

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING THE APPLICATION OF SAFEWAY, INC., FOR THE BUILDING AND MONUMENT SIGNS AS FILED UNDER P12-0638 FOR A SELF-SERVICE GASOLINE STATION ON A VACANT SITE AT 6782 BERNAL AVENUE.**

**WHEREAS,** Safeway, Inc., has applied for sign design review (P12-0638) on a vacant site at 6782 Bernal Avenue for the building and monument signs for 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 building and monument signs (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 P12-0638 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 building and monument signs for the self-serve gasoline station, as conditioned, are 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 the building and monument signs 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 C, 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 C**

**P12-0637**

**Draft Conditions of Approval**

**Safeway Fuel Center**

**6782 Bernal Avenue**

**September 4, 2012**

1. The final sign program for the Safeway Self-Service Gasoline Station shall be in substantial conformance to Exhibit D, dated "Received, July 12, 2012," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development.
2. This approval shall lapse one year from the effective date unless a building permit is obtained for the monument sign or the building signs.
3. The project developer shall delete the "Safeway" sign and "S"-logo shown on the south side of the canopy on the site plan. This change shall be shown on the building permit or the sign permit plans to the satisfaction of the Director of Community Development before the issuance of a building permit.
4. The "Safeway" building and canopy signs shall be individual halo-lit letters. The "S"-logos may be internally illuminated face-lit. The sign construction plans shall be submitted to the Director of Community Development before installation.
5. The effective date of P12-0638 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, P12-0638 shall automatically lapse with no further legal force or effect.
6. 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 associated with a shopping center event are prohibited.
7. 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.

8. Any changes to the comprehensive sign program for the service station shall be reviewed under a separate application for sign design approval, subject to review and approval by the Planning Division.
9. The building permit plan check package for these signs will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project developer 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 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.

**< End >**