

Location:	800 Market Street (APN001-0228-006-00)
Proposal:	McDonalds-Modify façade, drive-through lane and sales booth at existing Fast Food facility
Contact Person/Phone Number:	Hala Ibrahim, Stantec Architecture (707)774-8315
Owner:	JLG Associates LLC
Case File Number:	REV13-0012 (CM84-370)
Planning Permits Required:	Revision to Major Conditional Use Permit (CM84-370) to modify drive-through lanes, modify façade to replace mansard roof with vertical walls and new detailing, and add a sales booth at an existing McDonalds pursuant to Oakland Planning Code Section 17.102.210
General Plan:	Community Commercial
Zoning:	CC-1 Community Commercial Zoning District
Environmental Determination:	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	1
City Council District:	3
Commission Action to Be Taken:	Approve Staff Recommendation
Appeal:	To City Council
For Further Information:	David Valeska at (510) 238-2075 or dvaleska@oaklandnet.com

SUMMARY

The Applicant proposes minor modifications to an existing McDonalds restaurant building and property located at 800 Market Street in the Acorn Shopping Center of West Oakland. The existing project was developed under a Major Conditional Use Permit (CM84-370) and the new proposal constitutes a revision of the approved permits, and for the exterior alterations.

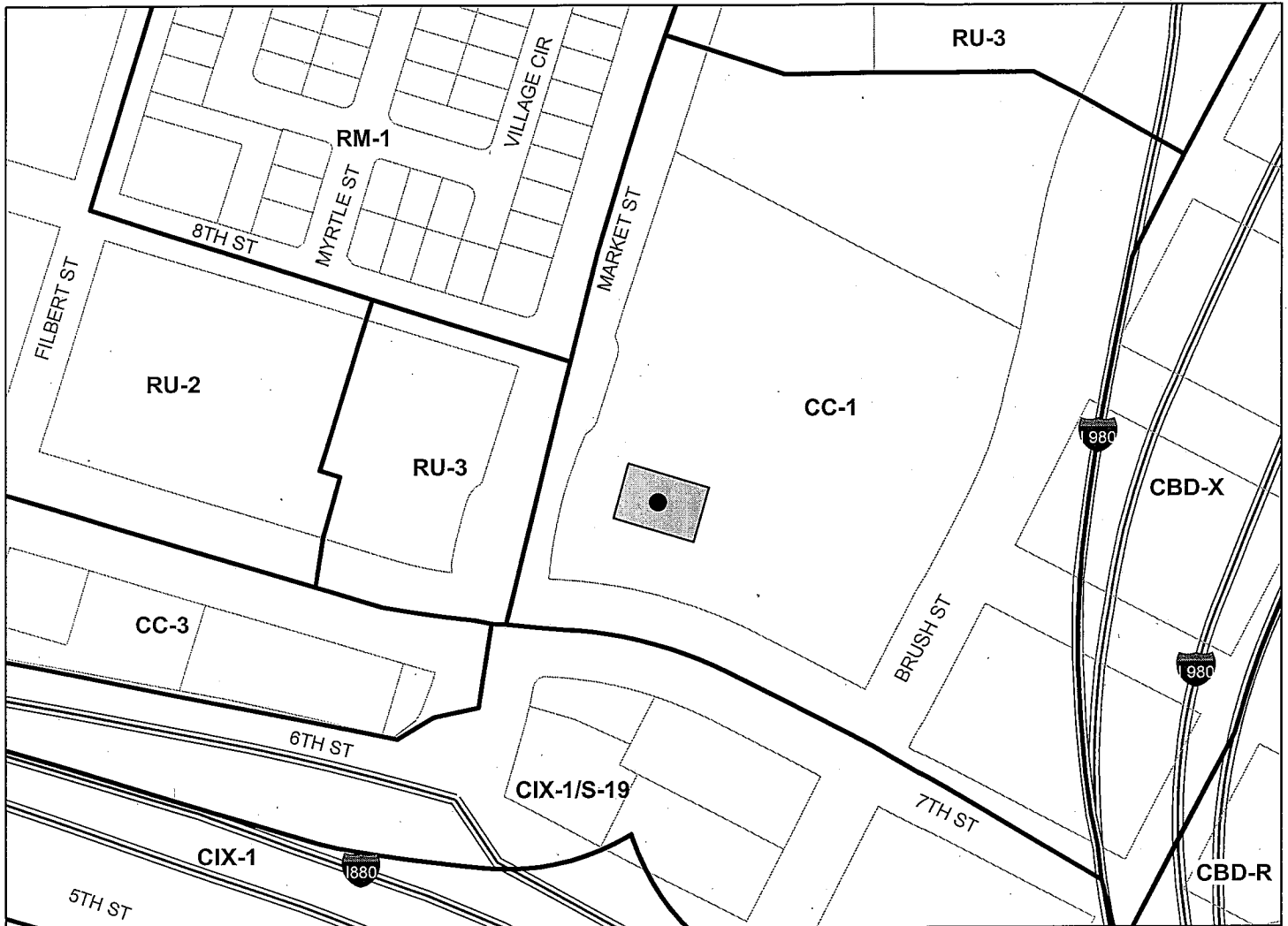
The proposal includes a new façade with new signage as well as a 136 square-foot addition to the restaurant building. The proposal will also reconfigure the drive through and site circulation, repave portions of the site, and install new landscaping. The applicant is also requesting no change to the hours of operation from 5 a.m. – 11p.m.(existing and proposed interior) and 24 hours (existing and proposed drive-through).

The benefits of the proposal include improved appearance at the Acorn Shopping Center's most visible corner, near a Freeway interchange, as well as more efficient on-site circulation and a more modern facility overall.

PROJECT DESCRIPTION

The primary objective of the project is to modify and slightly expand the size of the existing one-story 4,200 square foot (63 by 76 foot) McDonalds restaurant building on a 40,000 square-foot parcel. The new building would be 4,336 s.f. in size (136 s.f. larger than the existing building). Whereas the existing building, originally constructed in 1985 is of a fairly generic design with white stucco walls, a red tile mansard roof and large "golden arches" signage, and looks like it could be located anywhere, the proposed architectural design is more in keeping with the neighborhood context with a flat roof, mostly brown-colored brick walls, some lighter-colored stucco accent wall areas, and more modest signage.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: CMD13070
Applicant: Hala, Stantec Architecture
Address: 800 Market Street
Zone: CC-1

The existing site has entrances/exits from Market Street and from 7th Street, through the Acorn Shopping Center parking lot. Parking areas are located on 3 sides of the building and a drive-through on its south side. The present 53 parking spaces would be reduced to 50 spaces; however, there are hundreds of other spaces in the shopping center parking lot. Site circulation and parking areas would be partly repaved, and a full landscape plan would be implemented. Six main signs would be installed with a similar total area (approximately 120 square feet) as the 5 existing main signs. Other smaller signs include directional signs in the parking area and order boards near the drive-through lanes. The applicant is requesting no change of hours of operation from 5 a.m. – 11p.m. for the restaurant interior and 24 hours for the drive-through lane.

PROPERTY DESCRIPTION

The site is a flat and rectangular corner lot, 0.9 acre in area, mostly paved with landscaping at the edges. Beyond this landscaping are the paved and shopping areas of the Acorn Shopping Center. Across the street are the high-rise buildings of the Acorn Housing Development, two freeways (880 and 24/580) and additional housing and shopping. The site is within sight of Downtown Oakland office towers, at the border between West Oakland and Downtown, and is across the freeway from Jack London Square.

GENERAL PLAN ANALYSIS

The property is located in the Community Commercial category of the Land Use and Transportation (LUTE) element of the General Plan. This designation “is intended to identify, create, maintain and enhance areas suitable for a wide variety of commercial and institutional operations along the City’s major corridors and in shopping districts.” The existing and proposed activities within the property are consistent with the Community Commercial General Plan designation. While the drive-through aspect of the facility is not considered pedestrian-oriented, and would not be encouraged under the LUTE, it was approved by the previous Conditional Use Permit before the LUTE was adopted and therefore it may remain part of the facility. This portion of West Oakland is a “Growth and Change” corridor under the LUTE designation. Applicable policies include:

LUTE Policy I/C1.2 states that “Existing Businesses and jobs within Oakland which are consistent with the long-range objectives of this Plan should, whenever possible, be retained.”

Policy I/C3.4 states that “The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.”

Page 191 of LUTE (Implementation Program) states that the City seeks to “revitalize 7th Street and Acorn shopping center.”

Staff finds that the proposed redesign and expansion of the existing restaurant is consistent with the intent of the General Plan.

ZONING ANALYSIS

The property is located within the CC-1 Community Commercial Shopping District Zone. In CC-1, Fast Food Restaurants are designated as Conditionally Permitted Activities that are subject to Planning Commission review.

The existing facility has a Major Conditional Use Permit and this rebuild constitutes a Major Revision (REV) to the permit.

Regular Design Review is also required for new or remodeled facilities in such cases. The REV proposal includes Design Review and is consistent with these requirements. Findings required for approval are set forth in Attachment A.

ENVIRONMENTAL DETERMINATION

The request is Categorically Exempt under Section 15301 of the California Environmental Quality Act Guidelines for minor alterations to existing facilities, and Section 15183, projects consistent with a community plan, general plan or zoning. Only minimal site changes are planned.

KEY ISSUES AND IMPACTS

Issues include potential visual impacts along the streetscape, customer service benefits, neighborhood effects, security and parking/traffic. Because the request is to modernize and upgrade an existing facility without a major increase in size or impacts, staff finds that the request resolves these issues very well. The improved restaurant would enhance the surrounding Acorn shopping center and West Oakland.

Potential Visual Impacts Along the Streetscape. The proposed changes would result in an improved appearance over the existing facility. The façade of the building would change to a more muted tone similar to nearby commercial buildings in West Oakland. Improved landscaping would be installed. The improved design proposes a slight floorplan enlargement. By retaining existing landscaping, building position and setbacks, the visual impact of drive-through automobiles would be minimized.

Customer Service Benefits. Currently, the restaurant uses decades-old internal seating and external drive-through patterns which do not optimally serve customers. In particular, the new design helps families who depend on dining in their automobiles due to time considerations and to the effort needed to on-load and off-load small children. The new parking, circulation and drive-through makes efficient use of the site and enhances customer convenience.

Hours of Operation. The applicant seeks to continue the existing hours of operation, including 24 hour drive-through service. This will have no effect on surrounding areas.

Effects on Neighborhood. This restaurant has been a part of the neighborhood since 1985. According to the applicants, there have been no reports to staff of nuisance activities on the neighborhood. The new design manages neighborhood impacts, with a more efficient drive-through lane. The new design also modernizes and enhances the appearance of the building and signs, and modifies and improves landscaping.

Noise from the restaurant is expected to be below the thresholds of the General Plan Noise Element, less than 45 cnel/ldn (decibel equivalents) measured inside these residences, less than the sound of classical music playing on a radio. The facility, within a shopping center, is a half block distant from the nearest residential activities. There is substantial roadway and other ambient noise in the area as well near this site. Hours of operation would not change. Noise from the site is anticipated to be substantially reduced by 9 pm and to remain limited before 7 am, even with continued 24 hour operation of the drive-through lane.

Security. The site and building layout provide for adult supervision for all activities in such facilities. There is no playground. Security response time, including police and fire protection, is measured in minutes at this location. While West Oakland crime rates are higher than Downtown or Jack London Square, this particular site is less impacted because of constant surveillance in the shopping center and

because of the layout of the facility. As more private and public investment comes to West Oakland in coming years, the crime rate is expected to decline. This will benefit the applicant's restaurant.

The project was referred to Police Department's Crime Prevention Through Environmental Design (CPTED) team and no adverse comments were received. As with all CPTED-reviewed commercial buildings, the design should discourage climbing onto the roof, although for a 24-hour drive-through facility the "eyes on the street" extends to the property and helps to deter crime. Landscaping near the building should deter climbing rather than facilitate climbing. Security lighting is provided for building and parking areas. The applicant has the option but not a requirement for an on-site security guard.

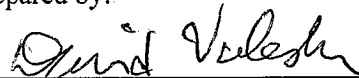
Parking/Traffic. The current development has 53 parking spaces, and the proposed design would reduced parking to 50 spaces; however, the new parking area would be more than the current requirement. In addition, there would be drive-through spaces for 6 vehicles, While Oakland Police Department did not comment on this aspect, staff anticipates that traffic patterns would likely be safer and more convenient as designed. Careful channeling of the driving lanes and appropriate signage would be required.

Staff finds that the applicant's current design minimizes visual and traffic impacts and is sensitive to the context in design and landscaping, and is superior design in terms of site circulation. Staff therefore recommends approval of the project, subject to conditions of approval.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the Revision to the Major Conditional Use Permit and Regular Design Review subject to the attached findings and conditions.

Prepared by:



David Valeska, Planner II

Approved by:



SCOTT MILLER

Zoning Manager

Approved for forwarding to the
City Planning Commission:



RACHEL FLYNN, Director

Planning and Building Department

LEGAL NOTICE: The decision of the City Planning Commission is final and not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the date the decision is announced (Code of Civil Procedure Section 1094.6).

- A. Findings
- B. Conditions
- C. Plans and Elevations
- D. Applicant Correspondence
- E. Neighbor Correspondence
- F. Landscape Map
- G. Vicinity Map
- H. CM84-370 Staff Report and Conditions

ATTACHMENT A**FINDINGS FOR APPROVAL:**

This proposal meets all the required findings as set forth below and which are required to approve your application. Required findings are shown in **bold** type; reasons your proposal satisfies them are shown in normal type.

Section 17.136.070(B) Regular Design Review Criteria, Nonresidential Facilities:

1. **That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section 17.102.030:**

The proposed design fits well into the architectural context of nearby buildings, which emphasize simple shapes and materials, including brick, horizontal roof elements and details. The facilities modifications consist of converting from white walls and red roof with light bars, to a more muted brick façade with horizontal bands, with flat roof a foot taller than existing. The proposed texture, materials, colors and other design elements are above average for facilities of this type and the building screens the drive-through lane from the street.

2. **That the proposed design will be of a quality and a character which harmonizes with, and serves to protect the value of, private and public investments in the area.**

The remodeled project will enhance the West Oakland neighborhood's appearance compared to the status quo. The improvement will retain a restaurant business which draws customers to the Acorn Plaza retail area, providing an improvement in quality of materials, design and landscaping from the existing 1985 restaurant design.

3. **That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable design review guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.**

Policies I/C-1.2 and I/C3.4 of the General Plan Land Use and Transportation Element (LUTE) of the General Plan show that this project is compatible with the General Plan. The facility has been analyzed and found to be in conformity with the Zoning Code, design guidelines and the General Plan.

Section 17.134.050 General Use Permit Criteria:

- A. **That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.**

A McDonalds restaurant has been at this location in the West Oakland neighborhood for almost three decades. Modifications planned for the facility will complement and be compatible with surrounding properties in scale, bulk, lot coverage and density. Traffic movements tend to be within the capacity of surrounding streets. Civic facilities and utilities are available for the site.

- B. That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.**

The location of the facility in the West Oakland neighborhood provides convenient restaurant access for residents. The rebuilt facility will be better able to serve the site's function of a restaurant with enhanced design and landscaping.

- C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.**

Rebuilding and upgrading the restaurant will increase its ability to enhance basic community dining and social gathering functions in the West Oakland neighborhood.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.070(B) for non-residential facilities.**

Fulfillment of design review criteria has been demonstrated above in this document. The rebuilding design reflects several revisions in order to achieve a functional yet aesthetic design.

- E. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.**

Fulfillment of General Plan and Zoning criteria has been demonstrated above in this document. The General Plan LUTE provides for restaurant and other commercial uses in the West Oakland area as resources in the community.

Section 17.102.210(D): Fast Food Restaurant Findings

- 1. No Fast-Food Restaurant Commercial Activity shall be located within a one thousand (1,000) foot radius of an existing or approved Fast-Food Restaurant, as measured from the center of the front property line of the proposed site, except in the Central Business District..., within the main building of Shopping Center Facilities, and in the C-36 boulevard service commercial zone.**

This is not a new restaurant site, but rather a Revision (REV) to a long-time existing facility. The restaurant was established in 1985 as a satellite building to the main shopping center facility, before applicable regulations of Section 17.102.210(D) and modified with several Conditional Use Permits thereafter. As an existing restaurant, there is no need to relocate the facility over 1,000 feet from another such restaurant, although there is one nearby.

2. **Fast Food Restaurants with Drive-Through Facilities shall not be located within five hundred (500) feet of a public or private elementary school, park or playground, measured perpendicularly from the street right-of-way.**

This is not a new restaurant site, but rather a Revision (REV) to a long-time existing facility. The restaurant was established in 1985 before applicable regulations of Section 17.102.210(D) and modified with several Conditional Use Permits thereafter. As an existing restaurant, there is no need to relocate the facility over 500 feet from any park/school playground. However, the restaurant is over 500 feet from such facilities.

3. **Access. Ingress and egress to Fast Food Facilities shall be limited to commercial arterial streets rather than residential streets. No direct access shall be provided to adjacent residential streets which are less than thirty-two (32) feet in pavement width. Exceptions to either of the requirements may be obtained where the City Traffic Engineer determines that compliance would deteriorate local circulation or jeopardize the public safety. Any such determination shall be stated in writing and shall be supported with findings. Driveway locations and widths and entrances and exits to Fast-Food Facilities shall be subject to the approval of the City Traffic Engineer.**

As noted above, this is not a new restaurant site. Access has been from Market Street and from 7th Street for almost 30 years. The Shopping Center including this restaurant contains non-residential facilities. The turning and driving movement alignments to restaurant driveways are across a boulevard and distant from residential driveways. The office of the City Traffic Engineer has not found a need for further modifications.

4. **Trash and Litter. Disposable containers, wrappers and napkins utilized by Fast-Food Restaurants shall be imprinted with the restaurant name or logo.**

This restaurant business has generally followed this practice at this site and other sites throughout the Nation as a corporate policy.

5. **Vacated/Abandoned Fast Food Facilities. The project sponsor of a proposed Fast-Food Facility shall be required to obtain a performance bond, or other security acceptable to the City Attorney, to cover the cost of securing and maintaining the facility and site if it is abandoned or vacated within a prescribed high risk period...The defined period of coverage is four (4) years following obtaining an occupancy permit...(additional provisions set forth at length in the Code).**

This provision is not applicable since it applies to the first four years after opening the facility, and there has been a McDonalds Restaurant here for almost three decades. A condition of this REV case accepts voluntary compliance in the unforeseen event of a change of use in the future.

Section 17.102.290: Drive-through Nonresidential Facilities Findings

- A.1. **The proposed facility will not impair a generally continuous wall of building facades.**

Rebuilding an existing restaurant in a nearly one acre open site at the existing location, would continue to be set back from adjacent streets like the rest of the Shopping Center.

Pedestrian entry would be provided. The drive-through would be screened and incorporated with the building design as in the past. The adjacent streets are not pedestrian-oriented shopping streets. Pedestrian-oriented areas are within the nearby mall itself.

- A.2. The proposed facility will not result in weakening the concentration and continuity of retail facilities at ground level, and will not impair the retention or creation of a shopping frontage.**

The existing restaurant, which has been in place for almost 30 years, would be redesigned in a manner which better reinforces commercial facilities at the ground level. There would be no impairment of shopping frontage. This site is at the edge of West Oakland near the intersection of two major Freeways, in a transitional area characterized by vehicular-oriented businesses.

- A.3. The proposed facility will not directly result in a significant reduction in the circulation level of service of adjacent streets.**

The existing restaurant has operated driveways from Market Street and 7th Street for almost 30 years, without noticeable reduction in circulation levels of adjacent streets. The relatively small increase in restaurant floor area would not increase the nearly one acre size of the site, nor would it create a huge increase in vehicle trips to the site.

- B. Standards. A driveway serving as a vehicle stacking or queuing lane for a drive-through window shall be separated from parking areas and shall not be the only entry or exit lane on the premises. Such facility shall be so situated that any vehicle overflow from it shall not spill onto public streets or the major circulation aisles of any parking lot. Such facility shall have durable, all-weather surface; shall have reasonable disposal of surface waters by grading and drainage; and shall be permanently maintained in good condition.**

The driveways for stacking or queuing lanes for the drive-through windows are separated from parking areas and are not the only entry or exit lanes on the premises. Vehicles not using the drive-through lane can completely bypass that portion of the site and use non-dedicated driveways, as vehicles have done for decades at this site. The overflow does not spill into public streets. The surface will be durable and all-weather, well drained and maintained as required.

- C. Dimensions. Each vehicle space comprising a stacking or queuing lane for a drive-through window shall be a minimum of ten (10) feet in width by twenty (20) feet in length. Such a stacking or queuing lane shall have a maximum capacity of eight (8) vehicles.**

Since the lane is routed through an extra-large almost one-acre commercial site, a limit of eight vehicles is not necessary. However, the project design does show less than eight vehicle spaces between order stations and merchandise pickup station. This design promotes efficient drive-through operations and helps prevent impacts off-site.

ATTACHMENT B

The proposal is hereby approved subject to the following Conditions of Approval:

STANDARD CONDITIONS:

1. Approved Use.

Ongoing.

a. The project shall be constructed and operated in accordance with the authorized use as described in this letter and the plans dated **February 1, 2013** and submitted **February 20, 2013**, and as amended by the following conditions. Any additional uses or facilities other than those approved with this permit, as described in the project description and the approved plans, will require a separate application and approval. Any deviation from the approved drawings, conditions of approval or use shall required prior written approval from the Director of City Planning or designee.

b. This action by the Director of City Planning ("this Approval") includes the approvals set forth below. This approval includes:

Revision to previously-approved Major Conditional Use Permit (CM84-370) and Regular Design Review to

a) expand an existing 4,200 square foot Fast-Food Restaurant Commercial Activity (McDonalds Restaurant) to 4336 square feet (136 square feet added);

b) rebuild walls of the building on the site and modify the architectural design;

c) replace all building and site signage;

d) re-pave and re-landscape;

e) maintain the hours of operation from 5 a.m. to 11 p.m. indoors and 24 hours per day for the drive-through lane;

f) revise circulation of the drive-through lane

(Conditions of prior permits continue in effect unless there is a difference from REV13-0012 conditions, in which case the latter dominate).

2. Effective Date, Expiration, Extensions and Extinguishment

Ongoing.

Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the approval date, unless within such period all necessary permits have been issued, or authorized activities have commenced in the case of a permit not involving construction or alteration. Upon written request and payment of appropriate fees submitted no later than the expiration date of this permit, the Director of City Planning or designee may grant a one-year extension of this date, with additional extensions subject to approval by the approving body. Expiration of any valid building permit for this project may invalidate this approval if the said extension period has also expired.

3. Scope of This Approval; Major and Minor Changes

Ongoing.

The project is approved pursuant to the Planning Code only. Minor changes to approved plans may be approved administratively by the Director of City Planning or designee. Major changes to the approved plans shall be reviewed by the Director of City Planning or designee to determine whether such changes require submittal and approval of a revision to the approved project by the approving body or a new, completely independent permit.

4. Conformance with Other Requirements.

Prior to issuance of a demolition, grading, P-job or other construction related permit.

- a. The project applicant shall comply with all other applicable federal, state, regional and/or local codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Building Services Division, the City's Fire Marshall, and the City's Public Works Agency.
- b. The applicant shall submit approved plans for project-specific needs related to fire protection including, but not limited to automatic extinguishing systems, water supply improvements and hydrants, fire department access and vegetation management for preventing fires and soil erosion.

5. Conformance to Approved Plans; Modification of Conditions or Revocation

Ongoing.

- a. The City Planning Department reserves the right at any time during construction, to require certification by a licensed professional that the as-built project conforms to all applicable zoning requirements, including but not limited to approved maximum heights and minimum setbacks. Failure to construct the project in accordance with approved plans may result in remedial reconstruction, permit revocation, permit modification or other corrective action.
- b. Violation of any term, Conditions or project description relating to the Approvals is unlawful, prohibited and a violation of the Oakland Municipal Code. The City of Oakland reserves the right to initiate civil and/or criminal enforcement and /or abatement proceedings, or after notice and public hearing, to revoke the Approvals or alter these Conditions if it is found that there is violation of any of the Conditions, or the provisions of the Planning Code or Municipal Code, or the project operates as or causes a public nuisance. This provision is not intended to, nor does it, limit in any manner whatsoever the ability of the City to take appropriate enforcement Actions

6. Signed Copy of the Conditions

With submittal of a demolition, grading and building permit.

A copy of the approval letter and Conditions shall be signed by the property owner and submitted with each set of permit plans submitted for this project.

7. Indemnification

Ongoing

- a. To the maximum extent permitted by law, the applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the City of Oakland Redevelopment Agency, the Oakland City Planning Commission and their respective agents, officers, and employees (hereafter collectively called the City) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action or proceeding (including legal costs, attorney's fees, expert witness or consultant fees, expert witness or consultant fees, City Attorney or staff time, expenses or costs)(collectively called "Action") against the City to attack, set aside, void or annul, (1) an approval by the City relating to a development related application or subdivision or (2) implementation of an approved development-related project. The City may elect, in its sole discretion, to participate in the defense of said Action and the applicant shall reimburse the City for its reasonable legal costs and attorneys fees.
- b. Within ten (10) calendar days of the filing of any Action as specified in subsection A above, the project applicant shall execute a Letter Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Letter of Agreement shall survive termination, extinguishment or invalidation of the approval. Failure to timely execute the Letter Agreement does not relieve the project applicant of any of the

obligations contained in this condition or other requirements, or other conditions of approval that may be imposed by the City.

8. Compliance with Conditions of Approval

Ongoing

The project applicant shall be responsible for compliance with the recommendations in any submitted and approved technical report and all the Conditions of Approval and all applicable adopted mitigation measures set forth below at its sole cost and expense, and subject to review and approval of the City of Oakland.

9. Severability

Ongoing

Approval of the project would not have been granted but for the applicability and validity of each and every one of the specified conditions and if any one or more of such conditions is found to be invalid by a court of competent jurisdiction this Approval would not have been granted without requiring other valid conditions consistent with achieving the same purpose and intent of such Approval.

10. Job Site Plans

Ongoing throughout demolition, grading, and/or construction

At least one (1) copy of the approved plans, along with the Approval Letter and Conditions of Approval shall be available for review at the job site at all times.

11. Recycling Space Allocation Requirements

Prior to issuance of a building permit

The design, location and maintenance of recycling collection and storage areas must substantially comply with the provision of the Oakland City Planning Commission "Guidelines for the Development and Evaluation of Recycling Collection and Storage Areas", Policy 100-28. Pursuant to Section 17.118.020 of the Oakland Planning Code, this condition shall apply to new commercial and industrial development that requires a building permit. A minimum of two cubic feet of storage and collection area shall be provided for each dwelling unit and for each 1,000 square feet of commercial space.

Ongoing.

No deviation shall be made from the approved drawings or conditions of approval that alters the project's siting, height, exterior appearance, and/or required new landscaping without prior written approval from the Oakland Planning & Zoning Department.

12. Construction Practices.

During construction.

All work shall apply the "Best Management Practices" (BMPs) for the construction industry, including BMPs for dust, erosion and sedimentation abatement per Section 15.04 of the Oakland Municipal Code, as well as all specific construction-related conditions of approval attached to this project.

13. Days/Hours of Construction Operation

Ongoing throughout demolition, grading and/or construction.

The project applicant shall require construction contractors to limit standard construction activities as follows:

- a) Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pile driving and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 AM and 4:00 PM Monday through Friday.
- b) Any construction activity proposed to occur outside of the standard hours of 7:00 AM to 7:00 PM Monday through Friday for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened and such construction activities shall only be allowed with the prior written authorization of the Building Services Division.
- c) Construction activity shall not occur on Saturdays, with the following possible exceptions:
 - i) Prior to the building being enclosed, requests for Saturday construction for special activities (such as concrete pouring which may require more continuous amounts of time), shall be evaluated on a case by case basis, with criteria including the proximity of residential uses and a consideration of residents' preferences for whether the activity is acceptable if the overall duration of construction is shortened. Such construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division.
 - ii) After the building is enclosed, requests for Saturday construction activities shall only be allowed on Saturdays with the prior written authorization of the Building Services Division, and only then within the interior of the building with the doors and windows closed.
- d) No extreme noise generating activities (greater than 90 dBA) shall be allowed on Saturdays, with no exceptions.
- e) No construction shall take place on Sundays or Federal holidays.
- f) Construction activities include but are not limited to: truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries and construction meetings held on-site in a non-enclosed area.

14. Noise Control

a. Ongoing throughout demolition, grading and/or construction

To reduce noise impacts due to construction, the project applicant shall require construction contractors to implement a site-specific noise reduction program, subject to City review and approval, which includes:

- a) Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g. improved mufflers, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).
- b) Impact tools (e.g. jack hammers, pavement breakers and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this should achieve a reduction of 5 dBA. Quieter

procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- c) Stationary noise sources shall be located as far from adjacent receptors as possible and they shall be muffled and enclosed with temporary sheds, incorporate insulation barriers or other measures to the extent feasible.
- d) If feasible, the noisiest phases of construction shall be limited to less than 10 days at a time.

15. Noise Complaint Procedures

a. Ongoing throughout demolition, grading and/or construction

Prior to the issuance of each building permit, along with submission of construction documents, the project applicant shall submit to the City Building Services Division a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include:

- a) A procedure and phone numbers for notifying the City Building Services Division staff and Oakland Police Department, during regular construction and off-hours;
- b) A sign posted on-site pertaining with permitted construction days and hours and complaint procedures and whom to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers, during regular construction and off-hours;
- c) The designation of an on-site construction complaint and enforcement manager for the project;
- d) Notification of neighbors and occupants within 300 feet of the project construction area at least 30 days in advance of extreme noise generating activities about the estimated duration of the activity; and
- e) A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise measures & practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

16. Announcement Sound System

Ongoing

The project applicant shall operate any sound system to show consideration for neighboring uses after residential and work live structures are constructed on properties across perimeter streets. No sound systems louder than 45 ldn/cnel at any off-site sensitive receptor (e.g. homes) shall operate between the hours of 9 pm and 9 am. No sound systems shall operate which are louder than 65 ldn/cnel at any perimeter street.

17. Pedestrian and Driveway Crossing

Prior to issuance of building permits and ongoing

The applicant shall install and maintain traffic signs on the property, especially near the pedestrian path from 7th Street, to promote safety, to the satisfaction of the Zoning Manager. This design may include flashing lights, a stop sign or other similar signals. Additional driveways may be required to be so marked if determined necessary by the Zoning Manager.

18. Lighting

Ongoing

The proposed lighting fixtures shall be adequately shielded to a point below the light bulb and reflector and that prevent unnecessary glare onto adjacent properties. All lighting shall be architecturally integrated into the site. Walkway lighting shall not exceed 10 lumens, nor building lighting exceed 30 lumens, as viewed from the nearest property line, without Planning and Zoning approval. No lighting standard shall be over 25 feet tall.

19. Encroachment Permits

Prior to Issuance of Building Permits

The applicant shall obtain any necessary Encroachment Permits for structures placed in the Street right-of-way and comply with the conditions of such permits.

20. Odor Control

Ongoing

The activity shall be operated so that little or no odors are discernible by the average person at the property lines. The use shall be designed and operated to contain fumes and odors within the cooking area.

21. Litter Control Plan.

Prior to Issuance of Building Permits

A Litter Control Plan that ensures that the premises and surrounding 300 feet of the property are kept free of litter and debris shall be submitted to and approved by the Planning and Zoning Division prior to application for a building permit. The plan shall include, but not be limited to:

1. Distribution of proposed locations of litter receptacles on site and in the public right of way. The design and location of litter receptacles shall be consistent and coordinated with the City's street furniture program.
2. A management schedule for keeping the premises and surrounding area free from litter originating from the operation of the commercial activities; and
3. Daily sweeping and trash collection of the premises, the public sidewalk and the gutter area of the public street immediately adjacent to the project.

22. Right-of-way Clean-up.

Ongoing.

The applicant shall clear the sidewalk and gutter areas along Market Street and 7th Street and 300 feet beyond the property lines along these streets, of litter and debris at least daily or as needed to control litter. The applicant shall sweep or mechanically clean the sidewalk with steam or equivalent measures at least once per month.

23. Imprinted Disposables.

Ongoing.

Disposable containers, wrappers, bags, and napkins used by this activity shall be imprinted with the establishment name and/or logo.

24. Litter Receptacles.

Prior to operation.

At least four (4) non-flammable external litter receptacles shall be installed outside of the building in a place accessible to employees and the public. The location of any permanent ashtray and litter receptacle shall be reviewed and approved by the Planning and Zoning Division.

25. Trash and Recyclables Enclosure.

Prior to issuance of any building permits.

The applicant shall submit for review and approval by the Planning and Zoning Division, plans showing all trash and recyclables collection areas on the site. The location of the proposed collection areas shall be shown on the building permit plan set. This collection

area enclosure shall be screened from the street and adjacent properties by a wall, fence, or dense landscaping with a minimum height of six (6) feet, and with an opaque covered closure. No trash shall be stored outside the designated trash area.

26. Restaurant Hours.

Ongoing.

The hours of lobby operation shall be limited to 5:30 AM to 11:00 PM; the hours of the drive-through operation may be 24 hours. The City Planning Commission reserves the right to modify the hours of operation after holding a public hearing to consider said modification.

27. Pay Phones.

Ongoing.

No external pay phones are permitted on the premises. The applicant shall remove any existing external pay phones prior to issuance of building permits.

28. No Loitering Signs.

Prior to issuance of building permits.

The applicant shall post at least five "No Loitering" signs on the building façade and other strategic locations around the site. Signs shall be of a permanent nature and have letters a minimum of 2 inches in height. The owner, manager, and employees of this establishment shall make appropriate efforts to discourage loitering from the premises including calling the police to ask that they remove loiters who refuse to leave. Persons loitering in the vicinity of the exterior of the establishment with no apparent business for more than ten minutes shall be asked to leave. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended by the Alcoholic Beverage Action Team.

29. Parking Lot Lighting.

Ongoing.

The exterior lighting fixtures which serve the parking area shall be equipped with daylight sensors that will automatically turn the lights on at dusk and off at sunrise, and shall be adequately shielded to a point below the bulb and reflector and shall prevent unnecessary glare onto adjacent properties. Generally at least 2 ½ lumens, with an average of at least 5 lumens, but no more than an average of 10 lumens, shall light the entire parking lot.

30. Driveways.

Ongoing.

The applicant shall complete driveways as shown on the plans. The drive-through lane shall have a directional raised curb ("pork chop" design) to prevent direct drive-in from the west. The driving route for the drive-through customers shall be counterclockwise around the building.

31. Graffiti Removal.

Ongoing.

Graffiti shall be removed within 72 hours of application. Removal can involve resurfacing of a material and/or color that matches the remaining surface.

32. Delivery and Loading.

Ongoing.

The applicant shall ensure that all goods for the facility shall be delivered during between the hours of 7 am and 10 pm. Delivery drivers shall be instructed not to block parking or driveways of neighbors and to the extent possible to use off street parking when available.

33. Waiver of Bonding for Abandonment or Vacation.

Prior to commencement of operation.

Since the business has been in operation for 28 years, the usual 4-year requirement to bond for abandonment or vacation of a fast-food restaurant is waived. However, in the event of closure of the restaurant and lack of immediate replacement tenant (within 60 days) the applicant stipulates to voluntarily following the requirements which include, but are not limited to:

1. Enclose the property with a security fence and secure the facility;
2. Post signs indicating that vehicular parking and storage are prohibited on the site (10.16.070 O.T.C. and 22658 C.V.C), and that violators will be cited, and vehicles towed at the owner's expense, and that it is unlawful to litter or dump waste on the site (Sections 374b.5 C.P.C. and 374b C.P.C.). All signs shall conform to the limitations on signs for the specific zone and shall be weatherproof and of appropriate size and standard design for the particular function;
3. Install and maintain security lighting as appropriate and required by the Oakland Police Department;
4. Keep the site free of handbills, posters and graffiti and clear of litter and debris pursuant to Section 8.38.160 of the O.M.C.;
5. Maintain existing landscaping and keep the site free of overgrown vegetation.

34. Drive-through Lane/Pedestrian Crossing

Prior to occupancy of rebuilt facility

The applicant shall submit for Zoning Manager approval a plan to improve the drive-through lane/pedestrian crossing, including but not limited to marked and raised paving surfaces for the pedestrian paths as a speed-hump. The building permits shall be modified accordingly.

35. Landscape Plan Revisions

Prior to submittal of building permit

The Landscape Plan shall be revised to indicate additional canopy trees along 7th Street and Market Street near the driveway. Suggested species include Sycamore or London Plane trees to match existing trees along the street.



Google earth

feet
meters

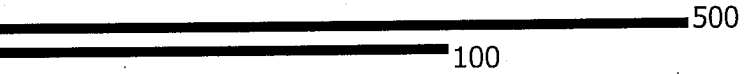




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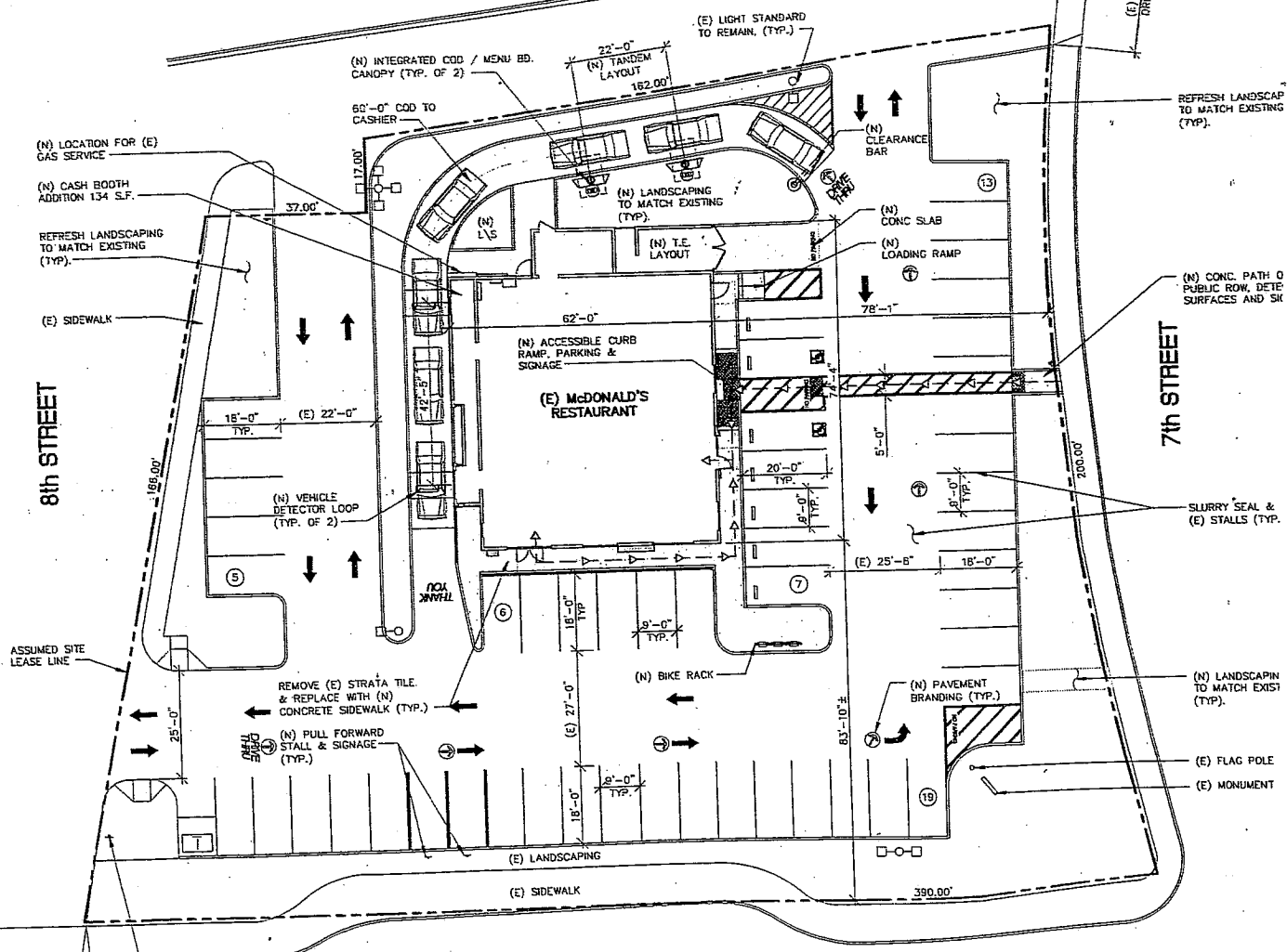

stantec

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Fax. 707.765.9908
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PREPARED FOR:
M. McDonald's USA, LLC
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These drawings and specifications are the confidential and proprietary property of McDonald's USA, LLC and shall not be copied or reproduced without written authorization. The contract documents were prepared under specific strict confidentiality with this issue state and are not suitable for public use. The drawings are for reference only and the services of properly licensed architects and engineers. Reproduction of the contract documents for reuse on another project is not authorized.

[illegible]

PLANNED

(E) RETAIL

SITE PLAN-1985

EXISTING

8th STREET

7th STREET

MARKET STREET

(E) McDONALD'S RESTAURANT

(E) CURB TO BE REMOVED
AS NECESSARY

(E) CONCRETE PAVING TO
BE REMOVED

(E) TRASH GATES
ENCLOSURE TO BE
REMOVED

(E) CONCRETE
PAVING TO BE
REMOVED

(E) GAS SERVICE
TO BE RELOCATED

(E) CURB TO BE
REMOVED

(E) STRIPING AND
ASPHALT TO BE
REMOVED

(E) LANDSCAPE TO BE
REMOVED

(E) CONCRETE
PAVING TO BE
REMOVED

(E) STRIPING
TO BE
REMOVED (TYP.)

(E) CONC. RAMP
TO BE REMOVED

(E) STRIPING TO
BE REMOVED
(TYP.)

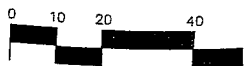
(E) WHEEL STOP
TO BE REMOVED
(TYP.)

(E) CURB TO BE
REMOVED

REMOVE (E) STRATA
TILE. (TYP.)

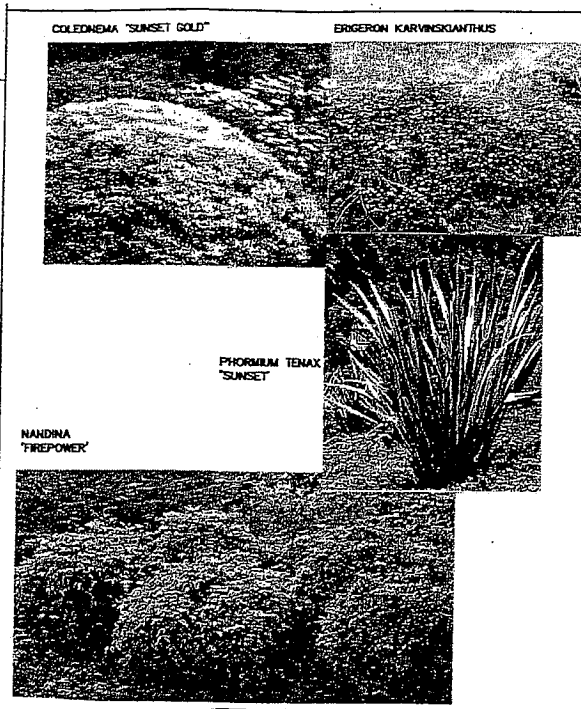
(E) STRIPING TO
BE REMOVED

(E) CONC. STAIRS
TO BE REMOVED

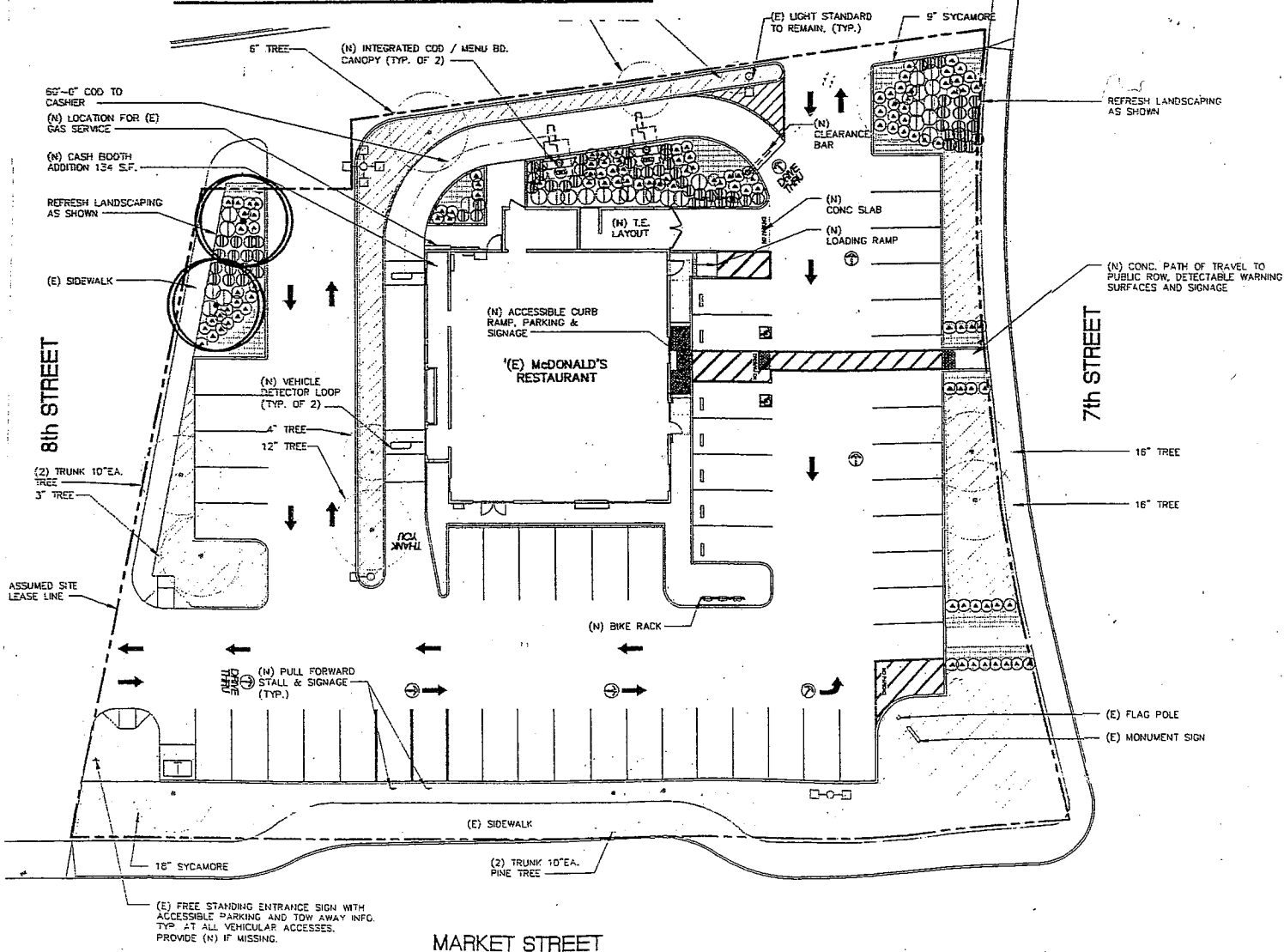


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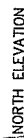
PLANTING LEGEND						
R:\CLIENT\LAND\LEGENDS\0295LDIG						
SYMBOL	SIZE	QTY.	MATURE HEIGHT	BOTANICAL NAME	WATER REQ/MT	COMMON NAME
TREES						
*H, L, M HIGH, LOW, MEDIUM						
	24" BOX	2	25'	LAGERSTROEMIA INDICA "MUSKOGEE" STD.	L	STANDARD CREPE MYRTLE
	-	13	-	EXISTING TREE TO REMAIN -	-	-
SHRUBS						
I	5 GAL.	27	4-5'	PHORMIUM TENAX "SUNSET"	L	NEW ZEALAND FLAX
II	1 GAL.	70	24"	ERIGERON KARVINSKIANTHUS	L	FLEABANE
III	5 GAL.	111	3'	COLEONEMA "SUNSET GOLD"	L	DWE. BREATH-OF-HEAVE
GROUNDCOVERS / MASS PLANTINGS						
	1 GAL. 20" O.C.	565 S.F.	2'	NANDINA "FIREPOWER"	L	DWE. NANDINA
TOTAL LANDSCAPED AREA: 2682 S.F.						



LANDSCAPE PLAN PLANNED

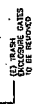


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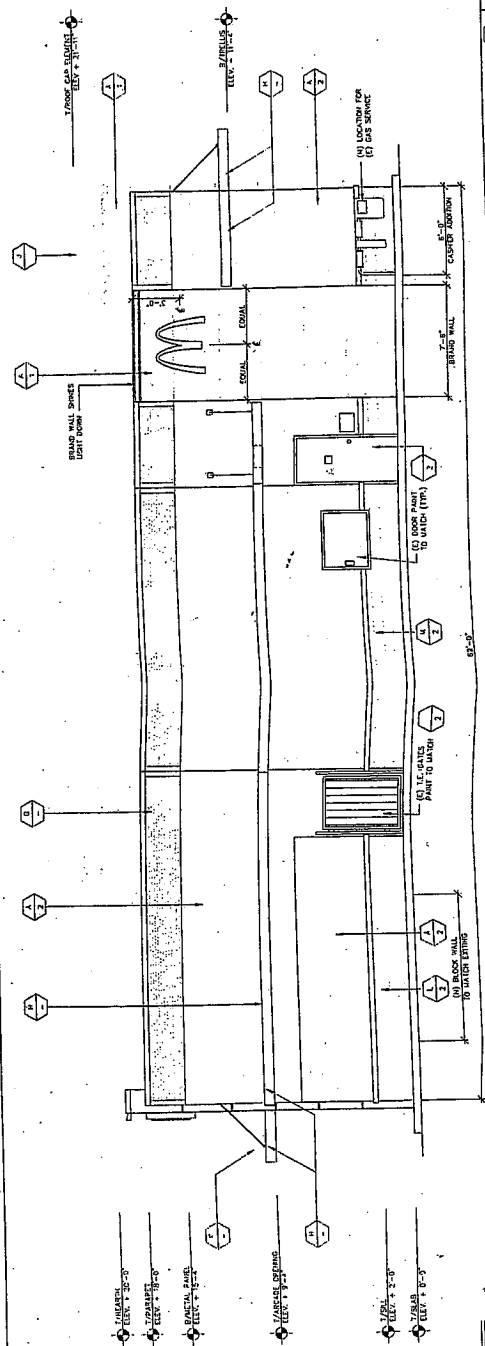
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PLANNED


EXISTING



ELEVATION
SEE REMOVAL NOTES BELOW



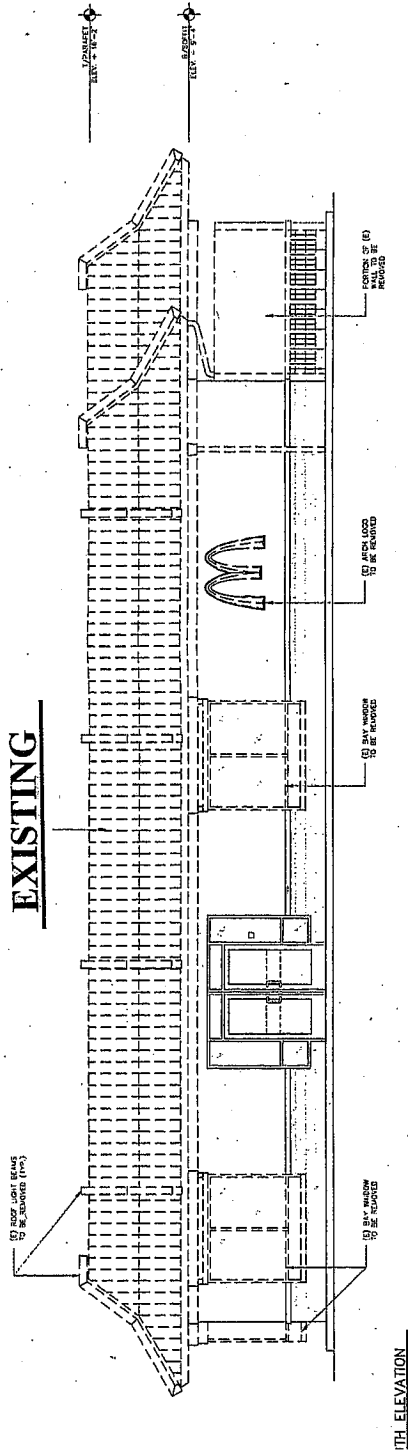
ST ELEVATION

MATERIAL			COLORS
A	STUCCO		1. BU 2122-20
B	WATER-RESISTANT		2. BU 1112-10
C	WATER-RESISTANT SURFACING		3. BU 105-21
D	WATER-RESISTANT SURFACING		
E	WOOD; KRAFTPAPER BLOCK OR LOGS		
F	WALL, CAMBER YELLOW PAINTING TONG		
G	CORROGATED METAL PANEL - CR - CITY SCAP		
H	TRELLIS; SPRINKLER COATING		

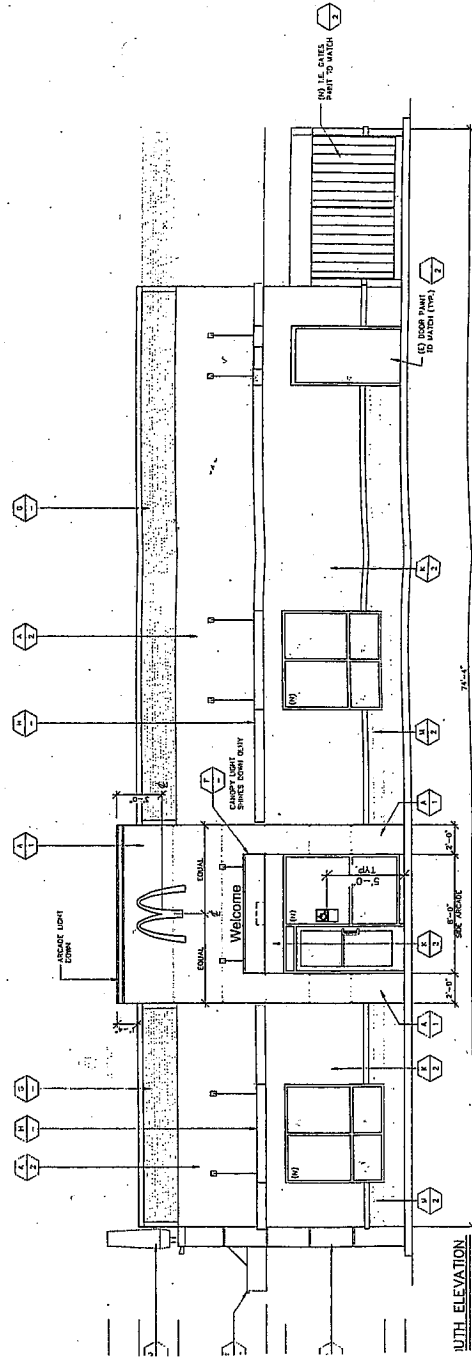
PLANNED

SOUTH ELEVATIONS

EXISTING



1TH ELEVATION

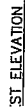


1TH ELEVATION

MATERIAL	COLC
1. STUCCO	1. BU 1
2. CONCRETE	2. BU 2
3. METAL	3. BU 3
4. WOOD	4. BU 4
5. GLASS	5. BU 5
6. BRICK	6. BU 6
7. TERRAZZO	7. BU 7
8. GRANITE	8. BU 8
9. MARBLE	9. BU 9
10. SLATE	10. BU 10
11. CEMENT	11. BU 11
12. PLASTER	12. BU 12
13. STUCCO	13. BU 13
14. TERRAZZO	14. BU 14
15. GRANITE	15. BU 15
16. MARBLE	16. BU 16
17. SLATE	17. BU 17
18. CEMENT	18. BU 18
19. PLASTER	19. BU 19
20. STUCCO	20. BU 20


PLANNED

EXISTING

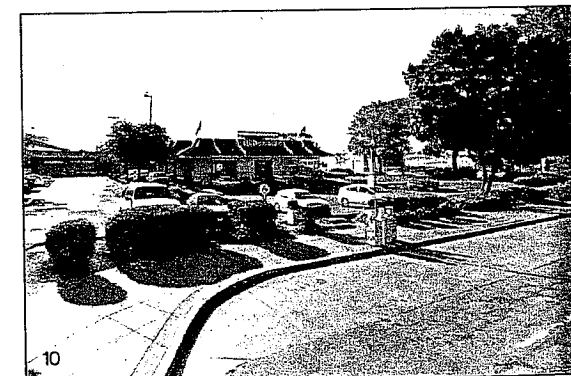
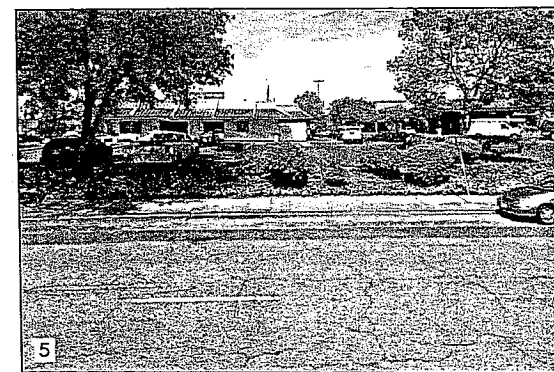
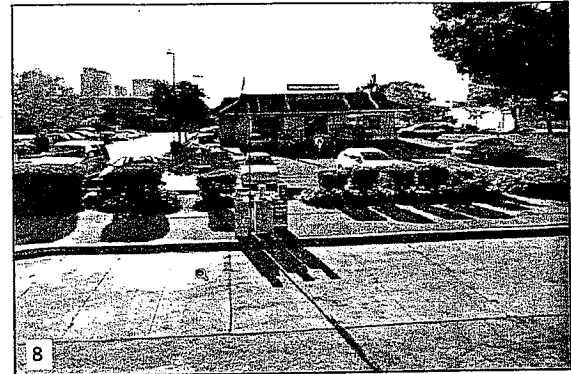
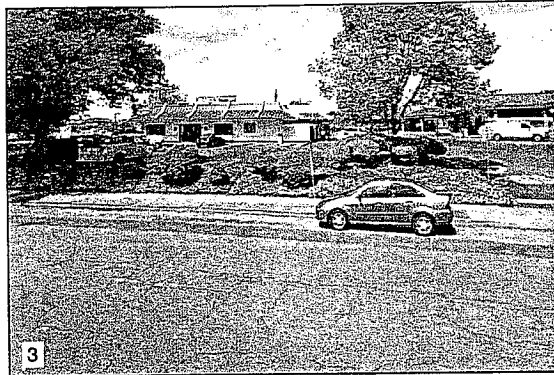
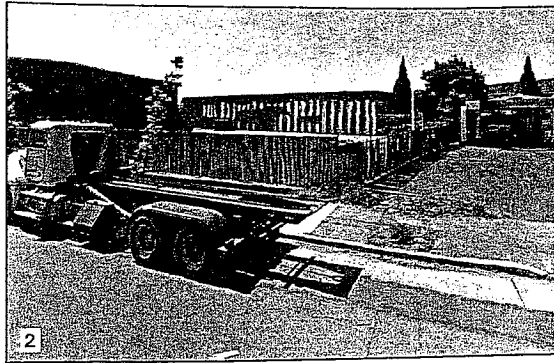


SEE DEPOSITION KINOWE PAGE 4



MATERIAL		COLIC
A 316SSD		1 BU 2
C 146-EMPHAS		2 BU 3
D 3000-EMPHAS STAINLESS STEEL PLATE		3 BU 4
E 3000-EMPHAS STAINLESS STEEL PLATE		4 BU 5
F 3000-EMPHAS STAINLESS STEEL PLATE		5 BU 6
G 3000-EMPHAS STAINLESS STEEL PLATE		6 BU 7
H 3000-EMPHAS STAINLESS STEEL PLATE		7 BU 8
I 3000-EMPHAS STAINLESS STEEL PLATE		8 BU 9
J 3000-EMPHAS STAINLESS STEEL PLATE		9 BU 10
K 3000-EMPHAS STAINLESS STEEL PLATE		10 BU 11
L 3000-EMPHAS STAINLESS STEEL PLATE		11 BU 12
M 3000-EMPHAS STAINLESS STEEL PLATE		12 BU 13
N 3000-EMPHAS STAINLESS STEEL PLATE		13 BU 14
O 3000-EMPHAS STAINLESS STEEL PLATE		14 BU 15
P 3000-EMPHAS STAINLESS STEEL PLATE		15 BU 16
Q 3000-EMPHAS STAINLESS STEEL PLATE		16 BU 17
R 3000-EMPHAS STAINLESS STEEL PLATE		17 BU 18
S 3000-EMPHAS STAINLESS STEEL PLATE		18 BU 19
T 3000-EMPHAS STAINLESS STEEL PLATE		19 BU 20
U 3000-EMPHAS STAINLESS STEEL PLATE		20 BU 21
V 3000-EMPHAS STAINLESS STEEL PLATE		21 BU 22
W 3000-EMPHAS STAINLESS STEEL PLATE		22 BU 23
X 3000-EMPHAS STAINLESS STEEL PLATE		23 BU 24
Y 3000-EMPHAS STAINLESS STEEL PLATE		24 BU 25
Z 3000-EMPHAS STAINLESS STEEL PLATE		25 BU 26
AA 3000-EMPHAS STAINLESS STEEL PLATE		26 BU 27
AB 3000-EMPHAS STAINLESS STEEL PLATE		27 BU 28
AC 3000-EMPHAS STAINLESS STEEL PLATE		28 BU 29
AD 3000-EMPHAS STAINLESS STEEL PLATE		29 BU 30
AE 3000-EMPHAS STAINLESS STEEL PLATE		30 BU 31
AF 3000-EMPHAS STAINLESS STEEL PLATE		31 BU 32
AG 3000-EMPHAS STAINLESS STEEL PLATE		32 BU 33
AH 3000-EMPHAS STAINLESS STEEL PLATE		33 BU 34
AI 3000-EMPHAS STAINLESS STEEL PLATE		34 BU 35
AJ 3000-EMPHAS STAINLESS STEEL PLATE		35 BU 36
AK 3000-EMPHAS STAINLESS STEEL PLATE		36 BU 37
AL 3000-EMPHAS STAINLESS STEEL PLATE		37 BU 38
AM 3000-EMPHAS STAINLESS STEEL PLATE		38 BU 39
AN 3000-EMPHAS STAINLESS STEEL PLATE		39 BU 40
AO 3000-EMPHAS STAINLESS STEEL PLATE		40 BU 41
AP 3000-EMPHAS STAINLESS STEEL PLATE		41 BU 42
AQ 3000-EMPHAS STAINLESS STEEL PLATE		42 BU 43
AR 3000-EMPHAS STAINLESS STEEL PLATE		43 BU 44
AS 3000-EMPHAS STAINLESS STEEL PLATE		44 BU 45
AT 3000-EMPHAS STAINLESS STEEL PLATE		45 BU 46
AU 3000-EMPHAS STAINLESS STEEL PLATE		46 BU 47
AV 3000-EMPHAS STAINLESS STEEL PLATE		47 BU 48
AW 3000-EMPHAS STAINLESS STEEL PLATE		48 BU 49
AX 3000-EMPHAS STAINLESS STEEL PLATE		49 BU 50
AY 3000-EMPHAS STAINLESS STEEL PLATE		50 BU 51
AZ 3000-EMPHAS STAINLESS STEEL PLATE		51 BU 52
BA 3000-EMPHAS STAINLESS STEEL PLATE		52 BU 53
BB 3000-EMPHAS STAINLESS STEEL PLATE		53 BU 54
BC 3000-EMPHAS STAINLESS STEEL PLATE		54 BU 55
BD 3000-EMPHAS STAINLESS STEEL PLATE		55 BU 56
BE 3000-EMPHAS STAINLESS STEEL PLATE		56 BU 57
BF 3000-EMPHAS STAINLESS STEEL PLATE		57 BU 58
BG 3000-EMPHAS STAINLESS STEEL PLATE		58 BU 59
BH 3000-EMPHAS STAINLESS STEEL PLATE		59 BU 60
BI 3000-EMPHAS STAINLESS STEEL PLATE		60 BU 61
BJ 3000-EMPHAS STAINLESS STEEL PLATE		61 BU 62
BK 3000-EMPHAS STAINLESS STEEL PLATE		62 BU 63
BL 3000-EMPHAS STAINLESS STEEL PLATE		63 BU 64
BM 3000-EMPHAS STAINLESS STEEL PLATE		64 BU 65
BN 3000-EMPHAS STAINLESS STEEL PLATE		65 BU 66
BO 3000-EMPHAS STAINLESS STEEL PLATE		66 BU 67
BP 3000-EMPHAS STAINLESS STEEL PLATE		67 BU 68
BQ 3000-EMPHAS STAINLESS STEEL PLATE		68 BU 69
BR 3000-EMPHAS STAINLESS STEEL PLATE		69 BU 70
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BT 3000-EMPHAS STAINLESS STEEL PLATE		71 BU 72
BU 3000-EMPHAS STAINLESS STEEL PLATE		72 BU 73
BV 3000-EMPHAS STAINLESS STEEL PLATE		73 BU 74
BW 3000-EMPHAS STAINLESS STEEL PLATE		74 BU 75
BX 3000-EMPHAS STAINLESS STEEL PLATE		75 BU 76
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CF 3000-EMPHAS STAINLESS STEEL PLATE		83 BU 84
CG 3000-EMPHAS STAINLESS STEEL PLATE		84 BU 85
CH 3000-EMPHAS STAINLESS STEEL PLATE		85 BU 86
CI 3000-EMPHAS STAINLESS STEEL PLATE		86 BU 87
CJ 3000-EMPHAS STAINLESS STEEL PLATE		87 BU 88

PLANNED





Stantec

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Petaluma CA 94954
Tel: (707) 765-1660
Fax: (707) 765-9908

February 2, 2013
File: 2007042093

City of Oakland
Planning Department
250 Frank H. Ogawa Plaza, Suite 2114
Oakland, CA 94612

RE: McDonald's #004-1319 – Findings per Section 17.102.210 - D
800 Market Street
Oakland, CA
Stantec #20072093

This letter is in regards to the proposed upgrade for McDonald's located at 800 Market Street, Oakland, CA. The project scope includes re-image the store, expansion of the cash both for employee use only by 134 square feet and upgrade the existing drive thru to tandem layout in addition McDonald's will upgrade the restrooms as needed per ADA requirements.

Per Section 17.102.210 – D: Special Restrictions Applying to Fast-Food Restaurants below as requested are our responses to items 1 through 4:

1. No Fast-Food Restaurant Commercial Activity shall be located within a one thousand (1,000) foot radius of an existing or approved Fast-Food Restaurant, as measured from the center of the front property line of the proposed site, except in the Central District (defined for the purposes of this Chapter as within the boundaries of I-980 and Brush Street to the west; both sides of 27th Street to the North; Harrison Street/Lake Merritt and the Lake Merritt Channel to the east; and the Estuary to the south), within the main building of Shopping Center Facilities, and in the CR-1 Regional Commercial zone.

Response:

McDonald's restaurant is located at the northeast corner of Market Street and 7th Street intersection in an existing shopping center. The restaurant is existing to remain. The proposed scope of work detailed above is to improve the building image, upgrade the dining area and make the drive thru more efficient by increasing the spacing between the order and the pick-up windows.

2. Fast-Food Restaurants with Drive-Through Facilities shall not be located within five hundred (500) feet of a public or private elementary school, park, or playground, measured perpendicularly from the street right-of-way.

Response:

The existing McDonald's Restaurant is not located within five hundred (500) feet of a public or private elementary school, park, or playground, measured perpendicularly from the street right-of-way.

3. Access. Ingress and egress to Fast-Food Facilities shall be limited to commercial arterial streets rather than residential streets. No direct access shall be provided to adjacent residential streets which are less than thirty-two (32) feet in pavement width. Exceptions to either of the requirements may be

obtained where the City Traffic Engineer determines that compliance would deteriorate local circulation or jeopardize the public safety. Any such determination shall be stated in writing and shall be supported with findings. Driveway locations and widths and entrances and exits to Fast-Food Facilities shall be subject to the approval of the City Traffic Engineer.

Response:

All driveways ingress and egress are existing to remain. They are limited to commercial arterial use streets only, no direct access to residential streets which are less than thirty-two (32) feet in pavement width.

4. Trash and Litter. Disposable containers, wrappers and napkins utilized by Fast-Food Restaurants shall be imprinted with the restaurant name or logo.

Response:

Disposable containers, wrappers and napkins utilized by Fast-Food Restaurants are imprinted with the restaurant name or logo.

Please feel free to contact me should you have any questions.

Respectfully,

STANTEC ARCHITECTURE INC.



Hala Ibrahim
Assistant Project Manager
Tel: (707) 774-8315
Fax: (707) 765-9908
Hala.ibrahim@stantec.com

CONDITIONAL USE PERMIT INFORMATION

What is a Conditional Use Permit?

The Zoning Ordinance describes two different types of uses in each zoning district: 1) permitted uses; and 2) conditional uses. Conditional uses are those which require special consideration from the City. The Conditional Use Permit (CUP) process provides the City with the flexibility to determine if a specific use at a certain location will be compatible with the neighborhood.

In reviewing a CUP, the Planning Department relies upon the specific findings of Section 17.134.050 of the Zoning Ordinance.

REQUIRED C.U.P. FINDINGS PURSUANT TO SECTION 17.134.050

Conditional Use Permits are granted only when all of the following findings can be made:

Compatible with the Neighborhood

That the location, size, design, and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to:

- 1) harmony in scale, bulk, coverage, and density; to harmful effect, if any, upon desirable neighborhood character;
- 2) the generation of traffic and the capacity of surrounding streets; and
- 3) any other relevant impact of the development.

An Asset for the Neighborhood

That the location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

Enhances the Area

That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.

Meets Design Review Standards

That the proposal conforms to all applicable Regular Design Review criteria set forth in the design review procedure in Section 17.136.050.

Complies with the General Plan and other adopted City Plans

That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.



CITY OF OAKLAND

CONDITIONAL USE PERMIT FINDINGS

The Zoning Ordinance describes two different types of uses in each zoning district: 1) permitted uses; and 2) conditional uses. Conditional uses are those which require special consideration from the City.

The Conditional Use Permit (CUP) process provides the City with the flexibility to determine if a specific use at a certain location will be compatible with the neighborhood. Conditional Use Permits can only be granted if all of the following general Use Permit findings from Section 17.134.050 can be made:

Please indicate the way in which the proposal meets the following required criteria. Attach additional sheets if necessary.

- A. The location, size, design, and operating characteristics of the proposed development will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities; to harmful effect, if any upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development:

The proposed changes to the existing restaurant will be compatible with, and will not adversely affect, the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of civic facilities and utilities; to harmful effect. there will be no generation of traffic or capacity of surrounding street; or to any other relevant impact of the development.

- B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrant:

The proposed changes to the existing restaurant will not revise the existing location and site planning of the existing development; they will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrant.

- C. The proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region:

The proposed upgrades to the existing restaurant will enhance the successful operation of the surrounding area in its basic community functions, and will continue to provide an essential service to the community and the region.

- D. The proposal conforms with all applicable Regular Design Review criteria set forth in Section 17.136.050 of the Oakland Planning Code:

The proposed upgrades are conform with all applicable Regular Design Review criteria set forth in Section 17.136.050 of Oakland Planning Code.

- E. For proposals involving a One- or Two-Family Residential Facility: If the Conditional Use Permit concerns a regulation governing maximum height, minimum yards, or maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

1. The proposal when viewed in its entirety will not adversely impact abutting residences to the side, rear, or directly across the street with respect to solar access, view blockage and privacy to a degree greater than that which would be possible if the residence were built according to the applicable regulation, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height;

N/A

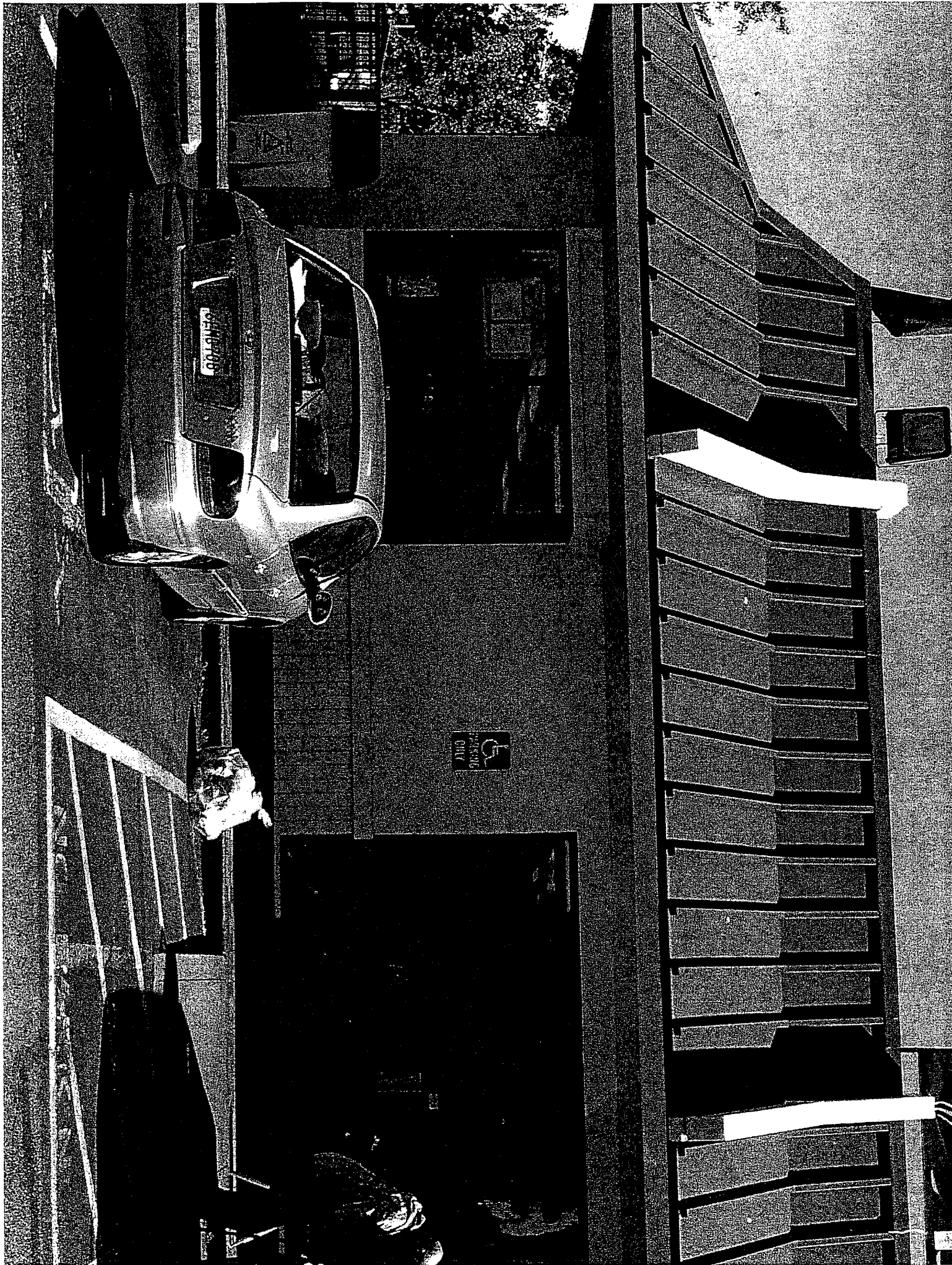
- OR -

2. At least sixty (60) percent of the lots in the immediate context are already developed and the proposal would not exceed the corresponding as-built condition on these lots, and, for conditional use permits that allow height increases, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height. The immediate context shall consist of the five closest lots on each side of the project site plus the ten closest lots on the opposite side of the street (see illustration I-4b); however, the Director of City Planning may make an alternative determination of immediate context based on specific site conditions. Such determination shall be in writing and included as part of any decision on any conditional use permit.

N/A

- F. The proposal conforms in all significant respects with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.

The proposed changes to the existing restaurant will conform in all significant with the Oakland General Plan and with any other applicable plan or development control map which has been adopted by the City Council.



Valeska, David

From: Ck Kuebel [ck@kuebel.com]
Sent: Friday, April 26, 2013 5:08 PM
To: Valeska, David
Cc: Vivian Kahn; Manuel Riley; Rebecca Chekouras; Steve Lowe; Ben Delaney; Leslie Pritchett; Hoang Banh; Ener Chiu; Tina Ramos; Paul Thyssen; Savlan Hauser; Ener Chiu; Prado (Lederer), Margot; Karen Cusolito; Jon Sarriugarte; Trish Fong; Jill Schnugg; Robert Laverne; Carol Benz; Brendon Levitt; Huntsman, Blake; Whales, Jonelyn; Moore, Jim; Truong, Vien; Colbruno, Michael; Coleman, Michael; Chris Patillo
Subject: Re: May 15 Planning Commission Review, REV13-012, 800 Market St. at 7th, McDonalds Rebuild

Dave

Thank you for notifying me!

If this is ONLY about an architectural redesign, I have no problem. If there are other issues please alert me to them.

Ck Kuebel

ck@kuebel.com

<http://www.kuebel.com>

On Apr 26, 2013, at 4:04 PM, Valeska, David wrote:

> The PC hearing on rebuilding the Acorn/West Oakland McDonalds
> restaurant is 6 pm, May 15 at City Hall 1st Floor. Please call (510
> 238 2075) or Email me with any questions. The design will now be more
> like the new Temescal and Castro Valley McDonalds, losing the red roof
> from the 1985 Conditional use permit design (CM84-370).
>

Valeska, David

From: George Burt [grant_burt@earthlink.net]

Sent: Saturday, April 27, 2013 8:45 AM

To: Valeska, David

Cc: Norman Hooks

Subject: Re: REV13-012, McDonalds-Rebuild, 800 Market Street at 7th Street-Notification

Thanks David for sending this to us

We have no issues with it

George

West Oakland Commerce Association

On Apr 26, 2013, at 4:00 PM, Valeska, David wrote:

The rebuild/new façade of the Acorn Plaza/West Oakland McDonalds is on the May 15, 2013

Planning Commission agenda (6pm, City Hall), anyone can attend and comment. This is case

REV13-012, which revises CM84-370, an approved Conditional Use Permit. The new design

Loses the red angled roof and would look more like the new Temescal and Castro Valley McDonalds; and would be 136 square feet bigger. Please e-mail or call me at 510 238 2075

If you have questions/comments, thanks.

4/29/2013

Z O N I N G R E P O R T

City Planning Department
X City Planning Commission

CASE FILE: CM84-370

APPLICANT: G.A.C.I.A. /MCDONALD'S CORPORATION

REPORT DATE: October 10, 1984

X Owner Buyer Lessee Agent

LOCATION: Northeast corner of 7th and Market -
Acorn Plaza Shopping Center

APPLICATION: Major Conditional Use Permit

FILING DATE: September 11, 1984

PROPOSAL: To establish a fast-food restaurant

STAFF RECOMMENDATION: Approve
 X Conditions Attached

COMMISSION ACTION: Approved
Vote: 6 ayes, 0 noes
Date: October 10, 1984

ZONING: C-20 Shopping Center Commercial

PROPERTY DESCRIPTION: Street corner part of parking area for Acorn Plaza Shopping Center; shopping center building to northwest; St. Mary's Gardens retirement apartments further to north across parking area; commercial and light industrial use to south across 7th Street; residential uses to west.

ENVIRONMENTAL STATEMENT: ER 84-35

 EIR X Negative Declaration Categorically Exempt

DISCUSSION: The applicant wishes to construct and operate a 7,000 square foot McDonald's fast-food restaurant with drive through window. The building would be a standard, freestanding design adapted to reflect the exterior colors and materials of the shopping center. The location of the restaurant concides with the plans of the previously approved Planned Unit Development Plan for the shopping center. Shopping Center landscaping would be augmented by perimeter landscaping around the restaurant building. Fifty five of the parking spaces at this corner of the shopping center would be available to the restaurant customers. One other fast food restaurant -- Louisiana Fried Chicken -- was granted a use permit in March 1984 to locate elsewhere in the center.

Fast-food restaurants permits may be granted if the proposal meets both the required findings of Section 7023 (Special Regulations Applying to Fast-Food Restaurant Commercial Activities) and Section 9204 (General Use Permit Criteria) of the Zoning Regulations. With appropriate conditions of approval, the restaurant proposal should meet both sets of required findings for the following reasons:

SECTION 7023(a)

1. The proposal is not located in an area where additional such uses would be undesirable.

1. That the restaurant be established substantially in accordance with the plans submitted for the use permit.
- ✓ 2. That the applicant shall submit a litter control plan to the satisfaction of the Director of City Planning that:

10/14/84

- ✓ a) includes the design, location, and number of litter containers to be installed on the site and in the building; containers to be installed in accordance with said approved plan prior to beginning of operation of the restaurant;
- ~ b) establish a management schedule for keeping the premises and surrounding area in a one block radius free from litter originating from the operation of the restaurant.

In the event of increased neighborhood litter as the result of operation of the fast-food restaurant, the Commission reserves the right, after notice and hearing, to rescind the use permit or to make such additional conditions of approval that may be necessary to eliminate the litter problem.

4/3/85

3. That all exterior signs shall be approved by the Director of City Planning.
4. That this permit shall become effective upon satisfactory compliance with the above conditions. Failure to fulfill such conditions by October 31, 1985 shall invalidate this approval, provided further that, upon written request, the Director of City Planning may grant a one (1) year extension of this date, with additional extensions subject to approval by the City Planning Commission.

ADOPTED BY: City Planning Commission: October 10, 1984 (date) 6 ayes, 0 noes (vote)
City Council: _____ (date) _____ (vote)

2. The proposal is not located adjacent to any churches, schools below high school level, or public playgrounds.
3. The proposal will not interfere with the movement of people along an important pedestrian street.
- 4-5. The design of the proposal is visually compatible with the surrounding commercial area.
6. Fast-food restaurants can generate substantial amounts of litter. It is the applicant's responsibility to maintain the site and adjacent sidewalk areas free of litter.
7. The proposal should not disturb the sleep of residents as there are none in close proximity to this development.

SECTION 9204

- (a) Generally, the location, size, design and operating characteristics of the proposal should not adversely affect the existing or future land use, development or circulation. However, persons loitering in front of the activity might become a problem. The establishment should discourage patrons and visitors from loitering in the public right-of-way or in front of adjacent properties. Parking is adequate.
- (b) The proposal will be a convenient and functional commercial operation in an attractive setting.
- (c) The proposed development will provide an additional dining establishment to the surrounding area.
- (d) The proposal does not conflict with any City plans.

The permit should be granted.

crr