

CITY COUNCIL OF THE CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. 82-62

RESOLUTION APPROVING THE APPEAL OF VALLEY BUSINESS ASSOCIATES TO A DECISION OF THE PLANNING COMMISSION AND MODIFYING PUD-80-1

WHEREAS, on October 14, 1981, Valley Business Associates applied to the Planning Commission for modification to the PUD-80-1 approval granted March 11, 1980; and

WHEREAS, the requested modifications pertain to conditions 10, 42 and 47 of Ordinance No. 928, generally pertaining to ownership of project streets and provisions for maintenance of landscaped areas; and

WHEREAS, staff has recommended that should the requested modifications be granted, that additional conditions be attached governing provision for maintenance of streets and street lighting as well as other incidental changes; and

WHEREAS, the Planning Commission considered the application together with the Staff Report regarding this matter and denied the application; and

WHEREAS, within the time specified by the Ordinance Code of the City of Pleasanton, the applicant submitted an appeal to the City Clerk of the City of Pleasanton; and

WHEREAS, at its meeting of February 23, 1982, the City Council received a report dated December 1, 1981 from the Director of Planning and Community Development regarding this matter; and

WHEREAS, the City Council held a public hearing at which time the applicant and any other member of the public was offered an opportunity to present evidence regarding this appeal;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON RESOLVES AS FOLLOWS:

Section 1: Approves the appeal of Valley Business Associates subject to the conditions on Exhibit "A" attached hereto and by this reference made a part hereof.

Section 2: This resolution shall become effective immediately upon its passage and adoption.

THIS RESOLUTION ADOPTED FEBRUARY 23, 1982 BY THE FOLLOWING
VOTE:

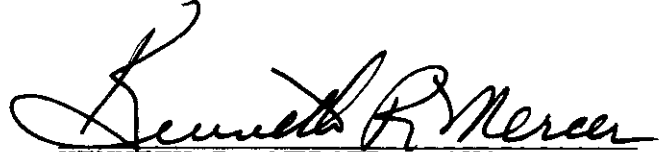
AYES: Councilmembers Butler, Kephart, Mohr, Wood and
Mayor Mercer

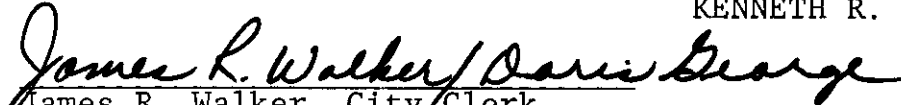
NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:


KENNETH R. MERCER, MAYOR


James R. Walker, City Clerk
By Doris George, Deputy City Clerk

APPROVED AS TO FORM:


Brian W. Swift, Acting City Attorney

EXHIBIT "A"

1. That condition number 10 of Ordinance No. 928 shall be modified in its entirety to read as follows: That prior to issuance of any building permit on the subject property the developers shall submit CC&Rs to the City for approval. Said CC&Rs shall name the City as beneficiary with power to enforce its provisions if the developer fails to do so. These CC&Rs shall either provide for a property owners association with sufficient power to manage all commonly owned areas or a maintenance district shall be established separate from the CC&Rs. The 30 ft. wide western landscape buffer, the 30 ft. wide Valley Avenue landscape strip, the landscape median in Quarry Lane, and the landscape median in Valley Avenue from the eastern boundary of the Valley Business Park to Santa Rita Road shall be maintained by the property owners association or as part of the landscape maintenance district. The district shall be established prior to issuance of any building permits on the subject property.
2. That condition number 42 of Ordinance No. 928 shall be amended in its entirety to read as follows: That the 30 ft. wide landscape buffer along the western boundary of the subject property, the 30 ft. wide landscape strip along the Valley Avenue frontage of the subject property, the landscape median in Quarry Lane, and the landscape median in Valley Avenue in front of the subject property shall all be completely landscaped and irrigated prior to issuance of any building permits on the subject property.
3. That condition number 47 of Ordinance 928 shall be amended in its entirety to read as follows: That all interior streets and all utilities in the development shall be under public ownership.

In addition to the conditions modified above, the following three conditions shall be added to Ordinance No. 928:

48. That the developer shall pay the City a lump sum of money, as determined by the City Engineer, sufficient to cover the estimated cost of the first 10 years of street maintenance for all interior streets in the development. This payment shall be made prior to issuance of any building permits on the subject property.
49. That as part of the construction of a 30 ft. wide landscape strip along the Valley Avenue frontage of the subject property, the developer shall install a minimum 8 ft. wide combination pedestrian path/bikeway in that landscape strip. This pedestrian path/bikeway shall be extended westerly to Kolln Street.

50. That all street lighting within the project shall be maintained by the property owners association or by a lighting maintenance district; said district shall be formed prior to the issuance of any building permits on the subject property.