

AGENDA ITEM 11 for 1/24/90  
AGENDA ITEM 18 for 12/13/89

File: U.1838 (1)

File: U.1838  
Location: 3509 Homestead Road, approximately 1.44 acres  
on the northside of Homestead Road, between  
Bing Drive and Lawrence Expressway (APN 290-  
23-060 and 082)  
Applicant/Owner: McDonald's Corporation  
Request: **Use Permit** to expand existing drive-thru  
restaurant by replacement of the existing  
2,500 square foot building to allow  
construction of a 5,000 square foot facility

#### STAFF REPORT FOR THE MEETING OF DECEMBER 13, 1989

Current Use: McDonald's Restaurant  
Current Zoning: CC (Community Commercial)

#### NEARBY PROPERTY

North: Condominiums, Zoned PD (Planned Development)  
East: Convenience Market and Service Station, Zoned CN  
(Neighborhood Commercial)  
South: Community Shopping Center, Zoned CC  
West: Community Shopping Center, Zoned CC

#### PROPOSAL

The applicant is proposing to remove the existing 2,500 square foot drive-thru restaurant and playland area and construct a 5,000 square foot drive-thru restaurant with a reduced playland area to be relocated to the front of the building. Currently the playland area occupies a significant portion of the lot at the rear of the restaurant. The parking area on the westerly side of the property, oriented to Bing Drive, will remain in its existing state. The proposed drive-thru will wrap around the building from the north property line along the west property line. An additional lane will be provided to allow exit from the main parking area to Homestead Road.

#### ENVIRONMENTAL IMPACT

Negative Declaration required. Potential impacts of vehicle exhaust emissions and noise related to the adjoining residential properties and mitigation measures may be required.

#### COMMUNITY IMPACT

The proposed new facility should provide improved service to

patrons. The revised drive-thru arrangement may result in some noise impacts on the adjoining condominiums to the north, with vehicle movement and idling, car radios and the like. Additionally, under certain weather conditions, exhaust fumes from idling vehicles may impact the adjoining 2-story condominium units.

#### **GENERAL PLAN**

This area is designated for Community Commercial shopping in the General Plan and the existing and proposed use are consistent with that designation, with use permit approval.

#### **CONSIDERATIONS**

The applicant states:

- "1. The ability to upgrade the restaurant facilities to Title 24 Handicap Standards, as well as eliminate existing remote restroom building.
2. Reorient and relocate building on site to provide a better drive-thru circulation, as well as develop parking spaces adjacent to building entrance.
3. Ability to upgrade building, as well as landscaping to better serve the neighborhood.
4. Eliminate remote storage area building and relocate existing trash corral."

The existing facility is deemed by the applicant to be undersized and inadequate to serve the community needs. The existing lot area will support a larger facility, when compared to other drive-thru operations in the City.

While more than the minimum required parking is provided for the remodelled facility, including all outdoor seating, and the drive-thru arrangement will facilitate movement through the site, there is a loss of some of the outdoor children's playground area as a amenity to the project. Additionally, there is concern about the impact of relocation of the drive-thru facility adjacent to the existing condominiums along the north property line.

Staff has been contacted by at least one adjoining neighbor, a resident of the condominium complex. That neighbor stated that she was concerned with the impacts on the adjacent two story units from the noise of vehicles 15 feet from the property line, as well as the potential for exhaust fumes and carbon monoxide penetration

AGENDA ITEM 11 for 1/24/90  
AGENDA ITEM 18 for 12/13/89

File: U.1838 (3)

into the units and yard areas on the residential property. The proposed arrangement is an example of the type of drive-thru layout that staff would support in most cases. The current drive-thru facility approaches no closer than approximately 150 feet to the residential property.

It appears that some of the existing large trees at the rear of the playland area may be required to be removed to accommodate the drive-thru lane. This eliminates one potential mitigating factor.

If the trees can remain, additional consideration should be given for the drive-thru arrangement. Otherwise, staff would recommend that some revised drive-thru arrangement be considered to provide a greater separation between the existing residential property and the drive-thru lane.

A noise analysis related to the speaker box arrangement for the ordering board has been provided by the applicant. Staff is confident that with the restrictions imposed by the City's Noise Ordinance and the standard requirements imposed by conditions of approval for drive-thru's, noise from the speaker box can be minimized and impacts on surrounding properties mitigated.

#### **STAFF RECOMMENDATION**

Recommend that the Planning Commission continue this item to the meeting of January 10, 1990, in order to provide the applicant time to research additional drive-thru lane configurations to provide at least a 25 foot separation with landscaping between the driveway/drive-thru lane and the residential property line.

#### **SUMMARY OF MINUTES FROM THE MEETING OF DECEMBER 13, 1989**

The applicant was present for discussion on this item. There was opposition present.

Mr. Henriques reviewed the proposal and its relationship to surrounding properties. He noted how the drive-thru would be revised to encircle the proposed building and thereby result in it being closer to the adjoining residential property to the north. He stated that the applicant had submitted plans this evening and discussed them with staff showing that they could achieve a 5 foot increase in that landscape depth adjacent to the residential property, for a total of 20 feet from the property line to the curbing of the drive-thru and access lane.

Jim Klamet, construction manager for McDonald's, then addressed the Commission. He stated that the building had been opened originally in 1963 and it had various additions over the years.

PLANNING COMMISSION MINUTES  
January 24, 1990

McDonald's Corporation

The facility, however, is hindered by the old design and the layout of the property, with the storage and restrooms being located in a separate building across the parking area from the restaurant. He stated that the proposal was intended to increase the ability to serve the public as well as incorporate those remote restrooms and storage to achieve a better working relationship with the restaurant. He indicated that the revised plan submitted to staff earlier in the evening provided a 20 foot wide planting area that would give them an ability to create a substantial buffer.

Cheryl Haight, representing The Gramercy Condominiums, located on the eastside of Bing Drive, then addressed the Commission. She stated their homeowners association was concerned with the concentration of restaurants in the general area and the traffic and noise impacts that resulted from these operations. She stated that an increase in the service capacity of this restaurant would directly impact the residential properties in the immediate area.

In response to a question from the Commission, the McDonald's representative indicated that their hours of operation are from 6:30 a.m. to 11 p.m. Monday through Thursday and from 6:30 a.m. to 12 midnight on Fridays and Saturdays.

Rita Carr of 832 Bing Drive, president of the homeowners' association of the project immediately north of the site, addressed the Commission and expressed concern about the increased noise and traffic anticipated with the proposal, as well as the impact of exhaust from idling vehicles. There were also concerns about problems with litter and deliveries on occasions in the past and concern about rodent infestations which may have been attributed to trash bins from this and surrounding commercial properties. She stated that although the restaurant closed at either 11 p.m. or midnight, typically the employees worked until a later hour cleaning up and also create noise. In response to a question from Commissioner Minister, she stated that the playground provides a better situation as the children are not playing out there late at night.

Mr. Carr, of 832 Bing, stated that the current arrangement works well for the homeowners and that the proposal will completely change the vehicle circulation pattern within the site and will carry most of the traffic in close proximity to their property.

Steve Henderson of 822 Bing Drive addressed the Commission, stating that he would rather have the noise of the children's playland adjacent to homes than the cars and radios associated with a drive-thru operation. He did state that he was not aware

AGENDA ITEM 11 for 1/24/90  
AGENDA ITEM 18 for 12/13/89

File: U.1838 (5)

that the applicant had met with many of the neighbors regarding the proposal.

Susan Henderson, the area operations manager for McDonald's, addressed the Commission and stated that it is difficult to have deliveries made during business hours because of the current layout of the property. She stated that typically the drive-thru portion of the operation is very minimal after the hour of 8 p.m. in the evening.

Mr. Klamet stated that the October earthquake had changed their initial plans to remodel the existing building to now provide a completely new facility. He stated that, because of the short time frame, they had not had the opportunity to meet with the neighbors.

In response to a question from the Commission, Mr. Klamet stated that they would meet with the neighbors and consider revisions that would improve the situation.

Commissioner Minister stated that the proximity of the neighbors is a very important factor in considering redesign of the existing situation. She stated that although the property has a drive-thru now she could not support the proposal as it is with a greater impact being imposed upon those residential neighbors. Commissioner Raineri stated that although he was sympathetic to the neighboring properties, it is important to realize a second level unit is subject to greater impact because of its height above the ground and above the noise buffering masonry wall.

The public hearing was then closed.

After some discussion regarding redesign, the Commission acted to reopen the hearing to allow the applicant to return to the Planning Commission with a revised proposal after discussion of concerns with surrounding neighbors.

#### COMMISSION ACTION

It was moved by Commissioner Matos, seconded by Commissioner Raineri and unanimously approved (Commissioners Bambury and Burdick excused) that the Planning Commission continue this item with reposting to allow the applicant to work with the neighbors and provide a revised proposal to address those concerns.

#### STAFF REPORT FOR THE MEETING OF JANUARY 24, 1990

This item was last heard at the meeting of December 13, 1989. At that time the applicant had submitted revised plans indicating a

PLANNING COMMISSION MINUTES  
January 24, 1990

McDonald's Corporation

AGENDA ITEM 11 for 1/24/90  
AGENDA ITEM 18 for 12/13/89

File: U.1838 (6)

20 foot landscaped buffer between the vehicle lane and the residential property line. Following testimony from the applicant and neighboring residents the Commission continued the hearing to allow the applicant and the neighbors to meet in order to discuss any possible changes or mitigation of impacts upon the nearby residential properties.

The applicant and neighbors met at the subject McDonalds restaurant on the evening of January 4, 1990. Since that time, the applicant has submitted a reposting fee in order to address the Commission with their proposal.

No revised plans have been received, but the applicant has indicated that the revisions shall reflect an increased landscape buffer dimension at the residential property line. Absent revised plans at the time of writing this report or any consensus regarding an appropriate revision, the staff recommendation remains unchanged to continue the item for redesign to provide a minimum 25 foot separation between the property line and the vehicle travel lane/drive-thru lane.

#### **STAFF RECOMMENDATION**

Recommend that the Planning Commission continue this item to the meeting of February 28, 1990, in order to provide the applicant time to research additional drive-thru lane configurations to provide at least a 25 foot separation with landscaping between the driveway/drive-thru lane and the residential property line.

#### **SUMMARY OF DISCUSSION OF THE MEETING OF JANUARY 24, 1990**

The applicant was present. There was opposition present for discussion.

Mr. Henriques described the previous and a revised proposal and its relationship to the surrounding properties. He indicated that McDonald's had submitted the revised plans since the meeting of December 13, 1989. These revised plans had been submitted too late for the staff report but could be discussed this evening if the Commission agreed. He noted that staff was recommending some changes including the closing of the northern most driveway onto Bing Drive and a change in the parking, landscape areas and circulation patterns.

Krystal Krull, representing McDonald's Corporation, then addressed the Commission. She stated that McDonald's has been making every effort to work with staff and the neighborhood to present a favorable project. They have revised the plans twice and on

PLANNING COMMISSION MINUTES  
January 24, 1990

McDonald's Corporation

AGENDA ITEM 11 for 1/24/90  
AGENDA ITEM 18 for 12/13/89

File: U.1838 (7)

January 4, 1990 met with the adjacent Homeowner's Association to work out their concerns. She then presented a synopsis of that meeting. Among items discussed were traffic, noise, trash and vermin.

Commissioner Raineri questioned whether McDonald's was actually contributing to the rodent problem.

Ms. Krull mentioned that the steps McDonald's were taking included the policing of the area for trash, the keeping of the tops of trash bins closed and the removal of the extensive use of ivy as landscaping.

Rita Karr, President of the Bing Drive Homeowner's Association then spoke. She stated that they had met with McDonald's and their concerns have been addressed. She agreed with staff's recommendation to close the second Bing Drive exit and endorsed the current plans.

Steve Henderson, 822 Bing Drive, also spoke in favor of the proposal but he did have a concern with the brightness and intrusion of the lighting at the rear of the project.

Susan Robinson, 835 Bing Drive, and a member of the Grammercy Park Homeowner's Association, spoke next. She stated her basic concerns were the drive-thru being moved closer to the homes on Bing Drive and that the circulation pattern would now encourage the use of Bing Drive as an entrance. She also said she felt that McDonald's does impact the area with respect to traffic, noise and trash and would favor the closing of one of the Bing Drive exits.

Christa Grassl, President of the Grammercy Park Association, then reiterated what Susan Robinson said regarding the impact of the area with traffic noise and trash. She also stated she was against all expansion.

Gary Griffin, also a property owner at 835 Bing Drive, then spoke. He stated the closing of the northern driveway would have a positive effect but that many of the problems mentioned during the meeting are out of the hands of McDonald's, especially car noise, exhaust fumes and littering. And, as the expansion of McDonald's will only increase these problems, he is opposed to this project.

Ms. Krull then spoke in rebuttal. She said that although this proposal is called an expansion, the number of seats will actually decrease from 218 seats to 130 seats. Also, the increased lighting in the back lot should reduce the impact of people parking there after hours.

PLANNING COMMISSION MINUTES  
January 24, 1990

McDonald's Corporation

AGENDA ITEM 11 for 1/24/90  
AGENDA ITEM 18 for 12/13/89

File: U.1838 (8)

The public hearing was then closed.

Mr. Henriques then recommended further conditions to include:

Condition #26. Close northerly driveway on Bing Drive and revise parking lot to the satisfaction of the Director of Planning and Inspection.

Condition #27. No parking lot sweeping or deliveries between 11:00 p.m. and 6:00 a.m.

Condition #28. Outside seating area to the north of the drive-thru to be closed at 9:00 p.m.

Condition #29. Maximum of 110 interior seats and 20 exterior seats.

#### COMMISSION ACTION

It was moved by Commissioner Raineri, seconded by Commissioner Bambury and unanimously approved (Commissioners Minister and Matos excused) that the Planning Commission find based upon the staff report and the public testimony that the proposed enlargement of the restaurant facility **as revised** is appropriate and beneficial to the surrounding area to provide improved patron service, that the proposed use is not detrimental to surrounding streets or properties, that adequate stacking for the drive-thru lane can be provided and a buffer arrangement can be provided adjacent to the residential properties and that the proposal meets the intent of the General Plan and Zoning Ordinance for a drive-thru restaurant and approve this **revised** request for use permit to allow reconstruction of an existing drive-thru restaurant facility as proposed. In addition to complying with all applicable codes, regulations, ordinances or resolutions, the following conditions are recommended:

1. Clear development fees by appropriate method prior to issuance of building permit.
2. Any relocation of existing public facilities will be at the developer's expense.
3. Obtain required permits and inspection from the Building Official and comply with the conditions thereof.
4. All driveways in the public right-of-way shall be constructed



to City Standard Type "C", any deviation from City Standards requires prior approval of the City Engineer.

5. Damaged curb and gutter shall be repaired in a manner acceptable to the City Engineer.
6. Unused driveways in the public right of way shall be replaced with City Standard curb, gutter and sidewalk in a manner acceptable to the City Engineer.
7. Visual obstructions over three (3') feet in height will not be allowed within the driver's sight "triangle of safety" near driveways and corners.
8. For any work in the public right-of-way, obtain street opening permit and pay all appropriate fees prior to issuance of building permit.
9. Proper signs and pavement markings shall be placed within the parking area to safely coordinate vehicle traffic (e.g. ONE-WAY and DO NOT ENTER SIGNS as well as arrows on pavement, indicating direction) to the satisfaction of the Director of Planning and Inspection.
10. Dedicate any required on-site easements to serve the subject property at time of service request to suit utility design layout.
11. Electric service to be underground. Developer to construct to City standards, electric underground conduits, boxes, etc.
12. Submit planting specifications and details and irrigation plans for review and comment by City Staff.
13. Approved fire apparatus access roads shall be provided to within 150 feet of all exterior walls of any building (exceptions may apply - consult Fire Department for more information).
14. Fire apparatus access roads shall be capable of supporting imposed load of fire apparatus, have an all-weather driving surface, minimum 20 foot width, minimum 13-1/2 foot vertical clearance and minimum 36 foot turning radius.
15. Dead-end fire apparatus access roads which exceed 150 feet in length shall be provided with 75 foot diameter vehicle turnaround.

AGENDA ITEM 11 for 1/24/90  
AGENDA ITEM 18 for 12/13/89

File: U.1838 (10)

16. Fire hydrants shall be in place and operable within 150 feet of any combustible construction. Submit construction fire safety plan to Fire Department for review and approval prior to starting combustible construction or delivery of lumber to site.
17. 2A10BC rated fire extinguishers required within a maximum of 75 feet travel distance to any part of the building.
18. Trash enclosures located within 5 feet of building shall be sprinklered.
19. Hood and duct extinguishing system required (separate Fire Department permit required).
20. Site plan shall be submitted which includes all existing public fire hydrants and existing roadway access.
21. Submit detailed plans to the Planning Division for architectural review and approval prior to issuance of building permits.
22. Maintain all existing mature trees within Caboose party grounds to minimize impacts of drive-thru and exit lane on abutting residential properties. Provide detailed plans showing existing trees and trees to be removed. Remaining and new trees are identified as mitigation measures and shall be included and approved in final plans. The Planning Inspection Department shall be responsible to assure provision of these measures according to CEQA monitoring and reporting requirements per Section 21081.6 of the Public Resources Code.
23. Hours of operation shall be from 6:30 a.m. to 11 p.m. Sunday through Thursday and from 6:30 a.m. to 12 midnight on Fridays and Saturdays.
24. Restaurant operator shall be responsible for policing of trash and debris within 500 feet of the property. A decorative trash receptacle shall be provided at each customer entry/exit from the building or other eating area.
25. Outdoor speaker boxes or other apparatus shall comply with the City's standards of the Noise Ordinance.
26. Close northerly driveway on Bing Drive and revise parking lot to the satisfaction of the Director of Planning and Inspection.

PLANNING COMMISSION MINUTES  
January 24, 1990

McDonald's Corporation

AGENDA ITEM 11 for 1/24/90  
AGENDA ITEM 18 for 12/13/89

File: U.1838 (11)

27. No parking lot sweeping or deliveries between 11:00 p.m. and 6:00 a.m.
28. Outside seating area to the north of the drive-thru to be closed at 9:00 p.m.
29. Maximum of 110 interior seats and 20 exterior seats.

Mr. Henriques advised the applicant that this action was final at this hearing unless appealed within 7 days or if appealed by the City Council at the time of their review of these minutes, normally 13 days from this date. In the event of an appeal, whether filed by a proponent, opponent or by the City Council, a new public hearing date will be set and the area will be posted with notices of the date of the hearing.