

# Item No. 3.1

## Supplemental Material

For

### City of Sacramento Planning Commission Agenda Packet

**For the Meeting of:** April 12, 2012



Additional Material

Revised Material

**Contact Information:** Antonio Ablog, Associate Planner (916) 808-7702

**Project Name:** McDonald's on Stockton Boulevard and 2<sup>nd</sup> Avenue

**Subject:**

Staff has revised finding 4 on page 16 of the staff report to delete references to the Traffic Study and the Department of Transportation. The revised finding is as follows:

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.

Also, additional correspondence submitted by both the public and the applicant is attached. Included are; a) a letter submitted by Margaret Trujillo, construction manager for McDonalds, b) a letter submitted on behalf of Healthy Development for Oak Park, c) a letter submitted by a resident of 4226 Y Street, and d) one of 11 additional signed petition pages which augment the 264 pages already received.



**Margaret Trujillo, LEED AP**  
Area Construction Manager

**McDonald's USA, Pacific Sierra Region**  
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**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.

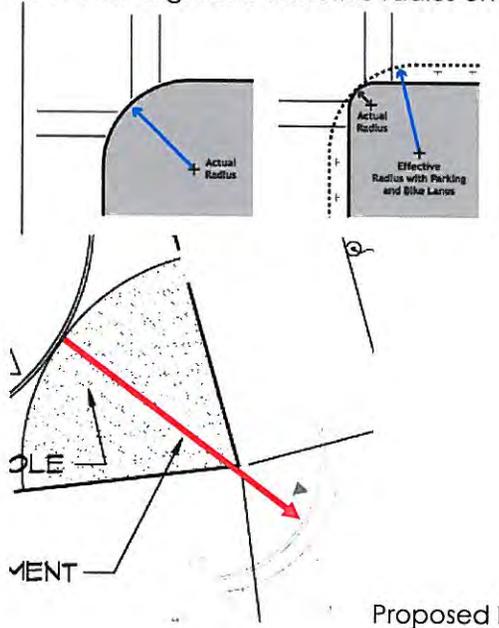
With respect to the above, it is worth noting that the Project Site is also located in the Oak Park Redevelopment Plan area, where a number of businesses have recently closed. The Project reflects a significant private reinvestment in the community and will not rely on any public funding. In so doing, 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:**

- **site lighting** will provide a safe well lit enhancement to the safety and security to what is now a dark empty lot
- **shade trees** and landscape improvements will provide an attractive canopy and sun protection
- **Sidewalk improvements** will be a feature of this project
- **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.



- **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 2<sup>nd</sup>)
- **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 2<sup>nd</sup> 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 2<sup>nd</sup>:** - 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 56<sup>th</sup> & 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.<sup>1</sup>

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

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<sup>1</sup> 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.<sup>2</sup> 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.

<sup>2</sup> 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<br>Approved | By<br>McDonald's | McDonald's<br>& Multiplier<br>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.
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- 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 1<sup>st</sup> 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 areas<sup>3</sup> 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
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**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,<sup>4</sup> 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 Shriners' 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.

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<sup>4</sup> 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**



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April 11, 2012

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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.<sup>1</sup> 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).

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<sup>1</sup> 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

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 REGALIA



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 PM<sub>10</sub> 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:

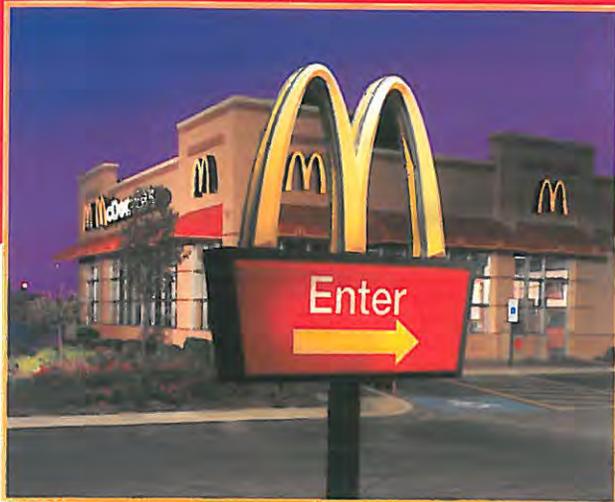
- (a) Mitigation Measure U-1. This mitigation measure incorporates Mitigation Measures W-1 and W-2, described above.

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](http://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 sitting 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 chokes 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)

## Attachment b – Letter from Healthy Development for Oak Park

April 3, 2012

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

Re: April 12, 2012 Sacramento Planning Commission Meeting  
P10-071: Proposed Drive-through for McDonalds at 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> Ave. and Stockton Blvd. has been vacant for more than 30 years. (DiGeronimo letter, p. 1.) This is incorrect, as residents on 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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  
Page 3

- 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 2<sup>nd</sup> 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  
April 3, 2012  
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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 2<sup>nd</sup> Ave. and Stockton Blvd.

Thank you for your consideration.

Very truly yours,

Healthy Development for Oak Park

Christopher Johnson, Chair HDOP  
Jedlin Arnold  
Carole Harper  
Al A. Espartero  
Maurin Santiago  
Ephraim West  
Orr  
Janet Vivino  
Frankie Hansberry  
[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 DONALDS 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 drive-through McDonald's built at the corner of 2<sup>nd</sup> Avenue and Stockton Blvd. will contribute to increased traffic congestion, increased danger to pedestrians and cyclists, increased noise, vagrancy and trash in our neighborhood. We oppose the use of this location for any drive-through restaurant.



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