

RESOLUTION NO. 16-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON APPROVING A GROWTH MANAGEMENT AGREEMENT FOR 273 SPRING STREET, AS FILED UNDER CASE NO. P16-0587.

WHEREAS, the City has previously approved a Design Review application (P16-0588) by H. James Knuppe for the construction of five multi-family residential units (the "Project") at 273 Spring Street (the "Property"); and

WHEREAS, Ordinance 2112 of the City of Pleasanton sets forth a Growth Management Program (at Chapter 17.36 of the Pleasanton Municipal Code) which authorizes the City to enter into agreements with developers to achieve orderly growth rates for residential development; and

WHEREAS, Ordinance 2112 states that for the current Regional Housing Needs Allocations (RHNA) cycle (5th Cycle from January 1, 2014 – October 31, 2022), the annual Growth Management unit allocation shall not exceed the number of units required to meet the City's RHNA for the fifth cycle divided by the number of years in that cycle; and

WHEREAS, the Project's five (5) new units would be used to meet the RHNA for the fifth cycle, and not exceed the currently available growth management unit allocations; and

WHEREAS, a duly noticed hearing concerning the Growth Management Agreement was held by the City Council on March 15, 2016; and

WHEREAS, the City Council finds that it is in the best interest of the City to enter into a Growth Management Agreement for P16-0588.

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 a Growth Management Agreement with H. James Knuppe for P16-0588 in substantially the same form as the agreement attached hereto as Exhibit A, which is incorporated herein by this reference, and authorizes the City Manager to sign the agreement when approved as to final form by the City Attorney.

SECTION 2. This resolution shall become effective immediately adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on March 15, 2016.

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 10th day of March 2016, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Julie Harryman, Interim City Attorney

EXHIBIT A

GROWTH MANAGEMENT AGREEMENT

THIS GROWTH MANAGEMENT AGREEMENT is made and entered into on the _____ day of _____, 2016, between **H. James Knuppe** ("Developer"), and the **CITY OF PLEASANTON**, a municipal corporation ("City").

RECITALS:

A. Developer owns a legal or equitable interest in real property commonly known as 273 Spring Street (the "Property") in the City of Pleasanton.

B. The City has granted to Developer a Design Review (DR) approval (P16-0588) for five new multi-family residential units on the Property (the "Project").

C. The five new residential units are being developed consistent with the Pleasanton Municipal Code and P16-0588.

D. City may enter into growth management agreements with project developers under the City's Growth Management Ordinance.

E. City and Developer wish to enter into a growth management agreement in order to achieve the benefits of the Project to City and its residents and in accordance with the purposes of the City's Growth Management Ordinance.

NOW, THEREFORE, in consideration of the mutual promises expressed herein, City and Developer hereby agree as follows:

I. GROWTH MANAGEMENT APPROVAL

A. City hereby grants growth management approval to the Project for five multi-family residential units in 2016. The developer may be issued a building permit for five units provided that building permits shall not be issued prior to 2016.

II. PROJECT CONDITION

Nothing herein shall reduce any obligation of Developer required as a condition of any other approvals granted by the City.

III. SUCCESSORS IN INTEREST

This Agreement shall run with the land and be binding upon and inure to the benefit of Developer and its heirs, assigns, and successors in interest that have an interest in the Subject Property, except for the purchasers of individual units within the Project.

THIS AGREEMENT is entered into as of the day and year first above written.

DEVELOPER:

H. James Knuppe

By: _____

Name: _____

CITY:

CITY OF PLEASANTON,
A Municipal Corporation

By: _____
Nelson Fialho, City Manager

ATTEST:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Julie Harryman, Interim City Attorney

