development nearby, such as the new UCD Medical Center entrance and other new buildings on the Medical Center property, the Shriners Hospital, Food Source/Walgreens, and two hotels. In addition, UCD Medical Center employees and students have purchased and improved numerous homes in the area, constantly upgrading and increasing the attractiveness of the neighborhood. The addition of a fast-food restaurant with a double drive-through will not enhance that momentum, but will bring it to a halt.
- Without any supporting citations, Mr. DiGeronimo claims that the development of a McDonald's with a double drive-through will further implement the strategic goals in the Oak Park Redevelopment Plan, including "...enhancing property values." (DiGeronimo letter, p. 2.) It is difficult to understand how the values of the properties directly across from and adjacent to the subject property will be enhanced by the development of a McDonald's. Those properties, along with properties down 2nd Ave. and in the surrounding neighborhood, will bear the brunt of the increased traffic, noise and litter that accompany a fast food restaurant with a drive-through open up to 20 hours a day. The residents we spoke to did not share Mr. DiGeronimo's enthusiasm for the positive impact on their property values.

Furthermore, the Broadway-Stockton Urban Design Plan ("BSUD Plan"), which addresses part of Stockton Blvd. that begins just across 2nd Ave. from the site of the proposed McDonald's, identifies fast food and drive-through restaurants as "discouraged" and "undesirable" uses, because public participants who helped develop the BSUD Plan felt these uses have a "blighting influence on commercial and adjacent residential areas." (BSUD Plan, pp. 33, 34 and 36.) While we recognize that the area covered by the BSUD Plan stops at the corner lot across the street from where the McDonald's drive-through restaurant is proposed to be built, we question how crossing the street could turn a use considered "undesirable" into one that somehow benefits the surrounding community.

Honorable Chairman Philip Harvey
Members of the Planning Commission
April 3, 2012
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- After criticizing the Staff Report for focusing on policies that “highlight the general value of pedestrian orientation...” and arguing that the proposed McDonald’s must be evaluated against the entirety of the City’s General Plan, Mr. DiGeronimo nonetheless asserts that the proposed project does in fact “...promote pedestrian and bicycle friendly neighborhoods...” (DiGeronimo letter, p. 4.) However, Mr. DiGeronimo never explains exactly how a fast food restaurant with a double drive-through open up to 20 hours a day (with the drive-through lane placed adjacent to a city street that is clearly designed for pedestrians and bicycles, with sidewalks, a crosswalk, and a Class 2 bike lane) will promote public transit and pedestrian and bicycle friendly neighborhoods. The logical conclusion is that it will not, and instead will impede pedestrian and bicycle traffic and make them more dangerous.
- In an especially puzzling claim, Mr. DiGeronimo states that the development of a drive-through McDonald’s restaurant at the corner of 2nd Ave. and Stockton Blvd. will “enhance community character.” (DiGeronimo letter, p. 4.) We are at a loss to understand exactly what kind of “community character” Mr. DiGeronimo is referring to.
- In promoting McDonald’s as a “good corporate citizen,” (DiGeronimo letter, p. 5), Mr. DiGeronimo mentions corporate and local sponsorship of such organizations as “Recent Healthy Men, and Healthy Families Health Fair” - apparently ironic choices, since many academic studies have linked fast food to obesity and other health problems in both adults and children.
- In arguing that the Planning Commission should grant McDonald’s request for extended drive-through hours, Mr. DiGeronimo states that this request was made so that the restaurant can serve the “numerous surrounding uses that operate on a 24-hour basis, including the Shriners Hospital and the UC Davis Medical Center.” (DiGeronimo letter, p. 6.) We note that the new cafeteria at the Medical Center (which is directly across the street from Shriners) is open intermittently throughout the night. In addition, it would seem that the perfect way to encourage pedestrian use for large employers such as these two hospitals would be to locate a restaurant nearby without a drive-through. It makes no sense to encourage employees to walk to their cars, drive across the street and purchase food at a drive-through window, then drive back to the parking lot and walk back into their place of employment. Mr. DiGeronimo also asserts that the proposed drive-through hours are consistent with the Jack-in-the-Box at the corner of Stockton Blvd. and Broadway, where the drive-through lane is open 24 hours a day. However, Mr. DiGeronimo fails to point out that there are no residences anywhere near the Jack-in-the-Box at that corner.

Honorable Chairman Philip Harvey
Members of the Planning Commission
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In summary, for the reasons stated above and those set forth in the Staff Report, we urge you to deny the request for special permit to allow McDonald's to operate a restaurant with a drive-through at the corner of 2nd Ave. and Stockton Blvd.

Thank you for your consideration.

Very truly yours,

Healthy Development for Oak Park

Christopher Johnson, Chair HDOP
Jillian Arnold
Carole Harper
Al A. DeMatte
Maurin Santiago
Ephraim West
Al [unclear]
Jacquet Vivian
Frankie Harsberry
[Signature]

SACRAMENTO PLANNING COMMISSION
ATTN: ANTONIO ABOOG

APRIL 2, 2012

MR. ABOOG -

I WANT TO LET YOU KNOW
THAT I DO NOT WANT A
MC DONALD'S RESTAURANT
TO GO UP AT STOCKTON,
2ND AVENUE.

WE DON'T WANT THE ADDITIONAL
TRAFFIC CONGESTION, NOISE,
AND LITTER THAT COMES WITH
THIS CONSTRUCTION!

SINCERELY,

SHARON YANG HOMEOWNER
4226 Y ST

Healthy Development for Oak Park

We the undersigned believe that having a McDonald's built at the corner of 2nd Ave and Stockton Blvd. will contribute to increased traffic congestion, increased danger to pedestrians and cyclists, increased noise, vagrancy and trash in our neighborhood.



[Signature] 3908 2nd
Signature Address Email
 AMAR AZUENA CID SAC CA 95817 916 5492389
Print Name City Phone #

[Signature] 3908 2nd
Signature Address Email
 JOSE PORRAS SAC CA 95817 916 549-2389
Print Name City Phone #

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Signature Address Email
 SANDRA WILLIAMS 3920 2nd Ave Santa CA 95817
Print Name City Phone #

[Signature] RAQUEL DAGNINO
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 RAQUEL DAGNINO SACRAMENTO 95817 619 665-8046
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 TOM ADCOCK 4338-3 ave Mission.org/jesucpeople
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 HEATHER RAMSEY SACRAMENTO CA 95817 415-810-7742
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 CLAY CAHILL SAC, 95817 rockdang
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 rockdang@gmail.com

RESOLUTION NO.

Adopted by the Sacramento City Council

ADOPTING FINDINGS OF FACT AND DENYING THE MCDONALD'S ON STOCKTON BOULEVARD AND 2ND AVENUE PROJECT. (P10-071) (APN: 014-0085-046)

BACKGROUND

- A. On April 12, 2012, the City Planning Commission conducted a public hearing on, and denied the Special Permit request for restaurant with drive-through service for the McDonald's on Stockton Boulevard and 2nd Avenue.
- B. On April 23, 2012, the project applicant submitted an appeal of the Planning Commission's decision to deny the project.
- C. On June 19, 2012 the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010 (C)(2)(d) posting and mail), and received and considered evidence concerning the Mcdonald's on Stockton Boulevard and 2nd Avenue Project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the verbal and documentary evidence received at the hearing on the Mcdonald's on Stockton Boulevard and 2nd Avenue Project, the City Council denies the project entitlements based on the findings of fact as set forth below.

Section 2. The City Council denies the project entitlements based on the following findings of fact:

A. The Special Permit to construct a new restaurant with drive-through service facility within the General Commercial (C-2) zone is denied based on following Findings of Fact:

- 1. The proposed project is not based upon sound principles of land use in that it is inconsistent with the goals and policies of the 2030 General Plan relating to providing pedestrian oriented development within corridors, locating buildings at the back of sidewalk so that they engage the street, and promoting walking, biking, and transit use. Additionally, the proposed project is not based upon sound principles of land use in that the design of facility conflicts with the Oak Park Design Guidelines which also encourage a strong connection between the building, sidewalk, and street.

2. As proposed the drive-through service facility is detrimental to the public health, safety or welfare because it directly impedes pedestrian movement from adjacent public sidewalks to the proposed restaurant, thereby jeopardizing the safety of pedestrians.
3. The proposed drive-through service facility does not comply with the objectives of the 2030 General Plan in that the project site layout, including the location of the drive-through, conflicts with the urban form guidelines for the Urban Corridor Low General Plan designation by not siting the building up to the corridor, the main entrance does not directly address the street, and the layout of the site is not pedestrian oriented. Additionally, the proposed drive-through service facility does not provide a sensitive transition between the existing neighborhood and the new commercial use, and the layout of the site which does not promote walking to services, biking, and transit. Furthermore, the design of the building as proposed is inconsistent with the Oak Park Design Guidelines in that the site plan does not foster a strong relation between the building and the streetscape.
4. The location of the drive-through lane will directly impede pedestrian movement to/from the adjacent City sidewalks located along Stockton Boulevard and 2nd Avenue, as the drive-through lane lies between the sidewalk and the building entrances. Additionally, sidewalks connecting the proposed McDonald's restaurant to the City sidewalks are not proposed, thus impeding direct pedestrian movement on to the site.