

Oakland City Planning Commission

Case File Number PLN15083

STAFF REPORT

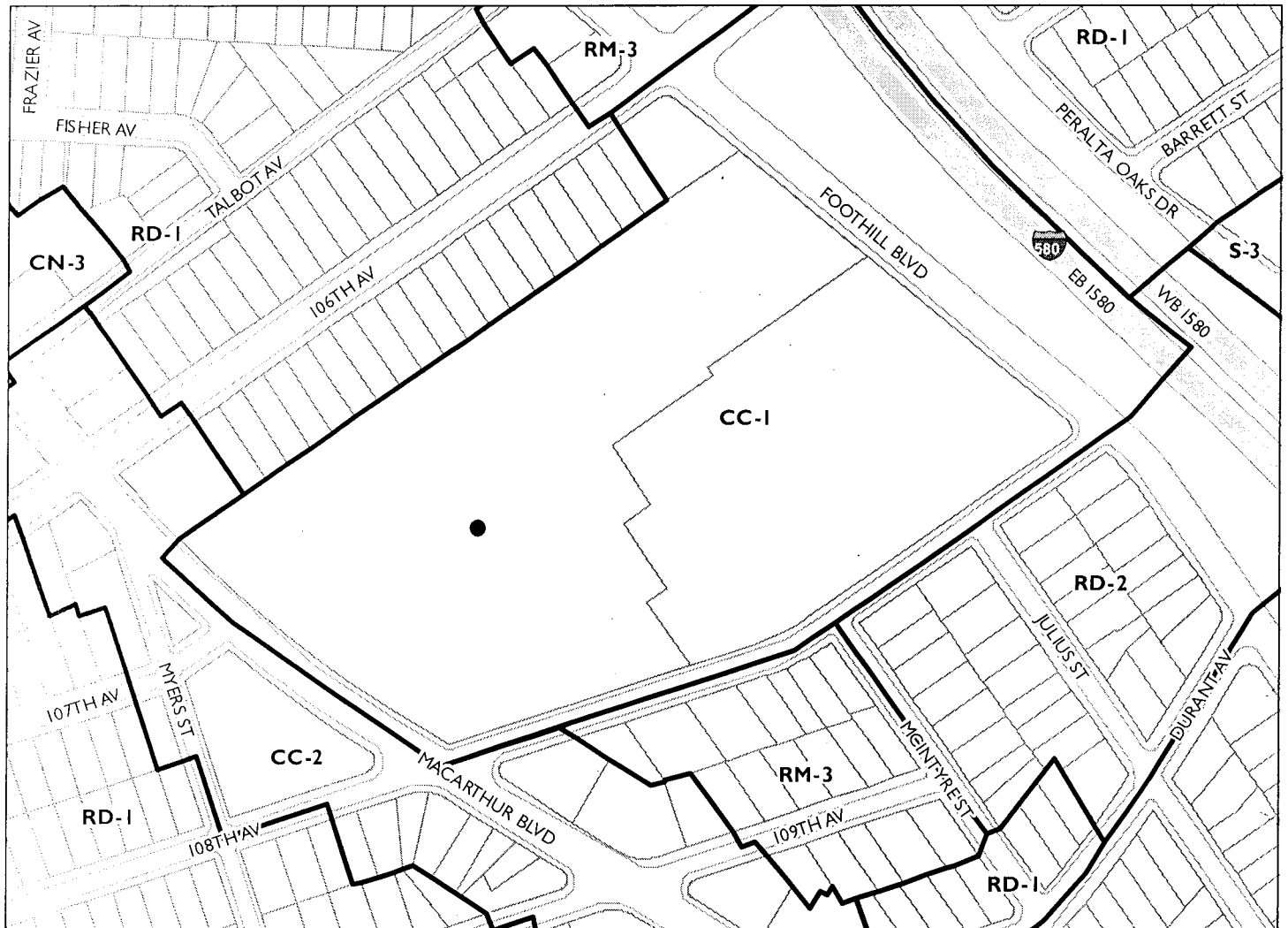
October 7, 2015

Location:	10700 Macarthur Boulevard (APN: 047-5589-001-13). (See map on reverse)
Proposal:	To establish a new free standing Fast Food Restaurant with Drive Through window service in the Foothill Square Shopping Center.
Applicant:	Jay-Phares Corporation & MacArthur Boulevard Associates, a California Limited Partnership , LLC
Owner:	MacArthur Boulevard Associates
Planning Permits Required:	Design Review for construction of a new commercial building, Major Conditional Use Permits for Fast Food Restaurant and Drive-Through, Minor Variances for distance separation between other Fast Food Restaurants, Drive-Through exit to a 30-foot wide street where 32 feet is required, and reduction of 7 parking stalls from the shopping center to allow for the drive through lane.
General Plan:	Community Commercial
Zoning:	CC-1 Community Commercial Zone-1
Environmental Determination:	Section 15164 of the State CEQA Guidelines: Addendum to the Mitigated Negative Declaration for the Redevelopment of the Foothill Square Shopping Center adopted by the Planning Commission on May 4, 2011; Section 15183 of the State CEQA Guidelines; projects consistent with a community plan, general plan or zoning.
Historic Status:	Not a historic property
Service Delivery District:	4
City Council District:	7
Status:	Pending Review by Planning Commission
Action to be Taken:	Decision based on Staff Report
Staff Recommendation:	Approve Staff Report with attached Conditions
Finality of Decision:	Appealable to City Council within 10 days.
For Further Information:	Contact case planner Moe Hackett at 510-238-3973 or mhackett@oaklandnet.com

SUMMARY

The applicant, Jay-Phares Corporation & MacArthur Boulevard Associates, a California Limited Partnership, requests Planning Commission approval of Major Conditional Use Permits, Minor Variances, and Regular Design Review to establish a new 4,222 square-foot McDonald's restaurant with a drive-through located within the Foothill Square shopping center. The location within the Foothill Square shopping center where McDonald's is looking to locate was previously approved for restaurant activities as part of the Foothill Square Redevelopment project, however it was not approved for a fast-food restaurant or a drive-through facility, both of which require major conditional use permits.

CITY OF OAKLAND PLANNING COMMISSION



0 125 250 500 750 1,000 Feet



Case File: PLN15083

Applicant: Jay-Phares Corporation and
MacArthur Boulevard Associates, a CA LP

Address: 10700 MacArthur Boulevard

Zone: CC-1

PROJECT DESCRIPTION

The project is to establish a new McDonald's restaurant (Fast-Food Restaurant) with a drive-through facility in a new 4,222 square-foot commercial structure. The proposed building would be located at the corner of the shopping center near the intersection of MacArthur Boulevard and 108th Avenue, and would share parking and street access with the shopping center. The Fast-Food Restaurant requests the following hours of operation: 6:00 am till 10:00 pm for lobby service and a 24 hour drive-through. Loading would take place at the interior north facing elevation accessible by the parking lot from MacArthur Boulevard. Major deliveries would occur twice per week, and usually require 20 minutes to complete.

PROPERTY DESCRIPTION

The Foothill Square site located in the Elmhurst neighborhood of Oakland, near the border of San Leandro, and consists of a shopping center on a 13.8 acre site bordered by MacArthur Boulevard to the southwest, Foothill Boulevard and the I-580 freeway to the northeast, and 108th Avenue to the southeast. The northwest portion of the site abuts eighteen single-family homes that have frontage along 106th Avenue. The Foothill Square site contains a large grocery market and a number of other retail businesses. The site also contains a number of other commercial and civic uses as well. The surrounding area consists primarily of commercial along the corridors and lower intensity residential uses along the side streets.

GENERAL PLAN ANALYSIS

The site is located in a Community Commercial area of the General Plan's Land Use & Transportation Element (LUTE). The intent of the Community Commercial area is: *"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 or centers."* The LUTE indicates the area's Desired Character and Uses: *"Community Commercial areas may include neighborhood center uses and larger scale retail and commercial uses, such as auto related businesses, business and personal services, health service and medical uses, education facilities, and entertainment uses. Community Commercial areas can be complemented by the addition of urban residential development and compatible mixed use development."*

The proposal involves the enhancement of a shopping center located along two major corridors and with good access to I-580. The project involves a new fast-food restaurant within the Foothill Square shopping center and conforms to the General Plan area's intent and is consistent with the area's Desired Character/Uses. Furthermore, the proposal involves new jobs and business in an appropriate location featuring a design that is compatible with its setting and therefore conforms to the following Objectives and Policies of the LUTE:

Objective I/C1

Expand and retain Oakland's job base and economic strength

Policy I/C1.1 Attracting New Business.

The City will strive to attract new businesses to Oakland which have potential economic benefits in terms of jobs and / or revenue generation. This effort will be coordinated through a citywide economic development strategy / marketing plan which identifies the City's existing economic base, the assets and constraints for future growth, target industries or activities of future attraction, and geographic areas appropriate for future use and development.

Policy I/C1.4 Investing in Economically Distressed Areas of Oakland.

Economic investment, consistent with the City's overall economic strategy, should be encouraged, and, where feasible, should promote viable investment in economically distressed areas of the City.

Objective I/C3

Ensure that Oakland is adequately served by a wide variety of commercial uses, appropriately sited to provide for competitive retail merchandising and diversified office uses, as well as personal and professional services.

Policy I/C3.4 Strengthening Vitality.

The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.

Commercial Areas

Objective N1

Provide for healthy, vital, and accessible commercial areas that help meet local consumer needs in the neighborhoods.

Policy N1.4 Locating Large-Scale Commercial Activities.

Commercial uses which serve long term retail needs or regional consumers and which primarily offer high volume goods should be located in areas visible or amenable to high volumes of traffic. Traffic generated by large scale commercial development should be directed to arterial streets and freeways and not adversely affect nearby residential streets.

Policy N1.5 Designing Commercial Development.

Commercial development should be designed in a manner that is sensitive to surrounding residential uses.

The McDonald's restaurant, as a component of the shopping center, is located in a Grow and Change area and enhancement of the center by intensification is therefore appropriate (LUTE Strategy Diagram, Figure # 3 - p. 123, Strategy Objective). The restaurant is located on a Regional Transit Street near Freeway Access (LUTE Transportation Diagram, Figure 4 - p. 12) and increased circulation is appropriate. The site is identified as an "Important site for jobs/local services" (LUTE, Improvement Strategies East Oakland, Figure 7 - p. 200, Target Area for Community and Economic Development).

Staff finds the project to be in conformance with the General Plan.

ZONING ANALYSIS

The subject property is located within a CC-1, Community Commercial Zone-1, and is within a 60 Height/Intensity Area. The CC-1 zone is intended to create, maintain, and enhance shopping centers and malls with a wide range of consumer services. The 60 Height/Intensity Area allows a maximum Floor Area Ratio (FAR) of 3.0 and a maximum building height of 60 feet.

Conditional Use Permits

The proposal will require two Major Conditional Use Permits to allow for the creation of a Fast-Food Restaurant with a Drive-Through facility. Both the Fast-Food and the Drive-Through are supportable due to the large shopping center context that they will be integrated into that is already auto oriented and the proposal would therefore not detract from the character of the area.

Variances

The proposal requires three Minor Variances, all of which are supportable to allow for the successful operation of the fast-food restaurant and the over-all operation of the shopping center. The Variances are as follows:

- The drive-through facility will require the removal of 7 parking spaces. The parking and maneuvering facilities at the Foothill Square Shopping Center are shared by all of the various commercial and civic uses on the site. This reduction in parking will require a variance for the overall parking requirement. A parking demand and trip generation study was prepared for the overall Foothill Square shopping center as part of this application. This study shows that the hour-by-hour demand for the various land uses does not necessarily overlap and as a result the center does not require the full capacity of the available parking even with the fast food restaurant, the drive-through, and the aforementioned reduction of 7 parking spaces.
- The new restaurant is within 1,000 feet of two other existing fast food restaurants. This new fast-food restaurant will, to a great extent, function as a replacement for the now shuttered Church's Chicken at 10800 MacArthur Boulevard (the adjacent corner), and represents a zero net gain. No Conditional Use Permit for a Fast Food Activity was ever issued at that location. Additionally, the McDonald's is designed within a larger shopping center complex that by its nature is auto oriented and includes a drive-through to this effect. Neither of the existing nearby fast food restaurants have, or are conditionally permitted to have, drive-through facilities.
- A 32-foot actual street width is required for public streets where drive-through facilities exit upon. The subject proposal contains a drive-through that exits into the Foothill Square parking lot directly adjacent to a driveway with access to and from 108th Avenue. 108th Avenue along this stretch only measures 30 feet in width. City Staff has reviewed the site and assessed the proposals analysis of traffic and determined that the existing street width is capable of handling the capacity of the two-way traffic that can be expected from the shopping center and the proposed fast-food service, as conditioned.

ENVIRONMENTAL DETERMINATION (ADDENDUM TO MITIGATED NEGATIVE DECLARATION)

In 2011, an Initial Study was prepared for the Foothill Square Shopping Center redevelopment project under case file numbers CMDV08-187 & ER08-00016. As identified in the Initial Study, most of the environmental factors were determined to have less than significant impacts, or less than significant with the application of the City's Standard Conditions of Approval. However, preparation of a Mitigated Negative Declaration (MND) was necessary as mitigations were required to reduce the impacts to less than significant levels for Greenhouse Gases and Traffic. Mitigations required the creation of a greenhouse gas reduction plan to address the potential greenhouse gas impacts, which was established prior to completion of the shopping center. Traffic mitigation was required for two intersections within the City of San Leandro, which the City had prepared a fund that the project was able to contribute to in order to mitigate the impacts from the project. Traffic mitigations were also required for the intersection of 106th Avenue and Foothill Boulevard, which included installation of new traffic signals, and lastly, improvements were needed for the I-580 / 106th Ave. off ramp exit at Stanley Ave. CalTrans had agreed to the required improvements, which were identified as cumulative impacts, but since the intersection didn't meet the traffic warrant at the current time, a bond was required to cover the future expenditures for this improvement if still warranted at the horizon year of 2021.

The proposed fast-food restaurant that is part of this application is sited on a location that was previously identified in the prior approval as future restaurant and retail spaces. Given that the proposed fast-food activity with the drive-through would likely trigger higher levels of traffic generation than previously anticipated in the 2011 MND, staff request that the traffic consultant prepare additional studies to determine if any further traffic mitigation would be necessary. Based upon the additional traffic analysis, the revised use of the building pad from restaurant and retail to a fast-food restaurant with drive-through did not increase the trip generation amounts during the peak hours to an extent that require any further traffic mitigation than that already identified in the 2011 document. Therefore, no further CEQA analysis is required.

KEY ISSUES AND IMPACTS

Issues include potential visual impacts along the streetscape, neighborhood effects, security and parking/traffic. Because the request is to establish a new Fast-Food facility within an existing shopping center, the impacts, which had been previously reviewed for similar activity types, will not represent a major increase in size or impacts of the site or to the area. The new restaurant would enhance the regionally oriented Foothill Square Shopping Center and support commerce in East Oakland.

Potential Visual Impacts along the Streetscape. The proposed building would result in an improved appearance over the existing shopping facilities which currently exist as an open parking lot at this corner. The City of Oakland Design Guideline for Corridors and Commercial Areas favors commercial buildings located near the sidewalk to create a street wall and define pedestrian space. In this case, the commercial building wall is defined (and screened) by a drive-through lane that is well landscaped and designed to create clear separation between the automotive queuing and the sidewalk lined with shrubs, low wall and trees. The façade of the building would change to a more muted tone similar to nearby commercial buildings in the shopping center with, as noted, the installation of improved landscaping to minimize the visual impacts of drive-through automobiles.

Hours of Operation. The applicant seeks to allow for 6:00 am to 10:00 pm lobby operations and 24 hour drive-through service.

Noise Effects on Neighborhood. The proposed design manages neighborhood impacts, with an efficient drive-through lane and landscaping that is sited to minimize impacts to nearby residential uses. The drive-through exist lane will share the 108th Avenue curb-cut (south west) across from the commercial corner lot at 10800 MacArthur.

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 the nearby residences, less than the sound of classical music playing on a radio. There is substantial roadway and other ambient noise in the area as well as the sounds associated with the Foothill Square Shopping Center. 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 East 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 layout of the facility. As more private and public investment comes to East Oakland in the 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 (see Specific Condition #32).

Parking/Traffic. The current shopping center development was designed with considerations for shared traffic maneuvering and parking facilities. This building pad was always intended to be developed for commercial activities including a restaurant. A traffic and parking analysis has been prepared that confirms the site's ability to accommodate this proposal including its drive through facility

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 a superior design in terms of site circulation. Staff therefore recommends approval of the project, subject to the attached conditions of approval.

RECOMMENDATIONS:

- For approvals:
1. Affirm staff's environmental determination.
 2. Approve the Design Review, Minor Variances, and Major Conditional Use Permits subject to the attached findings and conditions.

Prepared by:



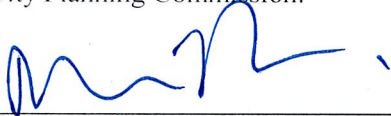
MOE HACKETT
Planner II

Approved by:

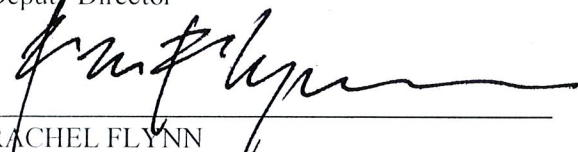


SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:



DARIN RANELLETTI
Deputy Director



RACHEL FLYNN
Planning & Building Director

ATTACHMENTS:

- A. Findings
- B. Conditions of Approval, including Standard Conditions of Approval
- C. Project Plans

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 17.136.050(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 17.136.060:**

The proposed design fits well into the architectural context of shopping center buildings, which emphasize simple shapes and materials, including brick, horizontal roof elements, and vertical pilaster elements. The facility proposes rust colored walls with a gray corrugated roof parapet against a more muted brick façade that contains horizontal and vertical bands. The proposed texture, materials, colors and other design elements are above average for facilities of this type and the building is screened by the separation of the drive-through lane's landscape features from the edge of the sidewalk at 108th Avenue.

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 project will be of a quality and character that will visually fit in with the recently renovated Foothill Square Shopping Center and will draw additional customers to other retail businesses within the center.

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

The subject property is located within the Community Commercial General Plan land use classification, and the following General Plan Land Use and Transportation policies and objectives are applicable to the proposed Project:

- Objective N1: Provide for healthy, vital, and accessible commercial areas that help meet local consumer needs in the neighborhoods.
- Policy N1.1: Concentrating Commercial Development. Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for small scale, neighborhood-oriented retail.

- Objective I/C 3: Ensure that Oakland is adequately served by a wide variety of commercial uses, appropriately sited to provide for competitive retail merchandising and diversified office uses, as well as personal and professional services.
- Policy I/C 3.3: Clustering Activity in Nodes. Retail uses should be focused in nodes of activity, characterized by geographic clusters of concentrated commercial activity, along corridors that can be accessed through many modes of transportation.
- Policy I/C 3.4: Strengthening Vitality. The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.

The proposed Project meets the referenced policies and objectives; is consistent with the general intent of the Community Commercial land use designation; and is a good fit for this area because the project will provide and expand upon the existing shopping center that was recently heavily renovated and modernized.

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.**

The proposed McDonald's fast-food restaurant with a drive-through facility would be located within and be a component of the Foothill Square Shopping Center. Its establishment will complement and be compatible with surrounding structures within the shopping center in scale, bulk, lot coverage and density. A traffic study prepared for the project showed that the proposal would not create any impacts upon the level of service in the surrounding area. 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 this East Oakland neighborhood and on this major corridor with nearby access to the I-580 freeway will provide convenient restaurant access for residents, freeway travelers and visitors to the area. The new facility will be able to serve the site's function as a regional destination shopping center, and will provide enhanced landscaping and an attractive design.

- 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.**

The restaurant will enhance the operation of the Foothill Square Shopping Center by adding another tenant that draws a number of people into the site and will be complementary to the other stores that are situated in an auto oriented shopping center setting.

- D. That the proposal conforms to all applicable design review criteria set forth in the design review procedure at Section 17.136.050(B) for non-residential facilities.**

See Design Review Findings above.

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

The subject property is located within the Community Commercial General Plan land use classification, and the General Plan Land Use and Transportation policies and objectives applicable to the proposed Project are the following:

- Objective N1: Provide for healthy, vital, and accessible commercial areas that help meet local consumer needs in the neighborhoods.
- Policy N1.1: Concentrating Commercial Development. Commercial development in the neighborhoods should be concentrated in areas that are economically viable and provide opportunities for small scale, neighborhood-oriented retail.
- Objective I/C 3: Ensure that Oakland is adequately served by a wide variety of commercial uses, appropriately sited to provide for competitive retail merchandising and diversified office uses, as well as personal and professional services.
- Policy I/C 3.3: Clustering Activity in Nodes. Retail uses should be focused in nodes of activity, characterized by geographic clusters of concentrated commercial activity, along corridors that can be accessed through many modes of transportation.
- Policy I/C 3.4: Strengthening Vitality. The vitality of existing neighborhood mixed use and community commercial areas should be strengthened and preserved.

The proposed Project meets the referenced policies and objectives; is consistent with the general intent of the Community Commercial land use designation; and is a good fit for this area because the project will provide and expand upon the existing shopping center that was recently heavily renovated and modernized.

Section 17.103.030(A): use Criteria for Fast-Food Restaurants

- 1. That the proposal will not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, and traffic problems and capacity;**

This is a new restaurant site, but across the street from this site has until recently been home to a long-existing Church's Chicken at 10800 MacArthur Boulevard. That site is now shuttered. The area also contains two other restaurants that have been deemed to be "Fast-Food" by their design characteristics. They are Ben's Burgers at 10921 MacArthur Boulevard and Happy Hot Dog at 10601 MacArthur Boulevard. Both restaurants have relatively limited menus, exist as stand-alone buildings, have dedicated parking lots, and do not share their sites with any other uses/businesses. Although the proposed McDonald's is locating within 1,000 feet from these two restaurants, it represents a one for one replacement of the shuttered Church's Chicken restaurant. Furthermore, the new Fast-Food restaurant will function as part of the overall Foothill Square shopping center and will utilize existing security measures and automotive maneuvering and curb cuts that were designed with the intent to accommodate commercial expansion at this location. As such, this proposal represents no change in the areas make-up with regard to the proliferation of fast food

Findings

services although there are other similar uses nearby.

2. **That the proposal will not adversely affect adjacent or nearby churches, temples, or synagogues; public, parochial, or private elementary, junior high, or high schools; public parks or recreation centers; or public or parochial playgrounds;**

The proposed Fast-Food restaurant has been designed with the intention of operating as a component of the mix of uses on the larger shopping center site. This includes the civic functions of the Head Start child care facility which it will abut across a shared driveway, which is the only such type of use within the vicinity that could potentially be impacted. The Head Start facility is a stand-alone operation and is not directly accessible to the McDonald's. The entrance, drive through windows, and trash enclosures are located and directed away from the Head Start building.

3. **That the proposal will not interfere with the movement of people along an important pedestrian street;**

The site will not result in the creation of any new curb cuts and will have very little effect on the flow of traffic beyond the envisioned high intensity commerce that the shopping center was designed to create.

4. **That the proposed development will be of an architectural and visual quality and character which harmonizes with, or where appropriate enhances, the surrounding area;**

The proposed restaurant is located at a considerable distance from the main structural elements of the shopping center complex, yet fits well with the architectural context of the other buildings. The design of the buildings emphasizes simple shapes and materials, including brick, horizontal roof elements and vertical pilaster elements. The modern design style is attractive and visually pleasing and will blend into the site and proposed landscaping in such a way as to not overtly stand out or appear garish.

5. **That the design will avoid unduly large or obtrusive Signs, bleak unlandscaped parking areas, and an overall garish impression;**

The proposed signage will be effective and sited in a way that is common for such stand-alone facilities and activities, but will not be unduly large or obtrusive. The site will contain new landscape elements that are designed to complement the design of the restaurant and its drive-through facility. As proposed the new fast-food restaurant and its sign elements will fit in well with the shopping center.

6. **That adequate litter receptacles will be provided where appropriate;**

As conditioned, the proposal will have adequate litter receptacles in convenient locations. (See Specific Condition # 33)

7. **That where the proposed use is in close proximity to residential uses, and especially to bedroom windows, it will be limited in hours of operation, or designed or operated, so as to avoid disruption of residents' sleep between the hours of 10:00 p.m. and 7:00 a.m.**

The site is part of a large regional shopping center and is not directly adjacent to any residential facilities. The seated dining portion of the facility is sited towards the interior of the center (i.e. the parking lot) and the rear/ back of facility and drive through is designed with a landscaped setback from and along 108th Avenue to buffer the activity from the residences across the street, which are at closest more than 150 feet away from the proposed use.

Findings

8. **That proposals for new Fast-Food Restaurants must substantially comply with the provisions of the Oakland City Planning Commission "Fast-Food Restaurant—Guidelines for Development and Evaluation" (OCPD 100-18).**

As conditioned, the proposal will substantially comply with the "Fast-Food Restaurant Guidelines (OCPD100-18)" in that it will be designed to operate to contain fumes and odors within the cooking area, function to ensure that the premises and surrounding area are kept free of litter and debris, (and to ensure compliance to this end) imprint the company name or logo on all wrappers, guard against loitering and illegal activities, insure that traffic is constrained to the drive-through maneuvering lanes, and maintain safe and reasonable operational hours. These guidelines are intended to establish recommendations that encourage successful, well-designed fast-food establishments that are in appropriate locations and serve the needs of Oakland residents.

Section 17.103.100: Drive-Through Nonresidential Facilities Findings

- A. **Conditional Use Permit for any Drive-Through Nonresidential Facility may only be granted upon determination that the proposal conforms to the general use permit criteria (see Section 17.134.050) and to all of the following additional use permit criteria:**

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

The proposal will be located within a shopping center setting and will not be creating any new curb cuts. The site is not a pedestrian oriented shopping street, but rather part of a larger shopping center that is interior oriented towards a parking lot. The proposal will be sited on a building pad that was entitled with the approved Foothill Square Redevelopment project in 2011 and will include landscaping components to improve upon the street edge and buffer the drive-through component from the street.

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 new restaurant will be designed in a manner which better reinforces commercial facilities at the ground level. There would be no impairment of shopping frontage as the site is a large commercial shopping center and does not contain buildings that have store fronts oriented towards the street.

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

The restaurant will utilize existing driveways for the Foothill Square Shopping Center. The comparatively small increase in restaurant floor area and drive-through use would not tremendously increase the existing levels of use, and would function without noticeable reduction in circulation levels of adjacent streets. The traffic study prepared for the project demonstrated that all mitigations that were set forth for traffic improvements in the area as part of the 2011 project approval remain valid and no further mitigation is required for this added use into the shopping center.

- B. **Standards. A driveway serving as a vehicle stacking or queuing lane for a drive-through**

Findings

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 driveway 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. Any overflow would spill out into the shopping center parking lot and not out into the public streets surrounding the site. 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.**

The plans include a drive-through plan that indicates that there would be queue stacking for eight vehicles with dimensions of 12 feet in width by 20 feet in length.

Section 17.148.050 - Minor Variance Findings

1. That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution improving livability, operational efficiency, or appearance.

The project requires three Minor Variances for (1) parking, (2) less than 1,000-foot separation from other Fast-Food Restaurants, and (3) drive-through exit onto a street less than 32 feet in width.

- (1) The proposed new fast-food restaurant would require twenty-one (21) dedicated parking stalls, and would remove seven (7) existing spaces from the existing parking. The center as designed has 746 stalls. The shopping center was approved with a Minor Variance to allow for the number of parking stalls that exist. That variance was approved based on a traffic study that determined that the peak demand the center would require no more than seven hundred thirty-four (734) stalls, allowing for a surplus of twelve (12) parking spaces. The removal of seven (7) of those twelve (12) spaces for the fast-food activity would still allow for a five (5) parking stall surplus. As such the parking provided will still fall within the shopping center's overall parking demand. The recent traffic and parking study prepared for this project shows that the hour-by-hour demand for the various land uses does not necessarily overlap and as a result the center does not require the full capacity of all of the available parking even with the fast food restaurant.
- (2) This new fast-food restaurant will to a great extent function as a replacement for the now shuttered Church's Chicken at 10800 MacArthur (the adjacent corner), and represents a zero net gain for the historic allowance for fast-food operations in the immediate area. Moreover, unlike the two existing fast-food restaurants (Ben's Burgers at 10921 MacArthur Boulevard and Happy Hot Dog at 10601 MacArthur Boulevard), the McDonald's business model is designed within a larger shopping center complex that by its nature is auto oriented and the additional establishment of a fast-food use would not have the same effects as a standalone type of fast-food restaurant operating on an independent

Findings

parcel that could detract from a more neighborhood shopping type setting where storefronts are facing the sidewalk .

- (3) While 108th Avenue is measured at 30 feet in width, it is more than capable of handling the capacity of the two way traffic that can be expected from the shopping center and the proposed fast-food service. The curb cut that will be used for this proposal is both existing and located relatively close to the intersection at 108th and MacArthur Boulevard. The location is in line with the commercial zoning along the MacArthur corridor, and the lot at 10800 MacArthur (the adjacent corner) is intended for commercial uses. As conditioned (see Specific Condition # 32), signage will be provided requesting motorists using the drive-through exit to make right turns only onto 108th Avenue, which would direct vehicles back towards MacArthur Boulevard.

2. That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property; or, as an alternative in the case of a minor variance, that such strict compliance would preclude an effective design solution fulfilling the basic intent of the applicable regulation;

- (1) The intent of the parking regulations is to ensure that an adequate amount of parking is provided to serve the demand generated by the project so that parking does not spill into the adjacent areas to an unreasonable extent. The proposal allows for an additional commercial building within a larger shopping center with abundant surface parking. As proposed, the new fast-food restaurant's drive-through facility would result in the removal of seven parking stalls. The loss of these parking spaces will not decrease the shopping center's ability to accommodate the daily requirements as demonstrated by the traffic and parking analysis prepared for this project. Furthermore, the fast-food restaurant's drive-through, by its design and intention, will remove the need for additional parking due to the convenience of transactions performed from automobiles using the provided drive-through facility.
- (2) The new fast-food restaurant will represent a one for one replacement for the shuttered fast-food restaurant on the adjacent corner at 10800 MacArthur Boulevard, which had not obtained a Conditional Use permit and is therefore void of said use without acquiring a new Conditional Use permit since it has been vacant for more than a year. The proposed building pad was from its inception intended to accommodate a commercial function including a food sales option. The shopping center site itself, with its vast scale, is ideally suited for a fast-food operation which includes a drive through facility. None of the other fast-food restaurants in the area have drive-through facilities, nor are they located on lots large enough to so conveniently accommodate such as an automobile-centric fast-food service.
- (3) The proposed fast food restaurant will be located on a very large lot with multiple exit and entry points. The proposed driveway is existing and currently serves the shopping center and all of its combined uses. The absence of 2 feet of street width will not inhibit the flow of automotive transit, as it is more than capable of allowing for two-way traffic. As conditioned (see Specific Condition # 32) signage will be provided requesting motorists using the drive-through to make right turns only onto 108th Avenue, back towards MacArthur Boulevard.

3. That the variance, if granted, will not adversely affect the character, livability, or appropriate development of abutting properties or the surrounding area, and will not be detrimental to the public welfare or contrary to adopted plans or development policy;

Findings

- (1) The reduction of on-site parking by seven (7) stalls should not have any effects on the surrounding area since the parking demand study prepared for the project demonstrated that the number of stalls on-site is adequate for the multiple uses on site.
- (2) The addition of a McDonald's restaurant at this location will represent a zero net increase in this sort of activity, as it replaces the now shuttered fast-food service at 10800 MacArthur.
- (3) The allowance for automotive traffic from the drive-through lane to exit onto 108th avenue has been reviewed by the City's Traffic engineers, and it has been determined that the 30-foot street width will be sufficient to accommodate the traffic exiting the site. The curb cut to be utilized is already in existence and had been designed to be utilized by a different restaurant use as well as the shopping center as a whole.

4. That the variance will not constitute a grant of special privilege inconsistent with limitations imposed on similarly zoned properties or inconsistent with the purposes of the zoning regulations;

The granting of the three Minor Variances would not constitute a grant of special privilege since the shopping center contains enough parking to accommodate typical demand as intended by the Zoning Code, the proposed fast-food establishment within the shopping center would not have the same impacts as a stand-alone facility which the separation ordinance was intended to prevent over saturation of, and the existing 30 foot wide roadway at present contains exit driveways for the entire shopping center and the addition of the proposal would not significantly alter the carrying capacity of the street.

5. That the elements of the proposal requiring the variance (e.g., elements such as buildings, walls, fences, driveways, garages and carports, etc.) conform with the regular design review criteria set forth in the design review procedure at Section 17.136.050.

The features requiring the variances will be created by renovating an existing parking lot through new construction, repaving, re-stripping, new trees and landscaping, and new illumination and signage.

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

The proposal conforms to the General Plan and the Area plan in that it achieves the intended purpose which is to promote retail oriented development on the City's major corridors, shopping districts, and in shopping centers.

7. For proposals involving one or two residential dwelling units on a lot: That, if the variance would relax a regulation governing maximum height, minimum yards, maximum lot coverage or building length along side lot lines, the proposal also conforms with at least one of the following criteria:

a. 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 height variances, the proposal provides detailing, articulation or other design treatments that mitigate any bulk created by the additional height; or

b. Over sixty (60) percent of the lots in the immediate vicinity are already developed and the proposal does not exceed the corresponding as-built condition on these lots and, for height

Findings

variances, 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 variance.

This finding is inapplicable; the variance does not involve a residence.

ATTACHMENT B**CONDITIONS OF APPROVAL**

See Standard Conditions of Approval and Uniformly Applied Development Standards template.

1. Approved Use

The project shall be constructed and operated in accordance with the authorized use as described in the approved application materials, and the approved plans received **September 3, 2015**, as amended by the following conditions of approval and mitigation measures, if applicable ("Conditions of Approval" or "Conditions").

2. Effective Date, Expiration, Extensions and Extinguishment

This Approval shall become effective immediately, unless the Approval is appealable, in which case the Approval shall become effective in ten calendar days unless an appeal is filed. Unless a different termination date is prescribed, this Approval shall expire **two calendar years** from the Approval date, or from the date of the final decision in the event of an appeal, unless within such period all necessary permits for construction or alteration have been issued, or the 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 Approval, 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 necessary building permit or other construction-related permit for this project may invalidate this Approval if said Approval has also expired. If litigation is filed challenging this Approval, or its implementation, then the time period stated above for obtaining necessary permits for construction or alteration and/or commencement of authorized activities is automatically extended for the duration of the litigation.

3. Compliance with Other Requirements

The project applicant shall comply with all other applicable federal, state, regional, and local laws/codes, requirements, regulations, and guidelines, including but not limited to those imposed by the City's Bureau of Building, Fire Marshal, and Public Works Department. Compliance with other applicable requirements may require changes to the approved use and/or plans. These changes shall be processed in accordance with the procedures contained in Condition #4.

4. Minor and Major Changes

- a. Minor changes to the approved project, plans, Conditions, facilities, or use may be approved administratively by the Director of City Planning.
- b. Major changes to the approved project, plans, Conditions, facilities, or use shall be reviewed by the Director of City Planning to determine whether such changes require submittal and approval of a revision to the Approval by the original approving body or a new independent permit/approval. Major revisions shall be reviewed in accordance with

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the procedures required for the original permit/approval. A new independent permit/approval shall be reviewed in accordance with the procedures required for the new permit/approval.

5. Compliance with Conditions of Approval

- a. The project applicant and property owner, including successors, (collectively referred to hereafter as the “project applicant” or “applicant”) shall be responsible for compliance with all the Conditions of Approval and any recommendations contained in any submitted and approved technical report at his/her sole cost and expense, subject to review and approval by the City of Oakland.
- b. The City of Oakland reserves the right at any time during construction to require certification by a licensed professional at the project applicant’s expense that the as-built project conforms to all applicable requirements, including but not limited to, approved maximum heights and minimum setbacks. Failure to construct the project in accordance with the Approval may result in remedial reconstruction, permit revocation, permit modification, stop work, permit suspension, or other corrective action.
- c. Violation of any term, Condition, or project description relating to the Approval 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 Approval 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. The project applicant shall be responsible for paying fees in accordance with the City’s Master Fee Schedule for inspections conducted by the City or a City-designated third-party to investigate alleged violations of the Approval or Conditions.

6. Signed Copy of the Approval/Conditions

A copy of the Approval letter and Conditions shall be signed by the project applicant, attached to each set of permit plans submitted to the appropriate City agency for the project, and made available for review at the project job site at all times.

7. Blight/Nuisances

The project site shall be kept in a blight/nuisance-free condition. Any existing blight or nuisance shall be abated within 60 days of approval, unless an earlier date is specified elsewhere.

8. Indemnification

- a. To the maximum extent permitted by law, the project applicant shall defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Oakland, the Oakland City Council, the Oakland Redevelopment Successor Agency, the Oakland City Planning Commission, and their respective agents, officers, employees, and volunteers (hereafter collectively called “City”) from any liability, damages, claim, judgment, loss (direct or indirect), action, causes of action, or proceeding (including

legal costs, attorneys' 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 this Approval or implementation of this Approval. The City may elect, in its sole discretion, to participate in the defense of said Action and the project 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 Joint Defense Letter of Agreement with the City, acceptable to the Office of the City Attorney, which memorializes the above obligations. These obligations and the Joint Defense Letter of Agreement shall survive termination, extinguishment, or invalidation of the Approval. Failure to timely execute the Letter of Agreement does not relieve the project applicant of any of the obligations contained in this Condition or other requirements or Conditions of Approval that may be imposed by the City.

9. Severability

The Approval would not have been granted but for the applicability and validity of each and every one of the specified Conditions, and if 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. Special Inspector/Inspections, Independent Technical Review, Project Coordination and Monitoring

The project applicant may be required to cover the full costs of independent third-party technical review and City monitoring and inspection, including without limitation, special inspector(s)/inspection(s) during times of extensive or specialized plan-check review or construction, and inspections of potential violations of the Conditions of Approval. The project applicant shall establish a deposit with the Bureau of Building, if directed by the Building Official, Director of City Planning, or designee, prior to the issuance of a construction-related permit and on an ongoing as-needed basis.

11. Public Improvements

The project applicant shall obtain all necessary permits/approvals, such as encroachment permits, obstruction permits, curb/gutter/sidewalk permits, and public improvement ("p-job") permits from the City for work in the public right-of-way, including but not limited to, streets, curbs, gutters, sidewalks, utilities, and fire hydrants. Prior to any work in the public right-of-way, the applicant shall submit plans for review and approval by the Bureau of Planning, the Bureau of Building, and other City departments as required. Public improvements shall be designed and installed to the satisfaction of the City.

12. Compliance Matrix

The project applicant shall submit a Compliance Matrix, in both written and electronic form, for review and approval by the Bureau of Planning and the Bureau of Building that lists each Condition of Approval (including each mitigation measure if applicable) in a sortable spreadsheet. The Compliance Matrix shall contain, at a minimum, each required Condition of Approval, when compliance with the Condition is required, and the status of

compliance with each Condition. For multi-phased projects, the Compliance Matrix shall indicate which Condition applies to each phase. The project applicant shall submit the initial Compliance Matrix prior to the issuance of the first construction-related permit and shall submit an updated matrix upon request by the City.

AESTHETICS

13. Graffiti Control

Requirement:

- a. During construction and operation of the project, the project applicant shall incorporate best management practices reasonably related to the control of graffiti and/or the mitigation of the impacts of graffiti. Such best management practices may include, without limitation:
 - i. Installation and maintenance of landscaping to discourage defacement of and/or protect likely graffiti-attracting surfaces.
 - ii. Installation and maintenance of lighting to protect likely graffiti-attracting surfaces.
 - iii. Use of paint with anti-graffiti coating.
 - iv. Incorporation of architectural or design elements or features to discourage graffiti defacement in accordance with the principles of Crime Prevention Through Environmental Design (CPTED).
 - v. Other practices approved by the City to deter, protect, or reduce the potential for graffiti defacement.
- b. The project applicant shall remove graffiti by appropriate means within seventy-two (72) hours. Appropriate means include the following:
 - i. Removal through scrubbing, washing, sanding, and/or scraping (or similar method) without damaging the surface and without discharging wash water or cleaning detergents into the City storm drain system.
 - ii. Covering with new paint to match the color of the surrounding surface.
 - iii. Replacing with new surfacing (with City permits if required).

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

14. Landscape Plan

a. Landscape Plan Required

Requirement: The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

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Monitoring/Inspection: N/A

b. Landscape Installation

Requirement: The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor's bid.

When Required: Prior to building permit final

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

c. Landscape Maintenance

Requirement: All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

15. Lighting

Requirement: Proposed new exterior lighting fixtures shall be adequately shielded to a point below the light bulb and reflector to prevent unnecessary glare onto adjacent properties.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

AIR QUALITY

16. Construction-Related Air Pollution Controls (Dust and Equipment Emissions)

Requirement: The project applicant shall implement all of the following applicable air pollution control measures during construction of the project:

- a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.
- b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

- c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d. Pave all roadways, driveways, sidewalks, etc. within one month of site grading or as soon as feasible. In addition, building pads should be laid within one month of grading or as soon as feasible unless seeding or soil binders are used.
- e. Enclose, cover, water twice daily, or apply (non-toxic) soil stabilizers to exposed stockpiles (dirt, sand, etc.).
- f. Limit vehicle speeds on unpaved roads to 15 miles per hour.
- g. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.
- h. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations ("California Air Resources Board Off-Road Diesel Regulations").
- i. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- j. Portable equipment shall be powered by electricity if available. If electricity is not available, propane or natural gas shall be used if feasible. Diesel engines shall only be used if electricity is not available and it is not feasible to use propane or natural gas.

CULTURAL RESOURCES

17. Archaeological and Paleontological Resources – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.

In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how

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the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.

In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

18. Human Remains – Discovery During Construction

Requirement: Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

GEOLOGY AND SOILS

19. Construction-Related Permit(s)

Requirement: The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

HAZARDS AND HAZARDOUS MATERIALS

20. Hazardous Materials Related to Construction

Requirement: The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:

- a. Follow manufacture's recommendations for use, storage, and disposal of chemical products used in construction;
- b. Avoid overtopping construction equipment fuel gas tanks;
- c. During routine maintenance of construction equipment, properly contain and remove grease and oils;
- d. Properly dispose of discarded containers of fuels and other chemicals;
- e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and
- f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City's Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

HYDROLOGY AND WATER QUALITY

21. Site Design Measures to Reduce Stormwater Runoff

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate site design measures into the project to reduce the amount of stormwater runoff. These measures may include, but are not limited to, the following:

- a. Minimize impervious surfaces, especially directly connected impervious surfaces and surface parking areas;
- b. Utilize permeable paving in place of impervious paving where appropriate;
- c. Cluster structures;
- d. Direct roof runoff to vegetated areas;
- e. Preserve quality open space; and
- f. Establish vegetated buffer areas.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

22. Source Control Measures to Limit Stormwater Pollution

Requirement: Pursuant to Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES), the project applicant is encouraged to incorporate appropriate source control measures to limit pollution in stormwater runoff. These measures may include, but are not limited to, the following:

- a. Stencil storm drain inlets “No Dumping – Drains to Bay;”
- b. Minimize the use of pesticides and fertilizers;
- c. Cover outdoor material storage areas, loading docks, repair/maintenance bays and fueling areas;
- d. Cover trash, food waste, and compactor enclosures; and
- e. Plumb the following discharges to the sanitary sewer system, subject to City approval:
 - f. Discharges from indoor floor mats, equipment, hood filter, wash racks, and, covered outdoor wash racks for restaurants;
 - g. Dumpster drips from covered trash, food waste, and compactor enclosures;
 - h. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories;
 - i. Swimming pool water, if discharge to on-site vegetated areas is not feasible; and
 - j. Fire sprinkler test water, if discharge to on-site vegetated areas is not feasible.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: N/A

Conditions of Approval

23. NPDES C.3 Stormwater Requirements for Regulated Projects**a. *Post-Construction Stormwater Management Plan Required***

Requirement: The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:

- i. Location and size of new and replaced impervious surface;
- ii. Directional surface flow of stormwater runoff;
- iii. Location of proposed on-site storm drain lines;
- iv. Site design measures to reduce the amount of impervious surface area;
- v. Source control measures to limit stormwater pollution;
- vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and
- vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning; Bureau of Building

Monitoring/Inspection: Bureau of Building

b. *Maintenance Agreement Required*

Requirement: The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:

- i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and
- ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.

The maintenance agreement shall be recorded at the County Recorder's Office at the applicant's expense.

When Required: Prior to building permit final

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

NOISE

24. Construction Days/Hours

Requirement: The project applicant shall comply with the following restrictions concerning construction days and hours:

- a. Construction activities are limited to between 7:00 a.m. and 7:00 p.m. Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 a.m. and 4:00 p.m.
- b. Construction activities are limited to between 9:00 a.m. and 5:00 p.m. on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 a.m. to 5:00 p.m. only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.
- c. No construction is allowed on Sunday or federal holidays.

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.

Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents'/occupants' preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

25. Construction Noise

Requirement: The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:

- a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.
- b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered 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

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exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.

- c. Applicant shall use temporary power poles instead of generators where feasible.
- d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.
- e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

26. Operational Noise

Requirement: Noise levels from the project site after completion of the project (i.e., during project operation) shall comply with the performance standards of chapter 17.120 of the Oakland Planning Code and chapter 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the City.

When Required: Ongoing

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

TRANSPORTATION/TRAFFIC

27. Construction Activity in the Public Right-of-Way

a. Obstruction Permit Required

Requirement: The project applicant shall obtain an obstruction permit from the City prior to placing any temporary construction-related obstruction in the public right-of-way, including City streets and sidewalks.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Building

Monitoring/Inspection: Bureau of Building

b. Traffic Control Plan Required

Requirement: In the event of obstructions to vehicle or bicycle travel lanes, the project applicant shall submit a Traffic Control Plan to the City for review and approval prior to obtaining an obstruction permit. The project applicant shall submit evidence of City approval of the Traffic Control Plan with the application for an obstruction permit. The Traffic Control Plan shall contain a set of comprehensive traffic control measures for auto, transit, bicycle, and pedestrian detours, including detour signs if required, lane

Conditions of Approval

closure procedures, signs, cones for drivers, and designated construction access routes. The project applicant shall implement the approved Plan during construction.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Transportation Services Division

Monitoring/Inspection: Bureau of Building

c. *Repair of City Streets*

Requirement: The project applicant shall repair any damage to the public right-of way, including streets and sidewalks caused by project construction at his/her expense within one week of the occurrence of the damage (or excessive wear), unless further damage/excessive wear may continue; in such case, repair shall occur prior to approval of the final inspection of the construction-related permit. All damage that is a threat to public health or safety shall be repaired immediately.

When Required: Prior to building permit final

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

UTILITY AND SERVICE SYSTEMS

28. Construction and Demolition Waste Reduction and Recycling

Requirement: The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at www.greenhalosystems.com or manually at the City's Green Building Resource Center. Current standards, FAQs, and forms are available on the City's website and in the Green Building Resource Center.

When Required: Prior to approval of construction-related permit

Initial Approval: Public Works Department, Environmental Services Division

Monitoring/Inspection: Public Works Department, Environmental Services Division

29. Underground Utilities

Requirement: The project applicant shall place underground all new utilities serving the project and under the control of the project applicant and the City, including all new gas, electric, cable, and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits, and similar facilities. The new facilities shall be placed underground along the project's street frontage and from the project structures to the point of service. Utilities under the control of other agencies, such as PG&E, shall be placed underground if feasible.

Conditions of Approval

All utilities shall be installed in accordance with standard specifications of the serving utilities.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

30. Recycling Collection and Storage Space

Requirement: The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two cubic feet of storage and collection space per residential unit is required, with a minimum of ten cubic feet. For nonresidential projects, at least two cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten cubic feet.

When Required: Prior to approval of construction-related permit

Initial Approval: Bureau of Planning

Monitoring/Inspection: Bureau of Building

31. Green Building Requirements – Small Projects

a. Compliance with Green Building Requirements During Plan-Check

The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code) for projects

- i. The following information shall be submitted to the City for review and approval with application for a building permit:
 - Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.
 - Completed copy of the green building checklist approved during the review of a Planning and Zoning permit.
 - Permit plans that show in general notes, detailed design drawings and specifications as necessary compliance with the items listed in subsection (b) below.
 - Other documentation to prove compliance.
- ii. The set of plans in subsection (a) shall demonstrate compliance with the following:
 - CALGreen mandatory measures.
 - All applicable green building measures identified on the checklist approved during the review of a Planning and Zoning permit, or submittal of a Request for Revision Plan-check application that shows the previously approved points that will be eliminated or substituted.

When Required: Prior to approval of construction-related permit

Conditions of Approval

Initial Approval: Bureau of Building

Monitoring/Inspection: N/A

b. *Compliance with Green Building Requirements During Construction*

Requirement: The project applicant shall comply with the applicable requirements of CALGreen and the Green Building Ordinance during construction.

The following information shall be submitted to the City for review and approval:

- i. Completed copy of the green building checklists approved during review of the Planning and Zoning permit and during the review of the Building permit.
- ii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.

When Required: During construction

Initial Approval: N/A

Monitoring/Inspection: Bureau of Building

PROJECT-SPECIFIC CONDITIONS

32. Site Security and Safety

Ongoing

a) Traffic Signage

Traffic control signage shall be posted and directed towards the drive through exit requesting right turns only onto 108th Avenue. Additional sign(s) shall be posted within the length of the drive-through queue indicating the same. Sign location and language shall be approved by the Zoning Manager.

b) Loitering

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. Signage shall be posted to enforce this requirement. Techniques discussed in the manual entitled "Loitering: Business and Community Based Solutions" may be used and are recommended.

c) Securing Site

Applicant shall conform to Ordinance 12390 related to securing sites after hours to discourage loitering and crime in parking lots. Specifically, the pedestrian access near the corner of 108th Avenue and MacArthur Boulevard which crosses the drive through lane shall be closed by a gate to deny walk through access during the night and twilight hours. Surveillance cameras shall be located in key areas on the interior and exterior of the establishment. On-line feed /access shall be provided to the Oakland Police Department, and all images shall be saved for a minimum of 5 days. Specific camera angles and locations at the exterior locations shall, if at all possible, include views which are inclusive of Macarthur Boulevard and the 108th Avenue intersection, the above mentioned pedestrian crossing to the restaurant, and a lower angle view at the level of the automotive license plates in the drive-through lane. Cameras shall be of high enough resolution and light detection capabilities to operate at all hours.

33. Trash and litter***Ongoing***

The licensees/property owners shall clear the gutter and sidewalks along Foothill Boulevard and 108th Avenue plus twenty feet beyond the property lines along this street of litter twice daily or as needed to control litter. On site trash receptacles shall be emptied daily, or more often as needed. The location and number of these trash receptacles shall be approved by the Zoning Manager, and may be increased in number at the Zoning Managers discretion.

34. Gates***Ongoing***

Gates shall be located at the entry and exits of the drive through lanes and pedestrian crossing (see above) and shall be closed during non-business hours.

35. Hours of Operation***Ongoing***

The hour of lobby operation shall be limited to 6:00 am to 10:00 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.

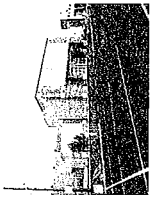


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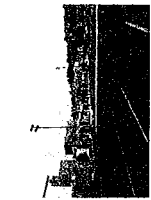


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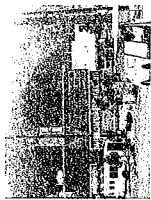


PHOTO 3



PHOTO 4



PHOTO 5

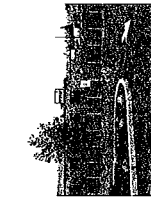


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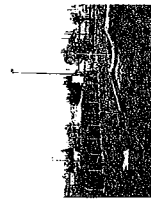


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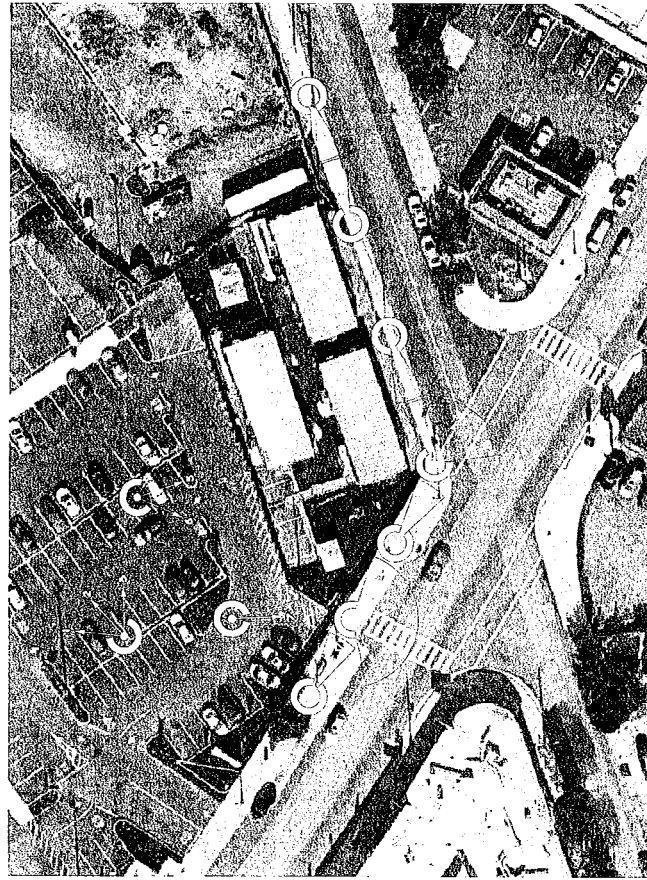
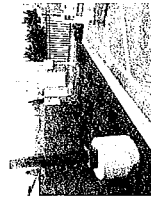


PHOTO SITE PLAN
NO SCALE

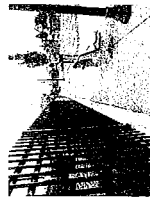


PHOTO 17

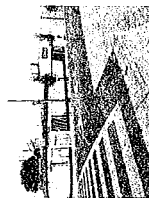


PHOTO 16

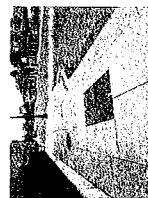


PHOTO 15



PHOTO 14



PHOTO 13



PHOTO 12



PHOTO 11



PHOTO 9

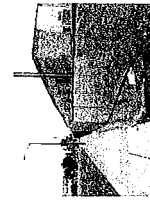


PHOTO 8



McDonald's

OWNER: LSC 4-4862

McDonald's

1400 G St., Suite 100
Pointe Conception, CA 94027

ADDRESS: 17700 MacArthur Blvd
Oakland, CA

PROJECT NAME:
1400 MacArthur and 100th

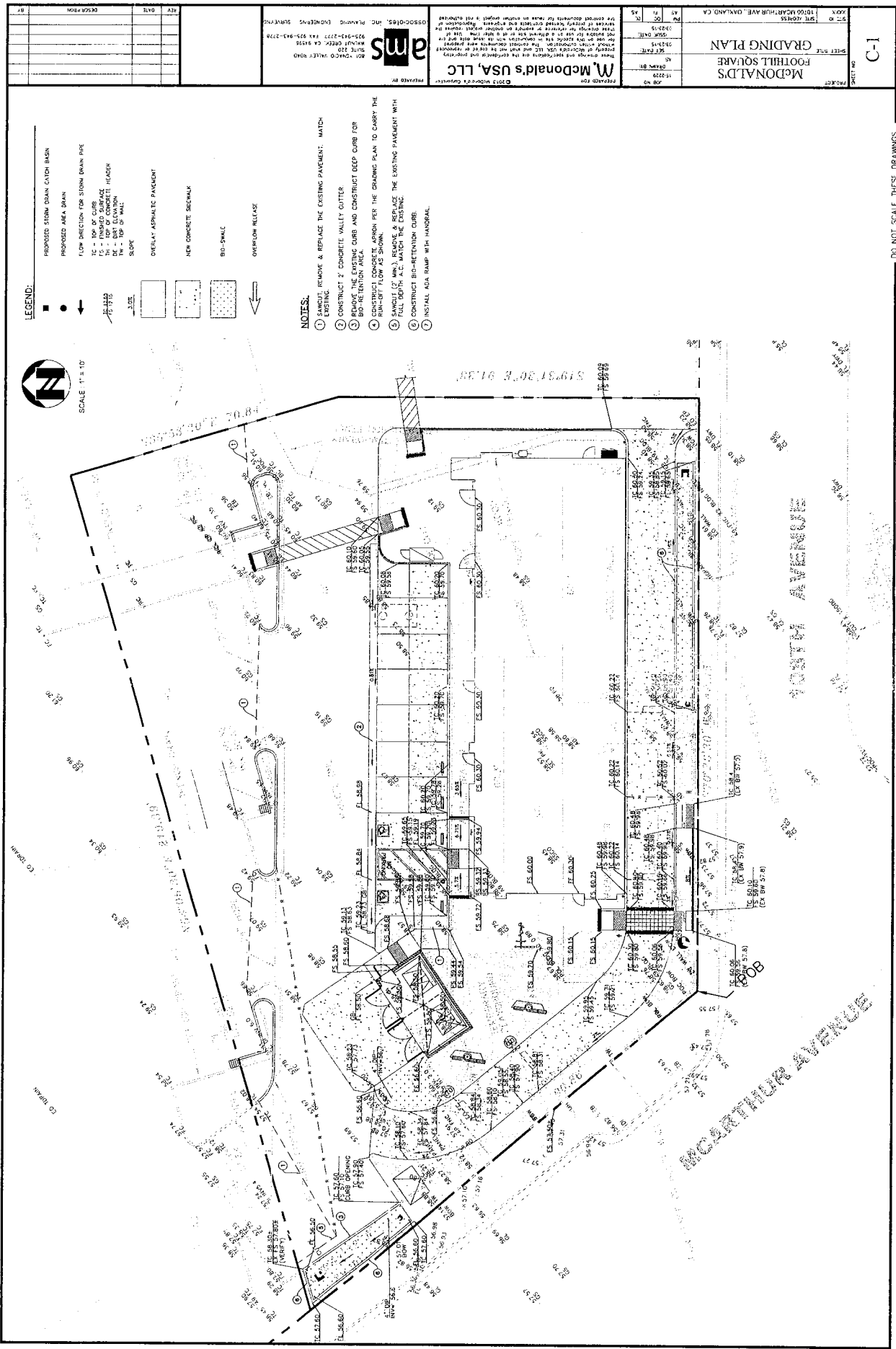
DATE: October 2, 2014

PROJECT TITLE:

EXISTING CONDITION

PHOTO SITE PLAN

DRAWING NUMBER



LEGEND:

- PROPOSED STORM DRAIN CATCH BASIN
- PROPOSED AREA DRAIN
- FLOW DIRECTION FOR STORM DRAIN PIPE
- 12" - TOP OF CURB
- 15" - FINISHED SURFACE
- DE - BENT ELEVATION
- FW - TOP OF WALK
- SLOPE
- OVERLAY ASPHALTIC PAVEMENT
- NEW CONCRETE SIDEWALK
- BIO-SWALE
- OVERFLOW RELEASE

NOTES:

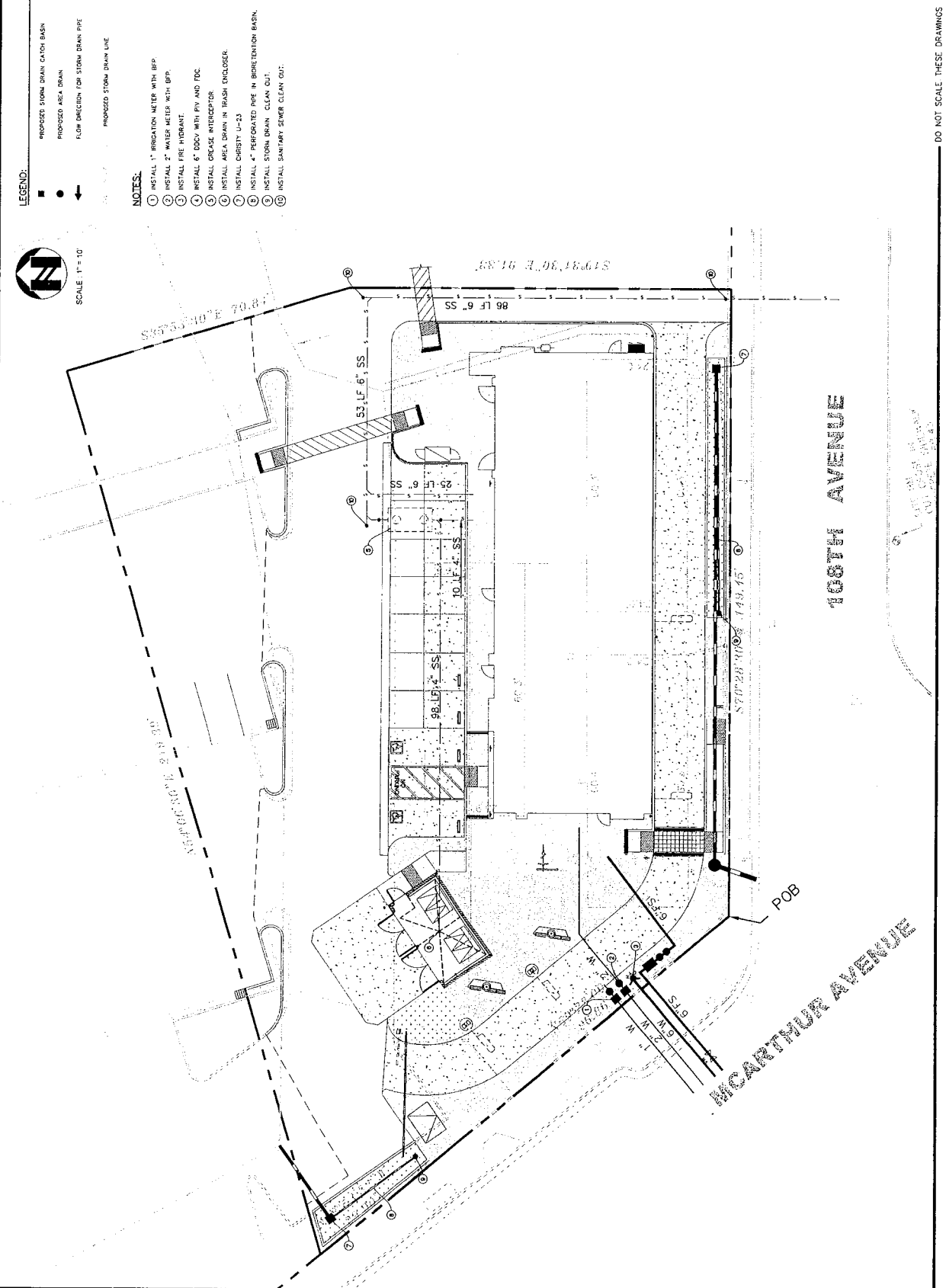
1. SAWCUT, REMOVE & REPLACE THE EXISTING PAVEMENT. MATCH EXISTING.
2. CONSTRUCT 2" CONCRETE VALLEY CUTTER
3. REMOVE THE EXISTING CURB AND CONSTRUCT DEEP CURB TOP
4. CONSTRUCT CONCRETE APRON PER THE GRADING PLAN TO CARRY THE RUN-OFF FLOW AS SHOWN
5. SAWCUT (2" MIN), REMOVE & REPLACE THE EXISTING PAVEMENT WITH FULL DEPTH A.C. MATCH THE EXISTING
6. CONSTRUCT BIO-RETENTION CURB.
7. INSTALL ADA RAMP WITH HANDRAIL

am
McDonald's USA, LLC
10000 MCARTHUR AVE., OAKLAND, CA 94621
945-443-2277 FAX 945-443-2738
MCDONALD'S USA, LLC
10000 MCARTHUR AVE., OAKLAND, CA 94621
945-443-2277 FAX 945-443-2738

PROJECT: MCDONALD'S
FOOTHILL SQUARE
SHEET NO. 1
DATE: 10/15/15
SCALE: 1" = 10'
DRAWN BY: J. J. JONES
CHECKED BY: J. J. JONES
APPROVED BY: J. J. JONES

DO NOT SCALE THESE DRAWINGS

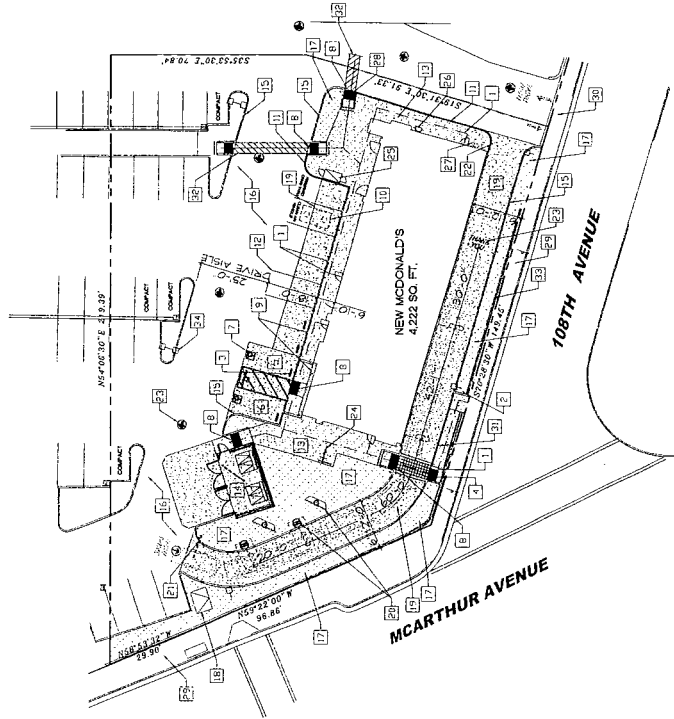
PROJECT MCDONALD'S FOOTHILL SQUARE UTILITY PLAN		DATE 05/21/15		BY J. [Name]	
CLIENT MCDONALD'S USA, LLC		SCALE 1" = 10'		REVISIONS	
LOCATION 100TH AVENUE 100TH AVENUE		PROJECT NO. 15-0000		DATE 05/21/15	
DESIGNER ASSOCIATES, INC. PLANNING ENGINEERING SURVEYING		PREPARED FOR MCDONALD'S USA, LLC		DATE 05/21/15	



DO NOT SCALE THESE DRAWINGS

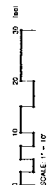
KEYNOTES

- 1 ADA PATH OF TRAVEL SHOWN DASHED
- 2 POLE MOUNTED INTERNATIONAL SYMBOL OF ACCESSIBILITY AT ACCESSIBLE PATH OF TRAVEL
- 3 CONCRETE WHEEL STOP (TYPICAL 4 PLACES)
- 4 6" THICK COLORED CONCRETE DRIVE SLAB REINFORCE WITH #4 BARS AT 12" ON CENTER. DRIVE SLAB CROSS SLOPE NOT TO EXCEED 2%. RUNNING SLOPE NOT TO EXCEED 5%. HEAVY BROOM FINISH. MINIMUM 12" MIN. WIDE. TRANSITION TO 12" WIDE EACH WAY. COLOR: BROWN. MIN. MORE TYPICAL. OR "FEE BRICK".
- 5 VAN ACCESSIBLE PARKING SPACES - 9'-0" X 18'-0" MIN. PAINT ACCESSIBLE LOADING ZONE WITH 4" WIDE STRIPING WITH TWO COATS OF HIGHWAY BLUE PAVEMENT MARKING PAINT. PAINT THE WORDS "NO PARKING" IN 12" HIGH LETTERS WITHIN THE LOADING ZONE.
- 6 ACCESSIBLE PARKING STALL - 8'-0" X 18'-0" MINIMUM PAINT ACCESSIBLE LOADING ZONE WITH 4" WIDE STRIPING WITH TWO COATS OF HIGHWAY BLUE PAVEMENT MARKING PAINT. PAINT THE WORDS "NO PARKING" IN 12" HIGH LETTERS WITHIN THE LOADING ZONE.
- 7 INTERNATIONAL SYMBOL AT PARKING STALL (TYPICAL 2 PLACES)
- 8 FLUSH SURFACE AT TRANSITION (TYPICAL)
- 9 ACCESSIBLE PARKING SIGN WITH TON ANAY ACCESSIBILITY PARKING SIGN (TYPICAL 2 PLACES)
- 10 UNDERGROUND GREASE INTERCEPTOR
- 11 11/2" DIA. RAILING PAINT BLACK
- 12 PARKING STRIPING PER CITY OF OAKLAND STANDARDS (TYPICAL)
- 13 4" THICK CONCRETE WALK, MEDIUM BROOM FINISH PERPENDICULAR TO PATH OF TRAVEL. SLOPE NOT TO EXCEED 5% IN DIRECTION OF TRAVEL. CROSS SLOPE NOT TO EXCEED 2%.
- 14 TRASH ENCLOSURE
- 15 6" CONCRETE CURB (TYPICAL)
- 16 A.C. PAVING
- 17 LANDSCAPING (SEE LANDSCAPE DRAINAGES)
- 18 ELECTRICAL TRANSFORMER
- 19 6" THICK MIN. CONCRETE DRIVE SLAB WITH #4 BARS AT 12" ON CENTER. EACH WAY. HEAVY BROOM FINISH PERPENDICULAR TO TRAFFIC.
- 20 6" CONCRETE FILLER PIPE BOLLARD (TYPICAL 3 PLACES) (BOLLARD TO BE PROVIDED AT PRESENTER DRIVE THRU WINDOW)
- 21 HEIGHT BAR PER MCDONALD'S STANDARDS
- 22 6" CONCRETE FILLER PIPE BOLLARD (TYPICAL 3 PLACES)
- 23 PAVEMENT MARKINGS PER MCDONALD'S STANDARDS
- 24 BICYCLE RACK
- 25 BICYCLE LOCKER
- 26 GAS METER
- 27 ELECTRICAL PANEL
- 28 TRUNCATED DOWNS (TYPICAL 1 PLACES)
- 29 EXISTING PUBLIC CONCRETE CURB SIDEWALK AND GUTTER
- 30 EXISTING DRIVEWAY TO REMAIN
- 31 NEW HANDRAIL
- 32 NEW PATH OF TRAVEL BETWEEN MCDONALD'S AND SHOPPING CENTER. SLOPE NOT TO EXCEED 5% IN DIRECTION OF TRAVEL. CROSS SLOPE NOT TO EXCEED 2%. FINAL COORDINATION DONE AT CONSTRUCTION DOCUMENTS
- 33 EXISTING SHORT WALL AND MOUNTED IRON FENCE TO REMAIN. REMOVE OR REPLACE AS NECESSARY FOR NEW PATH OF TRAVEL AT DRIVE THRU AREA.



PROPOSED SITE PLAN
SCALE: NOT TO SCALE





Media:
Hydrolysates are mixed with low and medium water use plants. C_4 plants (e.g., sorghum) select medium water use plants. C_3 plants (e.g., rice) select low water use plants.

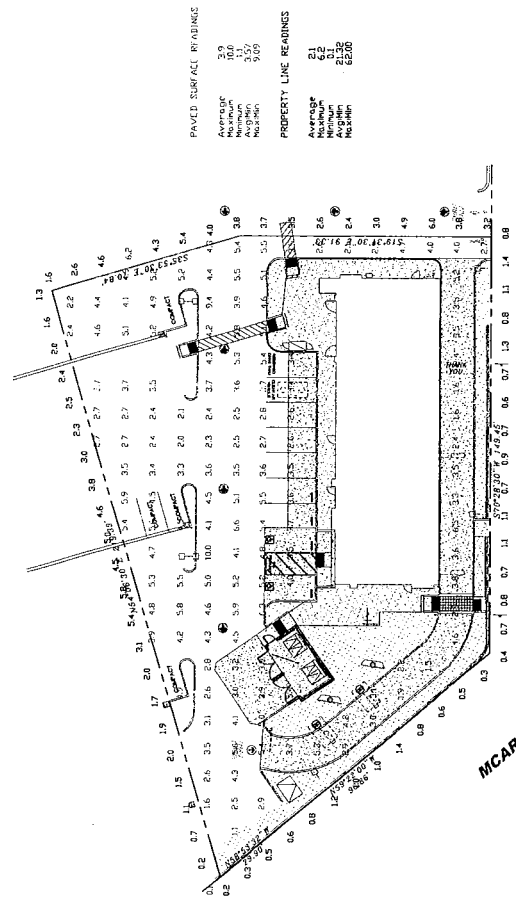
GENERAL NOTES

- All landscape areas that receive a 2" layer of organic mulch lap dressing

NOTES:

1. THE FOOTCANDLE LEVELS AS SHOWN ARE BASED ON THE FOLLOWING CRITERIA: ANY SUBSTITUTION IN SPECIFIED FIXTURES OR CHANGES IN THE LAYOUT OF THE LIGHTING SYSTEM WILL AFFECT THE FOOTCANDLE LEVELS. THE DESIGNER IS NOT RESPONSIBLE FOR THE LIGHTING SYSTEM AND WILL NOT BE RESPONSIBLE FOR THE LIGHTING SYSTEM.
2. THE CENTER LINE OF THE 30'11" / BUILDING LIGHTING IS NOT REFLECTED IN THE DRAWING UNLESS SPECIFIED BY THE CLIENT. THE LIGHTING IS NOT REFLECTED IN THE DRAWING UNLESS SPECIFIED BY THE CLIENT.
3. DISTANCE BETWEEN READINGS: 10'.
4. THE CLIENT IS RESPONSIBLE FOR THE LIGHTING SYSTEM. THE CLIENT MAY BE REQUIRED TO PROVIDE LIGHT TREATMENT TO THE LIGHTING SYSTEM.

PROJECT NUMBER: PCP29788A



108TH AVENUE

MCARTHUR AVENUE

PHOTOMETRIC SITE PLAN
SCALE: 1"=10'

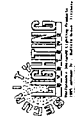


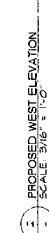
OWNER: L&L 004-4880
McDonald's
2945 Oak Road Suite 400
Folsom, CA 95630
ADDRESS:
10700 MacArthur Blvd
Oakland, CA
DRAWING DATE: OCTOBER 14, 2008

DRAWING TITLE:
PHOTOMETRIC
SITE PLAN
DRAWING NUMBER:
Sheet 2.4

PROJECT: VINE LOBBY CRITERIA BASED ON:
1. 10' MIN. HGT. LIGHTS
2. 10' MIN. HGT. LIGHTS
3. 10' MIN. HGT. LIGHTS
4. 10' MIN. HGT. LIGHTS
5. 10' MIN. HGT. LIGHTS
6. 10' MIN. HGT. LIGHTS
7. 10' MIN. HGT. LIGHTS
8. 10' MIN. HGT. LIGHTS
9. 10' MIN. HGT. LIGHTS
10. 10' MIN. HGT. LIGHTS

ITEM	QUANTITY	UNIT	PRICE	TOTAL	PERCENT	REMARKS
1. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	
2. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	
3. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	
4. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	
5. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	
6. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	
7. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	
8. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	
9. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	
10. 10' MIN. HGT. LIGHTS	1	EA	100.00	100.00	100.00	



[illegible]

- COLOR:
M1 = MATCH BENJAMIN MOORE "LOG CABIN" 2103:10
M2 = MATCH BENJAMIN MOORE "CHOCOLATE CANDY
BROWN" 2103:10

[illegible]

TILE GENERAL NOTES:

- [illegible]

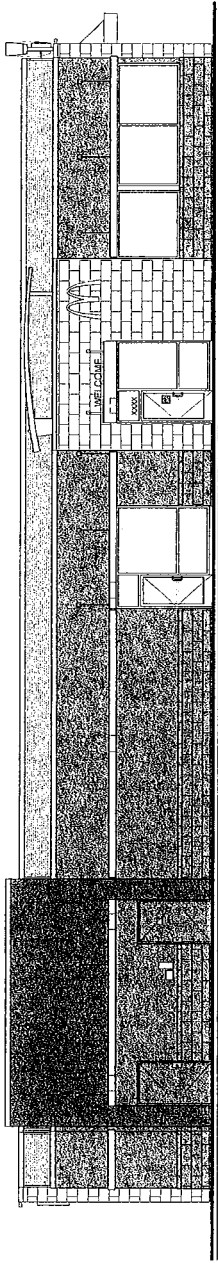
[illegible]

- [I] LIGHT FIXTURE (WALL SCULPTURE) - SEE ELECTRICAL
- [L] ALUMINUM LIGHTING - SEE ELECTRICAL
 - 1.1 - LED LIGHT
 - 1.2 - UP AND DOWN FIXTURE
 - 1.3 - BROW LIGHT
 - 1.4 - INTEGRAL CANSIM/FITTING
 - 1.5 - UP ONLY FIXTURE
- [M] METAL LETTERING - BY OTHERS

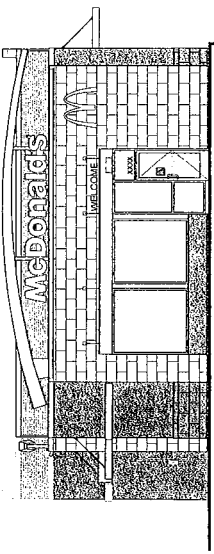
- | | |
|---|--|
| 1 | METAL FASCIA - COLOR TO MATCH CORRUGATED METAL PANEL. SEE INFO |
| 2 | 1" PRE-FAB ANCHOR-TITE ROOF EDGE FASCIA |
| 3 | 2" PRE-FAB CUSTOM ANCHOR EDGE FASCIA |
| 4 | 1" PRE-FAB CORRUGATED METAL PANEL PLUMBING TRIM |
| 5 | 1" PVC DOLLAR - PAINTED CAUTION YELLOW |
| 6 | 1" PVC LOIN COLLECTION |
| 7 | 1" PREPARED DOWNSIDE |
| 8 | CALL 1-800-445-1425 TO ORDER |
| 9 | ROOF GUT ELEMENT BY OTHERS |

- [illegible]

[illegible]



1 PROPOSED NORTH ELEVATION
SCALE 3/8" = 1'-0"

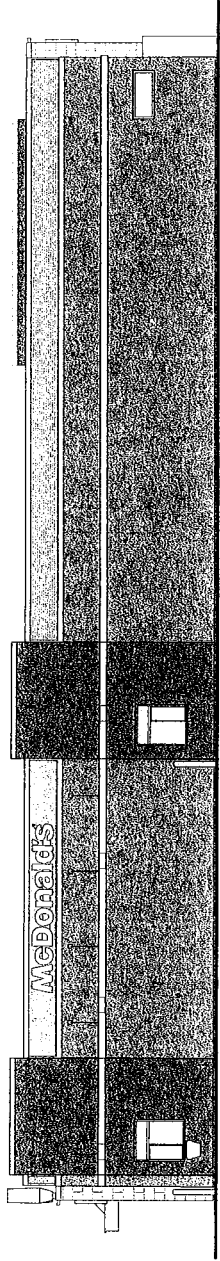


2 PROPOSED WEST ELEVATION
SCALE 3/8" = 1'-0"

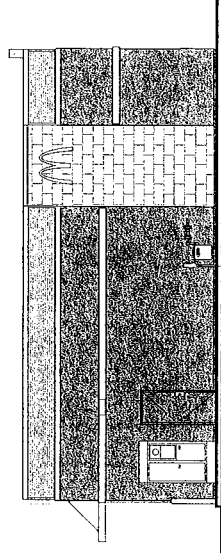
OWNER: LCA 000-1180
PROJECT: LCA 000-1180
DRAWING: LCA 000-1180
DATE: 10/14/2009
DRAWING DATE: OCTOBER 14, 2009

McDonald's
2444 Oak Road, Suite 100
Oakland, CA 94612
ADDRESS
10700 MacArthur Blvd.
Oakland, CA
DRAWING DATE: OCTOBER 14, 2009

DRAWING TITLE
COLOR
ELEVATIONS
DRAWING NUMBER
Sheet 4.3



1 PROPOSED SOUTH ELEVATION
SCALE 3/16" = 1'-0"



2 PROPOSED EAST ELEVATION
SCALE 3/16" = 1'-0"

PROJECT
CITY OF OAKLAND
10700 MacArthur Blvd.
OAKLAND, CA 94643

OWNER
LP# 0044480

McDonald's

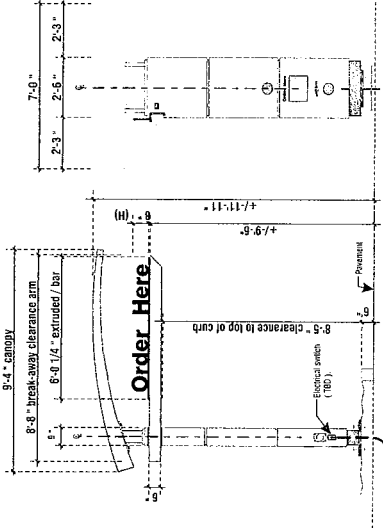
2445 Oak Road, Suite 400
Oakland, CA 94612

ADDRESS
10700 MacArthur Blvd.
Oakland, CA

DRAWING DATE: OCTOBER 14, 2019

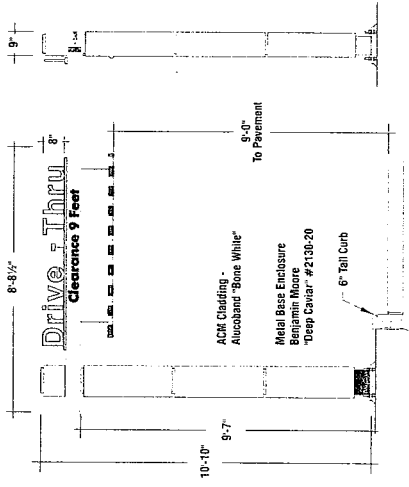
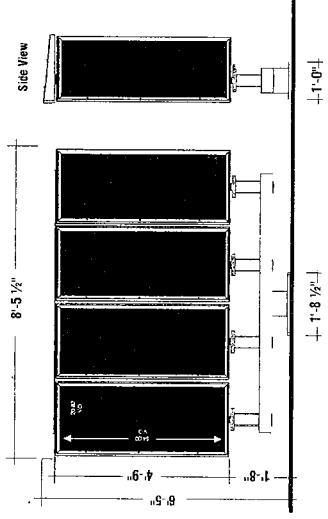
DRAWING TITLE
COLOR
ELEVATIONS

DRAWING NUMBER
Sheet 4.4

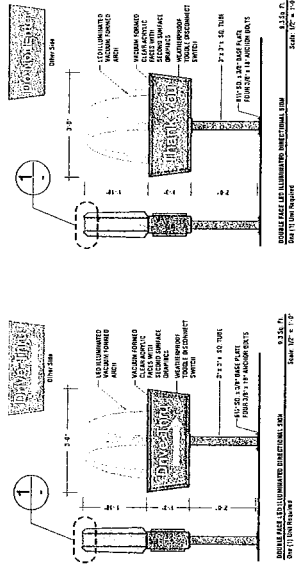


LED ILLUMINATED CHANNEL LOGO
 Quantity: Two (2) Required
 Scale: 3/8" = 1'-0"

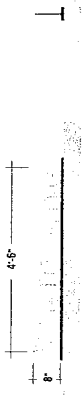
SPECIFICATIONS:
 LOGO: INJECTION MOLDED DARK YELLOW (LEARN VISION) (118)
 ILLUMINATION: WHITE LEDS
 POWER REQ: 1.5 AMPS
 NOTE: SELF DRILLING SCREWS



CLEARANCE SIGN
 One (1) Unit Required
 Scale: N.T.S.

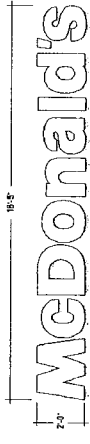


NON-ILLUMINATED FREESTANDING FLAT CUT OUT LETTERS
 Quantity: Two (2) Required
 Scale: 3/8" = 1'-0"



NON-ILLUMINATED FREESTANDING FLAT CUT OUT LETTERS
 Quantity: Two (2) Required
 Scale: 3/8" = 1'-0"

SPECIFICATIONS:
 • LETTERS: FLAT CUT OUT ALUMINUM PAINTED SILVER (TO MATCH AWNING SUPPORT)
 ALUMINUM PAINTED BLACK MOUNTED TO AWNING SUPPORT WITH 1/4" 20
 SELF DRILLING SCREWS FOUR (4) PLACES
 • RAIL: SELF DRILLING SCREWS FOUR (4) PLACES



LED ILLUMINATED CHANNEL LETTERS
 Quantity: Two (2) Required
 Scale: 3/8" = 1'-0"

SPECIFICATIONS:
 LETTERS: INJECTION MOLDED WHITE POLYCARBONATE
 ILLUMINATION: WHITE LEDS
 POWER REQ: 1.5 AMPS

McDonald's
 87000 MacArthur Blvd
 Oakland, CA
 DRAWING DATE: OCTOBER 14, 2015

FOR REFERENCE ONLY

UNDER SEPARATE PERMIT

PLANNING EXHIBIT
PROPOSED SIGNAGE
Sheet 5.1