

**EXHIBIT A  
DRAFT CONDITIONS OF APPROVAL**

**PCUP-276, 7-Eleven Convenience Store  
/ 3506 Old Santa Rita Road, Suite B  
October 27, 2010**

**PROJECT SPECIFIC CONDITIONS**

**Planning Division**

1. If additional activities beyond what is stated in the applicant's written narrative (Exhibit B) or as modified by these conditions are desired, prior City review and approval is required. Except as noted below, the Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
2. 7-Eleven shall obtain all necessary approvals from the Department of Alcoholic Beverage Control (ABC) prior to operation and shall be subject to all applicable ABC requirements.
3. 7-Eleven shall ensure that no disorderly behavior occurs outside of the store and that loitering and consumption of alcohol shall not be allowed on-site.
4. The employees shall dispose of waste or recyclables in the shared trash enclosures between 8:00 a.m. – 10:00 p.m. only.
5. 7-Eleven shall provide a trash receptacle and bike rack near the entrance of the business. The receptacle and bike rack shall be shown on the plans submitted to the Building and Safety Division for tenant improvement permits and shall be subject to the review and approval of the Planning Division prior to building permit issuance.
6. 7-Eleven deliveries shall be limited to the hours of 6:00 a.m. to 10:00 p.m. Drivers shall turn off their trucks while off-loading to further reduce noise pollution.
7. This approval does not include approval of any signage for 7-Eleven. If signs are desired, 7-Eleven shall submit a sign proposal to the City for review and approval prior to the sign installation. All signs shall conform to the Santa Rita Junction approved sign program.
8. Outdoor muzak/elevator music shall be used to deter loitering. Details regarding the number of speakers, speaker location, speaker orientation, volume level, etc. shall be included in the plans submitted to the Building and Safety Division for tenant improvement permits and shall be subject to the review and approval of the Planning Division prior to building permit issuance.

9. All proposed HVAC units, blowers, make-up air units, ducts, etc. shall be shown on the building permit plans. The applicant shall effectively screen from view all HVAC units, blowers, make-up air units, ducts, etc., whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the building. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be provided prior to occupancy.
10. The applicant or responsible party shall pay for additional sewer capacity for the subject use as determined by the Director of Operations Services. The sewer fee shall be paid prior to issuance of a building permit and/or prior to operation.

### **STANDARD CONDITIONS**

#### **Planning Division**

11. The proposed convenience store shall be in substantial conformance to Exhibit B, dated "Received July 15, 2010," on file with the Planning Division, except as modified by these conditions. Minor changes to the approved plans and/or operation may be allowed subject to the approval of the Director of Community Development.
12. If the operation of this use results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing.
13. Changes to the exterior of the building or site shall not be made without prior approval from the Planning Division.
14. The 7-Eleven franchise owner and/or staff shall maintain the area surrounding the business in a clean and orderly manner at all times. The owner/staff shall be responsible for and shall monitor the area outside of 7-Eleven to ensure peace and quiet.
15. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the

litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

16. If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
17. This conditional use permit approval will lapse one (1) year from the effective date of approval unless the applicant receives a business license for the subject location.

### **Building and Safety Division**

18. Prior to issuance of a business license, the applicant shall contact the Building Division and the Fire Marshall to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.
19. The applicant shall pay any and all fees to which the use may be subject prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.

### **CODE REQUIREMENTS**

*Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.*

20. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.
21. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.
22. The building permit plan check materials for the proposed tenant improvements will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of approval, unless the applicant submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design and/or operation is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.
23. The business shall comply with the Chapter 9.24 of the Pleasanton Municipal Code (Smoking in Public and Work Places).

24. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

{end}

**Natalie Amos**

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**From:** Glen Haendel  
**Sent:** Tuesday, August 31, 2010 2:28 PM  
**To:** Natalie Amos  
**Cc:** Mary Tindall; Larry Dahlhauser  
**Subject:** Comments regarding 7-Eleven  
**Attachments:** 7-11

Natalie,

I've attached a copy of the comments regarding the proposed 7-Eleven. I have also put the copy in this email so that in the event that the download doesn't work you have a copy. Please contact me directly if you have any questions. Could you please confirm that you did receive this email and contents?

Thanks again,

Glen

August 30, 2010

To: Natalie E. Amos

Good morning,

Thank-you so much for your quick response. Below, I have outlined some concerns regarding the proposed 7-Eleven, which is to be located at 3506 Santa Rita Rd. Firstly, however, I would like a copy of the staff report e-mailed to me at your convenience. Secondly, I would respectfully ask the Planning Commission to postpone the tentative hearing of September 29<sup>th</sup> to a later date in early October. I feel it is vitally important that I am there to go over the concerns listed below:

I am the President of the San Marco Homeowners' Association located on Pickens Lane/Newman Place. This development is located directly across from the proposed location of the 7-Eleven. The Board of our Association and the homeowners in our development have many valid concerns that directly affect the community in which we live. They are as follows:

- Noise. I'm not sure if you remember. At this same exact location, there was once a bar. The bar noise was always loud, but was not a 24 hour establishment. With this proposed 7-Eleven store, customers will be coming and going at all hours of the night, therefore we believe the noise level will return to a very disturbing level. Also, if the delivery trucks make stops at night this too will increase the noise level.
- The perception of a 7-Eleven is a place where unwanted activity occurs. It is a meeting point for various people, thus causing loitering and unwanted activity. There are elementary and middle school children who will walk pass this 7-Eleven and be exposed to the activities surrounding the 7-Eleven.
- The intersection of Santa Rita Road and Old Santa Rita Rd. will have an increase in traffic and congestion well above the normal. Also, where are the delivery trucks going to park! How will that affect the flow of traffic? The Community already has many cars/trucks that pull into the complex for various reasons. We believe this will increase as well. With Valley Care Hospital located in relative close proximity, traffic is coming and going at that intersection 24 hours a day right now, which includes noisy emergency vehicles.
- I, personally, have 27 years experience in this city and have seen activity at night at two of three 7-Eleven's in town. The third has been recently built. With the proposed location of this new 7-Eleven, brings to mind something that you may not realize. Santa Rita Jail releases convicts at night. Many of the convicts come across into Pleasanton for various reasons. With alcohol being sold 24 hours a day this 7-Eleven is now a magnet for released convicts. Not only for the alcohol, but to keep warm in the winter nights, thus loitering.
- On a more global picture, this 7-Eleven is just about the first building you see coming into the city of Pleasanton and will be the first after the "Welcome to Pleasanton" sign. . With what has been outlined above, that is what people will see 24 hours a day!
- The value of our homes are going to be affected by the location of this business. These townhomes are unique to the city of Pleasanton. There are no others on a comparable basis. When one is sold they are compared to a like townhome in the same community. With this business looming across the street, this will be considered in the values, and not in a positive way.
- There is already a CVS Pharmacy, a brand new Ranch 99 supermarket and a Trader Joe's market nearby and, possibly in the near future, a Fresh and Easy Market on Rosewood Drive just around the corner, where customers can purchase alcohol and anything else that 7-Eleven has to offer.
- Placing this 7-Eleven at the above mentioned location is inconsistent with the locations of the other 7-Elevens in Pleasanton. The others are located near gas stations that are also open 24 hours.

I would like to take this opportunity to thank you for your assistance. Should there be any questions and/or comments, please feel free to contact me directly.

Sincerely,

Glen Haendel

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## Natalie Amos

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**From:** Glen Haendel  
**Sent:** Wednesday, September 08, 2010 6:45 PM  
**To:** Natalie Amos  
**Subject:** Website for failed 7-Eleven

<http://www.allbusiness.com/legal/property-law-real-property-zoning-land-use/14057760-1.html>

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## Natalie Amos

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**From:** Glen Haendel  
**Sent:** Thursday, October 14, 2010 9:21 AM  
**To:** Natalie Amos  
**Cc:** Mary Tindall; Larry Dahlhauser  
**Subject:** Additional Information For San Marco HOA Protest of 7-Eleven

Natalie,

I would like to add to the staff report the following information regarding our protest of the proposed 7-Eleven at the corner of Santa Rita Rd. and Old Santa Rita Rd.

\* According to the Pleasanton Police Department public records, the other two 7-Eleven locations in Pleasanton have experienced increases in police calls over the past few years.

- From 2007 to 2009, the 4307 Valley Ave. 7-Eleven location had a 232% increase in police calls.

- From 2007 to 2009, the 3760 Hopyard Ave. 7-Eleven had a 120% increase in police calls. 50% of 2009 calls occurred between 10pm-5am, and the number of 2009 calls between 10pm-5am increased 79% v. 2007.

These statistics are just police calls and not fire related responses to either one of these locations. These are appalling statistics! As expected we will experience unwanted nighttime activity that will directly effect our community.

Thanks,

Glen Haendel

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## Natalie Amos

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**From:** Frederic Weiller  
**Sent:** Thursday, October 14, 2010 6:23 PM  
**To:** Natalie Amos  
**Cc:** Karine WEILLER;  
**Subject:** Protesting and opposing the installation of a 7-Eleven at the junction of Santa Rita and Old Santa Rita.

Dear Ms. Amos,

This email is intending to express and record our protest and opposition to the installation of a 7-Eleven at the junction of Santa Rita and Old Santa Rita for the following reasons:

**PROPERTY VALUES AFFECTED:** Our home values may be negatively affected due to 7-Eleven's close proximity.

**NOISE:** Potential increase in disturbing noise 24 hours a day from people gathering outside 7-Eleven.

**SANTA RITA JAIL CONVICTS:** The jail releases prisoners at midnight, and many walk into Pleasanton on Santa Rita Road. The 7-Eleven may be a magnet for these individuals, and our grassy area with benches may also be target for overnight sleeping.

**TRAFFIC, PEDESTRIAN & CHILD SAFETY HAZARDS:** Potential increase in traffic & congestion in an already dangerous intersection at Santa Rita & Pickens Lane. On average, a typical 7-Eleven in the U.S. has 1,000 customers a day.

- Risk to our children who play in the street.
- Increased risk for more traffic and car/pedestrian accidents.

**LOITERING, TRESPASSING & TRASH:** Potential exposure to people trespassing into our community & loitering in our grass/bench/guest parking area & leaving trash. Potential for non-resident "overflow" parking in our guest parking area.

**INCREASE IN LIABILITY & EXPOSURE TO LAW SUITS:** Non-residents who trespass & loiter in our community could increase our liability for HOA lawsuits & risk for insurance rate hikes.

**REPAIR COSTS:** When non-resident cars turn into our community or use our street & driveways to turn around, repair costs may increase. This could translate to higher HOA fees.

According to the Pleasanton Police Department public records, the other two 7-Eleven locations in Pleasanton have experienced increases in police calls over the past few years. If these facts are any indication of what the proposed 7-Eleven across the street will be like, this is something for us to consider.

- From 2007 to 2009, the 4307 Valley Ave. 7-Eleven location had a 232% increase in police calls.
- From 2007 to 2009, the 3760 Hopyard Ave. 7-Eleven had a 120% increase in police calls. 50% of 2009 calls occurred between 10pm-5am, and the number of 2009 calls between 10pm-5am increased 79% v. 2007.

Thanks for your attention and support in opposing the installation of a 7-Eleven at the junction of Santa Rita and Old Santa Rita.

Frederic and Karine Weiller

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## Natalie Amos

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**From:** Hazem Jaouni  
**Sent:** Friday, October 15, 2010 12:49 AM  
**To:** Natalie Amos  
**Subject:** Protest of the proposed 7-Eleven Store

Dear Natalie Amos

As San Marco residents, we are writing this letter to protest the proposed 7-Eleven store that would be located across the street from our community.

We have great concern regarding unwanted activity during the daytime and especially evening hours. We have an open space with benches where strangers could be sitting all day/night in front of our homes. Also traffic at our intersection will increase greatly. As parents to young children who play outside and walk home from school everyday the addition of a 7-Eleven puts our community at such a high risk of danger regarding more traffic and strangers right in front of our neighborhood.

I am also aware that we already have two 7-Elevens located in the city of Pleasanton. Isn't there any limit as to how many of the same stores/shops a city can have especially with them being within such close proximity? We also have stores such as 99 Ranch, CVS and Safeway that are located within minutes - why would we need a 7-Eleven right next to them? They already sell and have the same plus more items than a 7-Eleven store.

We are very concerned about this matter, especially for the safety and well being of our community. The addition of a 7-Eleven store is not a place that will benefit our community in any way.

Thank you

Rula and Hazem Jaouni

Click

<https://www.mailcontrol.com/sr/Ga5h2CllmAHtndx!oX7UvNBjd!jDt7YOapUftL1VbNpOjoQeHrpvTYKn!GNQtwzUksPBETi6kgsWPB8dn7asg==> to report this email as spam.

## Natalie Amos

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**From:** Vanessa Toy |  
**Sent:** Friday, October 15, 2010 1:04 AM  
**To:** Natalie Amos  
**Subject:** PROTEST - 7-Eleven at 3506 Old Santa Rita Road  
**Attachments:** 7-Eleven - Old Santa Rita.ppt.pdf; ATT00001..htm

Date: October 15, 2010

To: N. Amos

From: V. Toy - Resident/Homeowner of San Marco Homeowners Association

Re: Proposed 7-Eleven at 3506 Old Santa Rita Road (corner of Santa Rita Road and Old Santa Rita Road/Pickens Lane)

Dear Ms. Amos,

I am writing as a concerned resident of Pleasanton and homeowner in the San Marco Homeowners Association/community (located on Pickens Lane), and to formally protest the 7-Eleven convenience store being proposed at 3506 Old Santa Rita Road.

Please confirm/acknowledge your receipt of this letter.

The presence of a 7-Eleven at this proposed location in close proximity to residential communities has a negative impact and various issues of concern that affect the surrounding area within Pleasanton as well as our San Marco neighborhood (which resides on the private streets of Pickens Lane and Newman Lane). I strongly recommend consideration of these issues during the City of Pleasanton's review of the proposed 7-Eleven as well as a formal traffic & safety study.

### TRAFFIC, PEDESTRIAN & CHILD SAFETY HAZARDS

- The proposed 7-Eleven will increase vehicle traffic & congestion in the already dangerous & heavy traffic intersection at Santa Rita & Old Santa Rita Road/Pickens Lane.
- On average, a typical 7-Eleven in the U.S. has 1,000 customers a day. Assuming the proposed store is open 24 hours, this averages to approximately one customer per 1-1/2 minutes. This level of customer/vehicle traffic has the following implications.
  - Increase in Santa Rita and Old Santa Rita Road traffic congestion, increasing potential for dangerous vehicle and pedestrian accidents. This intersection is already dangerous due to 1) Eastbound Old Santa Rita Road vehicles turning left onto Northbound Santa Rita Road (who take the right away from vehicles traveling Eastbound from Pickens Lane to Old Santa Rita Road), and 2) U-Turns from Southbound Santa Rita Road vehicles turning to go northbound on Santa Rita Road.
  - The current parking lot that would service the proposed 7-Eleven currently has limited parking spaces to accommodate the 10 business stores/locations.
  - Given the heightened vehicle traffic, customers will either park illegally in the parking lot (e.g., double park, park in the handicap spaces, block the driveway), increasing potential for vehicle and pedestrian accidents, or unauthorized "overflow" parking will occur on neighboring areas/streets including the Valley Care Hospital and Pickens Lane which is a private street.
  - Risk to our children who play outside on Pickens Lane. Our community has a number of families with children, who would be at risk for injury from potential accidents by

drivers who are not familiar with the area/neighborhood and who mistakenly or purposely drive into our San Marco community.

- Trespassing vehicles who enter our private San Marco community increase our homeowner liability.

### INCREASE IN POLICE CALLS AND NEGATIVE ACTIVITY

- The Pleasanton Police Department public records indicate that the other two 7-Eleven locations in Pleasanton have experienced increases in police calls over the past few years. These other 7-Eleven stores are located in commercial areas. This is a direct indication of the potential issues that will occur at the proposed new 7-Eleven, which is even worse given the proposed 7-Eleven's location in a residential area.
  - From 2007 to 2009, the 4307 Valley Ave. 7-Eleven location had a 232% increase in police calls.
  - From 2007 to 2009, the 3760 Hopyard Ave. 7-Eleven had a 120% increase in police calls. 50% of 2009 calls occurred between 10pm-5am, and the number of 2009 calls between 10pm-5am increased 79% versus 2007.

### UNWANTED NOISE, LOITERING, TRESPASSING & TRASH = INCREASED EXPENSES & LIABILITY

- Given the 24 hour nature of the proposed 7-Eleven and that this type of store typically attracts people to loiter outside the store, an increase in unwanted noise will occur during the night, that is in direct proximity to the residents of the San Marco community and the neighboring homes.
- Further, 7-Eleven customers who may wish to consume their food/beverages in a sit down location, may inappropriately trespass into our private San Marco community/Pickens Lane street and use our private grass area/benches, increasing unwanted trash, liability for our homeowners, and clean-up cost for our residents.
- The increased traffic and trespassing as noted above also deteriorates our private road on Pickens Lane and Newman Lane, which increases our maintenance costs.

### DEVALUATION OF PROPERTY VALUES AND CITY OF PLEASANTON IMAGE

- Homes in close proximity to the proposed 7-Eleven are at risk of being negatively affected due to the store's impact per the points above.
- Further, the presence of a 7-Eleven just after our "Welcome to Pleasanton" sign into our city does not provide a quality image perception that the City has worked so hard to develop and maintain over the years.

### 7-ELEVEN PRODUCT SELECTION DOES NOT PROVIDE INCREMENTAL BENEFIT TO THE COMMUNITY/EXISTING FOOD STORES-RESTAURANTS ALREADY EXISTS TO FULFILL CONSUMER NEEDS

- A typical 7-Eleven has similar products as those available at a grocery store or drug store.
- In this case, a CVS drug store, 99 Ranch grocery market, and Trader Joe's are all within less than one mile from the proposed 7-Eleven.

- Further, there is a 24-hour McDonald's within less than one mile in a commercial area that provides full service fast food (including coffee, with both in-dining and drive through options and ample parking).
- There is also a full service Safeway within approximately one mile to the North (Dublin Blvd./Tassajara) and to the South (Santa Rita Road/Valley).
- Adding a convenience store format such as a 7-Eleven in close proximity to other existing stores does not provide the Pleasanton community with any additional benefit.

As indicated above, I have grave concerns regarding the proposed 7-Eleven at 3506 Santa Rita Road and formally protest the City of Pleasanton from approving it.

Regards,  
V. Toy  
Pleasanton, CA

## Natalie Amos

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**From:** MTINDALL  
**Sent:** Monday, October 18, 2010 3:17 PM  
**To:** Natalie Amos  
**Subject:** 7-11 PROPOSAL - SANTA RITA ROAD  
**Attachments:** SAN MARCO 7-11 PROTEST LETTER.doc

Dear Ms. Amos,

Attached is a letter protesting the above proposal, for inclusion in the staff report for the Pleasanton Planning Commission meeting set for Wednesday, October 27, 2010

Sincerely,  
Jeff & Mary Tindall

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October 14, 2010

SUBJECT: Proposed 7-11 Store at the corner of Santa Rita Road and Old Santa Rita Road, Pleasanton

Dear Ms. Amos,

As a homeowner in the San Marco Pleasanton housing development and a Board member of its Homeowners' Association, on behalf of myself and my husband, I would like to strongly protest against the application for a proposed 7-11 store directly across the street from our development.

We have lived in this neighborhood since it was built eleven years ago, and we, as a small community, take great pride and interest in our homes and the people who live here.

We are very distressed about this proposal for all of the reasons which have already been submitted by Glen Haendel, the President of our Homeowners' Association, e.g. noise, additional traffic, undesirable elements, vehicle accidents, garbage, loitering etc. etc.

Our development has already had to put up with a lot in its young life.

We deal with countless vehicles entering our neighborhood because they think it is a through street, even though there are signs to the contrary, so we can only imagine what it would be like if this store goes in right across the street from us. Some neighbors have had vehicles turn around in their driveways, and one has had her garage door hit and damaged several times.

Other neighbors deal with the noise of dumpster emptying at the hospital across the street at 3:30AM every week.

More importantly, we are fearful of having undesirable characters come in to our neighborhood to "hang out". We have a park area just inside our development, which we are sure would be a very inviting spot for some.

There are numerous other options in close proximity for purchasing the kind of products which this 7-11 would carry, so we fail to see a need for another.



We hope that you will give careful consideration to our concerns and comments and understand how this proposed store would most definitely adversely affect all of us living in the San Marco Pleasanton development.

Sincerely,

Jeff & Mary Tindall

## Natalie Amos

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**From:**  
**Sent:** Monday, October 18, 2010 7:35 PM  
**To:** Natalie Amos  
**Subject:** 7Eleven Protest

Hi Natalie,

This email is to put forth my immense protest of the 7Eleven that is being considered to be placed at the corner of Santa Rita and Old Santa Rita Road. I have been a resident here at San Marco for 9 years and would love to maintain the small town and community feel.

\* According to the Pleasanton Police Department public records, the other two 7-Eleven locations in Pleasanton have experienced increases in police calls over the past few years. If these facts are any indication of what the proposed 7-Eleven across the street will be like, this is something that makes me extremely nervous. I am a single mother of 2 children (11 and 14 years old) and to minimize the "riff-raff" and the loitering around a 7Eleven would make me feel even more concerned about the safety of my children.

- With limited parking available in the San Marco parking lot which is also full of customers/employees from other stores/businesses on the corner, there will be parking issues with overflow to close proximity streets such as Pickens Lane.

- The heavy customer traffic may also cause Santa Rita and Old Santa Rita Road traffic congestion, increasing potential for dangerous vehicle and pedestrian accidents.

My concern echoes that of the rest of my community and we feel so strongly that this establishment would cause way more harm to our community than the potential benefits. A few of our concerns include the following:

**PROPERTY VALUES AFFECTED:** Our home values may be negatively affected due to 7-Eleven's close proximity.

**NOISE:** Potential increase in disturbing noise 24 hours a day from people gathering outside 7-Eleven.

**SANTA RITA JAIL CONVICTS:** The jail releases prisoners at midnight, and many walk into Pleasanton on Santa Rita Road. The 7-Eleven may be a magnet for these individuals, and our grassy area with benches may also be target for overnight sleeping.

**TRAFFIC, PEDESTRIAN & CHILD SAFETY HAZARDS:** Potential increase in traffic & congestion in an already dangerous intersection at Santa Rita & Pickens Lane. On average, a typical 7-Eleven in the U.S. has 1,000 customers a day.

- Risk to our children who play in the street.
- Increased risk for more traffic and car/pedestrian accidents.

**LOITERING, TRESPASSING & TRASH:** Potential exposure to people trespassing into our community & loitering in our grass/bench/guest parking area & leaving trash. Potential for non-resident "overflow" parking in our guest parking area.

**INCREASE IN LIABILITY & EXPOSURE TO LAW SUITS:** Non-residents who trespass & loiter in our community could increase our liability for HOA lawsuits & risk for insurance rate hikes.

**REPAIR COSTS:** When non-resident cars turn into our community or use our street & driveways to turn around, repair costs may increase. This could translate to higher HOA fees

Thank you in advance. If you need any further information from me, please feel free to call me or send me an email.

Warm Regards,

Julie Yellin

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## Natalie Amos

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**From:** John DeKoven  
**Sent:** Tuesday, October 19, 2010 1:27 PM  
**To:** Natalie Amos  
**Subject:** RE: PCUCP-276

Hi Natalie,

Yes please e-mail me report when completed.

I would also like to include for the public comments if possible:

My name is John DeKoven and I live within 1/10 of a mile from the proposed project. Right now the interesection os Santa Rita/Old Santa Rita/Pickens is already a mess and this will only make it worse. I know that right now with repeated phone calls and communications we have not been able to get the very dangerous traffic signal issues resolved.

More importantly this is going to draw all kinds of noise in throughout the evening. Even though I'm close I am a little bit removed. I feel sorry for my neighbors who are going to be directly across the street from the 7-11. They will have to listen to cars pulling in and out of the lot (not to mention the delivery trucks), lough talking, kids roughousing etc...

I could go on and on about how bad this is for our neighborhood, but it is pretty apparent. I have no problem with small business and I am an entrepreneur myself, but this is not an appropriate localtion for this type of business. I do hope that the Pleasanton City Council can see this.

Sincerely,

John DeKoven

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**From:** Natalie Amos [mailto:[namos@ci.pleasanton.ca.us](mailto:namos@ci.pleasanton.ca.us)]  
**Sent:** Tuesday, October 19, 2010 12:19 PM  
**To:** John DeKoven  
**Subject:** RE: PCUCP-276

Dear Mr. DeKoven,

The date noted in the notification card was an administrative error and we apologize for any inconvenience this may have caused you. The date should have read "October 22, 2010" as staff reports are available the Friday before the scheduled hearing date. Also, the staff report for the October 27, 2010 Planning Commission meeting has not been approved for release as I am still working on final edits and incorporating public comments that I have received. If it is convenient for you, once the staff report is available for release I would be more than happy to e-mail you a copy.

Please let me know if you have any questions and/or comments.

Kindest regards,  
Natalie

---

**From:** John DeKoven  
**Sent:** Tuesday, October 19, 2010 12:00 PM

**To:** Natalie Amos  
**Subject:** PCUCP-276

To whom it may concern:

I do not see this staff report that is supposed to be on the website as of October 14. Please advise.

Sincerely,  
JOhn DeKoven

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## Natalie Amos

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**From:** Mohinder Mahal  
**Sent:** Wednesday, October 20, 2010 10:49 PM  
**To:** Natalie Amos  
**Cc:** Sonia Mahal  
**Subject:** Concerns about the proposed 7-11 @ Old Santa Rita Road  
**Attachments:** 7-11 image3-View.JPG

Dear Ms Amos,

I am writing to you with regards to the proposed 7-11 convenience store that is planned to come up at 3506 Old Santa Rita Road.

I am a registered Pleasanton voter and the homeowner at 3463 Pickens Lane, which is the diagonally closest home to the above said commercial property. I can actually see the said commercial property directly from my front porch, driveway, backyard (over the fence) and bedroom. Please see the attached photograph as evidence.

I have a number of objections to the presence of the convenience store at this location and the issuance of a Conditional Use Permit to operate this store.

**Concerns:**

- 1. Traffic:** With the arrival of this store so near a residential complex on Pickens and Newman, another residential complex on Santa Rita, an apartment complex on Andrews Road, a Hospital on Santa Rita, and a Fire Station on Santa Rita - it will add additional pressure on this already busy street/intersection. As per 7-11's website, on an average each store gets about 1,000 customer's a day. That translates to about 300-500 additional vehicles every day!
- 2. Proximity to School:** Not sure if this has been factored in yet, but there is a public School (Fairlands Elementary on Las Positas) one intersection away and there are children walking from the above mentioned residential communities daily on their way to and from the school - using the Old Santa Rita/Santa Rita intersection. Presence of a 24/7 store on the way to school creates unnecessary distraction - not to mention additional risks of exposure to strangers.
- 3. Noise:** Increased traffic 24 hours a day will create a nuisance and noise pollution that is not characteristic of a residential community. A 24/7 convenience store has a neighborhood profile of a gas station, or commercial plaza (strip mall), or freeway exit ramp - not a neighborhood street like Old Santa Rita and Pickens Lane. Moreover with a hospital nearby that operates a 24/7 emergency room, I am not sure how they can approve of a 24/7 store and traffic across the street that will attract visitors in the middle of night.
- 4. Crime:** There is ample evidence that stores like 7-11 increase the crime rate in their proximity. Even the two stores in our own city today have reported an increase of crime rates from 80% to over 200%. I don't see how we can invite this crime-magnet in our community again without putting some measures in place first.
- 5. Loitering/Trashing:** Personally, my selfish concern is the fact that I am the first house near the proposed location that has a large grassy play area with benches. The grassy area is visible from the proposed store - so its inviting enough to encourage loitering at all hours of the day - and still hidden enough so that a passing patrol car cannot see what's happening there. I can already envision a scenario where I will be routinely calling the authorities to clear out people from this area or having to pick after their trash.
- 6. Business model:** I challenge the 7-11 management that this location is a perfect location for their business model. It is not near the freeway exit enough to attract customers and they cannot install/erect signs tall enough to attract customers inwards either. All previous business owners have complained about poor customer traffic and have left the location. The business district for this model seems to be more north on Santa Rita towards Pimlico Drive or even West on Rosewood Drive where the newer stores like Ranch 99 have come up. I can see a 7-11 perhaps in that complex near the CVC store or behind them on Santa Rita like the Panda Express restaurant. This selected location is not the business model that 7-11 stores would seek and it boggles my mind how they would have chosen this as a desired location. I am positive that the store will fail and leave in a short period of time, but in its wake it would have caused enough damage to us. It will no doubt effect the property prices of all the housing complexes nearby, including those on Pickens Lane and Newman Place.

In summary, I implore you to consider the concerns that I and other homeowners in the neighborhood have about this proposal. I hope that the Planning Commission would take these and other concerns into proper consideration and make the right decision on behalf of the citizens of our beautiful city. After all, as we enter the city from Santa Rita and cross the "Welcome to Pleasanton" signs, the last

thing we want to see is a 24/7 convenience store!

With regards,

Mohinder & Sonia Mahal

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A photograph of a street scene. In the foreground, there are large, leafy trees with green and yellow leaves. In the middle ground, a 7-11 store is visible, with its red and white logo clearly seen. The street is lined with other buildings and trees. The lighting suggests it might be late afternoon or early morning.

**7-11 Store Location**

**Community recreation area with benches**

**View from my porch**



**EXHIBIT D****Hopyard Road 7-Eleven**

| <b>Call type</b>          | <b>2007</b> | <b>2008</b> | <b>2009</b> | <b>2010</b> |
|---------------------------|-------------|-------------|-------------|-------------|
| Petty Theft               | 4           | 4           | 6           | 3           |
| Battery                   |             |             |             | 2           |
| Vandalism                 |             |             |             | 1           |
| Burglary                  |             |             |             | 1           |
| Narcotic Violation        |             |             |             | 1           |
| Pedestrian stop           | 6           | 8           | 18          | 8           |
| Bicycle Stop              |             | 1           |             |             |
| Welfare check             | 1           | 1           | 2           |             |
| Business check            | 2           | 2           | 8           | 2           |
| Suspicious person         | 3           |             | 1           | 2           |
| Intoxicated person        | 1           |             |             |             |
| Hit and run               | 1           |             |             | 1           |
| Mental Commitment         |             |             |             | 1           |
| Tobacco/Alcohol violation |             |             | 1           |             |
| Trespassing               |             |             | 1           |             |
| Disturbance               | 1           | 3           | 2           | 1           |
| 911 call                  | 2           | 2           |             | 1           |
| Special Enforcement       |             |             | 1           |             |
| Fire call                 | 1           |             | 1           |             |
| Citizen assist            | 1           |             |             | 1           |
| Bike Stop                 | 1           |             |             |             |
| Juvenile Problem          | 1           | 2           | 9           | 3           |
| Suspicious vehicle        | 2           | 1           |             |             |
| Hail by Citizen           | 1           | 2           | 1           | 2           |
| Penal Code Violation      | 1           | 1           |             |             |
| Citation sign off         | 1           | 1           |             |             |
| Traffic Collision         |             | 1           |             |             |
| Suspicious Circumstance   |             | 1           | 1           | 4           |
| Occupied Vehicle          |             | 3           | 4           | 5           |
| Found/Lost Property       |             | 2           |             | 1           |
| Graffiti                  |             | 1           | 2           |             |
| 211 Alarm                 |             | 1           |             | 1           |
| Follow up investigation   |             |             |             | 2           |
| Misc Incident             |             |             |             | 1           |
| Vehicle Code Violation    |             |             |             | 1           |
| <b>Total</b>              | <b>30</b>   | <b>37</b>   | <b>58</b>   | <b>45</b>   |

**Valley Avenue 7-Eleven**

| <b>Call type</b>          | <b>2007</b> | <b>2008</b> | <b>2009</b> | <b>2010</b> |
|---------------------------|-------------|-------------|-------------|-------------|
| Petty Theft               |             |             | 1           | 4           |
| Battery                   | 1           | 1           | 1           |             |
| Vandalism                 |             | 3           |             |             |
| Graffiti                  |             |             | 2           |             |
| Burglary                  |             |             |             |             |
| Robbery                   |             |             | 1           |             |
| Narcotic Violation        |             | 1           |             | 1           |
| Pedestrian stop           | 2           | 1           | 4           | 2           |
| Bicycle Stop              | 2           |             |             |             |
| Welfare check             |             |             |             |             |
| Business check            | 2           | 1           | 2           |             |
| Suspicious person         | 1           | 1           | 1           | 2           |
| Suspicious Circumstance   |             | 1           |             |             |
| Intoxicated person        | 1           |             |             |             |
| Suspicious vehicle        |             |             |             |             |
| Hit and run               |             |             |             |             |
| Mental Commitment         |             |             |             |             |
| Tobacco/Alcohol violation |             |             |             |             |
| Trespassing               |             |             |             |             |
| Disturbance               |             |             |             | 3           |
| 911 call                  | 6           | 2           | 2           | 4           |
| Special Enforcement       |             |             |             |             |
| Fire call                 |             |             |             |             |
| Citizen assist            |             |             |             |             |
| Bike Stop                 |             |             |             |             |
| Juvenile Problem          | 1           |             | 1           |             |
| Hail by Citizen           | 1           |             |             |             |
| Penal Code Violation      |             |             |             |             |
| Citation sign off         |             |             |             |             |
| Traffic Collision         |             |             |             |             |
| Occupied Vehicle          | 1           |             |             |             |
| Found/Lost Property       | 1           |             |             | 2           |
| Silent Panic Alarm        |             | 1           | 3           |             |
| Follow up investigation   |             |             | 1           |             |
| Misc Incident             |             |             |             |             |
| Vehicle Code Violation    |             |             |             |             |
| Illegal Parking           |             | 1           |             |             |
| Stalled Vehicle           |             |             | 1           |             |
| Vehicle Repossession      |             |             | 1           |             |
| Animal Service Call       |             |             |             | 2           |
| Medical Assist            |             |             |             | 1           |
| <b>Total</b>              | <b>19</b>   | <b>13</b>   | <b>21</b>   | <b>21</b>   |

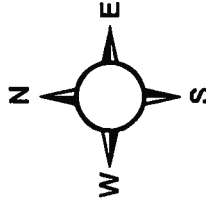
PCUP-276, ARDESHIRI

City of Pleasanton

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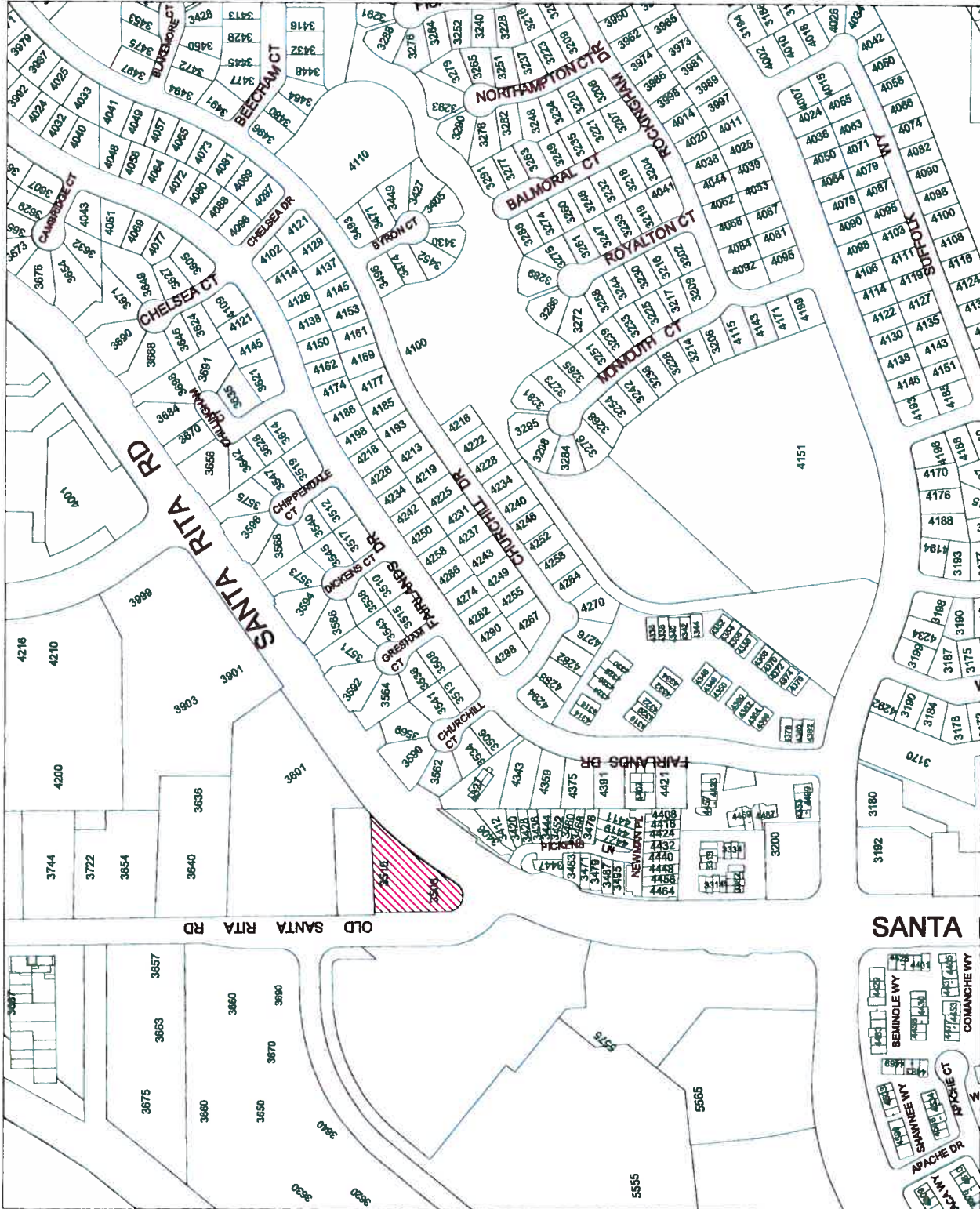
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EXHIBIT E





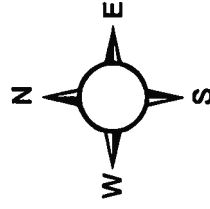
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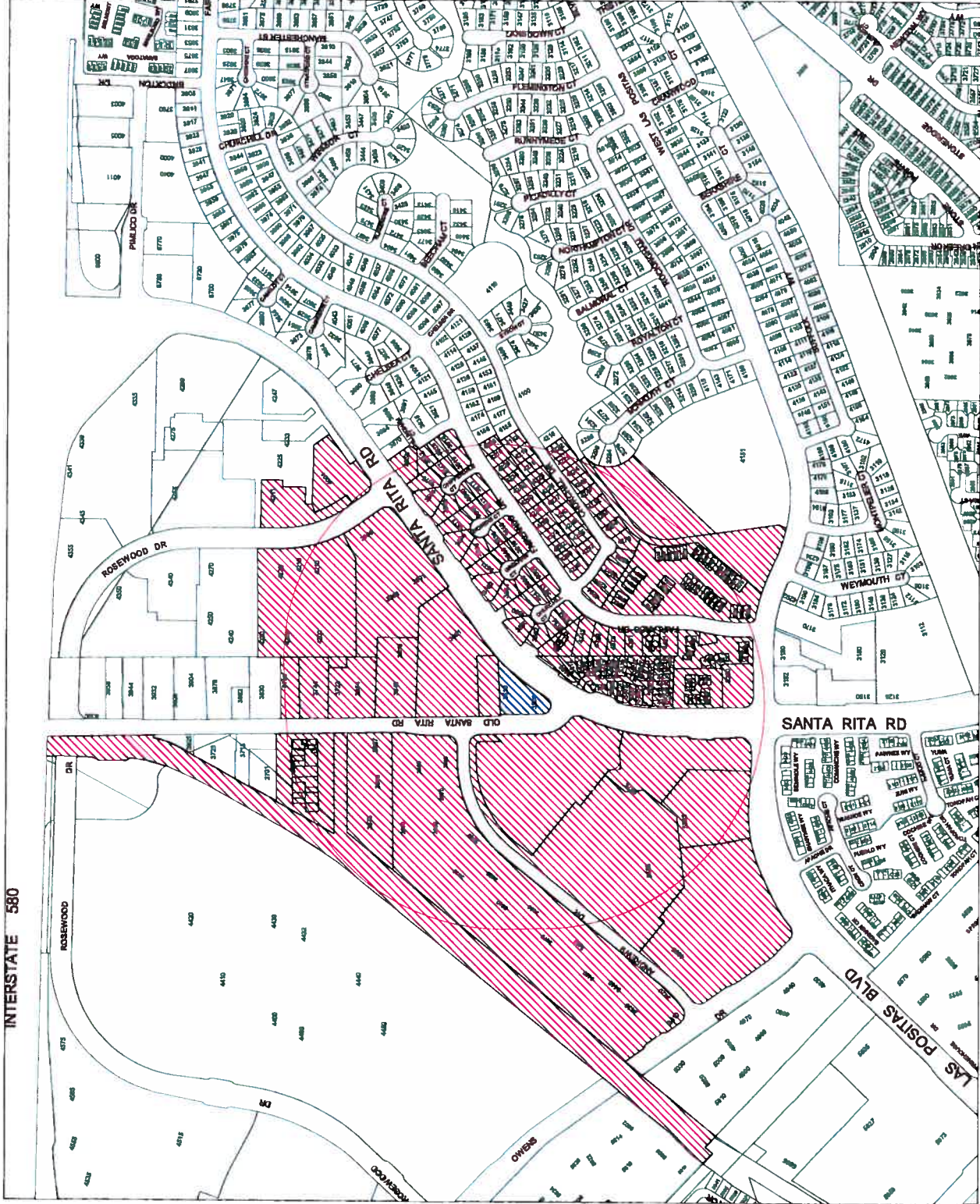
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