

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE APPLICATION OF SAFEWAY, INC., FOR A CONDITIONAL USE PERMIT AS FILED UNDER P12-0637 FOR THE OPERATION OF A SELF-SERVICE GASOLINE STATION ON A VACANT SITE AT 6782 BERNAL AVENUE.**

**WHEREAS**, Safeway, Inc., has applied for a conditional use permit (P12-0637) on a vacant site at 6782 Bernal Avenue for the operation of a self-service gasoline station in conjunction with its PUD Development Plan PUD-02-09M; and

**WHEREAS**, zoning for the property is PUD – C (Planned Unit Development – Commercial) District; and

**WHEREAS**, at its meeting of September 4, 2012, the City Council received information in the staff report, testimony from members of the public, and the Planning Commission's July 25, 2012 recommendation for approval of the Conditional Use Permit (P12-0638); and

**WHEREAS**, pursuant to Resolution No. 10-407, the City Council adopted the Initial Study and Mitigated Negative Declaration for PUD-02-07M, the PUD Development Plan for the Pleasanton Gateway Commercial/Office Development (of which this site is part); the traffic mitigation measures that were required and then completed in advance of the construction of the shopping center will handle the peak-hour trips generated by the service station; no newer information or changed circumstances which require additional CEQA review have been identified to the City; and

**WHEREAS**, after a review of the materials and consideration of the testimony presented, the City Council adopted Resolution No. \_\_\_\_\_ for P12-0637 approving the operation of self-service gasoline station covered by this conditional use permit; and

**WHEREAS**, after receiving public testimony and review of the materials presented, the City Council on September 4, 2012, determined that the proposed conditional use permit for the operation of a self-serve gasoline station, as conditioned, is appropriate for the site and consistent with the PUD development plan approval under PUD-02-09M.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE, AND ORDER THE FOLLOWING:**

**SECTION 1.** Approves Case P12-0637, the application by Safeway, Inc., for a conditional use permit to allow the operation of a self-service gasoline station on a vacant site at 6782 Bernal Avenue in conjunction with PUD-02-09M, subject to the conditions shown on Exhibit B, attached here and incorporated herein by reference.

**SECTION 2.** This resolution shall become effective on the effective date of Ordinance No. \_\_\_\_\_ approving the Planned Unit Development major modification for the Pleasanton Gateway project PUD-02-09M.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Pleasanton at a regular meeting held on September 4, 2012.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 4<sup>th</sup> day of September 2012 by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

\_\_\_\_\_  
Jennifer Hosterman, Mayor

**ATTEST:**

\_\_\_\_\_  
Karen Diaz, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jonathan Lowell, City Attorney

**EXHIBIT B**

**P12-0637  
Draft Conditions of Approval**

**Safeway Fuel Center  
6782 Bernal Avenue  
September 4, 2012**

1. This conditional use permit will lapse within one year from the effective date unless a building permit is issued and construction has commenced and is diligently pursued toward completion or the City has approved an extension.
2. The effective date of P12-0637 shall concur with the effective date for PUD-02-09M. If PUD-02-09M is denied or the ordinance approving PUD-02-09M fails to become effective, P12-0637 shall automatically lapse with no further legal force or effect.
3. To the extent permitted by law, the project applicant shall defend (with counsel reasonably 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, 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.
4. If the operation of this use results in conflicts pertaining to parking, noise, traffic, circulation, property maintenance including litter, or other impacts, at the discretion of the Community Development Director, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts.
5. Alcoholic beverages such as beer, wine, and hard liquors shall not be offered for sale from the kiosk building and shall be purchased from the grocery store only.
6. Changes to the operations shall not be made without prior approval from the Planning Division.
7. The service station may be open 24 hours per day including fuel deliveries.
8. The service station operator shall continuously monitor the operation of the service station. There shall be at least one service station employee, in addition to the employee(s) operating the cash register or stationed inside the kiosk building, stationed in the pump island area to monitor traffic flow and operations to ensure an efficient traffic flow through the pump islands and to prevent vehicle queues from blocking the adjoining driveway aisles and driveway entrances. During peak-use times, the pump island monitors shall be increased to two monitors or more, if necessary.

9. Fuel deliveries including off-loading activities and deliveries of other material/ product by vendors to the fuel station may be up to 24-hours per day. All delivery trucks shall use the Bernal Avenue driveway to reach the fuel station. The project developer and property owner shall notify its vendors and delivery personnel of the approved delivery route and times of delivery.
10. The service station employees shall park by the grocery store.
11. There shall be no outdoor storage. All storage shall occur entirely within the kiosk building.
12. Parking lot sweeping and garbage pick-up shall only occur from the hours of 6:00 a.m. to 10:00 p.m.
13. All fuel delivery trucks and/or service station vendors shall use the Bernal Avenue driveway to enter/exit the development.
14. The service station operator shall maintain the area surrounding the service station and site in a clean and orderly manner at all times.

**< End >**