

LAW OFFICES OF  
HEFNER, STARK & MAROIS  
FOURTEENTH FLOOR-PLAZA TOWERS  
555 CAPITOL MALL  
SACRAMENTO, CALIFORNIA 95814

HUGH B. BRADFORD (1876-1955)  
S. W. CROSS (1881-1956)

AREA CODE 916  
TELEPHONE 444-6620

OF COUNSEL  
WILLIAM M. GALLAGHER

ARCHIE HEFNER, INC.  
ROBERT N. STARK  
THEODORE M. MAROIS, JR.  
JAMES M. WOODSIDE  
JOHN D. BESSEY  
ROBERT W. BELL  
RICHARD K. PARK  
KENNETH R. STONE  
TIMOTHY D. TARON  
JUDY R. CAMPOS  
ROBERT S. WILLETT  
MARK W. SNAUFFER  
TIMOTHY M. CRONAN  
RAY C. THOMPSON  
CAROLE B. HOGAN  
BARRY C. BLAY  
LINDA S. PETERSON  
RANDY C. IRVINE  
JOEL S. LEVY

February 12, 1982

**FILED**  
By the City Council  
Office of the City Clerk  
*referred*  
*to CPC*  
FEB 16 1982

Sacramento City Council  
Attention: Lorraine Magana  
City Clerk's Office  
915 "I" Street, Room 203  
Sacramento, California 95814

Re: Appeal of Application for McDonald's  
Restaurant - Mack Road/Highway 99

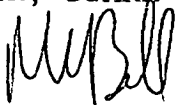
To Whom It May Concern:

This letter is to request that the above-referenced matter, scheduled to be heard before the City Council on February 16, 1982, be dropped from your agenda and returned to the Planning Commission. After conferring with our client, it is our desire to have this application re-heard by the Planning Commission. It is our hope that this matter may be satisfactorily resolved without pursuing the appeal process.

Thank you for your consideration of this request. If you should have any questions in regard to this correspondence, please feel free to contact me.

Sincerely,

HEFNER, STARK & MAROIS

By   
Robert W. Bell

RWB:vv

cc: Marty Van Duyn  
Bruce Walters



# CITY OF SACRAMENTO

27

CITY PLANNING DEPARTMENT  
927 TENTH STREET SACRAMENTO, CA 95814  
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN  
PLANNING DIRECTOR

February 10, 1982

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of the City Planning Commission's denial of a special permit to allow a drive through facility for a fast food restaurant in the C-2 zone (P-9636)

LOCATION: South side of Mack Road, west of Valley Hi Drive

SUMMARY:

This is a request for a special permit to allow the development of a fast food restaurant with a drive through facility. The Planning Commission by split vote denied the special permit and the applicant subsequently appealed the Commission's action.

BACKGROUND INFORMATION:

The subject site is located along the perimeter of a recently developed shopping center. The proposed fast food restaurant use is compatible with the shopping complex and also a permitted use in the C-2 zone.

Pursuant to the Zoning Ordinance, a drive through facility requires special permit approval by the Planning Commission. In consideration of the request, the staff has no objection to the drive through element because the site is physically large enough to accommodate the facility. There is adequate stacking distance and it does not disrupt vehicular circulation. Staff, however, has a concern with the use of illuminated roof beams, which are used to outline the roof structure. In the past, the outlining of buildings and roofs with illuminated beams was a common feature on commercial type buildings. The usage of the beams had a tendency to allow buildings to compete with each other and it resulted in confusing sign displays. This is the reason the sign ordinance prohibits the use of roof beams that outline the structure. Staff's concern is if the roof beams are allowed for this site, it would be difficult to deny future requests.

Several Commissioners expressed similar concerns with the use of the roof beams. Some Commissioners also expressed a concern with the drive

February 10, 1982

through facility. They indicated that the use of drive through facilities is contrary to policies of the General Plan which encourage energy conservation and clean air.

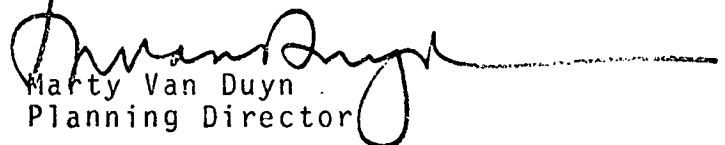
VOTE OF PLANNING COMMISSION

The Planning Commission voted on a motion to approve the special permit subject to conditions; however, the motion failed because of a lack of votes (three ayes, five noes, one absent). This, in effect, constitutes a denial of the project.

RECOMMENDATION:

The staff recommends that the appeal be granted for the special permit to allow the drive through facility and to not allow the use of illuminated roof beams subject to findings of fact due on March 2, 1982.

Respectfully submitted,

  
Marty Van Duyn  
Planning Director

MVD:HY:cp  
Attachments  
P-9636

February 16, 1982  
District No. 7



MEETING DATE January 14, 1982  
 ITEM NO. 29 FILE NO. P-9636  
 M-

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- ENVIRONMENTAL DET.
- OTHER \_\_\_\_\_

Recommendation:  Favorable  Unfavorable  
 LOCATION: McPartland Park Road at Tully H Drive

Petition  Correspondence

<u>NAME</u>	<u>PROPOSERS</u>	<u>ADDRESS</u>

<u>NAME</u>	<u>OPPOSERS</u>	<u>ADDRESS</u>

MOTION NO. 20/2

	YES	NO	MOTION	2ND
Augusta		✓		
Fong	✓		✓	✓
Goodin	✓			
Holloway	<u>absent</u>			
Hunter		✓		
Larson		✓		
Muraki	✓		<u>absent</u>	
Silva		✓		
SIMPSON		✓		

- MOTION:
- TO APPROVE
  - TO DENY
  - TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
  - INTENT TO APPROVE <sup>amended</sup> SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE \_\_\_\_\_
  - TO RECOMMEND APPROVAL \_\_\_\_\_ & FORWARD TO CITY COUNCIL
  - TO RATIFY NEGATIVE DECLARATION
  - TO CONTINUE TO \_\_\_\_\_ MEETING
  - OTHER deleting and # 2
- motion failed - findings due 1-28-82  
 (4)

SACRAMENTO CITY PLANNING COMMISSION

HEARING DATE September 11, 1982  
 FILE NO. E-9636  
 H-

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- ENVIRONMENTAL DET.
- OTHER \_\_\_\_\_

Recommendation:  Favorable  Unfavorable  
 LOCATION: SW portion of Mack Road at Valley Hi Drive  
 Petition  Correspondence

PROponents	
NAME	ADDRESS
<u>Jim Cronan</u>	<u>555 Capital Mall, Sacramento, CA 95814</u>
<u>Robert Bell</u>	<u>555 Capital Mall, Sacramento, CA 95814</u>

OPponents	
NAME	ADDRESS

MOTION NO. 10/2

	YES	NO	MOTION	2ND
Augusta		✓		
Fong		✓		
Goodin		✓		
Holloway	absent			
Hunter	✓			
Larson	✓			✓
Kuraki		✓		
Styer	✓		✓	
Simpson	✓			

- MOTION:
- TO APPROVE
  - TO DENY
  - TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
  - INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE \_\_\_\_\_
  - TO RECOMMEND APPROVAL \_\_\_\_\_ & FORWARD TO CITY COUNCIL
  - TO RATIFY NEGATIVE DECLARATION \_\_\_\_\_
  - TO CONTINUE TO \_\_\_\_\_ MEETING
  - OTHER motion failed
- (5)

In the matter of the decision of the )  
Planning Commission on Special Permit )  
P-9636 to allow a drive-through facil- )  
ity at the southwest portion of Mack )  
Road and Valley Hi Drive (P-9636) )

FINDINGS OF FACT

On January 14, 1982 the City Planning Commission indicated an intent to deny the special permit based on findings of fact due January 28, 1982.

Based on documentary and oral evidence submitted at the public hearing on January 14, 1982 the Commission denied the special permit to allow a drive-through facility in conjunction with a fast food restaurant, based on the following findings:

1. The proposed project will be injurious to the public health, safety and welfare in that the proposed drive-through element will significantly increase automobile pollution and be energy wasteful.
2. The proposal is in conflict with the Air Pollution Element of the General Plan which states: "Continue to prevent or reduce air pollution in the City wherever possible by working closely with environmental health officials in curtailing existing fixed pollutant sources, and by taking appropriate measures to ensure clean air standards for all new land uses."

*Suzanne Alimstad*

Approved by the Commission on  
January 28, 1982 for the January  
14, 1982 City Planning Commission  
meeting

*Sandra J. Simpson*

CHAIRMAN  
City Planning Commission

# CITY PLANNING COMMISSION

915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

APPLICANT	McDonald's Corporation, 2025 Gateway Place, Suite 330, San Jose, CA 95110		
OWNER	Valley Hi Properties, 5820 South Land Park Drive, Sacramento, CA 95822		
PLANS BY	James McKeegan & Associates		
FILING DATE	12-10-81	50 DAY CPC ACTION DATE	REPORT BY: PB:bw
NEGATIVE DEC. Exempt	15103 15111(a)	EIR	ASSESSOR'S PCL. NO. 117-012-14 (por)

- APPLICATION:
1. Environmental Determination
  2. Special Permit to allow a drive-through facility for fast food restaurant in C-2 zone
  3. Variance to erect a second detached sign as a menu board (withdrawn)

LOCATION: Southwest portion of Mack Road at Valley Hi Drive

PROPOSAL: The applicant is requesting the necessary entitlements to develop a drive-through window in conjunction with a fast food restaurant containing 3,600 square feet.

PROJECT INFORMATION:

1974 General Plan Designation:	Commercial and office
1968 Valley Hi Community Plan Designation:	Shopping-Commercial
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Subject portion vacant, rest is Jumbo Market and parking

Surrounding Land Use and Zoning:

North:	Shopping Center; C-2
South:	Shopping Center; C-2
East:	Vacant/Shopping Center; C-2
West:	Shopping Center; C-2

Parking Required:	41 spaces	Parking Provided:	41 spaces
Parking Ratio:	1:3 seats	Seats:	123
Lease Site Dimensions:	257' x 155'		
Area:	39,835 square feet		
Square Footage of Building:	3,624		
Topography:	Flat		
Street Improvements/Utilities:	Existing		

STAFF EVALUATION: Staff has the following comments regarding this project:

1. The City Traffic Engineering Office has reviewed the applicant's project and has no objection to the proposed drive-through element of the restaurant. The project provides adequate access and stacking distance for the drive-up window service.
2. Directional signs should not include the McDonald logo, as this would constitute additional detached signs. (Exhibit H)



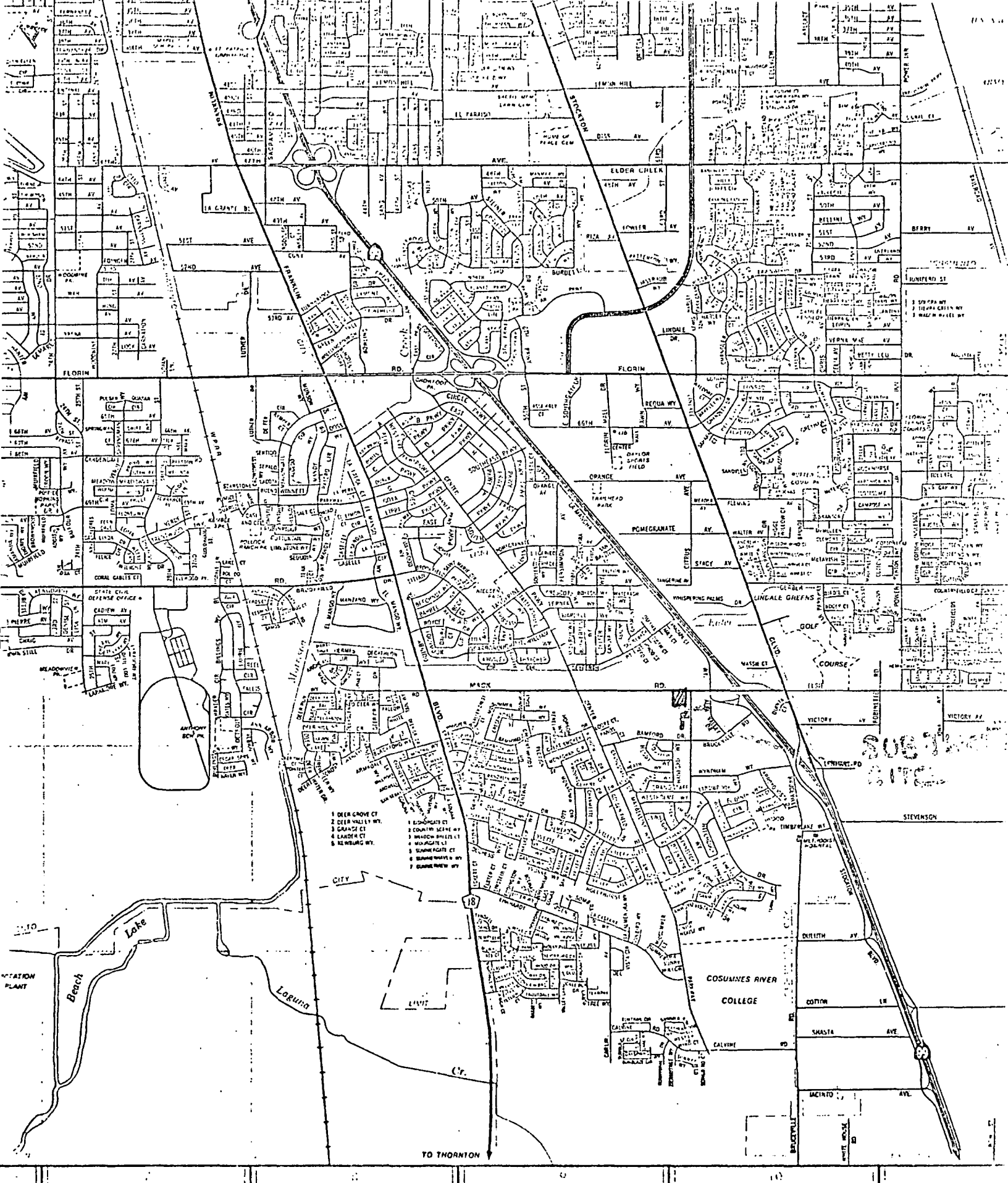
3. Illuminated roof beams outlining the building are specifically prohibited by the sign ordinance (Exhibit I).
4. Two 24 square foot logos shown on the right and left elevations (Exhibits F and J) could exceed the maximum of two attached signs. (See front elevations - Exhibit E).
5. Only two of the six small logos shown on lower portions of windows (Exhibit F) would be permitted as permanent window signs with a total maximum area of four square feet.
6. A revised detailed landscape shading/irrigation plan should be submitted to staff for review and approval prior to building permit approval. It should clarify types of vegetation and correct minimum planter size for shade trees.

STAFF RECOMMENDATION: Staff recommends approval of the special permit subject to the following conditions and based on findings of fact which follow:

1. Directional signs shall not include the McDonald logo.
2. The illuminated roof beams outlining the building shall not be permitted.
3. Two 24 square foot logos shown on the right and left elevations shall not be permitted. A total of two attached signs are permitted.
4. Only two of the six small logos shown on lower portions of windows (Exhibit F) shall be permitted as permanent window signs, with a total maximum area of four square feet.
5. A revised detailed landscape shading/irrigation plan shall be submitted to staff for review and approval prior to building permit approval. It should clarify types of vegetation and correct minimum planter size for shade trees.

Findings of Fact - Special Permit

- a. The project, as conditioned, is based on sound principles of land use in that:
  - 1) the project site is an area designated for retail development;
  - 2) the project is compatible to surrounding land uses which consist of retail stores and auxiliary businesses.
- b. The project, as conditioned, is not injurious to the public welfare and safety or surrounding properties in that:
  - 1) adequate vehicular access stacking distance and parking will be provided by the project and surrounding shopping center.
- c. The proposal conforms to the 1974 General Plan and 1968 Valley Hi Community Plan in that: The Plans designate the subject site for commercial development.



P-9636

14 Jan 82

⑨

No. 29

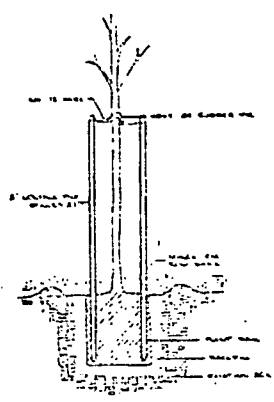
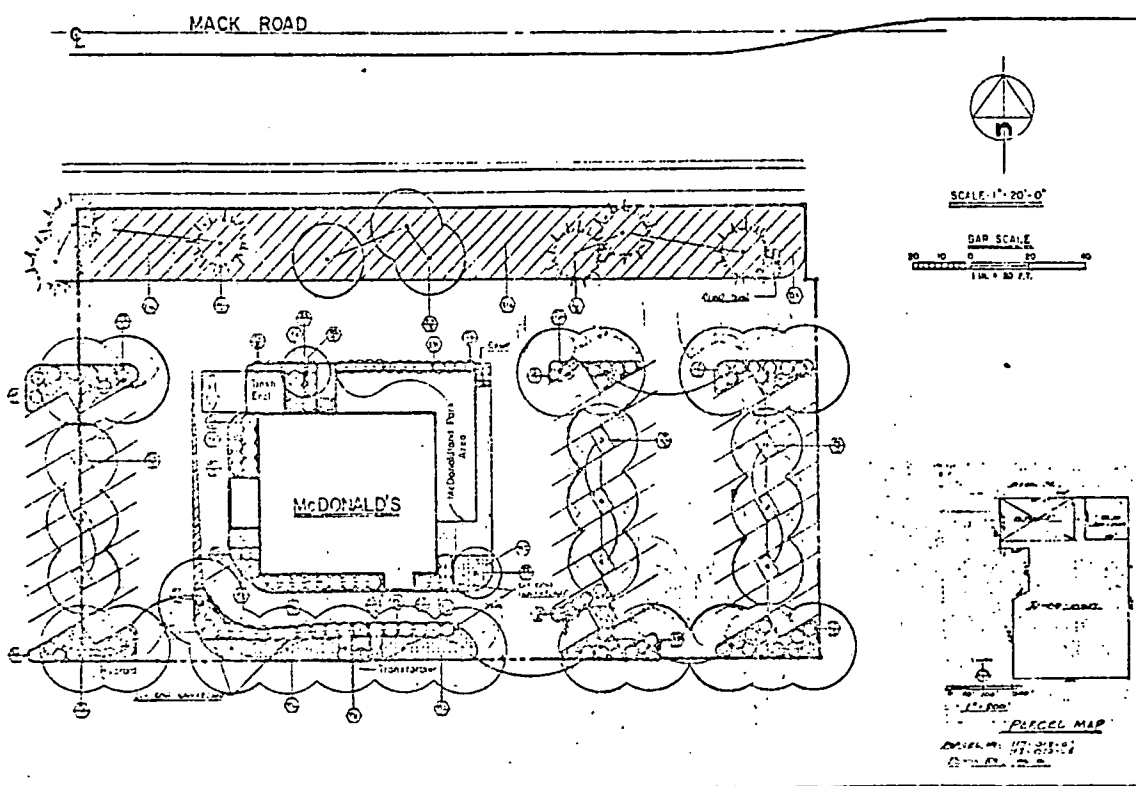


P-9656

14 JAN 82

11

No. 29



TREE STAKING  
3 CAL 10'S CAL. TREE

PLANT LIST				
KEY	POTENTIAL NAME	COMMON NAME	SIZE	QUANTITY
Symbol	Symbol	Symbol	Symbol	Symbol
①	...	...	...	...
②	...	...	...	...
③	...	...	...	...
④	...	...	...	...
⑤	...	...	...	...
⑥	...	...	...	...
⑦	...	...	...	...
⑧	...	...	...	...
⑨	...	...	...	...
⑩	...	...	...	...

SHADE ANALYSIS	
TOTAL AREA OF SITE	39,662 sq. ft.
TOTAL PAVED AREA	23,193 sq. ft.
TOTAL SHADED AREA	11,693 sq. ft.
% OF PAVED AREA SHADED	50.4%

NOTE: ALL AREAS MEASURED W/ A POLAR PLANIMETER

SHADING KEY

☉ SHADE PRODUCED BY TREES WITHIN 15 YEARS (providing for 60° sun angle from south)

- NOTES**
1. Topsoil or Erosion Control Mat shall be applied to all planter areas following manufacturer specifications.
  2. All planters shall be installed 2" of mulch or 2" of bark.
  3. No trees to exceed 20% except where specified.
  4. All areas existing 20% to reduce job setting except in shaded areas.
  5. 2 1/4" rough textured reinforcement for straight runs and outside 1/4" x 1/4" to 1/2" x 1/2" to be placed along all mowed and granular areas 20% of total width 12.2'.
- GENERAL KEY**
- ☉ EXISTING BARK MULCH
  - ☉ PROPOSED 2" BARK MULCH

1. **PREPARATION & MATERIALS:** The Landscape Contractor shall remove all existing plantings, trees, shrubs, ground cover, and other landscape items unless otherwise noted on the drawings. All trees noted shall be removed from the site by use of truck or aerial crane dumpsite.
2. **TREE STAKING:** All landscape areas shall be filled and/or mulched as noted on drawings. Imported fill material shall be compacted and shall be free of weeds, roots, and foreign debris. All mounds and berms shall be thoroughly watered and compacted prior to planting.
3. **SOIL AND FERTILIZER:** Top or specify all planting areas to a depth of 6 inches and water. Apply fertilizer to all planting areas per every 1000 square feet. 3 cubic yards of topsoil shall be and 100 pounds of 10-10-10 Fertilizer amendments over top 6 inches of soil.
4. **PLANT SPECIFICATION:** Notify the Landscape Architect of plant material desired. All plants will be inspected at growing grounds prior to shipment to project site. No plant material will be accepted if condition of or poor quality. All material must be approved as to final location on site and in event unapproved material is planted without prior notice being given the Landscape Architect, the Contractor may be required to remove and replace at his own expense.
5. **TREE & SHrub PLANTING:** The Planting Plans are a schematic guide to plant location and due to other field conditions, the plans may be modified to be realistic. Therefore, notify the Landscape Architect for planting approval. No more than 100% of all plants shall exceed the diameter and equal to the depth of the plant container. Plant plants in and after water to irrigate plants into soil. Retain soil prior to planting. Retain soil level 1/2" to 1" and 2" or more above. 42 lbs/100' will be supplied by the manufacturer's recommendations. Construct a 3" deep basin around each plant and water thoroughly several times prior to removal of basin.
6. **TREE STAKING & GUYING:** All 3 and 10 gallon sizes shall be staked using 1/2" x 1/2" x 10' stakes and all 10 and 15 gallon sizes shall be gayed using 3/4" x 1/2" x 10' stakes. 1/2" gauge wire and 6" x 6" x 20' weather treated 2" x 4" white treated pine.
7. **PROTECTOR PLANTING:** Water area thoroughly in a tree protection 1/2" x 1/2" before planting. Plant well rooted plants from flats in a triangular pattern and water adequately following planting of each flat. Top area with 20 pounds of 10-10-10 granular fertilizer.
8. **CLEANUP OF SITE:** Cleanup shall consist of removing utility work sites by removing logs, plant adjustments, debris and packing areas.
9. **MAINTENANCE:** During the landscape process all areas shall be maintained continuously until the project has been completed and approved by the Landscape Architect.
10. **GUARANTEE:** The Landscape Contractor shall guarantee all landscape plantings up to 15 gallon size. All plants over 15 gallon size shall be guaranteed to be free and healthy. Guaranteed plantings 15 gallon size or larger shall be guaranteed to be free and healthy for 1 year beyond date of final acceptance.

PS-1-053

MACK RD., SACRAMENTO, CALIF.

**McDonald's**

McDonald's Corporation  
10000 East Jefferson Street  
Sacramento, CA 95820  
Tel: (916) 486-1000

LI of 2

LANDSCAPE PLAN

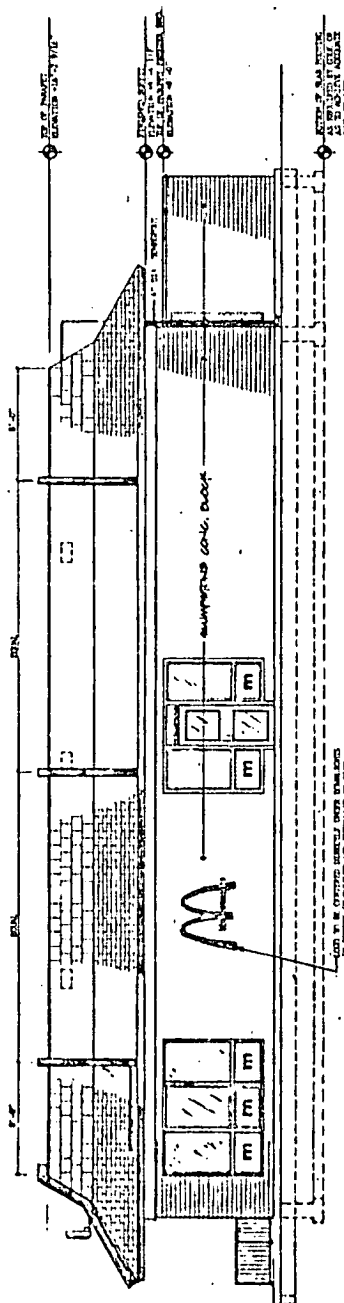
EXHIBIT B



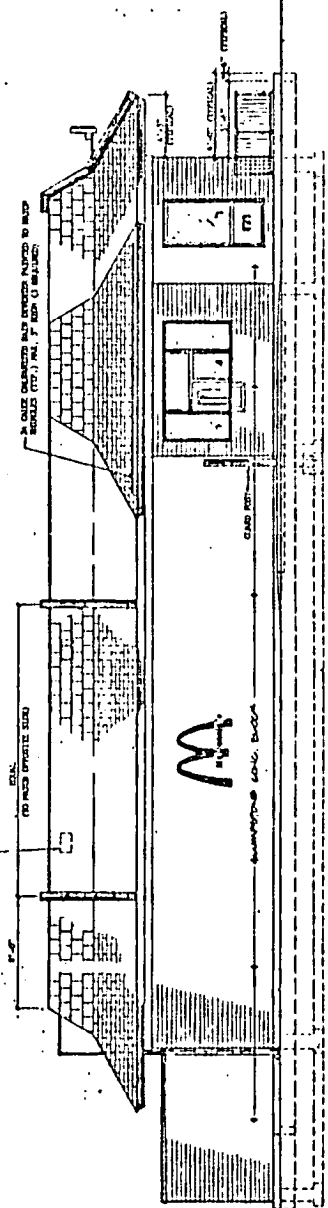
# McDonald's

DRAWN BY  
 MCDONALD'S CORPORATION  
 ARCHITECTURAL DEPARTMENT  
 10000 WILLOW CREEK DRIVE  
 CHICAGO, ILLINOIS 60678

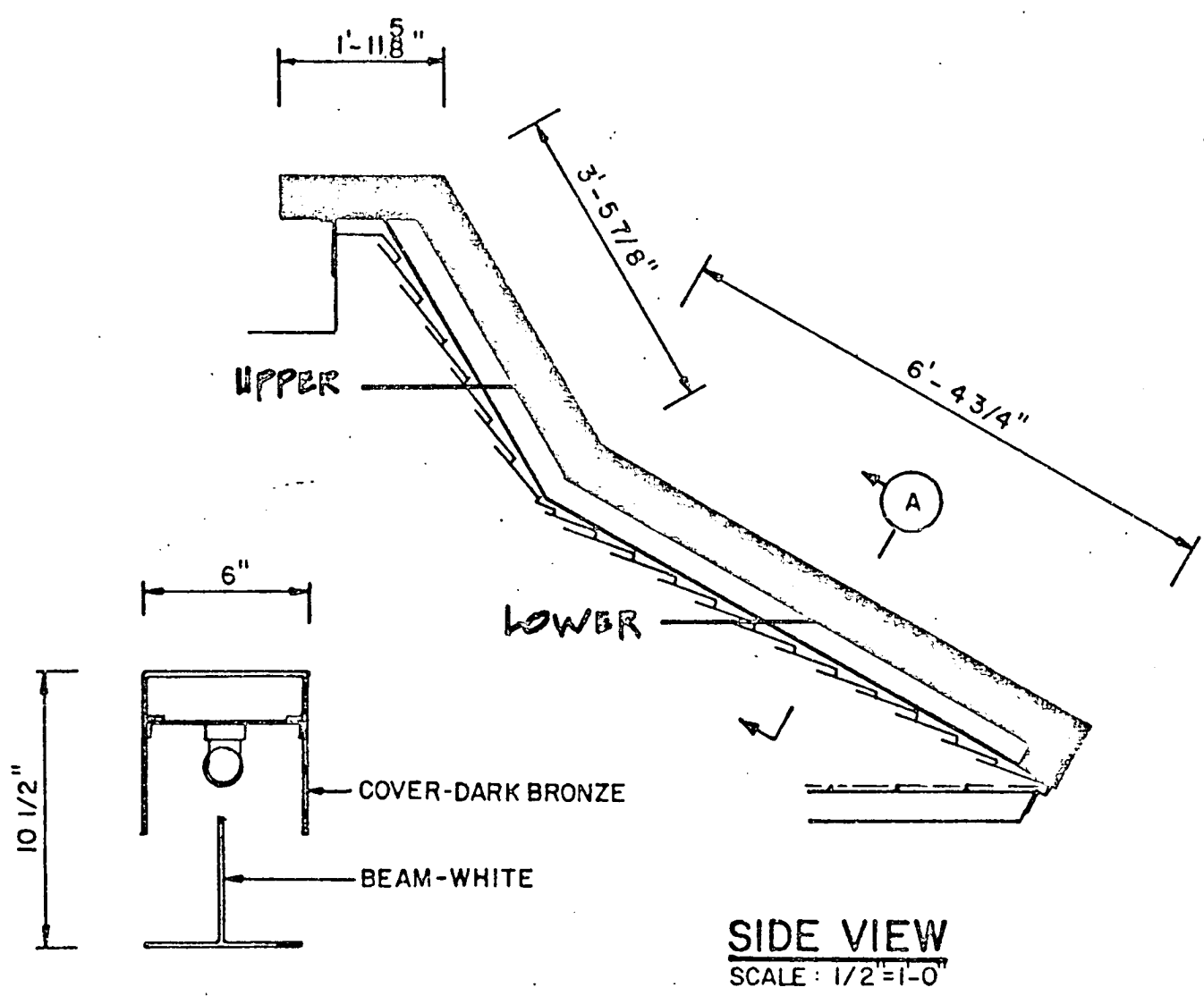
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**RIGHT SIDE ELEVATION**  
 SCALE 1/4" = 1'-0"



**LEFT SIDE ELEVATION**  
 SCALE 1/4" = 1'-0"



(A)  
N.T.S.

ILLUMINATION:

UPPER :	INITIAL - 2850	LUMENS
	AVERAGE - 2480	"
LOWER :	INITIAL - 5850	"
	AVERAGE - 5045	"