

P13-0336, Michael Roseberry

Work Session to review and receive comments on a Preliminary Review application to: (1) replace the existing auto service use with a 24-hour 7-Eleven convenience market and a drive-through carwash; (2) add approximately 700-square feet to the existing building; and (3) modify the existing site improvements at the existing Valero service station located at 3192 Santa Rita Road. Zoning for the property is C-N (Neighborhood Commercial) District.

Jenny Soo presented the staff report and briefly described the scope, layout, and key elements of the proposal.

Ms. Soo informed the Commission that staff is striking out Discussion Point No. 3 regarding on-site parking. She explained that the California Fire Code states that a self-serve gas station that meets the parking requirements is not required to have any attendants on-site. She noted that the proposed application meets the required parking, and, therefore, no parking spaces would be required for the gas station.

Commissioner Ritter asked for typical examples of other commercial buildings in a C-N (Neighborhood Commercial) Zoning District in Pleasanton that might be a gas station or car repair shop.

Ms. Soo replied that gas stations are allowed in a C-N District. She added that it would also be typical to see a restaurant or a retail business that fits into a residential neighborhood, such as a stationary store, a hair salon, a music instrument shop, or a dry cleaner. She noted that these stores would not be open for 24 hours.

Ms. Stern asked Commissioner Ritter to clarify if what he is asking is whether there were other gas stations in C-N Districts in the City.

Commissioner Ritter said yes and inquired if the Shell Service Station on West Las Positas Boulevard and Hopyard Road is located in a C-N District.

Ms. Soo stated that the gas station on Santa Rita Road and Valley Avenue by Safeway might be in a C-N District.

Ms. Stern agreed and indicated that staff can provide additional information on the matter.

Commissioner O'Connor inquired if there are other Neighborhood Commercial sites that have actually been rezoned for a similar use, such as a carwash or a 24-hour convenience market or alcoholic beverage sales.

Ms. Stern replied that she does not remember that happening within the last several years.

Commissioner Posson requested verification from staff that there are no other service stations in the City with convenience stores that sell alcohol.

Ms. Soo replied that there are existing service stations that sell alcohol but they are pretty much in the PUD zoning district. She added that the Zoning Code does not allow the sale of alcoholic beverage in conjunction with a service station in a straight-zoned district.

Commissioner Posson inquired if there are similar establishments in Pleasanton.

Ms. Soo said yes.

Commissioner Allen stated that her understanding of the definition of the C-N District is not only that it should serve the local residents but also that anything that is developed needs to have a minimal impact on that neighborhood. She asked staff to verify that she understood it correctly.

Ms. Soo replied that was correct. She noted that the staff report includes a table on page 9 which lists the purposes of the various zoning districts.

THE PUBLIC HEARING WAS OPENED.

Brad Hirst, representing Mike Roseberry, Applicant, stated as a point of clarification that they had submitted to staff a survey of the gasoline/24-hour/ parking/convenience stores, and there are nine other service stations with various zonings. He added that they did not check to see if any or all of them are in the C-N District but that he is sure the ones on Hopyard Road and Valley Avenue and on Bernal Avenue near Stanley Boulevard are in the C-N District.

Mr. Hirst stated that the project has been an existing gasoline and automotive service facility for 41 years and that the existing station was rebuilt in 1989. He indicated that Mike Roseberry is the dealer and has been in business, running the automotive service, for 13 years and the gasoline and snack shop operation for the last eight years. He noted that the proposed business will have the same property owner, the same dealer, and the same businessman who has proven to be established and has operated a successful business at that location for a number of years.

Mr. Hirst stated that Mr. Roseberry will be the convenience store operator. He indicated that it is kind of popular to beat up on 7-Eleven or any other corporation, and he wanted to make it clear that this is not a 7-Eleven corporate store; that Mr. Roseberry is the owner and operator and 7-Eleven is the supplier; and Mr. Roseberry does have a supply agreement with 7-Eleven. Mr. Hirst explained that the purpose of his modernization and upgrade is to increase the sales to each customer. He noted that in this day and age, automotive service has become more and more technical; it is becoming difficult to hire qualified people, and remuneration that he can afford is no longer profitable. He added that by converting to a convenience store and carwash, Mr. Roseberry's goal is to increase the sales, increase the ticket size to each of the existing customers. He indicated that they are expecting only a three- to five-percent increase in the number of customers coming into the station. He explained that it is sort of a defensive maneuver where Mr. Roseberry will be offering two services: a 24-hour convenience store and carwash that do not now exist at a

major intersection. He noted that the intersection has 42,000 cars going through it daily and that it is more than just a neighborhood.

Mr. Hirst stated that they have done quite a bit of outreach over the last several months. He noted that they have started a support petition on-site, and the 125 to 135 customers who have signed it are now asking when this is going to happen. He stated that he asked Mr. Roseberry why they got only 125 to 130 people, and the answer was that at this point, most people buy their gasoline with their credit card outside and do not come into the store. He indicated that they are trying to get them into the store. He noted that most of those who come into the store are those who come in the early mornings between 5:00 a.m. and 8:00 a.m., such as construction workers who buy things in the convenience store.

Mr. Hirst stated that he has talked to every single merchant in the two adjoining shopping centers, and not one has objected; in fact, most of them liked it because they know that this store will have better coffee than they get. He indicated that he has knocked on about 200 doors in the immediate neighborhood and that they had supplied them with a letter, a site plan, and a simulation of the interior of the store. He added that he has given Ms. Soo a copy of the letter and a map of the doors. He noted that of the 200, they found about 100 people at home, two of whom asked about the 24-hour operation. He indicated that they now have more people who have commented since.

With respect to parking, Mr. Hirst stated that they have 17 parking stalls on site. He indicated that staff initially was not going to give them credit for the 12 spaces at the pump island, but the survey that they submitted shows that of the 13 stores in Pleasanton in a similar operation, only three have more parking than is proposed for this property; and if the 12 at the pump island are allowed, only two exceed that. He stated that he does not believe parking is going to be an issue in any way.

Mr. Hirst stated that the carwash hours will be from 7:00 a.m. to 10:00 p.m. He indicated that he knows they could open earlier and do more commercial business, but they are trying to be respectful of the neighbors on West Las Positas Blvd. that are located 250 feet north of the carwash. He indicated that the noise emitted will be minimal at the entrance to the carwash on the north side and will be louder on the south end where the blower to dry the cars is located. He noted that the sound study that they submitted shows that the decibel level at the residence, both at West Las Positas Blvd. and Santa Rita Road, is below that allowed by the City ordinance. He indicated that it exceeds it a little bit to the south, but the people at Pacific Dental Care are all for the increased business, the carwash, and the longer hours.

Mr. Hirst stated that they are gradually and consistently reducing their energy consumption over the last several years. He noted that the new facility will have LED lights and that Mr. Roseberry is trying to finalize a solar program for all four stations.

Mr. Hirst stated that they can certainly understand and empathize with anyone's concern over security, loss prevention, and crime, as they are directly impacted even more than anybody living there. He noted that in addition to the inconvenience caused by crime, they

are concerned with employee safety, with loss of inventory, and loss of cash. He indicated that the cash register will never have more than \$50 at a time in it; every ten minutes, there will be a drop of \$20 bills into a safe that cannot be opened by an employee. He added that there will be a minimum of two people on duty throughout the night at all times, and there will be at least three and sometimes as many as six people during the day. He pointed out that the recent robbery at Wells Fargo Bank and other robberies all happened in broad daylight. He noted that nobody wants crime; it can happen anywhere at any time, and he thinks anybody would be hard pressed to believe that this operation is going to attract any crime. He further noted that there was a recent burglary, the first one in eight years, and the culprits were caught on camera, both in the exterior before they put on their masks, and the interior when they did have the mask; the police do have that film and are proceeding with the case.

Mr. Hirst stated that the beer doors will be locked at 11:00 p.m., a security measure to prevent "grab and go's." He noted that if anyone wanted to buy a beer between 11:00 p.m. and 2:00 a.m., an employee will have to unlock the refrigerator door and then lock it again. He added that signs and decals will be firmly displayed indicating cameras. He stated that there are currently nine cameras functioning on-site and that after the conversion, there will be 18 to 20 cameras functioning on-site, both interior and exterior. He indicated that no alcohol sales to anyone under 21 years will be allowed obviously, and decals will be posted.

Mr. Hirst stated that there have been zero robberies at the property since 2009, there has been one burglary that happened last week that he mentioned earlier, and there have been zero grand thefts. He indicated that they have submitted police reports to the staff which show that at the Valero Station on Santa Rita Road and Valley Avenue, which Mr. Roseberry also owns, there have been zero burglaries since 2009 except for the one last week, and zero grand thefts. He continued that the 7-Eleven store on Hopyard Road near West Las Positas Blvd. had one burglary in 2010 and zero grand thefts; the 7-Eleven on Valley Avenue near Santa Rita Road had one robbery last week, the first since before 2009, and one grand theft in 2011; the 24-hour Chevron station on Santa Rita Road and Valley Avenue had zero burglaries and one grand theft in 2012; the Chevron station on Valley Avenue and Bernal Avenue had one burglary in 2011 and zero grand thefts; and the Shell station on I-580 and Hopyard Road had one burglary in 2010 and zero grand thefts. He stated that he thinks the Pleasanton Police Department is not only doing a good job but their official reports indicate that crime is really not an issue at these types of businesses.

Mr. Hirst stated that Fire Station 3 reports that 15 percent of its total service calls are between 10:00 p.m. and 5:00 a.m., a total of 170 in the past years. He noted that Valley Care Emergency Room reports that in a year, it has had 5,824 service visits between the hours of 10:00 p.m. and 5:00 a.m.; 511, or 17 per night, in June. He commented that this location is a 24-hour corner, the police route to Interstate 580.

Commissioner O'Connor noted Mr. Hirst's comment that it is important to be open at 5:00 a.m. as this is a big selling claim in the morning for that great coffee they have there.

He further noted the neighbors' letters expressing concerned for the 24-hour operation. He asked Mr. Hirst to comment on the late night, between 11:00 p.m. and 5:00 a.m.

Mr. Hirst replied that they are projecting ten percent of the total volume, which is expected to be between \$1.3 million and \$1.6 million per year. He noted that this is not a tiny, tiny operation, and at \$1.5 million, that amounts to \$150,000 per year between 10:00 p.m. and 5:00 a.m. He explained that one of the things that happens is when those construction workers come in the early morning, and there can be anywhere from three to six people in a vehicle, they buy not only coffee, but also the five-hour energy drinks and the Redbull. He noted that this is a big factor, in addition to the tons of coffee that they sell.

Commissioner Ritter inquired if there is anything the applicant is doing to give back to the community, such as supporting the neighborhoods or the schools with any of this PUD.

Mr. Hirst replied that he has done some support, although it has not been a major thing, but it can be done.

Referring to Mr. Hirst's statement that only two people of the neighbors' doors they knocked on mentioned the 24-hour operation, Chair Pearce asked Mr. Hirst if that might be due to the fact that there was no mention of the proposal for a 24-hour operation in their letter.

Mr. Hirst replied that it could have been but that 24 hours is really not a big deal. He noted that H&R Block is open 24 hours during the tax season, and Macy's and the big department stores are now open 24 hours during Thanksgiving. He added that there was a 24-hour convenience market and gasoline station in Farmington.

Sharon Piekarski stated that she has a number of objections but will limit her comments to traffic issues that she sees could happen here. She indicated that she finds it hard to believe there will not be a significant increase in traffic. She noted that when they are trying to sell coffee and \$2 slurpees, there should be a lot of foot traffic through there in order to cover their costs and have a profit. She indicated that as was mentioned earlier, there are only three driveways to this property: on Santa Rita Road and one on West Las Positas Blvd. She noted that people entering from the north going southbound through the pumps and through the carwash would logically be exiting from the south end. She continued that exiting from there onto a very busy Santa Rita Road, with 42,000 cars going through this intersection a day, and continuing north to the freeway, vehicles will have to go across three lanes of traffic and get into a left-hand turn lane. She indicated that this is the least of her concerns and that it is doable and similar to other intersections in town.

Ms. Piekarski stated that those coming in from the south driveway and going north through the pumps, or those parked for the convenience store, would logically exit on the northern one on Santa Rita Road and the West Las Positas Blvd. exit. She indicated that she measured the northern Santa Rita Road exit, and it is 32 feet from the crosswalk, which is about two car lengths. She noted that there are either traffic going at least 45 miles per hour through a green light or people backed up at the stoplight. She stated that she has observed that people pull out onto the right-hand turn lane, thus blocking the lane for those

trying to get into the traffic going north on Santa Rita Road. She indicated that it is her opinion that this exit should be blocked and that cars should exit on West Las Positas Blvd.

Ms. Piekarski stated that she is most concerned about those exiting from the Valero station onto West Las Positas Blvd., which is a divided street; cars will have to turn right and make a U-Turn at Fairlands Drive, approximately 300 feet from Santa Rita Road. She noted that this is a very short distance, with two lanes of traffic moving eastbound across Santa Rita Road on West Las Positas Blvd., two left-hand turn lanes on southbound Santa Rita Road going east on West Las Positas Blvd. where cars must start to merge into a single lane immediately after they clear that intersection. She noted that one of the merge arrows is directly in front of the exit of the Valero station. She continued that in addition to the people exiting the Valero station and the possible future 7-Eleven, there will be people leaving the shopping area. She indicated that she observed for ten minutes a couple of days ago and saw 18 cars leave that driveway, 72 percent of which made a left turn. She added that there is also traffic coming from the neighborhood, a large neighborhood, where West Las Positas Blvd. is a major way to get to other parts of the City. She further added that Fairlands Drive right there is the main exit for all the people living along Fairlands and Churchill Drives and all the cul-de-sacs that enter into those streets, and there are no traffic signals there; the only traffic control is the stop sign at Fairlands Drive. She noted that she avoids this intersection during busy times of the day, and it will become even busier than it already is.

Ms. Piekarski stated that one other issue is Fairlands Elementary School, which is only about a block to the east. She indicated that this school serves residents in the townhomes and the apartments on the west side of Santa Rita Road, and many of those elementary students walk to and from school. She noted that they cannot walk on the north side of West Las Positas Blvd. and cross Santa Rita Road because there is no crosswalk there in order to facilitate traffic leaving Hacienda Business Park. She stated that what these children typically do is cross West Las Positas Blvd. where there is a stop sign and crossing guards, then walk on the south side of West Las Positas Blvd. toward Santa Rita Road. She noted that they will have to cross two residential streets, this exit from the shopping center, and the exit at this proposed 7-Eleven before they can get to Santa Rita Road and cross the street. She stated that she believes a significant increase in traffic causes a danger to these young children as well as to the residents who live in the area. She indicated that she strongly opposes this proposal and hopes that the Commission will reject the proposed 7-Eleven.

Tiffany Driscoll stated that she has lived in the neighborhood directly behind the shopping center and the gas station since 1975 and is very aware of the original property agreement for that premises. She indicated that she knew there was a rebuild to the gas station in 1989 and that she believes they either wanted to sell liquor or go 24 hours at that time, but were not allowed to do either. She stated that it seems to her that Roseberry is a corporation and not a mom-and-pop store that the gas station used to be that represented their neighborhood of Pleasanton Meadows. She added that it seems that Mr. Hirst is only an investor and does not take the interest of Pleasanton residents into consideration. She noted that it was mentioned that the notice that was passed out to the neighborhood went

to 200 residences. She indicated that she received the notice, but people she talked to around the neighborhood did not receive notices or there were sporadic notices. She added that the notices failed to notify the neighborhood that they intended to put in a 24-hour store, which would be an amendment to the original agreement.

Ms. Driscoll stated that having a 7-eleven store at the entrance to a neighborhood is rather tacky and that she does not think that is the image that Pleasanton is trying to portray. She noted that there was a 7-Eleven also proposed for a gas station on First Street, and that proposal was turned down. She indicated that she was sure that had everything to do with property values of the Heritage neighborhood that was very close to there. She added that if that was rejected in the Heritage neighborhood, she believes it should be the same all the way across the board in Pleasanton and not just where the older Heritage homes are.

Ms. Driscoll stated that entering into Pleasanton off of I-580 coming in on Santa Rita Road has no welcome to Pleasanton; there is no quaint little Main Street image that everyone loves so much. She noted that they are the actual first neighborhood that is encountered coming into Pleasanton from that side, and they just do not feel that having a 7-Eleven at the entrance to their neighborhood is a very appealing way for visitors of the wine country hoping to get to Pleasanton Main Street. She stated that they are a quiet neighborhood, full of small children and a lot of homes with seniors and people who have lived there since the 1970's who have chosen to retire there; and these people do not want a 7-Eleven.

Ms. Driscoll stated that carwashes are loud and that Mr. Hirst mentioned they want to start the carwash at 7:00 a.m. She stated that there is a noise ordinance in this City that she thinks does not allow loud noises until 8:30 in the morning, Monday through Friday, or 9:00 a.m. on weekends. She noted that they are a nice, quiet neighborhood, and the carwash is not something they want to hear at 7:00 in the morning, especially on a weekend.

Ms. Driscoll stated that it was mentioned that the 7-Eleven on Valley Avenue and Santa Rita Road was robbed recently for the first time since before 2012. She indicated that that is twice in 17 months and that the robbery did take place at 3:00 a.m. in the morning. She noted that on numerous occasions, the Pleasanton Meadows Shopping Center has encountered burglars during business hours, and twice she has personally chased burglars down her street, on the phone to the police, because they have robbed either the Chinese restaurant or the cleaners or one of the pizza places behind her house.

Ms. Driscoll stated that they have had a lot of experience from living in the area from the 1970's. She indicated that back in the day for about 30 years, anybody who got out of Santa Rita Jail would walk towards Downtown Pleasanton because they were looking for a bus stop. She noted that they still have people that come from Santa Rita Jail towards the center of Pleasanton where they will likely find a bus stop. She added that they would not a 24-hour location where people are dropping off or picking up people that may have just stumbled out of Santa Rita Jail.

Lastly, Ms. Driscoll stated that there is an elementary school very, very close to this location. She noted that the traffic coming from two lanes down to one coming down West Las Positas Blvd. is already a nightmare. She indicated that it will not work if that is going to be the main exit.

Maurice Turner stated that he has lived in the area for a number of years. He indicated that he takes an early morning walk around the area most days and sees all these children going to school, a lot of them with parents but some without parents. He indicated that the Santa Rita Road and West Las Positas Blvd. intersection is really busy with traffic every day, with people coming out of Pleasanton Meadows and people coming along Santa Rita Road for all sorts of reasons, some cutting off the big bend on I-680 and I-580. He stated that this is one of his concerns and endorsed everything that the two previous speakers have.

Mr. Turner stated that he remembers a few years ago when the gasoline station was cut in at the Pimlico Drive and Santa Rita Road, the people wanted to sell alcohol, and there was a big furor about no alcohol sales near the freeway and there are enough accidents on the freeway. He recalled that someone came up and said that Long's Drugs was selling alcohol; however, Long's Drugs closes at 9:00 p.m. and does not sell it really late at night. He indicated that most accidents that happen are because people are buying alcohol late at night, and this is not good for anyone, neither for those who buy them or for those on the road, walking or driving.

Mr. Hirst expressed his appreciation for the people who came down and added that starting next week, he will reach out individually to all those who spoke, who sent in emails, and who called Ms. Soo.

Mr. Hirst stated that most of the objections that were stated by the three speakers are for conditions that already exist. He indicated that the children walk to school now; they do not walk on the north side of West Las Positas Blvd. because there is no crosswalk on the north side of the intersection. He noted that the children walk on the south side of Las Positas because there is a crosswalk. He pointed out that some of those children are customers of this business because this business sells candy and children buy candy. He noted that children buy candy across from Hap's off of Main Street, particularly on Friday afternoons, and that does not seem to be a major problem.

Mr. Hirst stated that the ingress and egress traffic issues that were alluded to have been the ingress and egress for 41 years. He added that the stop signs have been there; maybe a couple of ones on West Las Positas Blvd. have not been there for 41 years, but they have been there for as long as he could remember.

With respect to the traffic accidents in that vicinity, Mr. Hirst stated that the record speaks for itself, and he asked the Commission to inquire of the City's Police Department if those are traffic accidents. He agreed that Fairlands School is within a short distance, a long block, and stated that he went to the Principal's Office at Fairlands Elementary twice, left a letter with the Principal and received no comment from the Principal at all. He noted that

he did reach out to the neighborhood behind the service station, and he stated unequivocally that he left a letter or spoke to every single resident there. He also stated unequivocally that he is more than a little offended that somebody would say that he does not have the interest of this community, noting that that what he has been doing for 45 years speaks for itself and that he does not intend to even acknowledge that any further.

Mr. Hirst acknowledged that there was a 7-Eleven application on First Street which was withdrawn, and another convenience store operation has been approved at that location. He noted that there is alcohol being sold near the freeway now; the Shell Station at Hopyard Road and I-580 sells beer and wine. He noted that it is pretty easy to buy beer anywhere and get on the freeway and that beer sales and freeway access is no big deal. He stated that he happened to walk through the new Walmart store one day just to look. and he saw some young people loading up all their beer. He stated that he asked what they were doing, and they said they were going camping at Yosemite. He noted that at his count, they had eighteen 30-packs of beer, and they were getting on the freeway to drive to Yosemite.

Commissioner Posson disclosed that he met with Mr. Hirst, who briefed him on the project. He noted that he heard a number of comments from the community objecting to the proposal and asked Mr. Hirst why he feels this is good for the community.

Mr. Hirst replied that first of all, as he has mentioned, this is a defensive business maneuver because the automobile service business is no longer profitable, and they are projecting that this is going to be profitable. He noted that it is going to be good for the community because it will offer some services in that neighborhood that do not yet exist, such as the convenience store and the carwash. He added that it will provide services for an intersection that now has 42,000 cars a day going through it every day.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Allen noted that Mr. Hirst mentioned a noise study, but none is included in the staff report. She indicated that understanding noise is certainly a prerequisite to a carwash proposal and inquired what the status of that study is.

Ms. Soo replied that a noise study was prepared but it does not conform to the noise ordinance requirement. She indicated that it needs to be revised, and the final noise study will be included in the staff report when the item comes back to the Commission as an official application.

Commissioner Allen confirmed with staff that the Commission will not know the noise impact tonight.

Commissioner O'Connor noted that the list of police call outs states that it is for 3192 Santa Rita Road and surrounding area. He inquired how far out this goes.

Ms. Stern replied that it was for the two shopping centers: Santa Rita Square, the shopping center immediately surrounding the gas station, and Pleasanton Meadows Shopping Center, the shopping center where the new WalMart Neighborhood Market is located.

Commissioner O'Connor confirmed with staff that it would not include any call outs to any of the residential areas behind or across the street from the project site.

Ms. Stern replied that that was correct; it would not include those areas.

Commissioner Posson noted that there are a lot of data on the report regarding the police response, but he did not see that pulled together with any statement or conclusion being reached. He indicated that when the application comes back, it would be helpful to have either the applicant or staff pull the data together and indicate what the conclusions are.

Commissioner Ritter noted that WalMart closes at 11:00 p.m. and inquired if there are many places in Pleasanton that sell alcohol after 11:00 p.m. and if any of the convenience stores operate and sell alcohol after 11:00 p.m.

Ms. Stern replied that Exhibit B of the staff report includes a list of places that sell beer and wine and if they are open 24 hours, which assumes that those places also sell alcohol during those hours and that they can do so up to 2:00 a.m. and after 6:00 a.m.

Commissioner Ritter inquired if beer and wine would include hard liquor as well.

Ms. Stern replied that she does not know what every license allows but that staff can get that information for the Commission.

Chair Pearce reminded the audience that this is a Work Session to provide feedback to staff and the applicant, and the Commission will not be making a decision on this project tonight. She then indicated that the Commission will now go through the Discussion Points.

Discussion Points No. 1 and No. 2 were considered together.

- 1. *Would it be appropriate to rezone the site from the current C-N District to a PUD-C (Planned Unit Development – Commercial) District in order to allow a 24-hour convenience market with the sale of alcoholic beverages and a drive-through carwash in conjunction with the existing gas station?***
- 2. *Would a 24-hour operation for the convenience market and a 7:00 a.m. – 10:00 p.m. operation for the drive-through carwash be appropriate for this location?***

Commissioner Ritter stated that when he looks at the existing building, he sees that something has to change with it. He indicated that he is not sure what it is, and that is the reason why he was asking what other uses are for a C-N District. He noted that this is a prime location, and a convenience market is all about convenience nowadays and it

makes good sense. He indicated that his concern is more with alcohol being sold after 11:00 p.m. and agreed that nothing good comes from somebody buying alcohol after 11:00 p.m. With regard to the carwash, he noted that the applicant is thinking of having the dryer on the south side with the nearest neighbor being 200 feet away. He agreed with the comments that the dryer is pretty loud and it might be of concern as long as it is on the residential side.

Ms. Stern stated that she was not sure if the nearest neighbor on the south side was 200 feet away. She indicated that she believes the applicant was saying that they were looking at Weymouth Court, but she does not know if it is closer across the other side of the street. She stated that staff can certainly calculate that.

Commissioner O'Connor disclosed that he also met with Mr. Hirst and went over the property. He stated that when he first looked at the property, located at a major commercial intersection with as many cars as go through there today, his first take was that he really did think this was appropriate. He indicated that he did not expect to see so much opposition in the way of letters and showing up here tonight. He added that he was not aware at the time that he visited the site that there was actually residential close to the site. He noted that he realized there is a little bit in the back and then it opens up beyond the school; and on the opposite side of the street were apartment buildings and maybe condominiums and townhomes.

Commissioner O'Connor indicated that he, too, is more concerned with alcohol being sold until 2:00 a.m. He stated that he reads the police blotter every week and it seems like there is a lot of activity that happens between midnight and 2:30 a.m. He noted that there are neighborhoods here that have been here for a long time. He further noted that this gas station needs an update: it is looking old and tired and needs a facelift. He added that there is currently a convenience store located inside as small as it is, and the number of sales he got from Mr. Hirst is pretty high for such a small space. He stated that he can see the desire to make this bigger, and he knows it would be profitable. He added, however, that he is having second thoughts about the 24-hour operations and is questioning how much can be gained by staying open beyond 11:00 p.m. until the 5:00 a.m. rush for coffee.

Commissioner Posson stated that as far as the rezoning, he thinks that if the Commission does find this to be an acceptable proposal, then moving to a PUD seems consistent with the adjacent shopping center. With respect to the 24-hour convenience store, he noted that there are other operations within the City that are very similar to this 24-hour operation; however, there would be more discussion about the hours of the sale of alcohol. Regarding the drive-through carwash, he stated that he would be interested in the hours of operation for Pleasanton Carwash located right up on Pimlico Drive, as there are residences in that same area right across the street, so that would provide the Commission with good information. He added that the noise study would also give the Commission more information on what impacts the carwash might have.

Commissioner Allen noted that the goal of the current C-N zoning is to serve the local community and do it in a way that minimizes any adverse impacts on the local community. She further noted that she was also surprised about how residential this area really was. She indicated that she actually walked on three of the streets and talked to 15 residents who were in the park, by the school, and on the streets. She noted that it really is a residential neighborhood, quiet, low key, and a lot of children around. She stated that she heard the same thing of the 15 residents she talked to: 14 of them were absolutely opposed to this project; several did not know it was a 24-hour operation; a couple of them said that what they thought when they first got the applicant's letter was that "7-Eleven" meant it was open from 7:00 a.m. to 11:00 p.m.

Commissioner Allen stated that she was concerned about alcohol sales, the hours of operation, and a little bit of the loitering aspect that can happen. She noted that she cannot even comment on the carwash until she sees a noise study. She indicated that she did go to Pleasanton Carwash on Pimlico Drive a couple days ago, drove her car through it, and listened to other cars drive through it. She stated that she went on both sides of the blowers, the front and the back sides, and she was about 200 feet, almost on the street side in one case, and was at the end of the shopping center by some of the stores in the other case. She noted that she could clearly hear the blower from both sides and was surprised that there was not that much of a difference. She stated that maybe new technology has blowers that are not nearly as loud, and she would be interested in what the noise study says.

Commissioner Allen stated that the next question she had was whether these fears are really justified. She noted that crime is crime but questioned if they are justified. She added that she looked at the OSHA report that actually has a list of highest risk establishments, and it lists gas stations, liquor stores, and convenience stores as three of the top five high-risk establishments, actually, twice as risky as late night bars. She noted that those are national statistics and that they would certainly be better in Pleasanton.

Finally, Commissioner Allen stated that she looked at what benefit the City is getting from this business. She noted that the applicant had shared that there is not a big tax impact because food is not taxed. She continued that she then looked at the survey that was in the staff report that was discussed earlier and had all the different locations and the crime reports. She indicated that she looked at the crime incidents a little differently than the applicant did, looking for total incidents that were occurring at these operations that were cited as somewhat comparable. She stated that she took the total incidents and averaged them, including the applicant's location, and it averaged around eight incidents per month, which is close to 100 per year. She indicated that she does not know what 100 incidents per year for the Police Department costs, but if it is, say, \$1,000, which amount could be way off, that would be \$ 100,000 per year in City costs. She indicated that this concerns her too.

In summary, Commissioner Allen stated that she does not feel like this is the right fit for this neighborhood. She indicated, however, that it does leave the question of what

should be done to make this more vital. She emphasized that she does think other things need to be looked at and that she is concerned about this for this neighborhood.

Chair Pearce stated that she agrees in part with what Commissioner Allen said. She indicated that she looked at the zoning, and it talks about minimizing adverse impacts on adjoining residential uses; and given the concern of the neighborhood, it raises some red flags for her. She noted that the Planning Commission has dealt with this a number of different ways: there have been 24-hour requests that the Commission has denied, and there have been requests that the Commission has modified. She added that she wants to be sensitive to the neighbors and their concerns because this is a big jump, but she also wants to know if there is a way to have less hours and not go 24-hours right away; have more hours than they have if there is a concern, but pare it down to serve alcohol at earlier times. She indicated that she does not want to say all the way yes, and she does not want to say all the way no either. She stated that there may be a way, in conversations that Mr. Hirst is going to have with the neighbors, to find a middle ground where everyone is a little bit happy and try it for a while. She noted that there have been some situations in the past where the Commission has allowed a business to do something for a while, and then, if the Commission's concern was crime, ask for Police Reports to come back in a year or six months, see what this looks like and what the neighbors' concerns are.

Chair Pearce also agreed with Commission Allen that she would like to see a noise study on the carwash. She stated that a carwash would obviously have to comply with the Noise Ordinance and the Municipal Code, but she is interested in seeing what the decibels are for something like that, especially since the proposal is to start at 7:00 a.m. and to go until 10:00 p.m. She noted the concern with the 7:00 a.m. start time, but she is concerned with the 10:00 p.m., given that this is a neighborhood full of children.

Chair Pearce concluded that she understood the desire to upgrade this facility, and she would love to see if there is a way to do that while taking into account the neighborhood concerns.

3. *Would it be acceptable to provide a total of 17 on-site parking spaces where a total of 18 on-site parking spaces would be required based on PMC?*

Chair Pearce noted that Discussion Point No. 3 does not need to be considered.

Discussion Points No. 4 and No. 5 were considered together.

4. *Are the proposed site plan, circulation, and parking layout acceptable?*

5. *Is the proposed building design acceptable?*

Commissioner Allen stated that she thinks traffic is challenging here not matter how it is dealt with, and she does not have any idea for improving circulation. She indicated that the parking layout seemed fine to her. She noted that the biggest question she has in

relation to the carwash is whether it is better to place it at the front of the building close to the residents who are right across West Las Positas Blvd., or in the back. She stated that she does not know about carwashes, what the design is and where the interior cleaning is placed, where the money is put in and cleaning the inside of the car. She added that what she is really looking for when this comes back to the Commission is some real expert design guidance specific to carwashes and noise and how to maximize it while minimizing the noise. She noted that in reading through and googling about carwashes and the issues that come up in communities, it sounds like there are certain types of blowers that are much better than others in terms of noise and that some carwashes actually had to get insulated and have wood barriers around them.

Regarding the building design, Commissioner Allen noted that one of the letters received by staff mentioned that the building design did not really fit the character of that shopping center. She stated that when she looks at that shopping center, she comes away with the question of whether it does have a character. She indicated that it is hard to nail, but she thinks that to the degree that there is a character, the orange and the higher building height in one area did not seem to fit there; however, she does not know if there is a way to make it better. She added that she would like the building design to be looked at a little more to see if it could complement the shopping center a little more.

Commissioner Posson stated that he is generally fine with the site plan. Regarding circulation, he indicated that he frankly does not know how much can be done with that intersection. He noted that he understands what the residents were saying about the egress from that area, but he does not know how much of the traffic is contributed from the shopping center and how much from the gas station. He stated that Mr. Hirst had mentioned that it would be a three- to four-percent increase in volume and inquired what that really means in relation to that intersection.

As it relates to the building design, Commissioner Posson stated that he would like to see a little bit more from the applicant on what they are doing in the area of energy efficiency. He noted that there were some residents who were talking about building heights in relation to other buildings in the area. He added that he would like to see what types of heights are being dealt with and would like to see a comparison with the heights of the fire station, the apartment buildings, and the shopping center to get a sense of that intersection.

Commissioner O'Connor stated that he did not really look that closely at the color scheme of the new WalMart Neighborhood Market, but thinks that because this is such a small area, anything that is done here will improve the teal that is there now. He indicated that he thinks it would be good if this small piece on the corner would blend with the larger shopping center next door. He noted that the biggest concern here is going to be circulation, and if it is really only a three-, four-, or five-percent increase in traffic volume, he does not see it as a much larger impact than what is already there. He further noted that this is a very busy intersection, and it has been there for a long time. He indicated that he would like to improve it, but he does not know if that is within the Commission's purview.

Commissioner O'Connor stated that, assuming the carwash does actually meet the sound study and the City's Code, he thinks the way it has been proposed is going in the right direction because exiting on the south side of the building brings the traffic closer to that southernmost driveway, and that is the easiest driveway to go out for multiple options such as making a left on West Las Positas Blvd. or going north on Santa Rita Road. He agreed that the sound study is needed before any decision can be made.

Commissioner Ritter noted that everyone said pretty much everything. He stated that one thing he does like is the trees that they have around the carwash that might be helping with the noise factor. As far as the circulation and flow, he stated that it is going to be way better than the gas station at Bernal Avenue and I-680. He noted that this really beautify that corner as it needs an upgrade of some sort, without the teal, as others have said. He indicated that one thing he would caution on the entrance and exits is to make sure that the shrubbery that is installed does not block the view of oncoming traffic so there is not any obstruction especially along the sidewalk area where children will be walking.

Chair Pearce stated that she would agree with most of what has been said. She noted that the neighborhood has concerns about traffic, but it sounds like the City Traffic Engineer is comfortable with the circulation on-site. She indicated that she has driven in and out of that shopping center a lot, and making that flip around after taking a right out of the shopping center is challenging at best. She agreed with what has been said that she does not know if this is the time or place to have that conversation but maybe that is a conversation the Commission can have at another time.

Chair Pearce stated that she is comfortable with the architecture, and she would like to see it blend in, although this is a stand-alone structure so it does not have to exactly match the shopping center. She noted that it looks nice and is an improvement. She added that if Phil Blank were around, he would say that the tower looks like Pleasanton, so she will say that for him.

Chair Pearce then asked staff if they have the information they need for the project.

Ms. Stern said yes.

Commissioner Posson stated that he had one other comment. He noted that there seems to be a difference of opinion about the amount and effectiveness of the communication between the applicant and the community. He strongly suggested that the applicant meet with the public, not just with those who have responded tonight but with the neighborhood as a whole, because there is a sense that the outreach initially was not as thorough as it should be. He added that having discussions between the residents and the applicant would be very helpful in getting the concerns out and coming back with a refined proposal.

Chair Pearce agreed. She indicated that the Planning Commission has certainly had many applications come through successfully when the applicant has made significant outreach. She gave an example of an application that came before the Commission recently, which had a lot of neighborhood concern at first, and then when it finally came to the actual application, there was only one resident who came, and he spoke in support of the project. She noted that this is always nice for the Commission to see.

No action was taken.