

## Planning Commission Staff Report

July 25, 2012  
Item 6.a.

- SUBJECT:** PUD-02-09M, P12-0637, and P12-0638  
(Safeway Service Station)
- APPLICANT:** Safeway, Inc.
- PROPERTY OWNER:** Property Development Centers
- PURPOSE:** Application for: (1) Major Modification of the PUD Development Plan (PUD-02-07M) for the Pleasanton Gateway commercial center to replace a 4,379-square-foot bank/restaurant building with drive-through with a self-serve gasoline station with nine fuel dispensers and a monument sign facing Bernal Avenue; (2) Conditional Use Permit approval for a service station with 24-hour operation; and (3) Sign Design Review approval for the service station's building and monument sign.
- GENERAL PLAN:** Retail/Highway/Service Commercial, Business and Professional Offices
- SPECIFIC PLAN:** Bernal Property Specific Plan (Commercial)
- ZONING:** PUD (Planned Unit Development) – C (Commercial)
- LOCATION:** 6782 Bernal Avenue
- EXHIBITS:**
- A. Draft Conditions of Approval for PUD-02-09M, July 25, 2012.
  - B. Draft Conditions of Approval for P12-0637, July 25, 2012.
  - C. Draft Conditions of Approval for P12-0638, July 25, 2012.
  - D. PUD Development Plan dated "Received July 12, 2012" including Bernal Avenue Perspectives, Canopy/Monument/Kiosk Signs, Canopy Plan and Elevations, Grading Plan/Drainage/Utility Plan, Kiosk Building Elevations, Kiosk Floor Plan and Roof Plans, Landscape Plan, Perspectives, and Photo Exhibits.
  - E. Visual Simulation (on disc).
  - F. "Queuing Analysis for the Proposed Safeway Gas Station in Pleasanton," dated June 27, 2010, by Fehr & Peers.

- G. First Planning Commission Work Session Staff Report for PUD-02-07M and PCUP-210, dated May 28, 2008.
  - H. Minutes of the First Planning Commission Work Session, dated May 28, 2008.
  - I. Second Planning Commission Work Session Staff Report for PUD-02-07M and PCUP-210, dated October 14, 2009.
  - J. Minutes of the Second Planning Commission Work Session, dated October 14, 2009.
  - K. Planning Commission Staff Report for PUD-02-07M and PCUP-210, dated August 25, 2010.
  - L. Minutes of the Planning Commission Public Hearing, dated August 25, 2010.
  - M. City Council Staff Report for PUD-02-07M and PCUP-210, dated October 19, 2010.
  - N. Minutes of the City Council Public Hearing, dated October 19, 2010.
  - O. Ordinance No. 2014 for PUD-02-07M, adopted on November 2, 2010, and Resolution No. 10-406, adopted on October 19, 2010.
  - P. "Executive Summary" and "Table 22, Parking Demand Analysis," dated April, 2009, prepared by Fehr & Peers for PUD-02-07M.
  - Q. Design Guideline 2.1 of the Bernal Specific Plan.
  - R. Location Map and Noticing Map.
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## **I. BACKGROUND**

### **Background**

The Safeway Company has submitted its proposal to modify PUD-02-07M, the PUD Development Plan for the Pleasanton Gateway commercial/office development to construct a self-serve gasoline station in place of the previously approved bank/restaurant building with a triple drive-through lane.

### **Pleasanton Gateway Development**

South Bay Development was the applicant for the Pleasanton Gateway development and the current owner of the vacant property on the south side of the Pleasanton Gateway retail had originally proposed a service station as part of its applications for PUD Development Plan approval.

Exhibit O includes copies of Ordinance No. 2014 adopted on November 2, 2010 approving PUD-02-07M and Resolution No. 10-406 adopted on October 19, 2010 and approving PCUP-210 for the entire 39.22-acre Pleasanton Gateway development. Ordinance 2014 included development standards, traffic mitigation measures, construction phasing, permitted and conditionally permitted uses, urban stormwater treatment measures, etc., for the office and retail portions of the development.

The PUD Development Plan allowed approximately 129,370 square feet of building area including the Safeway grocery store (designated as Major #1), CVS pharmacy with drive-through (designated as Major #2), nine retail buildings, and two retail buildings each with drive-through lanes on the approximately 12.5-acre retail portion of the Pleasanton Gateway development. In January 2012, the portion of the site that was approved for office uses was rezoned by Ordinance 2031 to allow high density and medium density housing.

Building and site construction including the street and utility improvements required to accommodate the retail buildings has been completed, except for construction of three approved building sites: Pad #1, Pad #4, and Major #2. Building permit applications have been submitted on two of these sites – the Major #2 site (CVS Pharmacy building/drive-through) and the Pad #4 building and drive-through (now designated as the Shops #8 building and drive-through).

Figure 1, below, is a copy of the approved site plan for the retail portion of the Pleasanton Gateway development. (This is the Development Plan that was reviewed by the City Council and Planning Commission at public hearings.)



**Figure 1: Approved Development Plan for the Retail Portion of the Pleasanton Gateway Retail/Office Development Reviewed by the Planning Commission and by the City Council**

## **Planning Commission Staff Reports and Meeting Minutes on PUD-02-07M and PCUP-210 for the Pleasanton Gateway Development**

South Bay Development, applicant for the overall Pleasanton Gateway development and the current owner of the vacant property on the south side of the Pleasanton Gateway shopping center, had first proposed a gasoline service station on this site with its applications for PUD-02-07M and PCUP-210.

### First Planning Commission Work Session

The Planning Commission reviewed the proposed Development Plan for PUD-02-07M and PCUP-210 at a public work session held on May 28, 2007. This first proposal included a service station with ten fuel dispensers located on the site that is now occupied by the Wells Fargo bank building. Exhibit G and Exhibit H are, respectively, the Planning Commission Work Session staff report and the minutes of the Planning Commission work session meeting. Figure 2, below, is the original PUD Development Plan for the retail portion of the Pleasanton Gateway development with the proposed service station with ten pumps and an approximately 850-square-foot convenience market.



**Figure 2: First Pleasanton Gateway Commercial Development Plan Reviewed by the Planning Commission at the First Work Session**

Staff recommended eliminating the proposed service station believing that the combined intensity of the proposed service station with the existing Bernal Corners service would have resulted in too great a concentration of service stations at this major gateway entrance to the City. Staff also expressed its concern on the service station's location with respect to potential circulation conflicts with the Bernal Avenue driveway

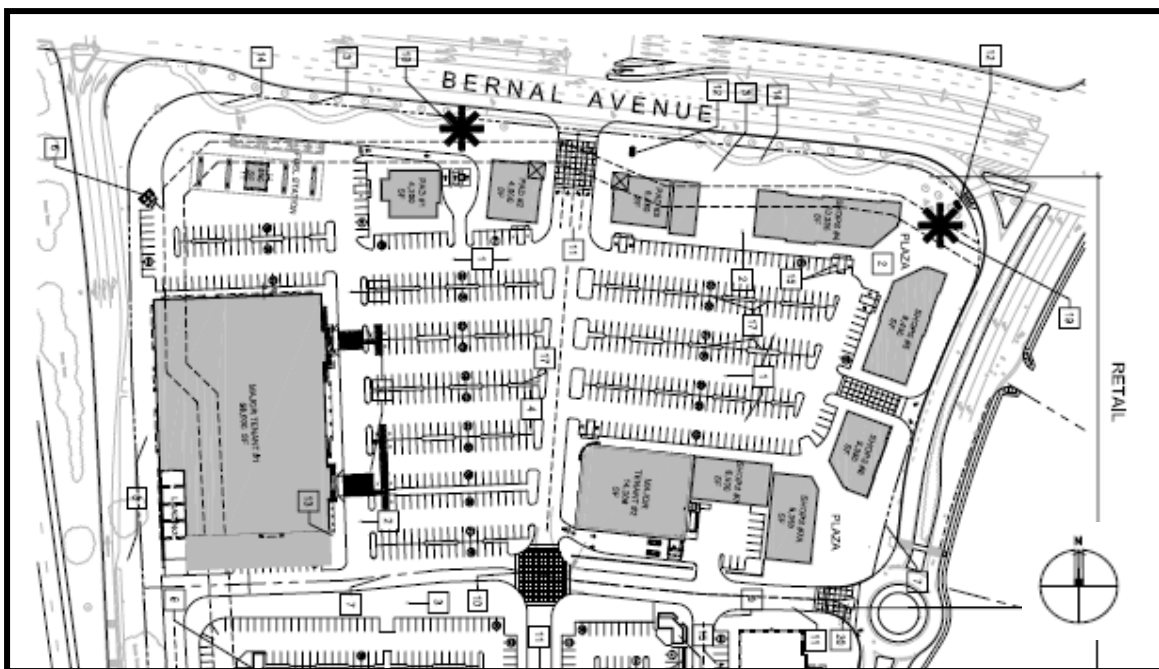
entrance. Representatives of the Bernal Corners were present at the work session and stated their opposition to the proposed service station based on Safeway's competitive advantage on fuel prices.

Commissioners Fox and Pearce did not support the service station and Commissioners Blank, O'Connor, and Olson supported the service station.

### Second Planning Commission Work Session

The Planning Commission reviewed a revised Development Plan for PUD-02-07M and PCUP-210 at its work session held on October 14, 2009. Exhibit I and Exhibit J are, respectively, the Planning Commission Work Session staff report and the minutes of the Planning Commission work session meeting.

The applicant moved the service station from the southwest corner of Bernal Avenue and Bernal Avenue entrance driveway to the northwest corner of the site by Bernal Avenue and the I-680/Bernal Avenue exit ramp in order to prevent any circulation conflicts between the operation of the service station with the project's internal driveways and main access driveway to Bernal Avenue. The proposed service station was revised to eight fuel pumps and an approximately 850-square-foot convenience market. Figure 3, below, is the revised site plan for the Pleasanton Gateway development with the proposed fuel center replaced by a retail/bank/restaurant building and a retail/bank/restaurant building with a triple drive through.



**Figure 3: Second Pleasanton Gateway Commercial Development Plan Reviewed by the Planning Commission at the Second Work Session**

Staff recommended against the service station for the reasons described in the first work session staff report. Representatives of the Bernal Corners service station were



present at the work session and stated their opposition to the proposed service station for the reasons described in the first Planning Commission work session staff report and added that the Pleasanton Gateway development should not move forward with the service station without their stated support. The President of the Walnut Hills Homeowners Association was present at the work session and stated his support of the service station.

Commissioner Pearce did not support the service station and Commissioners Blank, Narum, O'Connor, and Pentin supported the service station due to its location and architectural design. After the second Planning Commission Work Session, South Bay Development replaced the proposed service station with a freestanding retail/bank building with a triple drive-through lane and parking area in response to the Bernal Corners concerns, and submitted the revised Development Plan to staff for review.

#### Planning Commission Public Hearing

The Planning Commission reviewed the revised Development Plan for PUD-02-07M and PCUP-210, without the service station, at its public hearing held on August 25, 2010. Exhibit K and Exhibit L are, respectively, the Planning Commission staff report and the minutes of the Planning Commission Public Hearing. (Figure 1, on the previous page, is the revised Development Plan with the proposed service station replaced by a retail/bank/restaurant building with a triple drive through lane.)

The Planning Commission voted unanimously to forward PUD-02-07M and PCUP-210 to the City Council with a recommendation for approval. There were no Planning Commission comments on the applicant's decision to remove the service station. (After the Planning Commission public hearing, the Chevron Company entered into an escrow contract with Bernal Corners to purchase the Bernal Corners service station.)

#### **City Council Staff Reports and Meeting Minutes on PUD-02-07M and PCUP-210 for the Pleasanton Gateway Development**

The City Council reviewed the revised Development Plan for PUD-02-07M and PCUP-210 at its public hearing held on October 19, 2010. Exhibit M and Exhibit N are, respectively, the City Council Staff Report and the minutes of the City Council Public Hearing.

Councilmember McGovern discussed adding a service station to the proposed PUD Development Plan for the potential sales tax revenue that the service station would provide. Councilmember Sullivan commented that he would not support the proposed project, and that the proposed project should be continued indefinitely for further study as a true mixed use residential/office/commercial development.

There was no motion by the City Council to continue the proposed Development Plan for further analysis or to modify the Development Plan to include a service station. The City Council voted 4-1-0 (Council Member Sullivan in opposition) to introduce Ordinance 2014 approving PUD-02-07M and to adopt the resolution approving PCUP-210.

## II. SUBJECT PROPERTY

### Project Site and Location

Figure 4, on the following page, is the 2005 aerial photograph/location map of the project site. Except for the construction of the Pleasanton Gateway/Safeway commercial development and the Greenbriar residential development on the west side of the I-680 freeway, the area has not changed since the 2005 aerial photograph was taken.



**Figure 4: Location Map of the Pleasanton Gateway Development and Surrounding Land Uses**

The proposed service station property is a flat site that was “rough-graded” with the construction of the Pleasanton Gateway development. Utilities were provided to the service station site from the driveway on the service station site’s south side. Vegetative stormwater treatment swales are provided between the north side of the site and the Bernal Avenue sidewalk. The swales were constructed under the master utility/stormwater treatment plan for the Pleasanton Gateway property and are connected to the large retention/treatment ponds on the Bernal Property. Figure 5 and Figure 6, on the following page, are, respectively, photographs of the service station site from the corner of the Wells Fargo bank property from the south side of Bernal Avenue.



**Figure 5: Service Station Site from the corner of the Wells Fargo bank site.**



**Figure 6: Service Station Site from the South Side of Bernal Avenue.**



### Site Access

Public street access to the service station site is provided from Bernal Avenue and Valley Avenue through the internal driveways constructed with the Pleasanton Gateway development. The Bernal Avenue driveway provides left- and right-turn access between the Pleasanton Gateway development and Bernal Avenue. (The Bernal Avenue driveway entrance and the north/south access driveway through the Pleasanton Gateway development will provide direct access between the Pleasanton Gateway development and the future residential development on the vacant property to the south.)

### Surrounding Land Uses

Table 1, below, describes the surrounding land uses:

**Table 1, Surrounding Land Uses**

Direction	Land Use
North (across Bernal Avenue)	Office and commercial uses of the Bernal Business Park including restaurants, retail, and personal services.
East (across Valley Avenue)	Self-serve gasoline station with a drive-through fast-food restaurant, convenience market and carwash; vacant land, apartments, public park, and small-lot single-family homes.
South	Vacant portion of the Pleasanton Gateway development now designated for housing.
West	I-680/Bernal Avenue exit-ramp and I-680 freeway.

## III. PROJECT DESCRIPTION

### City Applications

Ordinance 2014 designates a service station without a convenience market and/or a carwash as a conditionally allowed use for the Pleasanton Gateway development. The proposed project requires the following applications to be constructed:

- PUD-02-09M: Major Modification of the Bernal Property PUD Development Plan for the proposed building design and site changes and monument price sign;
- P12-0637 – Conditional use permit for the operation of the service station; and,
- P12-0638 – Sign Design Review for the building and site signs.

Normally an application for a PUD Major Modification is reviewed and recommended by the Planning Commission and then reviewed and acted on by the City Council; an application for a Condition Use Permit is reviewed and acted on by the Planning Commission; and an application for Sign Design Review is reviewed and acted on by the Zoning Administrator or by Planning Commission. The proposed project would modify an approved commercial development located on the Bernal Avenue entryway from the I-680 freeway that is noted for the visual quality of its building architecture and landscaping design. For this reason, staff believes that the three separate applications

that compose the overall proposed project should be reviewed together by the Planning Commission and then by the City Council at a public hearing.

Applications P12-0637 (Conditional Use Permit) and P12-0638 (Sign Design Review) are contingent upon the approval of PUD-02-09M (PUD Major Modification). If the Planning Commission recommends denial of PUD-02-09M or the City Council denies PUD-02-09M, then the application for Conditional Use Permit approval and Sign Design Review must be denied.

### Proposed Project

Safeway will own and operate the proposed service station in conjunction with its grocery store. Figure 7, below, is a focused site plan of the service station site with the Shops #8 building site, Wells Fargo bank site (Pad #2), and the Safeway grocery store and parking/driveway areas, and with the Bernal Avenue and I-680/Bernal Avenue exit ramp street frontages. (Figure 7 shows the common trash enclosure by the Shops #8 drive-through that would be shared by the service station.)

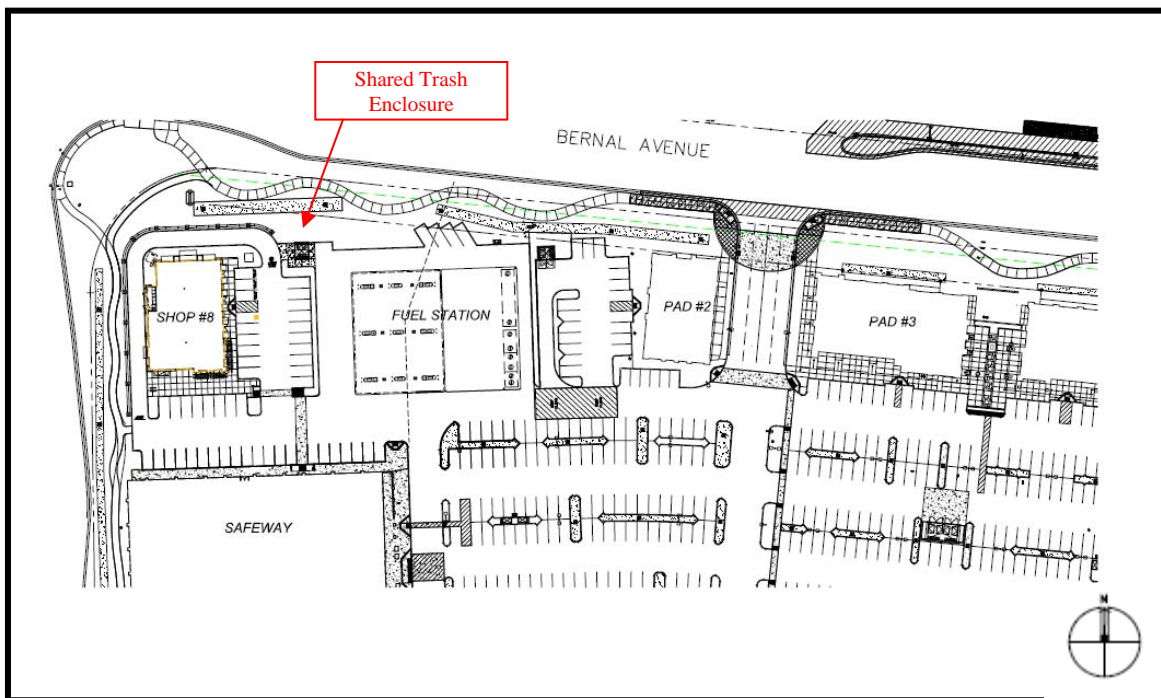
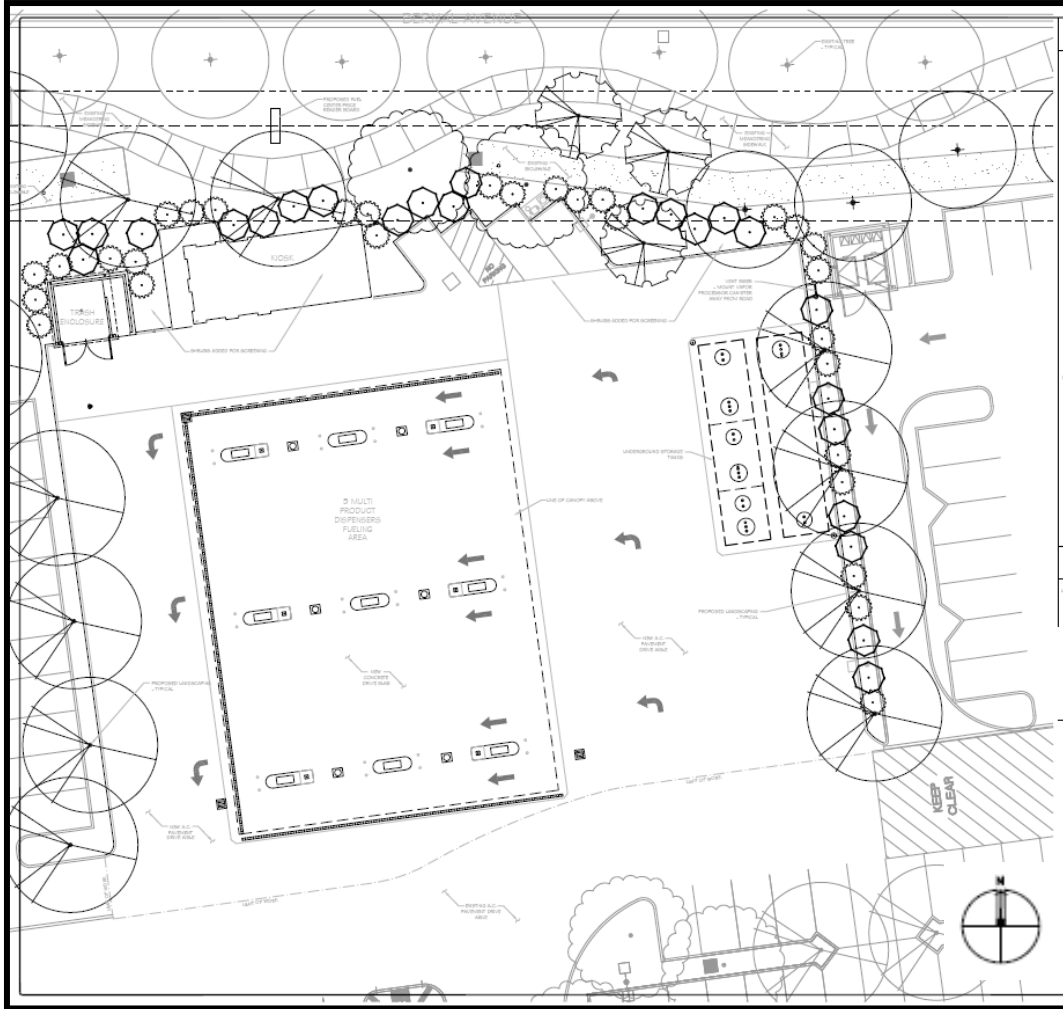


Figure 7: Service Station Site with Existing and Planned Development.

Figure 8, on the following page, is copy of the proposed site plan with the proposed landscape treatments from Exhibit D. (The trash enclosure shown on the site's northwest corner will be combined with the trash enclosure to be constructed on the adjacent Shops #8 site and will not be part of this project.)



**Figure 8: Service Station Site Plan.**

As proposed and stated to staff by the applicant, the project will include the following:

- The service station and fuel deliveries would operate 24-hours per day, seven days per week, matching the operating hours of the grocery store.
- Nine fuel pumps covered by a canopy with each pump having two hose nozzles (18 total fuel dispensers) are provided for gasoline or diesel fuel. (The pumps will not include television screens.)
- Two underground fuel storage tanks located near the service station's east boundary. One storage tank will be designated for low-octane gasoline only and would have a capacity of approximately 30,000 gallons. The second tank would also have an approximately 30,000-gallon total capacity, and would be divided internally into three compartments for mid-octane and high-octane gasoline and diesel fuel at capacities of approximately 12,000 gallons, 10,000 gallons, and 8,000 gallons, respectively.

- An approximately 697-square-foot kiosk building will be provided with one restroom, office/work room/electrical area, and retail area. The proposed retail area will be 321 square feet in area and will include the cashier's station and quick-sale products including, but not limited to, soft drinks, bottled water, and fountain drinks; auto care products such as motor oil and antifreeze; donuts baked in the grocery store; dairy products such as milk and ice cream; pre-made sandwiches; paper products such as tissue, moist towels, etc.; and lottery tickets. (Alcoholic beverages such as beer, wine, and hard liquors will not be offered for sale from the kiosk building and will be available from the grocery store only.)
- Parking for one van-accessible handicapped parking space on the north side of the site, near the east side of the kiosk for a direct path to the kiosk entrance, and an air/water station with two parking spaces to the right of the handicapped parking space. Parking for the service station employees would be provided from the parking areas for the Safeway grocery store. Hence, no employee parking is provided on the service site.
- One monument sign facing Bernal Avenue and building signs on the north and south sides of the kiosk building and on the east and west sides of the canopy structure. The proposed signs would include the "Safeway" name and the "S" logo. The fuel pumps would also include the Safeway name and "S" logo.
- Site and parking changes between the Shops #8 and Pad #2 sites to replace a 4,379-square-foot bank/restaurant building with a triple drive-through with the proposed service.

#### **IV. ANALYSIS**

##### **Pleasanton General Plan and Bernal Property Specific Plan**

The Land Use Element of the Bernal Property Specific Plan designates the Pleasanton Gateway property for commercial/office land uses. Exhibit Q is a copy of Design Guideline 2.1 of Commercial/Office Policy 2 of the Bernal Property Specific Plan, which states that, "...a service station is encouraged," but did not specify a maximum number of service stations.

Bernal Avenue is a designated "I-680 Freeway Entryway" by the Community Character Element of the Pleasanton General Plan. The proposed project is consistent with the Community Character Element of the Pleasanton General Plan in that it maintains the level of design quality established by the Pleasanton Gateway development. The proposed service station building, site, and landscape design quality is sensitive to the site's proximity to a City entrance, and achieves a high level of visual interest and quality.

The combination of design and visual quality of the proposed service station and that it would provide an additional source of fuel for City residents and commuters convinces



staff to revise its previous position and to conclude that the proposed service station as part of the Pleasanton Gateway development is compatible with this City entryway.

### **PUD Development Plan**

Condition No. 48.a.7. (Conditional Uses/Retail) of Ordinance 2014 permitted a self-serve station without a convenience market and carwash as a conditionally allowed use. As discussed in the attached planning Commission and City Council staff reports for PUD-02-07M, the City Council found the permitted and conditionally allowed uses for the Pleasanton Gateway development to be consistent with the Pleasanton General Plan and with the Bernal Property Specific Plan.

The proposed kiosk building is consistent with this condition of the approved PUD Development Plan. The kiosk will offer quick-sale items that can be purchased while a vehicle is being fueled thereby eliminating the potential site-specific trips associated with a stand-alone convenience market and the attendant need for separate parking spaces. Therefore, no customer parking apart from the parking for the fuel pumps is provided; sales of grocery-related items would be provided by the grocery store. Staff, therefore, considers the operation of the proposed kiosk building to be incidental to the operation of the service station and, therefore, consistent with the City Council's approval of PUD-02-07M that prohibited convenience markets on the Pleasanton Gateway development.

Staff, however, recommends for clarification of Condition No. 48.a.7. that the condition be revised as follows: "Self-service gasoline station; no carwash or convenience market except for the service station kiosk building allowed with Exhibit D for PUD-02-09M." The applicant concurs with this condition.

### **Traffic Level-of-Service and Parking**

#### Traffic Levels-of-Service

The traffic impacts and mitigation measures for the original Pleasanton Gateway development were developed by Fehr & Peers, the City's traffic consultant. These mitigation measures were based on an assumed 588,500 square feet of office floor area, 65,000 square feet of grocery store, 59,695 square feet of retail, and a 10-pump self-service station with an 880-square-foot convenience market.

A number of the mitigation measures identified in the previous traffic study and that were incorporated as requirements in the PUD Development Plan were completed in advance of the construction of the shopping center. These mitigations include the installation of additional traffic signal equipment for full site access on Bernal Avenue at Koll Center Parkway, pedestrian access to the development via the new Koll Center Parkway traffic signal, and signalized pedestrian access on the west side of Valley Avenue at Bernal Avenue and have maintained the level-of-service on the Bernal Avenue/Valley Avenue intersection at less than LOS D and can also handle the peak-hour trips generated by the service station.

City staff is also working on the design of interchange improvements and mitigations at Bernal Avenue and I-680. Staff anticipates that these improvements will be completed sometime in late 2013. The remaining identified mitigations not already constructed will be completed before the remaining portions of the project are constructed and occupied.

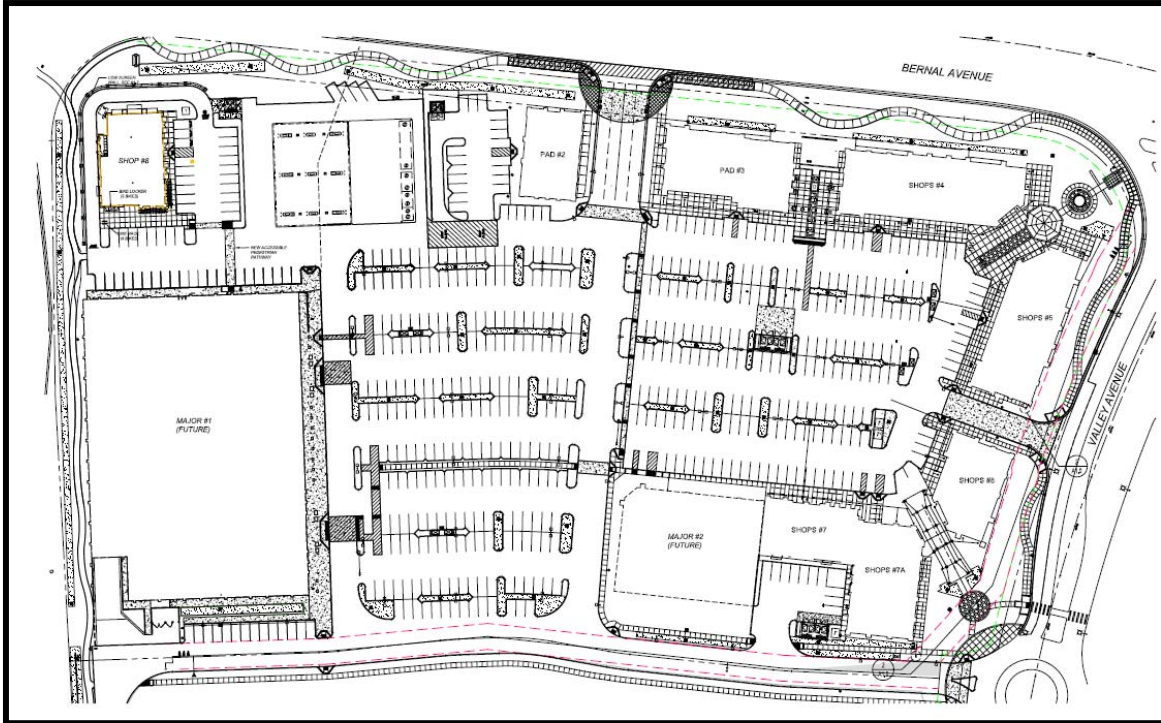
The proposed service station would reduce the number of pumps from 10 to 9 and remove a 4,379-square-foot retail building. This will result in fewer net trips than previously identified in the Pleasanton Gateway traffic study. Therefore, the proposed service station will result in no additional traffic mitigation measures at this time.

### Parking

The Pleasanton Municipal Code requires two parking spaces for the kiosk building (1 parking space per 400 square feet of building area if less than 1,300 square feet and operated incidental to a self-service station) and two parking spaces for two employees (1 parking space for each employee) that would be assigned to the service station. One parking is provided on the service station site to meet handicapped accessibility requirements and two parking spaces are provided for air and water services, which meet the requirements of the Pleasanton Municipal Code.

The fuel pump parking totaling 18 parking spaces could also be used by customers to purchase merchandise from the kiosk while their vehicles are being fueled. Employee parking would be provided by the grocery store site and is not conditioned to be provided on the service station site. Any additional employees required to staff the service station at peak-hour times would be drawn from the grocery store as needed.

Phase 1 of the Pleasanton Gateway development was approved with 612 parking spaces. Figure 10, on the following page, shows the build-out site plan for existing development with the proposed service station, Shops 8 building and CVS Pharmacy building. Build-out of the Pleasanton Gateway development shown on Figure 10 would result in 573 parking spaces, a reduction of 39 parking spaces from the previous approval.



**Figure 10: Build-Out Site Plan with the Service Station, CVS Pharmacy, and Shops #8 Buildings.**

Parking rates from the previous parking analysis identified a peak weekday parking demand of 448 parking spaces and a peak weekend parking demand of 593 parking spaces. Construction of the proposed service station will result in a total parking supply for the Pleasanton Gateway development of 125 parking spaces greater than the peak weekday demand and 20 parking spaces less than the peak weekend demand.

With that said, the Pleasanton Gateway is designed to reduce vehicle trips and improve access for bicycle and pedestrian traffic:

- The design of the Pleasanton Gateway development includes pedestrian connections to the Bernal Business Park on the north side of Bernal Avenue, the residential neighborhoods on the east side of Valley Avenue, and the planned residential neighborhoods on the vacant property to the south. Staff has observed a relatively large number of pedestrians walking to/from the Pleasanton Gateway development on weekdays and weekends, which significantly exceed the staff expectation and assumptions for the number of pedestrians walking to/from the Pleasanton Gateway development.
- Parking provided in front of the grocery store and the other retail buildings on both sides of the central driveway aisle will not be reduced by the proposed project.

- Staff also believes that the drive-thru lanes approved for the CVS pharmacy and Shops #8 building will help reduce the parking demand and increase the amount of available parking.

The PUD Development Plan for the Pleasanton Gateway development prohibits shopping center events, specialty sales, and seasonal sales from taking place in the parking areas to ensure the availability of parking throughout the year and to maintain the unobstructed flow of traffic to/from Bernal Avenue and Valley Avenue.

Based on staff observations, these improvements have resulted in a lower parking demand during the peak weekday and weekend hours than the previous parking analysis predicted. As a result, staff believes that there is an adequate parking supply provided for the Pleasanton Gateway development with the construction of the service station.

### **Operations**

The Safeway service station would operate 24-hours per day, which concurs with the permitted operating hours for the other uses, including drive-through lanes, in the Pleasanton Gateway development. Parking lot sweeping and garbage pick-up is conditioned to occur from 6:00 a.m. to 10:00 p.m., which is consistent with Ordinance 2014 for the Pleasanton Gateway Development. All fuel truck deliveries and other deliveries to the service station site are restricted by Ordinance 2014 to the Bernal Avenue driveway entrance/exit only.

As stated to staff, fuel deliveries to the service station will average from two to three deliveries per day based on demand, but could be as low as one delivery per day and as high as four deliveries per day concurring with high traffic volume events, such as the Alameda County Fair, First Wednesday on Main Street, etc. Staff believes that the daily use of the service station would peak with the a.m./p.m. peak-hour commutes.

The service station will be automatically linked to the distributor notifying the distributor when the service station's fuel tank(s) must be re-filled to ensure a continuous fuel supply to the service station. The "Queuing Analysis for the Proposed Safeway Gas Station in Pleasanton," (Exhibit F) estimates fuel delivery to take 30 minutes to complete. Due to the service station's proximity to the I-680 freeway and to Bernal Avenue, combined with its separation from residential neighborhoods, fuel deliveries may take place 24-hours per day, seven days per week, which enables the service station to fill its storage tanks during low-use periods.

The service station will be typically staffed by one cashier and one pump island monitor. During high-use periods, such as the a.m./p.m. peak-hour commute, Safeway would increase the service station staffing from one to two cashiers and from one to two pump island monitors as needed to direct service station traffic through the pump islands – for example, directing a customer to the shortest queue or to an open fuel pump – to keep queued pump-island traffic on the service station site and not block the shopping center's shared driveway aisles.



The operations of the proposed service including delivery hours are covered by the proposed conditional use permit. If the operation of the proposed service station results in problems pertaining to parking, noise, traffic, etc., the Community Development Director is enabled to refer the conditional use permit for review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate the impacts. The applicant concurs with this requirement.

## **Site Plan**

### Circulation

The proposed service station is designed to achieve an efficient circulation flow through the station, to minimize conflicts between pump island traffic and fuel deliveries, and to minimize pump island traffic “stacking” onto the adjoining driveways and blocking traffic to the grocery store and the other commercial tenants in the Pleasanton Gateway center. The applicant based the proposed design on the experience it has gained from the operations of its two other service stations located in Dublin and Livermore.

Pump island rows are separated from the south driveway aisle by 24-feet, 6-inches, from each other by 35 feet, and from the kiosk building by 29 feet. The fuel pumps are spaced 25 feet from each other matching the City standard for full-size parallel parking spaces. The pump spacing could accommodate the simultaneous re-fueling of a full-size SUV pulling a boat-on-trailer. The spacing between the rows of pump islands provides a 17-foot wide lane between the stopped vehicles on both sides, enabling vehicles to leave the queue to reach an available pump, to parallel-park at an available pump, and to leave a pump to exit the station without having to wait for the vehicles that may be parked ahead of them to leave.

Service station traffic will be one-way entering the service station from the east, circulating counter clockwise through the pumps, and exiting to the west. Stacking capacity is provided for 18 vehicles or for 15 vehicles when fuel is being delivered to the station. No cross connections are provided between the service station and the adjacent properties on its east and west sides. The proposed design reduces the potential conflict from two-way traffic through the pump islands in opposite directions.

One van accessible handicapped parking space and two parking spaces for the air/water station are provided. Parking is diagonal reducing the back-up distance and, therefore, the potential delay resulting from vehicles backing into the traffic flow. The service station employees will park on the grocery store site. Customer parking for the kiosk building is provided by the pump island parking. The items provided in the kiosk are considered to be quick-sale items that can be purchased while the vehicle is being fueled. The absence of parking for the kiosk building prevents the traffic delays from parked vehicles backing into a driveway aisle.

### Setbacks

The Pleasanton Gateway development plan did not specify minimum setback standards for this site. The kiosk building will be setback from Bernal Avenue a distance varying

from 30-feet, 9-inches to 36 feet from the property line or 45 feet to 50 feet from the curb, with parking setback from Bernal Avenue varying from 23 feet to 27 feet from the property line or 37 feet to 42 feet from the curb. The constructed building and setbacks for the Pleasanton Gateway buildings along Bernal Avenue vary from 34 feet to 55 feet from the Bernal Avenue property line and vary from 48 feet to 55 feet from the Bernal Avenue curb.

Staff considers the proposed setbacks to be acceptable given the relatively small floor area and, therefore, building mass of the kiosk building. As shown in the attached perspectives, the existing and proposed landscaping for the service station will blend its appearance with the existing development. As conditioned, staff will work with the applicant to add additional shrubbery along Bernal Avenue and the landscape planters between the service station site and adjoining sites to screen the pump island driveways and the lower portions of the kiosk building from view and to block headlight glare to Bernal Avenue, which is a requirement of the Pleasanton Gateway PUD development plan. The applicant concurs with this requirement.

#### Trash Enclosure

The service station will share the trash enclosure to be provided with the Shops #8 building site. Therefore, staff has conditioned the removal of the trash enclosure and its replacement with landscaping including the trees and shrubs from the proposed planting palette. Also, if construction of the service station precedes the construction of the Shops #8 building and site, the service station contractor will be required to construct the trash enclosure. The enclosure design is conditioned to match the design of the existing trash enclosures constructed on the Pleasanton Gateway development. The applicant concurs with this requirement.

#### **Stacking Analysis**

Exhibit F is the "Queuing Analysis for the Proposed Safeway Gas Station in Pleasanton," prepared by Fehr & Peers. The analysis estimated a demand of approximately 239 vehicles per hour resulting in a maximum queue of approximately 15 vehicles. The analysis is based upon the consultant's trip measurements and observations of the Safeway service stations located in Dublin and Livermore. The consultant's conclusion is that the design of the service station – described in the above "Circulation" sub-section of the staff report – results in a very high efficiency of vehicle fueling with the resulting quick turnover of customers, such that the 18-vehicle stacking space provided with the proposed service station is adequate even with the fuel deliveries that would temporarily reduce the stacking area to 15 vehicles.

The report recommends continuous on-site monitoring, that there be at least one service station employee, called a fuel ambassador, to monitor traffic flow through the pump islands, and that the queuing lanes shall be striped. These three recommendations are reflected in the draft conditions of approval. The applicant concurs with these requirements.

## **Building Design**

The proposed kiosk building and canopy structure are designed to complement the architectural form and detailing of the grocery store with a combination of standing seam metal roofs, masonry wainscots, capitals on the columns supporting the fuel pump canopy, eave braces on the kiosk building and the pump island canopy, metal canopy braces on the kiosk building, and dark aluminum storefront window systems. Submitted with Exhibit D are photographs of the Safeway grocery store showing the building elements of the grocery store reflected on the proposed project's building designs.

Building materials and colors will match the materials/color palette of the grocery store and the retail buildings except that the applicant will use a brown standing seam metal roof on the canopy where green standing seam metal was used on the tower elements of the bank and retail buildings. The building designs achieve a "four-sided design" with massing and detailing distributed to all building sides and would complement the building designs of the existing retail buildings constructed with the Pleasanton Gateway development.

The height of the canopy will be approximately 24 feet, measured from grade to the top edge of its roof. The bottom edge of the canopy's fascia will be 16 feet above grade exceeding the 15-foot minimum clearance height required by CalTrans. The additional distance provides clearance for the majority of vehicles including the "boom/bucket" trucks used by building contractors, public utilities, etc. (For comparison, the Bernal Corners canopy was constructed with a 15-foot clearance from grade.)

The height of the kiosk building will vary from approximately 15 feet to 19 feet, measured from grade to the top edge of the building parapet. All HVAC equipment will be installed within the roof well of the kiosk building, as shown on the proposed roof plan, and is conditioned to project no higher than the horizontal plane defined by the top-edge of the parapet walls.

As conditioned, "cool" roofs will be required to be installed on the kiosk building and canopy structure and the fire sprinkler riser pipes will be required to be placed within the buildings as has been done on the grocery store and retail buildings of the Pleasanton Gateway development. As also conditioned, the building light fixtures use on the grocery store shall be used to the kiosk building and canopy structure. The applicant concurs with this requirement.

## **Landscape Design**

The proposed landscape plan would incorporate plant species consistent with the landscaping installed with the Pleasanton Gateway development as well as being an attractive asset to Bernal Avenue. The proposed project's landscape treatments would also be designed to require relatively low maintenance.

The applicant would install on the Bernal Avenue project frontage a combination of London plane trees, matching the trees that were planted ten years ago along the

development's Bernal Avenue, Valley Avenue, and I-680/Bernal Avenue exit ramp frontages, with a combination of Chinese fringe trees, Fremont cottonwood trees, and true green elm trees to add color and variety. The applicant would also plant the true green elm trees in the two landscape areas separating the service station site from the adjoining sites. The proposed separation between the proposed trees would be varying from 25 feet to 27 feet, enabling the canopies to grow together to shade the site, the parking areas on the adjoining sites, and the public sidewalk on Bernal Avenue. Fifteen-gallon size trees are proposed. Staff has conditioned the project to install 24-inch box-size trees instead. The applicant concurs with this requirement.

The applicant proposes five-gallon size Japanese barberry and red meidiland rose shrubs on the Bernal Avenue project frontage and on the landscape planter separating the service station from the Wells Fargo bank site for color and variety. No shrubs are shown on the landscape planter between the service station site and the Shops #8 building site. Staff has conditioned the installation of the proposed shrubs in this landscape area also. The applicant concurs with this requirement.

The applicant would arrange the tree and shrub plantings along the Bernal Avenue project frontages in clusters and groupings to achieve a varied appearance and to screen the service station pump-island area from Bernal Avenue, and to soften and frame the views of the site and buildings from Bernal Avenue. The final landscape design will be shown on the project landscape plan submitted with the building permit application for review and approval by the Planning Division before issuance of a building permit.

The proposed landscape plan is supported by the City Landscape Architect. To reduce water consumption, no turf areas are proposed. The project applicant or developer will be required to comply with the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Basics.

### **Green Building Measures**

The applicable California State Green Building Standards Code, "CALGreen," will be implemented with the design and construction of the service station. The proposed kiosk building is less than 20,000 square feet and, therefore, is exempt from the City's green building requirements. (Ordinance 2014 required Green Building Measures for the grocery store but only a "best effort" for the other buildings that were all less than 20,000 square feet in floor area. Green building measures will be reviewed with the building plans.

Regarding photovoltaic panels, conduits and "pull-strings" were installed on the roof of the grocery store with its construction to accommodate a future photovoltaic system on the store's roof. Conduits and "pull-strings" were also installed from the grocery store to the parking spaces on the north side of the grocery store for future electric vehicle charging stations. Conduits and pull-strings to accommodate photovoltaic panels were not required on the roof of the pump island canopy due to the potential electric sparks that would ignite the diesel and gasoline fuels.



## Signs

### Building Signs

The “Safeway” name and “S” logo will be installed on the north and south sides of the kiosk building and on the east and west sides of the canopy. (The sign shown on the south side of the canopy on the site plan is an error and will be corrected before the building permit.) The height of the canopy sign and logo will be 24 inches and 30 inches, respectively, and the height of the kiosk sign and logo will be 18 inches and 24 inches, respectively.

The proposed sign area for each canopy sign is 33.15 square feet and for each kiosk building sign is 18.6 square feet. The length of the kiosk signs is approximately 10 feet, 6 inches, which equals approximately 25.6 percent of the 41-foot length of the kiosk building. The length of the canopy signs is 15 feet, 6 inches, which equals 15.8 percent of the 98-foot long canopy. The maximum heights of the canopy signs are 24 inches and 33 inches for the “Safeway” and “S” logo, respectively. The maximum heights of the kiosk building signs are 18 inches and 24 inches for the “Safeway” and “S” logo, respectively.

The proposed sign areas, heights, and lengths match the Comprehensive Sign Program standards that were approved for the Major #2 building (CVS Pharmacy). Colors for letters and logo include black, red, and white. As permitted by Ordinance 2014, the red and white Safeway “S” logo will be internally illuminated. The “Safeway” letters will be “halo-lit” as specified by the Comprehensive Sign Program.

### Monument Signs

The proposed monument sign will be approximately 8-feet, 6-inches in height, double-sided, and located approximately 19 feet, 6 inches from the curb on Bernal Avenue. Materials, colors, and detailing will match the existing monument signs facing Bernal Avenue: stone base and side column, concrete cap, and metal sign cabinet.

Colors for letters and background include black, green, red, and white. As permitted by Ordinance 2014 for PUD-02-07M, the red and white Safeway “S” logo will be internally illuminated. Remaining letters will use push-through edge-lit acrylic letters that are allowed by the comprehensive sign program for the Pleasanton Gateway development and that is used for the “Safeway” name on the three existing monument signs. Fuel prices are illuminated by red LED numbers, which Safeway has used on its other service stations and which staff supports.

The height of the proposed monument sign facing Bernal Avenue – 8-feet, 6-inches – is consistent with the heights of the existing monument signs of the Pleasanton Gateway development – approximately 9-feet, 7-inches for the monument sign by the Bernal Avenue entrance and approximately 11 feet, 11-inches for the monument sign on the corner of the I-680/Bernal Avenue exit ramp and Bernal Avenue – and is proportioned well for the sign’s location on the site. The proposed monument sign is well-separated from these monument signs so as not to clutter this street frontage.

Figure 10, below, is a photograph of the 9-foot, 7-inch tall monument sign located on the Bernal Avenue driveway entrance.



**Figure 10: Monument Sign Facing Bernal Avenue.**

For comparison, the height of the corner monument sign on the Bernal Corners service station site is approximately 9-feet, 6-inches, and the maximum height for a service station monument sign in the C-N (Neighborhood Commercial) district is 12 feet and in the C-C (Central Commercial) District is 24 feet.

The proposed sign area including lettering, logo, and prices compute to a total area of 32.12 square feet, which is less than the 38 square feet stated on the plans. (The area calculation by staff is correct.) For comparison, the maximum sign area allowed for a service station monument sign in the C-N (Neighborhood Commercial) and in the C-C (Central Commercial) District is 36 square feet. The proposed design of the monument signs – stone material, concrete caps, lights, and detailing – work together with the site plan and building architecture including materials and detailing.

#### Prohibited Signs

The signs prohibited by the sign program include attached window signs, stake-mounted signs placed in the perimeter landscape areas, banners not associated with a

grand opening, or any type of a temporary sign not associate with a shopping center event.

#### Future Amendments to the Service Station Sign Program

Future amendments to the sign program, if proposed, would be subject to staff-level review similar to other sign programs in the City. All amendments to the sign program would be forwarded to the Planning Commission on the Zoning Administrator Actions Report, where the Planning Commission has the discretion to appeal any item for the Planning Commission's review at a public hearing.

#### **Grading and Urban Storm Water Runoff**

The service station site will be design and constructed to drain its stormwater towards the existing bioswales located between the site and Bernal Avenue where the stormwater runoff will be pretreated. The pretreated runoff collected from this bioswale and the other bioswales constructed on the Pleasanton Gateway property is then piped to the stormwater retention/treatment ponds located on the Bernal Property to the south before final discharge to the Arroyo de la Laguna. Figure 11, below, is a photograph of the bioswales between the service station site and Bernal Avenue.



**Figure 11: Bernal Avenue Bioswale that will Treat Service Station Stormwater.**

The treatment/detention ponds were designed and constructed to handle the stormwater runoff from the entire Bernal Avenue Specific Plan area including the entire Pleasanton Gateway site, and will provide the last step in stormwater treatment before

runoff enters the Arroyo de la Laguna. The bioswales will be augmented with “Filterra” control systems provided in compliance with the standards of the San Francisco Regional Water Quality Control Board. The storm drain system that was constructed with the Pleasanton Gateway Development also satisfies the requirement for Low Impact Development treatment measures. All on-site drainage, treatment, and control measures will be reviewed by the City Engineer with the building permit.

## **V. ENVIRONMENTAL ASSESSMENT**

### **Mitigated Negative Declaration**

Environmental review for the proposed project is covered by the Mitigated Negative Declaration (MND) approved for PUD-02-07M. The physical environment has not significantly changed since that time; no newer information or changed circumstances which require additional CEQA review has been identified to the City. Because the proposed service station would replace a previously approved building for this portion of the Pleasanton Gateway development and would have a negligible effect on the levels-of-service on nearby City streets and intersections, the Mitigated Negative Declaration can be used to cover the proposed modification in conformance with the standards of the California Environmental Quality Act (CEQA). For this reason, no separate environmental document accompanies the Planning Commission staff report for this item.

### **Archaeological Resources**

As required by PUD-02-07M, the applicant is conditioned to have a qualified archaeologist present on site during the grading and trenching for the foundation(s), utility services, or other on-site excavation, in order to determine if any bone, shell, or artifacts are uncovered. If human remains are discovered, the applicant will stop the site work immediately, and the archaeologist will consult with the Native American Heritage Commission and/or their representative will be consulted to develop the suitable mitigation measures.

## **VII. PUD DEVELOPMENT PLAN MODIFICATION FINDINGS**

The Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development (PUD) District and the considerations to be addressed in reviewing a PUD development plan proposal. These findings also apply to development plan modifications. The Planning Commission must make the following findings that the proposed PUD development plan modification conforms to the purposes of the PUD District, before making its recommendation.

### **1. Is the plan in the best interests of the public health, safety, and general welfare?**

The project, as proposed and conditioned, will adhere to all applicable City standards concerning public health, safety, and welfare. The structures will be designed and constructed to meet the requirements of the California



Building Code, Fire Code, other applicable City codes, and State of California energy and accessibility requirements. The site is free from toxic or hazardous materials. No earthquake, landslide, flooding, or other natural hazards are known to exist at this site.

Adequate traffic capacity is available on Bernal Avenue and Valley Avenue and on driveway entrances and internal driveways of the Pleasanton Gateway development to serve the proposed service station. The design of the proposed service station meets all applicable City standards concerning public health, safety, and welfare. The service station will conform to the applicable California State pertaining to air quality and hazardous materials and Municipal requirements for the storage and delivery of fuel and stormwater treatment. The on-site driveway aisles and connections to existing driveway aisles can be negotiated by fire and other emergency vehicles. Adequate space is provided on site to contain vehicle queues to the fuel pumps so that the service station traffic would not block existing driveway aisles and entrances.

Accordingly, the proposed project as designed and conditioned is in the best interest of the public health, safety, and general welfare.

**2. Is the plan consistent with the City's General Plan and any applicable specific plan?**

The proposed service station is consistent with the Retail/Highway/Service Commercial, Business and Professional Offices land use designation of the Pleasanton General Plan and with the Commercial/Office land use designation of the Bernal Property Specific Plan for this site. The previously approved PUD Development Plan (PUD-02-07M, Ordinance 2014) that allows a service station as a conditional use, was found by the City Council to be consistent with the Pleasanton General Plan and the Bernal Property Specific Plan. The visual quality of the building, site, and landscape design of the proposed service station is consistent with the goals, policies, and programs of the Community Character Element of the Pleasanton General Plan. The proposed service station will also provide a second source of fuel in an area of the City as well this section of the I-680 freeway that is presently underserved by service stations.

Accordingly, the proposed service station is consistent with the Pleasanton General Plan and with the Bernal Property Specific Plan.

**3. Is the plan compatible with previously developed properties in the vicinity and the natural, topographic features of the site?**

The project site is visible to Bernal Avenue. It is currently vacant and is surrounded on all sides by constructed or approved commercial

developments. Development of this site was anticipated with the previous approval and the Pleasanton Gateway commercial center site was constructed to allow for its development as an infill property. Its building, site, and landscape design and identification signs will continue the design pattern of the Pleasanton Gateway development. The proposed monument sign is well-separated from the two existing monument signs facing Bernal Avenue so as not to clutter this street frontage.

The project site is flat and will accommodate the proposed development with standard City practices for drainage flows and stormwater runoff treatment.

Accordingly, the service station as proposed and conditioned is compatible with previously developed properties in the vicinity and adjacent proposed projects, and the natural, topographic features of the site.

**4. Does grading take into account environmental characteristics and is it designed in keeping with the best engineering practices to avoid erosion, slides, or flooding to have as minimal an effect upon the environment as possible?**

The natural topography of the site is relatively flat that was rough-graded with construction of the Pleasanton Gateway development to drain south to north towards the bioswales along Bernal Avenue. Minimal changes in grades are proposed. Steep slope banks are not proposed. The site is not located within an Alquist-Priolo Earthquake Fault Zone and is not subject to landslides. The site will drain into the bioswales by Bernal Avenue for pretreatment before being piped to the City's stormwater retention/treatment ponds on the Bernal Property to the south.

On site erosion control and dust suppression measures will be documented in the construction plans and will be inspected by the Building and Safety Division during construction.

Accordingly, grading as proposed and conditioned is designed in keeping with the best engineering practices to avoid erosion or flooding and to have a minimal effect upon the environment as possible.

**5. Have the streets and buildings been designed and located to complement the natural terrain and landscape?**

As stated above, minimal changes to the natural grade elevations are proposed. There are no existing heritage trees on the site and the site development will not impact the existing heritage trees on Bernal Avenue. New trees, shrubs, and ground cover will be planted and will comply with the State of California's Model Water Efficient Landscape Ordinance and Bay Friendly Basics.



Accordingly, the service station as proposed and conditioned is designed and located to complement the natural terrain and landscape.

**6. Have adequate public safety measures been incorporated into the design of the plan?**

The project, as conditioned, will be consistent with City safety standards. As conditioned, the buildings will be equipped with automatic fire suppression systems (fire sprinklers). The project site is served by public and private streets with adequate capacity, including left- and right-turn accessibility, to handle the anticipated traffic volumes. The project includes points of access for emergency vehicles and will be required to comply with all building and fire code requirements.

Accordingly, the service station as proposed and conditioned will include adequate public safety measures.

**7. Does the plan conform to the purposes of the PUD District?**

The primary purpose of the PUD District is to allow flexibility in the development of projects that the City determines are in its best interest. The proposed PUD development plan modification implements the purposes of the City's PUD Ordinance by providing a service station on this site of the Pleasanton Gateway development that is compatible with the mixed-use commercial/retail and office developments of the area and that will provide a second fuel source available to City residents. The proposed service station implements the key component of the Pleasanton General Plan and the Bernal Property Specific Plan and implements the purposes of the PUD District as they pertain to commercial development:

- To encourage imagination and variety in the development of property of varying sizes and topography in order to avoid the monotony and often destructive characteristics of standard commercial developments
- To provide a development procedure, which will insure that the desires of the developer and the community are understood and approved prior to commencement of construction?
- To insure that the goals and objectives of the city's general plan are promoted without the discouragement of innovation by application of restrictive developmental standards
- To encourage efficient usage of small, odd-sized or topographically affected parcels difficult for development by themselves
- To accommodate changing market conditions and community desires

- To provide a mechanism whereby the city can designate parcels and areas requiring special consideration regarding the manner in which development occurs
- To encourage the establishment of open areas in commercial development and provide a mechanism for insuring that said areas will be beautified and/or maintained

Accordingly, the project, as conditioned, conforms to the purposes of the PUD District.

## **VIII. CONDITIONAL USE PERMIT FINDINGS**

The Planning Commission must make the following findings prior to granting the conditional use permit for the service station:

- 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.**

Because of their unusual characteristics, certain uses require review with a Conditional Use Permit to ensure that their location and operation are compatible with the surrounding area and with surrounding properties. The proposed service station achieves these purposes by its location on an infill site that is well-separated from existing residential developments and its location within a developed shopping center that is surrounded by commercial developments. The proposed service station will also provide a second fuel source for the area supporting City residents and motorists on the I-680 freeway commuting to/from the freeway.

- 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.**

As analyzed, there is adequate traffic capacity to serve the proposed service station. The proposed service station provides stacking area for 15 to 18 vehicles that is anticipated to handle the fuel pump traffic and to prevent service station traffic from blocking driveways and driveway entrances to the adjacent uses. As conditioned, an on-site monitor is required to be on-premises to monitor circulation and to ensure efficient traffic circulation through the fuel pumps.

The 24-hour operation of the service station matches the 24-hour operation of the grocery store and is compatible with the area. The conditional use permit includes conditions addressing parking, fuel deliveries, hours of operations,

etc., and would provide to the City the appropriate controls to ensure that the use does not have any negative impacts on surrounding businesses

**3. The proposed conditional use will comply with each of the applicable provisions of this chapter.**

The site's PUD zoning designation conditionally permits a service station. As proposed and conditioned, the uses and drive-through lanes comply with all relevant sections of the Pleasanton Municipal Code.

**IX. PUBLIC COMMENT**

Public notices were sent to all property owners and tenants that had received notices of the previous Pleasanton Gateway development applications. Exhibit R is a copy of the noticing area. Staff has not received any verbal or written communications from the noticed property owners and/or tenants as of the writing of the staff report. Any comments or concerns received from adjacent owners or tenants before the public hearing will be forwarded to the Planning Commission.

**X. CONCLUSION**

Staff and the applicant have worked together closely on the proposed service station to achieve a development that is compatible and sensitive to the site's location in the Pleasanton Gateway development and facing Bernal Avenue. The proposed project achieves a high level of visual interest and quality as meeting the nearby community's stated requests for a second source of fuel on the Pleasanton Gateway property operated by Safeway with its grocery store. The combination of visual quality, functionality of the site plan that will reduce if not avoid on-site circulation problems, combined with repeated community requests for a second service at this location convinces staff to revise its previous position and to recommend the proposed service station as part of the Pleasanton Gateway development on this City entryway.

**XI. STAFF RECOMMENDATION**

Staff recommends the Planning Commission forward Case PUD-02-09M, P12-0637, and P12-0638 to the City Council by taking the following actions:

1. Find that there is no new information or changed circumstances that would require additional CEQA review and that the proposed project is covered by the approved Mitigated Negative Declaration for PUD-02-07M;
2. Find that the proposed PUD Major Modification and development plan is consistent with the Pleasanton General Plan and with the Bernal Property Specific Plan;

3. Make the PUD Development Plan Findings stated in the staff report and adopt a resolution recommending approval of Case PUD-02-09M subject to Exhibit A, the Draft Conditions of Approval;
4. Make the Conditional Use Permit Findings stated in the staff report and adopt a resolution recommending approval of Case P12-0637 subject to Exhibit B, the Draft Conditions of Approval; and,
5. Adopt a resolution recommending approval of Case P12-0638 subject to Exhibit C, the Draft Conditions of Approval.

**Staff Planner:** *Marion Pavan*, (925) 931-5610, [mpavan@ci.pleasanton.ca.us](mailto:mpavan@ci.pleasanton.ca.us)