

HERCULES CITY COUNCIL

RESOLUTION NO. 26-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING AN ADDENDUM TO THE HERCULES NEW TOWN CENTER ENVIRONMENTAL IMPACT REPORT, DESIGN REVIEW PERMIT (DRP) #25-04, VESTING TENTATIVE MAP (VTM) #25-02, AND A COMBINED INITIAL AND FINAL PLANNED DEVELOPMENT PLAN (PDP) #25-02 FOR A 180-UNIT MULTIFAMILY RESIDENTIAL DEVELOPMENT (EMBLEM HERCULES APARTMENTS) LOCATED AT 1601 WILLOW AVENUE (THE LOOP SITE), ON ASSESSOR'S PARCEL NUMBER 406-070-042-6.

WHEREAS, in June 2000, the City planned the remaining undeveloped land central Hercules, resulting in a document called The Plan for Central Hercules; and on July 16, 2001, the City incorporated this plan into its zoning regulations by adopting the Central Hercules Plan (CHP) Regulating Code as part of the Zoning Ordinance, thereby establishing the New Town Center (NTC) and other special districts; and

WHEREAS, in 2005, the City, the former Redevelopment Agency, and Hercules New Town Center LLC entered into a Disposition and Development Agreement (DDA) identifying the project site (known as the "Loop parcel") as an "Additional Town Center Parcel," which may be developed consistent with the City's current regulating codes; and

WHEREAS, under the DDA, development of the project site was contingent upon its acquisition by the project developer or the execution of an agreement allowing the developer to participate in its development; and

WHEREAS, at the property owner's request, the City Council adopted a resolution in October 2023 terminating the DDA as it applied to the project site; and

WHEREAS, on October 14, 2008, the City adopted Resolution No. 08-01, a General Plan and zoning amendment to create the Hercules New Town Center (HNTC) land use designation and zoning district, designating approximately 35 acres within the Central Hercules area as "New Town Center," which is the zoning applicable to the project site; and

WHEREAS, the Hercules New Town Center EIR (HNTC EIR) was certified on February 10, 2009 (SCH # 2007062002) by the Hercules City Council and the Hercules Redevelopment Agency, including the 6.25-acre Parcel 3/Loop project site at 1601 Willow Avenue (APN 406-070-042-6); and

WHEREAS, the project is subject to the Housing Accountability Act (HAA) and the Housing Crisis Act of 2019 (Senate Bill (SB) 330, as clarified by SB 8), which limit local discretion over qualifying housing developments; the project submitted its SB 330 Preliminary Application on October 21, 2024, and its development applications on April 14, 2025, within the required 180-day timeframe; and

WHEREAS, on October 21, 2024, Quarterra Multifamily Communities (applicant) submitted to the City a SB 330 Preliminary Application pursuant to California Government

Code Section 65941.1 for the proposed project located on the Emblem Hercules Apartment project site at 1601 Willow Avenue, including 180 multifamily apartment units, of which 18 units will be affordable to very-low income households; and

WHEREAS, on April 14, 2025, the applicant submitted to the City the following application concurrently and collectively related to the proposed project located on 1601 Willow Avenue (APN 406-070-042-6):

- Design Review Permit (DRP) #25-04 in accordance with Section 13-42.200 of the Hercules Municipal Code; and
- Vesting Tentative Map (VTM) #25-02 to vest current land use regulations and subdivide the 5.09-acre project site (APN 406-070-042-6) for the proposed apartment development; and
- Initial and Final Planned Development Plan (PDP) #25-02 per Section 13-48 of the Hercules Municipal Code for all developments exceeding five acres (collectively, the Project); and

WHEREAS, the City prepared an Addendum to the certified Final Environment Impact Report for the HNTC which analyzed the potential environmental consequences of the Project; (the Addendum) and

WHEREAS, the Planning Commission at its May 4, 2026 meeting adopted Resolution No. 26-01 recommending City Council approval of the Addendum to the HNTC EIR and approval of the Project, at which time all interested parties had the opportunity to be heard and the Planning Commission considered the Staff Report dated May 4, 2026 and all public testimony provided prior to and at the public hearing; and

WHEREAS, public notice of the May 26, 2026, City Council hearing was mailed to residents and occupants within 300 feet of the Project site, in compliance with state and local laws, plus the Caltrans, Singh, and West Coast Drilling sites (APNs 406- 070-025-1, 406-160-002-1, and 406-160-006-2); and

WHEREAS, the City Council opened a duly noticed public hearing on May 26, 2026 to consider the Project, and considered input from City staff, the applicant and the public as well as all Project plans, the staff report, the Addendum, and all required findings; and

WHEREAS, the City Council voted on May 26, 2026 to continue its consideration of the Project to a date certain of June 23, 2026 and requested additional information from the applicant and staff regarding traffic operations, pedestrian facilities, noise, and air quality; and

WHEREAS, on June 23, 2026, the City Council opened the continued public hearing and considered input from City staff, the applicant, and the public, including updated and additional information regarding traffic operations, pedestrian facilities, noise, and air quality, and further considered the entire Project and record of proceedings.

NOW, THEREFORE BE IT RESOLVED, that the City Council, after due study, deliberation, and public hearing testimony and comments for the Project, hereby approves the Addendum to the Hercules New Town Center Environmental Impact Report

(State Clearinghouse No. 2007062002) which is included as Exhibit C to the resolution attached to the May 26, 2026 staff report for the Project, except that Appendix E (Preliminary Noise and HVAC Study) to the Addendum shall be replaced with the complete version included as Attachment 3 to the staff report for this June 23, 2026 meeting.

BE IT FURTHER RESOLVED, that the City Council, after due study, deliberation, and public hearing testimony and comments for the Project, hereby approves Design Review Permit #25-02, Vesting Tentative Map #25-02, and Initial/Final Planned Development Plan #25-02, subject to the Emblem Hercules Project Conditions of Approval and as described in the Development Plans dated Feb. 12, 2026 (General Information, Architectural, Civil, and Landscape Plans), both of which are included as Exhibits A and B to the resolution attached to the May 26, 2026 City Council staff report for the Project and both of which are incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Council's foregoing approvals are based on the entire administrative record for the Project, and based on the following findings and determinations:

1. The foregoing recitals are true and correct and made a part of this resolution by this reference.
2. Based on its review of the entire record herein, the City Council finds as follows:

California Environmental Quality Act

- a. There are no substantial changes proposed in the Project which will require major revisions of the program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
- b. There are no substantial changes that will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- c. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the program EIR was certified.
- d. The Project will not have one or more significant effects not discussed in the program EIR. Significant effects previously examined will not be substantially more severe than shown in the program EIR.
- e. The Project proponent has agreed to all mitigation measures, including those that were previously found not to be feasible but that would in fact be feasible and would substantially reduce one or more significant effects of the project, and those which may be considerably different from those analyzed in the program EIR.
- f. In light of the whole record and based on substantial evidence, a subsequent EIR is not required, and the proposed project activities are adequately analyzed and mitigated in the HNTC Program EIR with implementation of the mitigation

measures identified therein and the Mitigation and Monitoring and Reporting Plan applicable to the Project.

- g. Therefore, no further analysis under the California Environmental Quality Act is required.

General Plan

The Project is consistent with the City of Hercules General Plan and NTC land use designation in that Multifamily dwellings are permitted use on the Project site.

- a. For the following reasons and subject to conditions of approval, the Project is consistent with applicable General Plan policies:
 - i. Policy H1.1 states, “Facilitate development of housing affordable to lower-income households by providing technical assistance, regulatory incentives and concessions, and financial resources as funding permits.” The Project dedicates 18 of its 180 units (10 percent) to very low-income households, thereby directly facilitating the creation of income-restricted rental housing. The Project has been processed pursuant to the Housing Accountability Act and Builder's Remedy provisions of State Planning & Zoning Law, consistent with the City's commitment to remove regulatory barriers and provide incentives for affordable housing production.
 - ii. Policy H2.5 states, “Support the provision of high-quality rental housing for large families, students, and senior households.” The Project provides 180 rental apartments in a range of sizes, including 12 three-bedroom units large enough to accommodate large families. The Project includes amenity spaces such as a clubhouse and dog park that support a high quality of life for residents. As a purpose-built, professionally managed rental community, the Project directly responds to this policy's objective of expanding the supply of quality rental housing in Hercules.
 - iii. Policy H2.7 states, “Encourage infill development and recycling of land to provide adequate residential sites and support the assembly of small vacant or underutilized parcels to enhance the feasibility of infill development.” The Project site at 1601 Willow Avenue is currently vacant land within the New Town Center zoning district, a designated infill development area identified in the Housing Element's sites inventory. Development of this vacant parcel with 180 residential units directly implements the City's strategy of directing growth to underutilized, transit-proximate infill sites and avoiding greenfield or sprawl development.

Hercules Zoning Ordinance

For the reasons described in the May 26, 2026, City Council Staff Report, the Project is not required to comply with subjective development standards, including subjective findings that would otherwise be required for the proposed entitlements.

The Project is consistent with **Zoning Ordinance Chapter 13-42 Design Review**, in that the City Council finds the Project meets the standards for Design Review 13-42.500 as follows:

- a. The approval of the design review plan is in compliance with all provisions of this Chapter, pertinent provisions of Zoning Ordinance and applicable zoning and land use regulations, including but not limited to the Hercules General Plan as amended and any specific plan.

Facts in Support of Finding: The Project site is designated NTC in the Hercules General Plan, a land use designation that expressly allows residential multi-family, or commercial uses, or both, in a well-planned, mixed-use development. The project proposes 180 multi-family residential units on a 6.65-gross-acre parcel (5.09 net buildable acres) at 1601 Willow Avenue and does not require any General Plan amendment or zone change. Residential use is a permitted use within the NTC zoning district.

The Project has been evaluated for consistency with the objective, quantifiable standards of the Central Hercules Plan (CHP) Regulating Code and complies with those standards or will receive a SDBL waiver.

- b. The approval of the design review plan is in the best interests of the public health, safety, and general welfare.

Fact in Support of Finding: The Project will contribute to alleviating California's housing crisis by providing 180 new multi-family residential units, including 18 units (10%) restricted to very low-income households, on a currently vacant site designated and zoned for residential development, directly serving the public health, safety, and welfare by increasing the regional supply of affordable housing. The Project will be all-electric and designed to comply with CalGreen and Title 24 energy standards, incorporating energy-efficient systems, LED lighting, solar carports with battery storage serving approximately 160 parking spaces, and EV charging infrastructure, consistent with State and local climate objectives. The Project also includes frontage improvements along Willow Avenue that directly enhance public safety: realignment of Willow Avenue to add a dedicated turn lane and reduce vehicle speeds; construction of approximately 475 linear feet of sidewalk connecting to the existing Sycamore Avenue sidewalk; and installation of a mid-block pedestrian crossing with high-visibility pavement striping, a pedestrian refuge island, and a Rectangular Rapid Flashing Beacon (RRFB) system.

Emergency vehicle access is provided via both the primary driveway off Willow Avenue and a dedicated Emergency Vehicle Access (EVA) gate to the east of the main entrance, and the Project complies with all applicable Contra Costa County Fire Protection District requirements. The Project maintains a 50-foot development and construction exclusion buffer from the on-site seasonal stream, wetland, and riparian areas, avoiding direct impacts to sensitive habitat. No specific, quantifiable, direct, and unavoidable adverse impact to public health or safety as defined under the Housing Accountability Act (Government Code §65589.5(j)(1)(A)) has been identified that cannot be avoided or mitigated, and the Project, subject to the Conditions of Approval, is consistent with all applicable public health and safety standards.

- c. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking,

setbacks, height, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development.

Facts in Support of Finding: The site plan has been designed to respond to the site's unique topography, which includes an existing seasonal stream, floodway, and wetland area in the northern portion of the parcel. Development is focused on the buildable western and southern portions of the site, while the northeastern portion is preserved, including a 50-foot buffer from sensitive habitat areas. Retaining walls are incorporated along the northern and eastern perimeters to address grade changes, with proposed retaining wall heights identified in the Preliminary Grading Plan.

Vehicular access is provided via a single two-way driveway from Willow Avenue, with a separate Emergency Vehicle Access (EVA) gate to the east. An internal network of two-way driveways and sidewalks provides access to all units and parking areas. The primary driveway location has been coordinated with the realignment of Willow Avenue to add a dedicated left-turn lane, improving traffic flow and access safety. The realignment also accommodates a new mid-block

pedestrian crossing with high-visibility striping, a refuge island, and a Rectangular Rapid Flashing Beacon (RRFB) system, which further serves as traffic calming along this segment of Willow Avenue.

The Project proposes setbacks of 15 feet or more at the front, 10 feet or more at the rear (not adjacent to residential uses), and 15 feet or more at the sides. Building heights of 44 feet (apartments) and 26 feet (clubhouse) are well within the 85-foot maximum height permitted in the NTC zone and are compatible with the scale of development contemplated for the New Town Center area.

Amenity areas include a dog run with synthetic turf, benches, and trash receptacles at the northwest corner of the site, as well as outdoor amenity space associated with the clubhouse. Fencing is provided at the site perimeter to promote site security and pedestrian safety and in accordance with the Project's habitat protection requirements. Internal pedestrian sidewalks connect buildings, parking areas, amenity spaces, and the Willow Avenue frontage, promoting walkability and resident safety within the development.

- d. General architectural considerations, including the character, scale, and quality of the design, the architectural relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting and signing, and similar elements are consistent with applicable design standards.

Facts in Support of Finding: The six apartment buildings and clubhouse employ a consistent West Coast Craftsman-inspired architectural character with hipped and gabled roof forms clad in dark grey composition shingles, a permitted finish material under the CHP Regulating Code. Facades are clad in a complementary palette of dark grey board and batten siding accents, off-white, cool tan, and warm tan cement plaster, cool tan decorative trim, and naval blue cement plaster accents, applied with matte finishes consistent with the CHP Regulating Code's building wall material standards. Horizontal expression lines delineating the first and second stories are provided on all apartment building walls through changes in materials, color transitions, balcony placement, and molding. Windows are vertically oriented rectangular openings in white vinyl frames, and metal railings in painted black finish are provided at stairs, decks, and balconies, both permitted materials under the CHP Regulating Code. All units include private patios or balconies providing visual articulation and resident-scale outdoor space.

Exterior lighting is provided via Cutlass LED wall-pack fixtures painted to match building surfaces in compliance with Hercules Zoning Code Section 13-18.300(4), and air-conditioning condensers located between the building facade and the street are consistent with the approved density bonus waiver for that standard. A low-profile monument sign (6 feet tall, 11 feet 3 inches long) at the primary entrance fits the design theme of the buildings and landscape, consistent with the objectives of the Scenic Road and Highway Overlay District (Chapter 13-25). Accessory structures, including the solid waste enclosure (shed roof, 18 feet) and mailbox kiosk (shed roof, 11 feet to ridge), employ roof forms and finishes consistent with the principal buildings, and solar carport

canopies provide functional shade and renewable energy generation while maintaining a compatible design character throughout the development. .

- e. General landscape considerations, including the location, type, size, color, texture and coverage of plant materials at the time of planting and after a 5-year growth period, provision for irrigation, maintenance and protection of landscaped areas and similar elements are consistent with applicable design standards.

Facts in Support of Finding: The Project provides landscaped areas throughout the site and along the Willow Avenue frontage, including 176 proposed trees—a mix of ornamental and native species—with landscape strips separating internal pedestrian walkways from building frontages to soften building mass and create an attractive residential environment. All landscaping complies with California's Model Water Efficient Landscaping Ordinance (MWELO), with a Hydrozone Plan (Sheet L3.0) submitted that identifies hydrozones for irrigation scheduling, and permanent irrigation systems installed in all landscaped areas and parking lot islands.

The landscape design is consistent with the objectives of the Scenic Road and Highway Overlay District (Chapter 13-25), with trees and groundcover along the Willow Avenue frontage softening building mass and screening parking areas as viewed from this designated scenic road, and air conditioning condensers near building facades screened with landscaping per the conditions of approval. Amenity landscaping includes a dog run with synthetic turf, benches, and trash receptacles at the northwest corner of the site, and the Illustrative Landscape Plan (Sheet L1.0) and Planting Plan (Sheet L2.0) demonstrate the distribution, type, size, and coverage of plant materials at planting and through the 5-year growth period.

The Project is consistent with the **Zoning Ordinance Chapter 13-25 Scenic Road and Highway Overlay District**, in that the City Council finds the Project meets the specific performance standards 13-25.400 as follows:

The architecture, design, and landscaping of the Emblem Hercules Apartments project are aesthetically attractive, incorporate the desirable design qualities for development within the scenic corridor, and avoid or minimize undesirable design elements, as required by HMC Section 13-25.400.

- a. Architecture and Design – Desirable Elements (Section 13-25.400(1)(A)): The six apartment buildings and clubhouse are arranged in a clustered configuration around internal driveways and shared open space, with the 4,340-square-foot clubhouse and adjacent outdoor amenity space serving as the common open-space entry feature along Willow Avenue. Building elevations are articulated through varied wall planes, projecting balconies, board-and-batten siding accents, expression lines, decorative trim, and a coordinated multi-color material palette that collectively reduces the visual impact of building mass. Windows are vertically oriented, white vinyl single-hung units that provide a consistent rhythm and visual interest across all facades, with non-reflective glass throughout. All apartment buildings feature

hipped composition shingle roofs rising to 44 feet with overhangs and multiple gable elements; the clubhouse features intersecting gabled roof planes. The exterior material palette, combining smooth cement plaster in multiple colors, dark grey board-and-batten, cedar-texture deck trim, and decorative trim, provides texture across all structures. The primary driveway is a 26-foot-wide two-way entry off Willow Avenue marked by a monument sign and drop-off area adjacent to the clubhouse.

- b. Architecture and Design – Elements Avoided or Minimized (Section 13-25.400(1)(B)): The Project avoids all identified undesirable design elements. Wall surfaces are broken up by material changes, balconies, and window patterns, with no large blank stucco or concrete-block walls on any facade visible from the scenic corridor. Varied rooflines, stepped footprints, and projecting balconies prevent any building from presenting a square or boxy profile. Metal siding is confined to the solid waste enclosure, an accessory structure located in the site interior, not visible from Willow Avenue. No plastic or vertical wood siding is used on any building.

The gravity block retaining wall (Mechanically Stabilized Earth [MSE] wall) along the north edge of the project site is constructed of precast concrete panels or segmental blocks with geogrid reinforcement; although it is made of concrete, it is not a typical CMU block and is designed with a slight slope to minimize visual impact. All building exteriors are finished with painted cement plaster, board-and-batten, or engineered wood siding. A unified Craftsman-influenced architectural style with a consistent material palette, roofline character, and color scheme is maintained across all structures, avoiding any mix of unrelated styles. Accessory structures, including the solid waste enclosure and carports, are sited in the interior of the development, screened by buildings and landscaping, and conditions of approval require mechanical equipment and above-ground utilities to be screened from public streets.

- c. Landscaping – Desirable Elements (Section 13-25.400(2)(A)): The Project provides landscaped front and side yards along the Willow Avenue frontage with 181 trees, including ornamental and native species, along with shrubs and groundcover that soften building edges and complement the scenic corridor landscape. All landscaping complies with MWEL standards. Internal parking areas are integrated under solar carport canopies and surrounded by the clustered apartment buildings, substantially screening them from State Route 4, with additional landscape strips softening internal drive aisles. Landscaped common areas, including the clubhouse outdoor amenity space, covered patio along Willow Avenue, and a dog run with synthetic turf and benches, provide attractive open space features visible from the street.
- d. Landscaping – Elements Avoided or Minimized (Section 13-25.400(2)(B)): Parking areas are organized into a cohesive internal layout under unified solar carport canopies and screened from State Route 4 by the surrounding buildings, avoiding a disjointed or unscreened appearance. Street-fronting landscaping is scaled to soften and frame building facades, and no tall plantings are proposed in locations that would obstruct views along the scenic corridor.

The Project is consistent with the **California Subdivision Map Act (SMA) and Title 10, Chapter 2 of the Hercules Municipal Code**, in that the City Council makes the following findings:

- a. The vesting tentative map is consistent with the General Plan
- b. The vesting tentative map is consistent with the NTC zoning and Central Hercules Plan, which allows the proposed uses.
- c. The design and improvements of the vesting tentative map are consistent as they relate to the Project Site.
- d. The vesting tentative map is consistent with the PDP #25-02 for the Emblem Hercules Apartment project site and, therefore, consistent with the Zoning Ordinance.
- e. Project design, architecture, and concept are suitable for the Project site created by vesting a tentative map, and therefore, the proposed subdivision is physically suitable for the type and intensity of development proposed.
- f. The certified HNTC EIR Mitigation Measures and the Mitigation Monitoring program are appropriate for addressing any potential environmental impacts identified.
- g. The design of the vesting tentative map will not conflict with easements or access through or use of property within the proposed subdivision.
- h. The vesting tentative map is consistent with the intent of applicable subdivision regulations and related ordinances in Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code.

The Project is consistent with **Zoning Ordinance Chapter 13-48 Planned Development Plan** in that the City Council finds the following regarding the proposed Initial/Final Planned Development Plan (PDP) #25-02 as it relates to approval of a Planned Development Plan:

- a. The proposed use and densities are consistent with the General Plan.

Facts in Support of Finding: The Project site is designated NTC in the Hercules General Plan, a land use designation that expressly allows residential multifamily uses, commercial uses, or a combination of both, in a well-planned, mixed-use development. The proposed 180-unit multi-family residential development is a permitted use within the NTC designation and does not require a General Plan amendment. The Project's gross density of 26.8 du/ac and net density of 35.4 du/ac are consistent with applicable density standards as modified by State law. The Project qualifies as a Builder's Remedy 2.0 project under the Housing Accountability Act and SB 330, with 10 percent of units restricted to very low-income households, and State law establishes a minimum density of 15 du/ac (one-half of the City's 30 du/ac standard). The

Project's proposed density exceeds that minimum and is well within the development potential analyzed in the Hercules New Town Center EIR, which evaluated up to 375 residential units on the Loop/Parcel 3 site.

- b. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the proposed project exceeding those anticipated in the Initial Study and updated Traffic Analysis contained therein.

Facts in Support of Finding: The Transportation Study prepared by Hexagon Transportation Consultants (October 7, 2025) estimates the project will generate approximately 1,229 daily vehicle trips, which is 13 percent of the 9,577 daily trips projected for the Loop site under the HNTC EIR, and approximately 60 outbound peak morning trips and 73 inbound peak evening trips at the Project driveway. The Project includes a dedicated eastbound left-turn lane at the Project driveway on Willow Avenue. The Project is also subject to the City's Traffic Impact Fee (Hercules Municipal Code Section 10-18.601) to fund its fair-share contribution toward cumulative transportation improvements.

- c. That any exceptions from standard ordinance requirements are warranted by the design and amenities incorporated in the approved PDP #25-02 drawings and approved exceptions regarding lot size, lot width, lot depth, and corner side yards.

Facts in Support of Finding: The Project requests development standard waivers pursuant to the State Density Bonus Law (Gov. Code §65915) from four development standards of the NTC Zoning District and the Central Hercules Plan Regulating Code, where strict compliance would physically preclude or reduce the residential density of the Builder's Remedy project. Specifically: (1) the CHP Town Center Street type standard, compliance with which is infeasible because the freeway interchange physically surrounds the site and the Project could not be constructed at the proposed density with the street types required by the Plan; (2) location of air conditioning condensers between certain building facades and the street (outside the front setback), compliance with which is infeasible because the Project could not be constructed at the proposed density with the required locations; (3) surface parking set back less than 50 feet along the secondary EVA access, compliance with which would preclude the Project from being constructed at the proposed density because it would reduce the parking and available Project footprint necessary to accommodate the residential units; and (4) parking lot landscape islands spaced greater than 6 consecutive spaces, compliance with which would preclude the Project from being constructed at the proposed density because it would reduce the Project footprint necessary to accommodate the residential units and carports. Each waiver is directly tied to achieving the Project's residential density and is the minimum deviation from the standard necessary to do so. The Project incorporates compensating amenities and design measures, including landscaped buffers throughout the site.

- d. The area surrounding the Project Site can be planned and zoned in coordination and substantial compatibility with the proposed development so long as the conditions of approval are met.

Facts in Support of Finding: The Project site is located within the New Town Center area of the Central Hercules Plan, a planning area specifically designated and zoned to accommodate transit-oriented, higher-density residential and mixed-use development. The parcel to the east of the project site is also designated and zoned NTC, providing a consistent planning framework for coordinated development across the planning area. To the south, across Willow Avenue, parcels are designated Community Commercial and Public/Quasi-Public—City, uses compatible with a residential development that does not generate significant commercial traffic or demand for commercial services beyond those already present at the adjacent Creekside Shopping Center. The site is substantially bounded by Interstate 80, State Route 4, and their associated ramps on three sides, major transportation corridors that physically separate the project from the General Commercial designation to the west and the Public Open Space and Residential Single-Family Low-Density designations to the north, eliminating any incompatibility with those land uses. The proposed 180-unit residential development does not introduce a land use incompatible with the surrounding area and is consistent with the type, scale, and density of development contemplated for the HNTC EIR.

- e. The existing and proposed utility services are adequate for development densities proposed and will comply with the improvement standards required by VTM #25-02.

Facts in Support of Finding: The Project's proposed density and associated utility demands are well within the development potential previously analyzed in the Hercules New Town Center EIR, and all utility services have been demonstrated to be available and adequate to serve the Project. All utility infrastructure improvements are incorporated as conditions of approval and subject to review and approval by the City Engineer and applicable service providers prior to issuance of building permits.

BE IT FURTHER RESOLVED that the City Council finds the following regarding the City's remaining RHNA obligation, as required by Government Code Section 65863:

- a. No Net Loss (Government Code Section 65863) The City finds that approval of the Project, which results in a change in the income-category distribution of units from what was previously credited in the Housing Element sites inventory for the Loop Site, does not create a net loss of residential unit capacity adequate to meet the City's remaining RHNA obligations, as required by Government Code Section 65863.

Facts in Support of Finding: As documented in the No Net Loss Memorandum prepared by Raimi + Associates (November 14, 2025), the City has identified additional sites sufficient to replace and exceed the previously anticipated unit counts. The underutilized NTC sites (Singh, APN 406-160-002-1, and West Coast Drilling, APN 406-160-006-2) together provide capacity for 277 very

low-income units, directly addressing the remaining very low-income RHNA deficit. The pending projects at Bayfront ABCDJ (Ledcor) and Bayfront EH (CHW) provide an additional 285 units across income categories. The updated sites inventory results in a total surplus of 1,129 units beyond the City's remaining RHNA obligations (22 very low, 147 low, 94 moderate, and 866 above moderate). The identified sites have no known constraints that would prevent development during the Housing Element planning period and are consistent with the adopted Housing Element, as confirmed by the California Department of Housing and Community Development (HCD). Therefore, the City finds that the No Net Loss requirements of Government Code Section 65863 are satisfied.

BE IT FURTHER RESOLVED that the City Council finds and the Applicant agrees (as stated in the public hearing) with the necessity of and accepts all elements, requirements and conditions of the DRP #25-04 , VTM #25-02, and PDP #25- 02 for the Emblem Hercules Apartment Project as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety and welfare of the citizenry in general and the persons who live in this development in particular.

BE IT FURTHER RESOLVED that if there is any conflict between the approved Project Development Plans and/or the conditions of approval incorporated herein by reference, the Community Development Director shall reasonably resolve the issues based on the general intent discussed in the staff reports, environmental documents, and City policy.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 23th day of June 2026, by the following vote of the Council:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Chris Kelley, Mayor

ATTEST:

Eibleis Melendez, City Clerk

