

January 14, 2021

Planning Commission  
City of Pleasanton  
200 Old Bernal Avenue  
PO Box 520  
Pleasanton, CA 94566

**RECEIVED**

1-14-2021

P21-0033

CITY OF PLEASANTON  
PLANNING DIVISION

**EXHIBIT B**

Subject: **Appeal of Staff Denial (550 Main Street)**  
Case P20-1062

Honorable Chair and Members of the Commission,

This letter, and the appeal form filed with Planning, is to serve as my appeal of the Director of Community Development's determination to deny a requested exception to the Active Ground Floor Overlay requirements for my business at 550 Main Street.

#### Background

This case is a result of covid, which caused the prior tenant of 550 Main Street, a yoga studio, to close and terminate its lease for the space I leased. At that time, my landlord put the space and an adjacent space up for lease, and there was no interest generally, especially from any possible retailers. Retail and other active businesses were closing throughout Main Street by government order and from lack of demand, because no one wanted to open a retail store in the covid business environment.

#### This Business

When I expressed interest in leasing the space for my real estate office, my landlord was happy to have a substantial business to keep the building from going vacant indefinitely, as are other buildings in downtown Pleasanton. Neither I nor the landlord were aware that real estate offices on Main Street had been recently restricted by the City.

I spent \$30,000 improving the interior of the lease space and fitting it to my intended use. Upon opening, we were told about the new ordinance prohibiting our use. The City Staff investigated a possible exception because the space was otherwise not leasable. But without a six-month vacancy period, Planning Staff feels it has no discretion to waive the six month vacancy period required for an exception to be granted. Technically, the space was vacant for six months, but City Staff measures vacancy period by the date the lease was signed, rather than when opened for business. During covid a more lenient interpretation would be appropriate to prevent a tsunami of Main Street vacancies as a result of that policy. I am told the Planning Commission, as a policy making body, has discretion to interpret the six-month vacancy period more leniently.

That said, Planning Staff pointed out that if the front 25% of the building facing Main Street is used for retail, then the City has no discretion but to allow that use. Although we had preliminary discussion about possible retail uses co-habiting the space with the real estate business, at the time the City Staff

wrote their denial letter, the plans were not well developed enough to justify characterizing the front 25% of the building as retail.

Now that I understand the City requirements, and have had time to plan, I have dedicated the front 25% of the leased space to retail. I will make that front 25% a quality money making retail space, have obtained the appropriate State sales tax licenses, ordered inventory, hired staff to maintain retail hours etc. and am looking forward to the challenge of being a successful retailer, as well as a successful realtor. My business is a member of the Chamber of Commerce and the PDA, and my family have been contributors to this community in many additional ways. Before my appeal gets to you it should be declared moot, because I will have fully complied with the City's Active Ground Floor Overlay District requirements (PMC Sec. 18.81.020 C, attached).

If there is anything that our current covid climate has taught us it is how a business must be flexible, fluid, and innovative. We ask that the City Staff and Planning Commission work with businesses and landlords who have suffered difficulties because of covid so we can keep downtown buildings occupied and vital.

Thank you for your consideration.

Sincerely,



Jennifer VanWegen

Owner, Iron Horse Real Estate

550 Main Street

Pleasanton, CA 94566

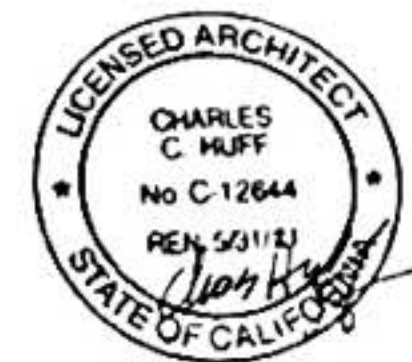
Email: [jennifer@ironhorserealestate.com](mailto:jennifer@ironhorserealestate.com)

Phone: 925.858.9332

Enclosures:

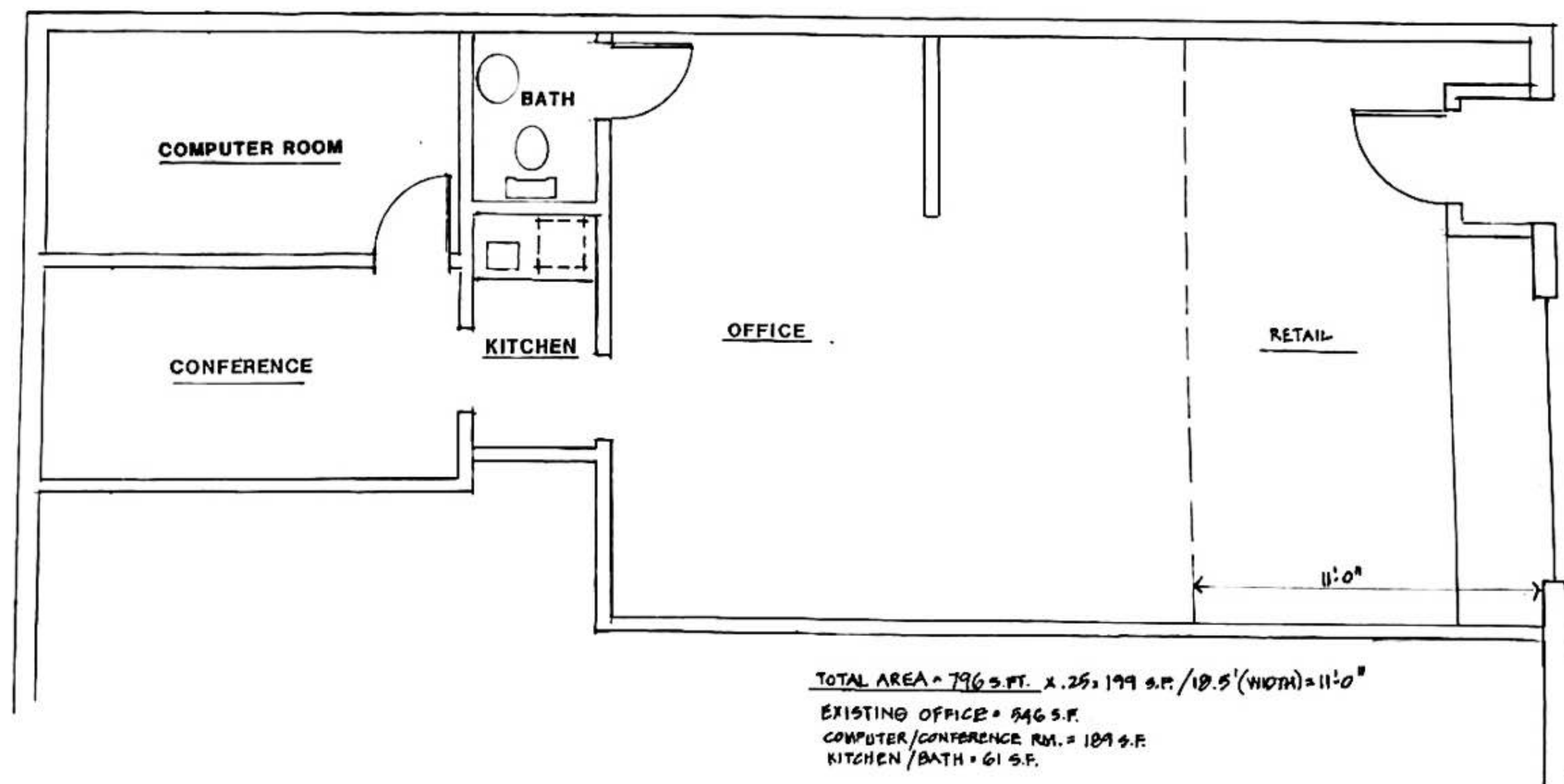
Retail Layout for Lease Space – 550 Main Street  
Chapter 18.81 PMC Active Ground-Floor Overlay District

CC: Ms. Ellen Clark  
Ms. Melinda Denis



**CHARLES HUFF, A.I.A.**  
**A R C H I T E C T**  
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 (925) 462-9226

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|---|-----------|--|
| 2 | 1/14/20   |  |
|   | Job No    |  |
|   | Drawn     |  |
|   | Revisions |  |



TOTAL AREA = 796 S.F. x .25 = 199 S.F. / 18.5' (WIDTH) = 11'-0"  
 EXISTING OFFICE = 546 S.F.  
 COMPUTER/CONFERENCE RM. = 189 S.F.  
 KITCHEN/BATH = 61 S.F.

**FLOOR PLAN**

1/4" = 1'-0"

**Iron Horse Real Estate**  
 550 Main Street  
 Pleasanton

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Sheet No