

P12-0556, P12-0557, and P12-1790, Terry Grayson/Ironhorse Development Applications for: (1) a Conditional Use Permit and Design Review approval to demolish the existing 76 Conoco Phillips service station sales and restroom building, modify the location of fuel dispensers, construct an approximately 2,250-square-foot, 24-hour 7-Eleven convenience market, and install related improvements at 4191 First Street; and (2) a Variance from the Pleasanton Municipal Code to locate parking spaces within the front yard setback. Zoning for the property is Service Commercial (C-S), Downtown Core Area Overlay District.

Shweta Bonn presented the staff report and described the scope, layout, and key elements of the proposal. She noted that staff received additional written comments and phone calls after the publication of the staff report, including 25 pages of signatures, totaling 625 signatures, collected by the applicant in support of the subject application.

Commissioner Narum referred to the slide showing the circulation diagram and asked staff to explain the plan for tankers to refuel the pumps.

Ms. Bonn displayed the truck-turning diagram provided by the applicant showing the location of parking stalls in bold black, the delivery truck maneuverability in dotted lines, and cars parked alongside the fueling dispensers in light gray.

Acting Chair Blank noted that regardless of what action the Planning Commission takes, this item may go before the City Council. He suggested that it might be useful to have a list of all 24-hour facilities within and around the City for the purpose of comparing what else is operating under the same circumstances.

THE PUBLIC HEARING WAS OPENED.

Terry Grayson, Applicant, stated that he works for a company called The Development Corporation, which does business as Ironhorse Development. He thanked the Commission and the Planning staff for allowing them to present the proposal tonight, even though staff is not supporting their proposal at this point, and to address any concerns the Commission and staff may have. He indicated that they have spent approximately a year and a half on this process, starting in July 2011, and have had many meetings with staff and undergone many different iterations of this project because of public concerns of which they are aware. He added that they have spent over \$85,000 up to this point for all the site development, grading, and storm water plans, as well as about ten different colored elevations.

Mr. Grayson stated that one of the main driving forces for this project is the Water Board and the Alameda County Transportation Corridor's direction to clean up the area behind this facility, which would involve taking out the tanks and thereby enhancing the remediation project at this location. He added that to take advantage of the work

already to be done with this remediation project, the owner thought of enhancing the service station by putting in a 7-Eleven facility.

Mr. Grayson stated that he has been involved in over 500 Planning Commissions and City Councils and has never reached a point where they are a week away from a hearing and then received a recommendation for denial from staff. He noted that based on all meetings with staff, they went full steam ahead, concurring to change things, and are very disappointed that they still did not have staff's support coming into this meeting. He indicated that they had their final meeting with staff on October 23, 2012 and addressed all of the concerns that had been brought to their attention over the last year and a half. He added that they left that meeting with pretty much the understanding that they had staff's approval and support to go forward, and released another \$20,000 worth of work. He indicated that they finalized pretty much everything else by November 21, 2012, thinking they were heading in the right direction.

Mr. Grayson stated that they started with 2,800 square feet and are now down to 2,250 square feet, noting that 7-Eleven will not allow them to go any smaller than that. He noted that 258 square feet of the building are very nice ADA-accessible restrooms, and it plans to be open 24 hours. He added that they are closing two of the driveways and are proposing one-way traffic to enhance the traffic flow. He indicated that the proposal meets or exceeds the C-S (Service-Commercial) zoning requirements of the site. He added that they understand that this site has a General Plan designation of Retail/Highway and Service Commercial, and that as a transitional area, it is an outstanding site for a local market. He stated that he understands the concerns from the public about competitiveness with the other markets in the neighborhood and explained that this proposal is an in-and-out market. He added that studies have shown that 50 percent of the people who come into these stores are there for the fuel and are not stopping to get groceries, which is the type of markets existing in the area.

Mr. Grayson stated that Exhibit A of the staff report includes five areas of public concern:

1. Twenty-four-hour operation. With the exception of Arco or AM/PM, majority of stores in other service stations are open 24 hours. Their preference and that of 7-Eleven is to be open 24 hours. There are studies that show that less crime is prevented when the facility is open 24 hours because there is constant flow going through the service station versus people loitering outside a closed store.
2. Beer, wine, and alcohol sales. This is a non-issue because there will not be any alcohol sales.
3. Loitering, crime, safety, and cleanliness. This is not the old 7-Eleven; this image, which has been out for the last several years, is brand new, clean, and recognized by many agencies as having a great image. They participate in what is called the Police Community Network Center, where they actually set up a center inside of the store, and the local police on beat can come in, use the local

facilities, use the computer, use the phone, and make sure things are fine. As indicated in the staff report, in the last 30 years, 7-Eleven has shown a 69-percent decrease in crime mainly because of programs like that.

4. Traffic and noise. There are 125 feet between the site and any of the local residents. Traffic noise is 85 dBA, and at a distance of 125 feet, that will drop down to about 70 dBA, which is the noise of a local car going by on any street. This is a perfect location for a neighborhood market.
5. Site layout. This has been changed over 10 different times to accommodate parking. One-way is utilized. The library is one-way. There is parallel parking all over along Main Street. A variance is necessary for the two-foot setback and moving one parking stall.

Mr. Grayson reiterated that they spent a year and a half designing this building to look more like a beautiful residential facility than it does a convenience mart. He stated that it is a pretty good-sized site at half-an-acre, 2,200 square feet of which would be used for the building, with all the materials necessary, the overall intensity of the use, and the relative size and shape. He noted that while they could propose a huge commercial building based on the C-S zoning, they are utilizing approximately only ten percent. He indicated that they had staff approval up until the public barrage of information that came in, and requested that the Commission approve their proposal.

Commissioner Olson noted that Mr. Grayson mentioned that Alameda County was interested in cleaning up the site and inquired what that was about.

Mr. Grayson replied that he was involved with ConocoPhillips and Chevron for 15 years in their corporate environmental applications. He indicated that there is a pipeline that goes along the Alameda County Transportation Corridor and that is contamination in that area and on the site itself. He noted that the remediation has been dragging along for years, and they were figuring out how to remediate this more quickly. He stated that Chevron, which now oversees the environmental remediation on this project, decided that in conjunction with Mr. Liu, they would develop this program and put in a better, more efficient remediation system, which would include the proposal for this facility. He noted that \$30,000 to \$40,000 has gone into specifically designing the proposed facility in line with the proposed remediation program.

Commissioner Olson inquired if the tanks that are in there now have been leaking.

Mr. Grayson said no; there is contamination, but the current tanks have never had an issue and have been under monitor 24/7-365.

Commissioner Olson inquired why they are then being taken out of the ground.

Mr. Grayson replied that they are taking the tanks out of the ground because that is where the new building would go, and the remediation will take place in conjunction with

taking them out of the ground. He noted that when the tanks were put in, there was not as much emphasis on taking out the old contamination.

Commissioner Olson inquired whose responsibility is it to cover that remediation.

Mr. Grayson replied that it is Chevron Corporation's.

Commissioner Olson inquired if it is also the property owner's responsibility.

Mr. Grayson said no. He indicated that Chevron would be responsible for any remediation once those tanks are removed.

Commissioner Olson inquired if the remediation would happen regardless of the proposed project.

Mr. Grayson said yes, but it would be delayed for about a year and a half because they have been working on this together for the last year based on the belief that the subject proposal would receive approval. He noted that Chevron designed its remediation system based on the approval of this facility, and the Water Board has approved all the plans. He indicated that a temporary remediation system was approved to be installed out there while they got going on this facility, and this remediation would be delayed if the proposed facility is not approved.

Acting Chair Blank inquired, hypothetically, should the project be rejected by the Planning Commission and the City Council, what would happen a year and a half from now, and if the remediation would have to be done anyway.

Mr. Grayson replied that the new design will then be in the Transportation Corridor in everybody's plain view instead of under the ground. He explained that if the project were approved, the remediation system would be put where it needs to be, and the proposed building would be where it needs to be with the new remediation facility right up against the trash enclosure.

Acting Chair Blank inquired, if the property were to stay the same in exactly the same state it currently is in, would they have to remediate what is there anyway in a year and a half.

Mr. Grayson said yes. He added that they would have to change the design completely that they have already incorporated into the plan.

Acting Chair Blank asked Mr. Grayson if he was referring to changing the design of the remediation. He indicated that he was talking about the property not changing and inquired if the remediation would take place above ground.

Mr. Grayson replied that the remediation would still take place below ground, but they would have to tear up the facility in that back corridor area quite a bit.

Acting Chair Blank inquired if, in fact, the existing facility will have to be destroyed in a year and a half.

Mr. Grayson said no. He explained that in a year and a half, all sorts of new wells will have to be placed on this facility and in that corridor.

Acting Chair Blank pointed out to Mr. Grayson that he had mentioned something about the remediation facility being above ground.

Mr. Grayson explained that there is an above-ground mobile unit right now that is actually extracting vapors out of the ground.

Acting Chair Blank stated that he is trying to understand what constraints the property owner is under. He asked Mr. Grayson what they would be required to do, by whom, and when, if the project is not approved by the Council and nothing is changed on the property.

Mr. Grayson replied that it would take them approximately five or six more years to get the facility cleaned up because they cannot dig out then. He stated that if the tanks are removed, it would be much easier to dig and get most of the contamination out as opposed to sticking probes in the ground and trying to get that contamination out. He added that based on field studies, Chevron anticipates that if the proposed facility is approved, it can have the area cleaned out within two to three years; and about ten years if the change does not occur.

Commissioner O'Connor asked Mr. Grayson how much public outreach they have done in the year and a half that they had been working on this project.

Mr. Grayson replied that they actually did very little because they were continuing to get reports from staff; and they have as surrounding areas, First Street which is 100 feet wide, the Transportation Corridor, a commercial complex, and 125 feet between residential and the service station. He added that they were not worried as much about public concern at that time because staff had not brought it up, but admits that was their responsibility. He indicated that they were thinking as they went along that they had staff's approval, that they could very easily address the noise concerns because of the barriers they have out there, including the existing tree line out there that blocks the facility pretty well, and that they were willing to do several mitigation measures such as installing a fence along that one side. He noted there were concerns about loitering but that they did not even think about loitering in this facility.

Commissioner O'Connor inquired where the 25 pages of signatures came from.

Mr. Grayson replied that in response to the outpouring against the site, they went out starting around the November 30, 2012 and started getting signatures.

Commissioner O'Connor inquired if they walked doors.

Mr. Grayson said no. He indicated that most of the signatures came from patrons coming to the store. He noted that it was their fault and that they should have been out there earlier. He reiterated that they did not expect that they would need that because of the barriers they have there. He stated that they actually have over 750 signatures now, many of which were from patrons who came into the service station and said they would support the proposal because they would love to have a little mini-mart to go into when they were getting fuel.

Commissioner O'Connor asked Mr. Grayson if he knew what percent of 7-Eleven stores are not 24-hour.

Mr. Grayson replied that it is his understanding that there are very few of them that are not 24-hour but that he does not know the exact percentage.

Commissioner O'Connor inquired why the owner considered 7-Eleven as opposed to any other mini-marts. He noted that a lot of other fuel stations have their own mini-marts that are not branded as a 7-Eleven.

Mr. Grayson replied that owners can go with whomever they want, and 7-Eleven is just one of the name brands that he elected to pick at that point teaming up with ConocoPhillips two years ago.

Commissioner O'Connor inquired if there is a possibility that the owners would switch. He explained that the reason he is asking is because it is his understanding that 7-Eleven puts a lot of constraint on them as far as minimum store size and other things that maybe they would not run into if it were not 7-Eleven-branded.

Mr. Grayson stated that there are other incentives that 7-Eleven provides and that he will have the owner speak to that as he is not privy to those incentives one way or the other.

Bob Reguilon stated that he lives about 130 feet from the station and that during the summer, he cannot leave his windows open because it gets very noisy and at midnight somebody out there is honking the horn. He added that there used to be a light pollution problem, but the trees have grown, so that is not a big a problem anymore. He indicated that he has been a volunteer for the Pleasanton Downtown Association, which does a good job of promoting small business, and he does not think this is the kind of business they need in their neighborhood. He noted that there is an AM/PM 24-hour mini-mart on Bernal Avenue and Cole's Market right there, so there is no need for another market, especially a 24-hour one.

Maria Tracy, a homeowner in the neighborhood that abuts the project site, agreed with Mr. Reguilon regarding the noise. She stated that there is increased traffic, car doors slamming, and an ongoing concern with trash, and the proposed 7-Eleven 24-hour

facility will encourage loitering or anything else going on there. She noted that the developer talked about that site being a perfect location for a neighborhood market. She indicated that there is a neighborhood market right across the street, so this would be sort of duplicating that. She added that she has spoken to the owners of Cole's Market, the Meadowlark Dairy, and even of the liquor store up the street, and all three businesses feel that a 24-hour mini-market in the area will very adversely affect their business.

Ms. Tracy stated that the City has worked so hard at developing this beautiful Fire House Arts Center and the park area there, and in a sense, this is sort of the gateway to the Downtown coming from Livermore. She added that the Pleasanton Downtown Association is trying to make Pleasanton a very unique and special place for entertainment. She questioned if the City really wants something associated more with a strip mall being the gateway to its Downtown.

Ms. Tracy questioned the 625 signatures and questioned if they are people passing through or residents or people active in the life of Pleasanton. She noted that the applicants people did not come and ask her or her sister who lives close by if they were interested in having a 7-Eleven on the site. She expressed concern about allowing a 24-hour business that is modeled on the sale of alcohol to be another store in that area. She indicated that she called every 7-Eleven store in Pleasanton, Livermore, Dublin, San Ramon, Fremont, Union City, Danville, and Castro Valley, and 23 of the 24 stores where she talked to somebody stated that they sold beer and alcohol. She noted that they may be saying that they will not be 24-hour and they will not be selling alcohol, but in time, once it is built, it will be there, and any promises not to do that will evaporate.

Ms. Tracy stated that they purchased their house four years ago and spoke directly with the Water District about the remediation program, and they were told that the District had plans for that remediation; but the technology changed and they figured out different ways to do it. She suggested that the whole remediation issue be separated completely from the development of that site because that remediation has been in the works with ConocoPhillips and Chevron for some time now and is legally on track to go through regardless of what happens to the site. She stated that the fact that they folded the two together could be a little bit of a bait and switch to try and get the City to buy into something. She stated that it does not make sense to have this project in the neighborhood and asked the Commission not to approve it.

Cathy Pasut stated that she lives in the neighborhood and has been in town all her whole life. He stated that she realizes that the applicants are business people who want to enhance their financial position and that nobody begrudges somebody making money. She indicated that she suspected they did due diligence on the return on investment (ROI) of their business; however, as they admitted, they did not do the due diligence of checking with town people. She added that although a proposed 7-Eleven performs and has a good ROI, it does not belong in the Downtown area; it does not agree with the nature and flavor of the City and the nearby neighborhood. She

indicated that what the applicants may not have counted on is the very large amount and deluge of opposition that comes with this 7-Eleven.

Ms. Pasut stated that she appreciates staff not supporting this application. She indicated that she comes to a lot of these meetings and finds it nice to hear that staff is on task with what the community feels. She stated that they simply do not want a 7-Eleven in their neighborhood. She added that she felt sorry that the applicants spent a year and a half on this project that they will never get back and that they should probably have spent that time on a business that was more in line with the town. She noted that someone who opens up a small business in town would do due diligence to see if that business is needed, warranted, wanted, and would fit in with the Downtown, and that she believes this was not done. She added that this was not well thought-out and collecting signatures was an afterthought. She pointed out that a 7-Eleven does not belong in their neighborhood and that they would like a business that will enhance the neighborhood.

John Kimber, Property Manager of Pleasant Plaza Shopping Center across Ray Street from the proposed project, stated that he has carefully reviewed the very detailed staff report and that on behalf of the owners of Pleasant Plaza Shopping Center, they fully agree with staff's recommending denial of this project. He commented that a flyer signed by Mr. Liu had some misrepresentations in it. He noted that it asked for support and indicated that neighbors will not have to be concerned with the taking of business away from similar local businesses. He indicated that the opening of a 24-hour convenience store at the subject location will definitely negatively impact the sales of nearby businesses, especially Cole's Market and Bob's Burgers within the Pleasant Plaza Shopping Center. He disagreed with a statement on the same flyer that there will be no sale of any alcoholic beverages at the site, so neighbors will not have to be concerned with the increase of crime or solicitation at night. He noted that any new 24-hour convenience store will certainly attract an element not otherwise present in the area, including gangs or groups of persons up to no good who will carry their own alcohol, guns, and knives. He further noted how easy is it today to send out a message on Twitter to gather at the new 24-hour 7-Eleven store at First and Ray Streets, to bring their own stuff and hang out there or across the street at the tables and benches at Bob's Burgers. He also disagreed with the flyer's statement that this new 7-Eleven store will provide many job opportunities, as the application mentions that there will be one full-time and one part-time employee for the store and no employee at the gas pumps. He indicated that opening a convenience store at that location is completely inappropriate and urged the Commission to deny the application based on his comments and more importantly, on the negative staff recommendations as clearly outlined and justified in a detailed and objective report.

Acting Chair Blank directed staff to get a copy of the flyer for the record.

Jim Clennon stated that Mr. Kimber has mentioned his points so he does not have to make too many more of them. He called special attention to the staff report that indicates how many police service calls are made to the 76 and how many service calls

are made to the 7-Elevens and the calls marked as the only convenience stores. He stated that they do not need any more of that on their street. He noted that her daughter walks that street every night with their dog, and he does not want her to be in danger; she does not need this kind of problem. He stated that they have had broken promises from staff before, and they are currently fighting the call center and the new commercial building on Ray Street where they put too many people in there for the size of that building and now their neighborhood is impacted. He indicated that he does not want to see their neighborhood impacted again and that if the Commission stops it right here, right now, they will not have that problem.

John Johnson stated that he has been a resident of this neighborhood for 30 years, has raised his son here, and is raising his two grandchildren here. He indicated that he has known the owners of Cole's Market, Bob's Burgers, and Cosmo's for the same amount of time and has seen them from their worst to their best. He noted that right about now, with the vigilance of all neighbors, the communication, the outlook that they have for their neighbors, themselves, the community, and the businesses, this 7-Eleven would not be good there, as many people have said, because of the loitering and the traffic it will bring. He indicated that something more tasteful for the community and area is a much better choice for everybody involved.

David Nagler stated that they live in the area and that no one denies that this will probably be a very successful business to be on this corner. He expressed appreciation for the time and effort that the developer and owner have put in to develop a profit-making enterprise; however, because that much time has gone into it is clearly a function of trying to do business and is not a justification for proceeding. He noted that the question before this Planning Commission, as has been the case of Planning Commissions before them, is how Pleasanton maintains itself and its personality and its look as a place that everyone here appreciates and welcomes and is devoted to. He added that making a community, as the Commissioners well know because they live it more than the rest, is an accumulation of a thousand different little decisions the Commission has to make, and this happens to be an important one.

Mr. Nagler stated that one point he would like to drive home is this question on crime. He pointed out that as stated in the staff report, the other two 7-Elevens here in town who presumably are operating under this new strategy represented earlier that 7-Eleven is apparently employing about how to reduce recent incidents at 7-Elevens, have an average number of police events of 27 between the two locations, and the existing Union 76 station has had six calls over the same period. He noted that based on that, it would not be unreasonable to expect, by virtue of it being a 24-hour convenience store under the 7-Eleven banner, attracting the attention that it does from the folks who decide to generate a police call, that there could be 21 additional police incidents a year at this location, or basically, one every couple of weeks on average. He stated that, therefore, it matters to the neighbors and neighborhood, and mostly raises the question of not whether this might be a successful business but if it is the right business for this location. With respect to the suggestion made that somehow a 24-hour convenience store diminishes the instance of crime rather than enhancing it, he stated that a

U.S. Department of Justice study on this very point which suggests that the largest contributing factor to increased crime at convenience stores is 24 hours of operation.

Ryan Cruz stated that he was nine years old and lives in the neighborhood. He indicated that not a lot of people want a 7-Eleven in their neighborhood because it is not good for this historic Downtown city and it is too light and modern. He added that he would rather it not be open 24 hours because this means random people might park on their street, it might be loud while he is trying to sleep, and people who shop there might peek on their yards. He stated that he would rather support another shopping place like Cole's Market or the Meadowlark Dairy.

Gary Prince stated that he lives in the area and is concerned about safety with kids walking to schools. He indicated that he walks his dog along that street where most of the traffic and folks go by in the morning. He expressed concern about the commuting traffic on First Street and does not understand how having less driveways improves the traffic flow. He added that he also has problems with the parking. He indicated that he has been in sales for many years with a lot of driving and stops at a lot of convenient stores. He added that in a private parking lot, one way does not mean anything because people will go out the way that is most convenient for them to keep going. He added that the City will have more litter issues between First Street and the high schools with more things to throw away because the convenience store sell very disposable things with lots of wrapping. With respect to the matter of crime, he questioned why a police center would be put inside a store if there is no crime issue. He indicated that he does know of any florists or pet food stores that have those kinds of things available. He noted that it seems like there are a few issues that make it not the right thing for Pleasanton.

Rocio Arango stated that she lives in the neighborhood and that although she does not have the best view with the Shell and 76 service stations, she loves her home and the community that she has helped to build over the years. She indicated that her family moved to Pleasanton because of the schools and that her children go to Valley View Elementary School just a few blocks away. She noted that a lot of children walk that area. She read the following email she sent out to her friends asking them for their support:

"In a nutshell, I disagree with the construction of the 7-Eleven because the area is changing a lot as it turns into a bigger city and the problems that come with it. The area of Vineyard Avenue is highly populated with low-income youth very much at risk to fall into gang trouble. Crime is growing in the City. The youth hanging out at Bob's Burgers can be questionable at times and the teens hanging out on the levee located behind the 76 gas station is problematic, too. So why put a 24-hour store on the youth's path to and from school? Last summer, even a policeman was the victim of a hit and run accident on Stanley Boulevard. One time, when I was arriving in Livermore by the first gas station as you go on Stanley Boulevard, there was some gun activity sort of thing and I was concerned for my children and myself at that moment. This is just a block away from Downtown, and it should be an extension of what a wonderful downtown is – local businesses that care and support the

members of the community. There are plenty of stores selling alcohol within walking distance already. I know it's not an issue but it may be in the future, and we do not need a new one. By continuing to provide an environment such as Main Street, we can keep our children safer in our city."

Ms. Arango stated that the area is very, very highly populated with apartment complexes, with underprivileged populations who are not here to speak. She indicated that she sees the trouble because she has called the Police Department a couple of times as a kind of neighborhood watch thing. She added that she has heard that when high school students want to fight, they go and meet at the river. She stated that her children are in elementary school, and she sees students walking to Pleasanton Middle School and Amador High School, and this is a gateway for trouble, too. She indicated that her neighborhood is trying to keep the area clean, but they need the help of the City and the planners to continue to keep it so. She added that the Downtown area is growing, and it needs to be kept pretty and clean and it expands. She urged the Commission to deny the proposal because they do not need a business that is open for so many hours in the path of youth that walk by that area every day, and they do not need another place for people to hang out.

Kathy Le, one of the owners of Cole's Market, thanked their customers who have come to support them. She stated that hers is a small business, and opening the 7-Eleven may affect their business. She indicated that although their business has slowed down because of the bad economy, they did not extend their hours because they respect the neighborhood. She noted that they close at 11:00 p.m., and while they sell liquor and can extend their hours to 12:00 midnight, they have not done so. She stated that the applicant's statement that Chevron is waiting for the approval of this proposal to proceed with its clean-up program is not true. She added that Chevron will do the clean-up because the soil is contaminated, regardless of whether this proposal is approved or not.

Bev Gill stated that she is a retired teacher who lives on Vineyard Avenue and has been a very proud citizen of Pleasanton for 37 years. She indicated that she was quite upset to learn of the 7-Eleven proposal, which she absolutely knew nothing about until she got a card in the mail. She noted that this indicates to her that perhaps there ought to have been some outreach to the community. She stated that she is very heartened to hear concerns of her fellow citizens and has nothing to add regarding to why she does not approve this plan except to just state publicly that she is entirely opposed to this 7-Eleven proposal. She added that she would like to support those of them who are proud of their little Downtown and the surrounding community.

Ms. Gill stated that she moved many, many years ago from San Francisco to Pleasanton because of its small-town nature. She added that she was looking for a beautiful place to raise her children and work as a teacher, and she has not been disappointed. She indicated that a 7-Eleven in this particular location just a few blocks from where they live would be a bad decision for what they all hold dear – a town that supports local citizenry who want to raise children and do business. She added that

she believes the proposed 7-Eleven is not a money issue, as she is sure it would be lucrative, but one of quality of life: feeling safe and proud about where they live and not feeling they are one of the minions in a town that supports large business chains rather than the local endeavors. She noted that the developer cited having put a year and a half of effort, but she has put 37 years into this community and intends to be happy, living in this area until she dies. She asked the Commission to help make that happen by supporting what is right around here for Pleasanton, which is not a 7-Eleven at First and Ray Streets.

Tom Gill expressed concern about a 24-hour anything at that location because it would be a magnet for the wrong kind of people and the wrong kind of activities. He indicated that he knows alcohol will not be sold there now, but he also knows that there is nothing from keeping the owner from applying in the future for a permit to sell alcohol. He added that after seeing the traffic flow, he will get his gas someplace else because that parking lot is going to be a zoo..

Jeff Michael stated that he owns a 106-year-old historic home lives less than a block away from the proposed 7-Eleven and thinks this is absolutely wrong for this area and for the Downtown and is not characteristic of Downtown Pleasanton. He noted that in the morning, there is so much foot traffic, pedestrians, and cars that sometimes he can barely get out of his driveway due to the traffic and children all walking to school. He added that having a 7-Eleven in their area is wrong because of the crime and everything else it brings along with it.

Gina Ouelette stated that she lives in the neighborhood that abuts the old train tracks and has three-year-old twins whom they frequently take outdoors. She indicated that they love to go walking along the old train tracks; they bring bags and collect trash and broken glass. She noted that it is messy back there, and having a brightly-lit 7-Eleven will only make this dark area behind it worse. She expressed concern that many middle school and high school walk along that street with their headphones on or are texting, and cars coming out of the proposed parking lot on 7-Eleven onto Ray Street appears to be very dangerous and a recipe for disaster.

Ms. Le returned to the podium and handed the Commission a list of 100 signatures of people who object to the proposal and live in the neighborhood.

Cassandra Richmond stated that she lives off of Sunol Road and has a son in the Navy whose opinion she asked about the proposed 7-Eleven, and he was definitely opposed to it. She added that she also has a teenager who goes to Amador High and another child who goes at Hearst Elementary. She indicated that she is reaching out on behalf of the people she spoke with in the Spanish-speaking community, whose response is that they would not go to the 7-Eleven but would rather continue going to Cole's market. She added that if the Spanish-speaking community could be present, they would say the same thing as they are really opposed to it. She urged the Commission to make the right decision and deny the application.

Acting Chair Blank thanked Ms. Richmond on behalf of everyone for her son's service to the country.

Andy Piazza stated that he lives in the neighborhood, probably the one that is 125 feet from the proposed 7-Eleven. He indicated that they have lived there for 13 years and his property backs up to the Ironhorse Trail, which is adjacent to the proposed project. He observed that over the years, a lot of trash and litter that end up in the Ironhorse Trail is generated specifically from the existing 76 station. He added that the light generated from that 76 station forces him and his neighbors to have blackout lines across from there, and those lights have just been upgraded about 2,500 lumens in the last year and a half, such that at 3:00 a.m., it is like noon time in his bedroom. He indicated that he has personally called the 76 station at least three times and complained about the upkeep and maintenance of the existing business. He noted that if this is any example of what they are to expect with the new business, then it really does not speak highly of what is there.

Mr. Piazza indicated that many times, more than half of the pumps for the last two and a half years have been out of order with plastic bags on them. He further indicated that he called Union 76 and complained because the operators of this gas station say that they do not know anything about it. He stated that this business is also noisy, and because it already generates a lot of trash and is an annoyance as it is, he cannot imagine a 24/7 convenience store there with the traffic that it will generate above the traffic level that is already there.

Mr. Grayson expressed his appreciation for all the comments and admitted that they obviously did not do their due diligence on the neighborhood outreach. He stated that he expected the corridors would serve as buffers and did not expect to receive such a concern, given the 125 feet between the station and any residences. He noted that there are only eight residences, and most of them are well outside of that 125 feet.

Mr. Grayson stated that he is also a small business owner also, as is Mr. Liu, and it is natural for any small business to want to increase its business. He indicated that he wanted to address some of the concerns that were raised. He stated that the 24-hour operation appears to be a major concern. He noted that 100 percent of the gas stations in Pleasanton right now are 24-hour operations; however, that they are amenable to looking at a different timeframe. He added that they would also be amenable to installing walls along the side to mitigate the appearance and to diffusing the lighting anywhere necessary.

With respect to the remediation program, Mr. Grayson stated that Chevron does not have to remediate; it can sit on this matter for as long as it can get the Water Board to sit on it, and that is what Chevron is actually doing. He noted that the proposed project presented a great opportunity, and Chevron jumped on that opportunity to remediate that site as quickly as possible. He added that Chevron's mode of operation is to wait as long as possible because it spends millions and millions of dollars cleaning up sites. He noted that this site has already had over \$4 million spent in remediation, and

Chevron is very interested in getting it cleaned up. He added that Chevron does not want to be put back five to six years.

Regarding parking, Mr. Grayson stated that the gas station has the potential for 12 potential stalls. He indicated that they have studies showing that 53 percent of the people who pull in and stop at the stalls go into the convenient store, which means that 12 stalls, give or take, could be used. He stated that he understands they are pushing it and need a variance at this facility, but they also understand that there is a potential that 53 percent of the people will stop and do what they always do.

Mr. Grayson stated that the reason they would have a police network there is specifically because the bottom line is that people knowing the police will be there is a crime deterrent. He indicated that he has been in many hearings in Oakland, and this is a big deterrent, and 7-Eleven can basically guarantee that.

Mr. Grayson reiterated that they had Planning support up until December 4, 2012 and have spent \$80,000 on this project. He admitted that they did not do their due diligence as they should have with respect to the community outreach, and that they did not expect the neighborhood's reaction. He requested that Commission to do an honest and sincere review of the proposal.

Acting Chair Blank stated that before the Commission takes a break, he would like to comment to both the public and the applicant that there is absolutely nothing the Commission can do about the name 7-Eleven. He added that those among the public who have been in the community know that the City has had other lightening-rod names come down. He noted that the number of mitigations being asked for are significant and advised the applicant that it may be appropriate to consult with staff during the break to see if they would like to resubmit this at a later date just as one possible move-forward strategy.

Acting Chair Blank then called for a break at 9:00 p.m. and thereafter reconvened the regular meeting at 9:17 p.m.

Acting Chair Blank stated that there was some discussion between the applicant and staff and informed the applicant that there are two options he would like the applicant to consider: (1) proceed with a Commission vote, or (2) request a continuance to a later date to give the applicant the opportunity to receive public input and make whatever changes that may or may not result from that input to the plan.

Mr. Grayson replied that they would not want a vote tonight and would prefer to do some outreach and reconvene with staff, and then come back before the Commission at some future time.

Acting Chair Blank directed that the record show that the applicant has requested continuance of this item, to be brought back to the Planning Commission at some later date and work with staff to schedule appropriately.

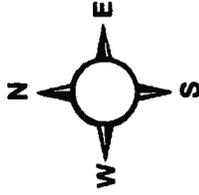
P12-0556/P12-0557/P12-17

City of Pleasanton

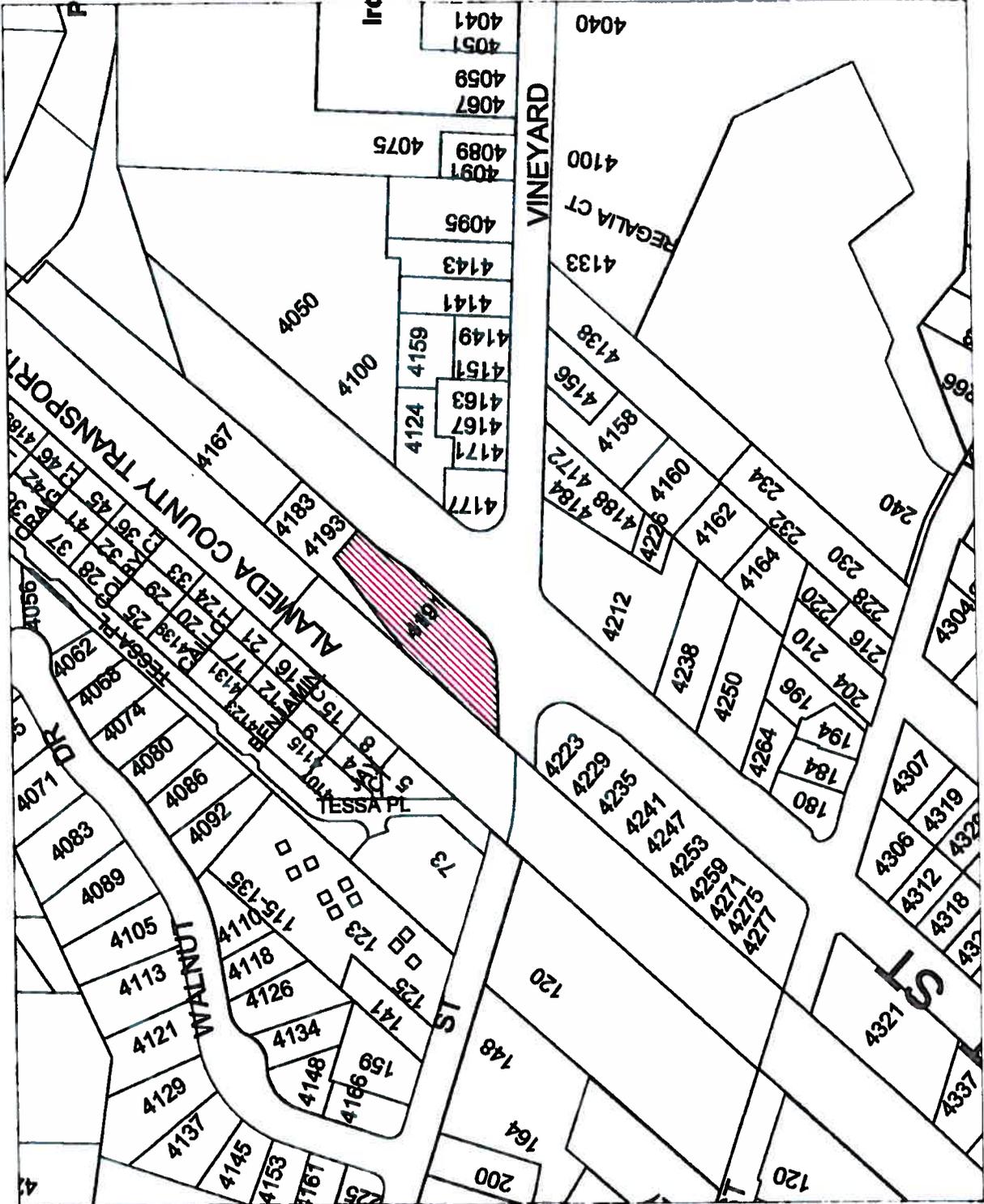
GIS

Department

Ironhorse Devt/4191 1st St



Printed 12/7/2012



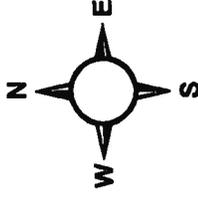
P12-0556/P12-0557/P12-17

City of Pleasanton

GIS

Department

Ironhorse Dev/4191 1st S



Printed 12/7/2012

