



## STAFF REPORT TO THE PLANNING COMMISSION

**DATE:** Regular Meeting of July 21, 2025

**TO:** Chair and members of the Planning Commission

**SUBMITTED BY:** Timothy Rood, AICP, Community Development Director  
Larissa Alchin, Contract Associate Planner

**SUBJECT:** Design Review Permit (DRP) 24-02, Vesting Tentative Map (VTM) 24-01, and Planned Development Plan (PDP) 24-01.

**APPLICANT:** Hercules Land Partners LP

**LOCATION:** Bayfront Blocks K-L-M-O-P at 404-730-012-6, 404-730-003-5, 404-730-008-4, and a portion of 404-730-009-2 and 404-730-006-8.

### RECOMMENDED ACTION:

That the Planning Commission:

1. Request planning staff present the staff report;
2. Open the public hearing;
3. Invite the applicant to make a presentation or statement;
4. Receive comments from the public;
5. Offer the applicant or their consultant team the opportunity to answer questions;
6. Close the public hearing;
7. Request clarification from staff or the applicant on any issues related to the project; and
8. Adopt a resolution recommending City Council approval of Design Review Permit (DRP) 24-02, Vesting Tentative Map (VTM) 24-01, and Initial/Final Planned Development Plan (PDP) 24-01 for a 168 dwelling unit Bayfront Blocks K-L-M-O-P housing development.

### BACKGROUND

#### State Housing Law Context

The Bayfront Blocks K-L-M-O-P project is subject to the Housing Accountability Act (HAA) and the Housing Crisis Act of 2019 (SB 330), as clarified by SB 8. These laws were

enacted to address California's housing crisis by limiting local discretion over qualifying housing developments.

### Housing Accountability Act

To help address California's housing crisis, the Legislature enacted the Housing Accountability Act (HAA) to provide limits on local governments' review of certain housing projects. For example, the HAA prohibits disapproving or reducing the density of qualifying housing developments, emergency shelters, or farmworker housing that are consistent with local objective standards unless written findings demonstrate a specific, adverse impact on health or safety that cannot be mitigated or avoided. Under the HAA, a "specific, adverse impact" is a significant, quantifiable, direct, and unavoidable impact based on objective, written public health or safety standards, policies, or conditions that existed on the date the application was deemed complete. The legislature intended such findings to be rare. Because the Bayfront K-L-M-O-P housing development includes residential units, it is subject to this act.

### Housing Crisis Act of 2019

The Bayfront K-L-M-O-P housing development is also subject to review under Senate Bill 330 (SB 330), established by the Housing Crisis Act of 2019 (HCA); it was signed on October 9, 2019, and went into effect on January 1, 2020. On September 16, 2021, Senate Bill 8 (SB 8) was signed into law, which made some clarifications and updated SB 330, extending the HCA from January 1, 2025, to January 1, 2030.

These laws were passed to address the current housing crisis in California with three general aims: 1) increase residential unit development; 2) protect existing housing inventory; and 3) expedite permit processing. Both SB 330 and SB 8 make numerous changes to the existing legislation, such as the Permit Streamlining Act and the Housing Accountability Act.

Government Code Section 65589.5(o) established a preliminary application process for housing developments and allows developers to "vest," i.e. lock in, all applicable City ordinances, policies, and development fees prior to filing a complete application. An applicant is required to file a final application within 180 days of the preliminary application in order to preserve its "vesting nature".

Notably, the amended Housing Accountability Act limits an agency's ability to deny or not to approve housing projects. The HCA rules that cities and counties are prohibited from denying a housing development project or reducing its density based on a subjective design standard. A project can only be reviewed against "objective, quantifiable, written development standards, conditions and policies," and can only be denied if certain findings described in Gov. Code §65589.5(j) are met.

SB 330 clarified the term "objective standards" and is consistent with SB 35, which states that "objective standards" involve no personal or subjective judgment by a public official

and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official (Gov. Code §66300(a)(7)).

If a project complies with objective planning standards in place at time of the preliminary application is submitted, the City may not deny the project or approve it at a lower density unless the project would have a specific, adverse impact upon public health and safety. (Gov. Code §65589.5(j)(1)). “Specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact based on objective, written public or safety standards that existed on the date the application was deemed complete (Gov. Code §65589.5(j)(1)(A)).

While the HAA and HCA do not replace the City’s discretionary entitlement requirements (DRP, VTM, PDP, or CEQA), for a qualifying housing development project like the Bayfront Blocks K-L-M-O-P housing development, the City may not use subjective design review standards to deny, reduce the number of dwellings proposed, or render a housing development project financially infeasible.

The project submitted its SB 330 Preliminary Application on April 17, 2024, and its development applications, including DRP, VTM, and PDP, on July 8, 2024, within the required 180-day timeframe.

#### Relevant History and Project Overview

On May 6, 2019, the Planning Commission approved Design Review Permit #19-01 for Bayfront Blocks M-P & O, containing 476 residential apartment units within two buildings. Blocks M-P would have combined into a single apartment complex ranging from three to six stories with 325 apartment units (20 of which would have been designated affordable housing units) with ground-floor lobbies, and residential amenities totaling approximately 12,210 square feet and 401 onsite parking stalls. Block O would have been a four-story, 151-unit apartment complex (including 10 designated affordable housing units) with 7,530 square feet of amenity space (that could be converted flex-space in the future) and 151 onsite parking spaces. Due to changed market conditions, the approved prior M-P-O project is not moving forward, and its entitlement will be superseded by the current proposal.

The current project, Hercules Bayfront Blocks K-L-M-O-P, submitted in 2024, supersedes the previous approvals and includes the construction of 141 multi-family townhome units and 27 live/work units, with 10 of the total units designated as affordable to low-income households within 25, 3-story buildings, and associated circulation, access and open space improvements on undeveloped land located on 404-730-012-6, 404-730-003-5, 404-730-008-4, and a portion of 404-730-009-2 and 404-730-006-8.

## Project Vicinity

The project site is located within the Transit Village Sub-Area of the adopted Waterfront District Master Plan (WDMP). It is adjacent to the following uses:

- Vacant Bio-Rad Laboratories, Inc. property to the east.
- Blocks Q & R (also known as The Grand/The Dylan), a four-story, 232-unit multi-family building, to the south.
- Block N (also known as The Exchange), a mixed-use development with 172 dwelling units, and Refugio Creek to the west.
- The Bayfront Trail, Union Pacific Railroad (U.P.R.R.), and San Pablo Bay to the north.

The site and surrounding area are depicted in **Figure 1** below.

**Figure 1: Project Location and Surrounding Vicinity**



Source: City GIS 6/25/25



## Regulatory Context

### General Plan

The General Plan Land Use designation for the project site is **Planned Commercial Residential Mixed Use** (see **Figure 2**), which allows for the development of residential, including multi-family or commercial, or both uses, in a well-planned, mixed-use development. Parcels abutting the project site to the north, south, and west are also designated **Planned Commercial Residential Mixed Use**. The parcel abutting the project site to the east is designated **Planned Office Research and Development**.

**Figure 2: General Plan Land Use & Zoning Map**



Source: City GIS 6/25/25

### Zoning

The project site is zoned PC-R Planned Commercial Residential Mixed-Use District (see **Figure 2**). Development standards in PC-R zoning are typically regulated by the applicable form-based specific code or a Planned Development Plan.

### Waterfront District Master Plan

The project is also regulated by the Waterfront District Master Plan (WDMP) depicted in **Figure 3**, originally adopted in 2001 and subsequently amended in 2008 by the Waterfront Now Initiative and in 2012 and 2016 with several amendments as agreed to

by the property owner and the City. The Plan covers an area known as the Hercules Bayfront which allows for development of up to 1,392 residential units, 115,000 square feet of non-flex office space, 90,000 square feet of non-flex retail space, and 134,000 square feet of flex space. In October 2011, the City Council certified the Hercules Bayfront Project Final Environmental Impact Report, including a Mitigation Monitoring and Reporting Program (MMRP). In March 2013, the Council approved various Development Agreements (available on the City's website at <http://www.ci.hercules.ca.us/-index.aspx?page=229>) that indicated which mitigation measures the developer would be responsible for and which ones the City would be responsible for as part of a public-private partnership for this transit-oriented project area.

Bayfront Blocks K-L-M-O-P represent the third phase of the Bayfront project to move forward under the terms of the development agreements. The City previously approved developments on Block N and Blocks Q-R. A key focus of the Design Review process is determining the project's conformity with the WDMP (including project architecture, building design and materials, project landscaping, and site layout, including parking, ingress, egress, and access for emergency responders) as well as reviewing for environmental compliance and conformity with the Development Agreements.

The WDMP contains four chapters focused on Building Form Standards, Architectural Styles, Civic Space Standards, and Street & Circulation Standards. Building Form Standards and Architectural Styles are outlined as part of **Exhibit C.1** to show how the townhouse complexes' designs conform to the Form Based Code. The WDMP includes Civic Space Standards and Street and Circulation Standards on pages 3-3 and 4-3 that are used by staff to determine conformity with the plan with each chapter's supporting standards which are further discussed below.

**Figure 3: WDMP Overlay**



Source: City GIS 6/25/25

**Special Flood Hazard Area Overlay**



The applicable WDMP Regulating Zones include Blocks K & L - T5-MST Main Street Transition (dark purple in **Figure 4**), Block M & P – T5-VN Village Neighborhood (light purple in **Figure 4**), and Block O – T5-MST on John Muir Parkway street frontage and T5-VN on the non-street fronting portion. Multi-family housing, including townhouses, is a permitted use in the T5-VN Zone. Multifamily housing with ground-floor flex space is a permitted use in the T5-MST Zone. Because the project provides live-work units with ground floor flex space along the public street frontages, staff has determined that the proposed project does not require a use permit.

The project site is also within the Special Flood Hazard Area Overlay District (see Figure 3). The special flood hazard area overlay district is established by definition as the area of land designated by the Federal Emergency Management Agency (FEMA) within the 100-year floodplain as delineated within the Flood Insurance Rate Map (FIRM). As such, the project is subject to Chapter 13-31 of the Hercules Municipal Code.

**Figure 4: Regulating Zones**



Source: WDMP page 1-3



## PROJECT DESCRIPTION

The proposed project is located within the Bayfront Development area and includes portions of the following APNs:

- 404-730-003-5 (Block K)
- 404-730-008-4 and 404-730-009-2 (Public ROW)
- 404-730-012-6 (Blocks K-L-M-O-P)

The 9.34-acre site (gross, including ROW) is proposed for subdivision and development under the following entitlements:

- **Design Review Permit**
- **Vesting Tentative Map** (to realign Shoreline Loop ROW and create a 4-parcel condominium subdivision)
- **Combined Initial and Final Planned Development Plan**

The project proposes 168 total residential units, including 10 affordable units, per the Development Agreement:

- **141 townhomes**
- **27 live/work units**

Live/Work Units are defined in the WDMP as “An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: Complete kitchen space and sanitary facilities in compliance with the Building Code; and Working space reserved for and regularly used by one or more occupants of the unit.” Live/work units are configured to utilize the first floor as flex space with a separate entrance and bathroom. The work portion of a live/work unit is optional and will require Administrative Use Permit approval, consistent with the WDMP.

Each of the proposed buildings are 3 stories tall, with units ranging from 2 to 4 bedrooms and 1,282 to 2,634 square feet in size. All units include attached garages, and some offer the option to convert a first-floor bedroom to a Junior ADU (JADU).

*Table 1: Block Summary*

Block	Size (Acres)	Total Units	Type Breakdown	DU/Acre
K	1.24	36	12 Live/Work, 9 Townhome, 18 Back-to-Back	30.0



<b>L</b>	1.34	32	6 Live/Work, 16 Townhome, 10 Back-to-Back	24.6
<b>M &amp; P</b>	3.24	64	30 Townhome, 34 Back-to-Back	22.1
<b>O</b>	1.22	36	10 Live/Work, 10 Townhome, 16 Back-to-Back	30.0

Additional project features include:

- Street and infrastructure improvements (utilities, sidewalks, lighting, and access roads)
- New public ROW and emergency vehicle access easements
- Privately maintained common areas and public-facing civic spaces
- A future HOA to manage shared amenities

**Proposed Mix of Units:** The development proposes a total of 168 homes, comprising 141 multi-family dwellings and 27 live/work units. The average proposed density for the entire project is 25.5 dwelling units per acre (DU/AC). No commercial space is proposed in this project.

The project is divided into four main blocks:

- Block K: Located on approximately 1.24 gross acres, proposed for 39 homes, including 12 Live/Work, 9 Townhome, and 18 Back-to-Back units, with a density of 30.0 DU/Acre.
- Block L: Situated on approximately 1.34 gross acres, proposed for 32 homes, including 6 Live/Work, 16 Townhome, and 10 Back-to-Back units, with a density of 24.6 DU/Acre.
- Block M&P: Spanning approximately 3.24 gross acres, proposed for 64 homes, including 30 Townhome and 34 Back-to-Back units, with a net density of 22.1 DU/Acre.
- Block O: Located on approximately 1.22 gross acres, proposed for 36 homes, including 10 Live/Work, 10 Townhome, and 16 Back-to-Back units, with a density of 30.0 DU/Acre

**Affordable Units:** While the majority of the units are market rate, the Development Agreement (DA) requires at least 5% of total residential units be dedicated as affordable housing for households with an income level not exceeding 60% of the median income level. A total of 10 housing units within Blocks K-L-M-O-P are proposed to be affordable. These 10 units, plus the already approved 15 affordable units at Blocks Q-R, meets the provisions of the DA that require that at least 25 out of the first 500 Bayfront residences

be affordable units, with an additional 13 affordable units for every 260 additional residences. With the completion of 10 affordable Blocks K-L-M-O-P units, 25 of the first 500 Bayfront residences will be affordable units. With the completion of Blocks K-L-M-O-P, the Bayfront project will consist of 572 units, which does not meet the threshold for additional affordable units.

The developer of the townhomes will determine their location and unit type. The Bayfront Project's Affordable Housing Plan Implementation Agreement was executed by the developer and the City on August 5, 2021. It provides for the following:

Pursuant to section 11.D of IDA Exhibit E, Owner shall not build any building within the Project that includes more than 35% of its units as Affordable Units. Owner understands and agrees that the City's intent in IDA Exhibit E section 11.D is to ensure that Affordable Units are dispersed throughout the Project, including distribution among individual buildings and blocks. Prior to the issuance of certificate of occupancy for any phase or block of the Project, Owner shall submit a site plan depicting the number, location, and unit type (i.e., bedroom count) of Affordable Units in each building in such phase or block for the City to confirm compliance with IDA Exhibit E section 11.D and the Agreement, which confirmation shall constitute a Subsequent Project Approval. The site plan must depict a mix of Affordable Unit types (i.e. bedroom count) proportional to the mix of Market Rate Unit types in the rest of the building. Thereafter, the number and unit types (i.e. bedroom count) of Affordable Units in such buildings shall not be changed.

The development also entails the installation of all necessary infrastructure, such as water, sewer, drainage, and access roads, as well as the creation and dedication of new public roads designed to meet the City of Hercules Public Street Standards. Supporting improvements include sidewalks, street lighting, and other enhancements to promote walkability and community safety. A Homeowner's Association (HOA) will be established to manage and maintain common areas

## **ANALYSIS**

### **Consistency with the Waterfront District Master Plan (WDMP)**

**Architectural Style:** The proposed architecture is consistent with the design standards and style-specific guidelines outlined in the WDMP. The Architectural Consistency Document (Exhibit C.1) details the use of three distinct architectural styles: Waterfront Warehouse, Gold Rush, and Spanish Revival. Each style includes specific requirements related to massing, façade composition, roof form, window detailing, storefront design, and other architectural elements. The buildings in Blocks K-L-M-O-P are designed to align with these standards, with appropriate transitions in color, material, and articulation.

**Waterfront Warehouse Style:** This style emphasizes the visual weight and solidity of heavy masonry buildings.

- **Massing** is expressed through simple rectangular forms with strong vertical proportions. Brick bases anchor the buildings, while upper floors are differentiated using stucco panels articulated to reflect the rhythm of the masonry bays below.
- **Façade Composition** includes a consistent rhythm of narrow bays and vertically oriented punched window openings. Vertical piers run unbroken from base to parapet, reinforcing the rhythm. Bay widths vary by unit type: 11'–21' for townhomes, 15' for back-to-backs, and 11'–12' for live/work units.
- **Roof Form** is flat with parapet walls and continuous cornices.
- **Windows** are vertically proportioned, primarily single-hung.
- **Storefronts** in live/work units are integrated within the arcade bays and include doors recessed into each opening.
- **Other Elements** include shallow metal shed roofs over balconies and galleries, especially in live/work units.

**Gold Rush Style:** This style draws from early commercial buildings with a simplified rhythm and strong base-to-top composition.

- **Massing** remains rectangular and regular.
- **Façade Composition** features narrow bays with vertically proportioned doors and windows. A continuous brick base provides a sense of grounding, while cornices and parapets define the roofline.
- **Roof Form** is flat with a parapet and continuous cornice.
- **Windows** are vertically proportioned, single-hung.
- **Storefront Treatment** is suggested through large garage doors designed to read as multiple-panel openings, appropriate for the residential scale.
- **Other Elements** include second-floor balconies and secondary cornice lines that break up the wall plane and emphasize articulation.

**Spanish Revival Style:** This style is inspired by traditional Mediterranean architecture and emphasizes texture, layering, and expressive detail.

- **Massing** consists of simple rectangular volumes with variations in height and roofline, creating a picturesque silhouette.
- **Façade Composition** features low window-to-wall ratios, smooth stucco finishes, and archways on live/work units.

- **Roof Form** includes a mix of red clay tile roofs, flat roofs, and parapets, often with gable and shed elements.
- **Windows** are vertically proportioned and recessed with detailed headers.
- **Other Elements** include ornamental wrought-iron Juliette balconies, timber trellises, and decorative tiles or ironwork at gables.

The architectural styles are applied consistently across the project, with careful attention to transitions and variation. For example, Building L3, the only 10-plex in the project, is designed to read as multiple buildings by incorporating both the Waterfront Warehouse and Spanish Revival styles with differentiated colors and materials. Some buildings (e.g., K2, K5, L2) are distinguished by taller ground floors. Additionally, the Loading Dock frontage on Buildings K3 and K4 along Shoreline Loop enhances the “converted warehouse” character (see **Figure 5**).

**Figure 5: Project Rendering Looking from Refugio Creek to Blocks K&L**



Source: Project Plans – Sheet SP-13 dated 4/1/2025



**Frontage Types:** The project adheres to the frontage requirements outlined in the WDMP (pages 1-17 and 1-25), which apply to the T5-MST and T5-VN regulating zones. The following frontage types are proposed and appropriately located:

- **Stoop Frontages:** Used along Bayfront Loop for Blocks O and P, consistent with townhouse designs.
- **Arcade Frontages:** Applied to the John Muir Parkway and Bayfront Boulevard façades of live/work units. The arcade integrates building entries with the sidewalk, enhancing pedestrian engagement.
- **Loading Dock Frontages:** Located along Shoreline Loop and the public right-of-way frontages of Blocks L and M, supporting the warehouse aesthetic.

Private alley-facing façades are not required to include frontage types and are therefore excluded. The project complies with all frontage-related form-based code regulations.

**Civic Spaces:** The WDMP requires approximately 23 acres of civic space throughout the Bayfront District (see pages 3-5 to 3-22). For Blocks K-L-M-O-P, the project includes three primary civic spaces shown in the Civic Space Regulating Plan (page 3-1):

1. **Neighborhood Square** – Located along Bayfront Loop, framed by Buildings L4, MP2, and MP3. The square meets minimum size standards and is appropriately defined by surrounding frontages.
2. **Paseo** – Connects the Neighborhood Square to the Bay Trail, creating a narrow, intimate pedestrian corridor between Buildings L4 and MP3. It meets minimum width requirements and supports connectivity.
3. **Neighborhood Park** – Positioned adjacent to the Bay Trail and accessed via the Paseo. It includes a playground structure, seating areas, and open lawn, and provides a secondary focal point as envisioned in the WDMP.

Although these spaces are located on private land, they will be subject to public access easements to ensure continuous public use in perpetuity. Additional features include garden pathways throughout the development and a secondary viewing deck overlooking the Bay Trail. The civic space design complies with the WDMP standards in form, location, and function.

**Building Height:** Exhibit C, Sheets A-5, A-6, A-10, A-11, A-15, A-20, A-21, A-27 and A-28 show heights of each product type within the project above grade in “stories” and height above grade. The WDMP defines “Height” as “A limit to the vertical extent of a building that is measured in number of stories. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, and similar structures, which may be any height approved by the Director.”

In the Building Form cross sections in the WDMP within the T5-VN and T5-MST districts, height is shown to be measured from adjacent street grade in “stories” rather than feet.

Blocks M-P are allowed to be a maximum of 8 stories, while Blocks K-L & O are limited to 4 stories. The proposed plans conform to the height limitations of the WDMP in that all buildings are 3 stories with parapet and optional enclosed rooftop deck staircase. Even with the optional enclosed staircase, the buildings on K-L & O conform to the maximum of 4 stories.

**Parking:** The WDMP (page 1-34) establishes a parking requirement of one space per 1,500 square feet of residential floor area, excluding affordable units. For live/work units under 2,500 square feet, the residential parking standard applies. The project provides a total of **449 parking spaces**, distributed as follows:

- **336 garage spaces** (2 per unit)
- **52 driveway spaces**
- **61 public spaces**, including:
  - 20 parallel on-street spaces along Bayfront Loop
  - 12 parallel on-street spaces along Shoreline Loop
  - 29 head-in spaces accessed from private alleys (Shared Private Parking)

The total supply averages 2.5 spaces per unit and meets or exceeds the WDMP's minimum parking requirements. Consideration has been given to the function of live/work units, with the parking ratio accommodating potential home-based business activity.

The project is subject to the Bayfront Project Parking Operations Agreement, which requires each block within the Bayfront development to include "Shared Private Parking." Specifically, at least 10% of the private parking spaces across Blocks E, G, J, K, L, M, N, O, P, Q, and R must be designated as shared. Parking demand is initially based on the "Demand Analysis" prepared by CDM Smith, dated October 14, 2019. The agreement allows the amount of Shared Private Parking to fluctuate within a designated range, the "Cap and Floor", set between a minimum of 176 spaces and a maximum of 216 spaces.

As currently proposed, Blocks K, L, and O do not include any Shared Private Parking. Public parking on Shoreline Loop and private driveways and garage spaces are excluded from the Shared Private Parking count. Block M provides 9 Shared Private Parking spaces, representing 10% of its total 91 parking spaces (83 of which are in private garages or driveways). Block P provides 20 Shared Private Parking spaces, or 23% of its total 88 spaces (68 of which are in private garages). Across Blocks K, L, M, O, and P, the development provides a total of 6% Shared Private Parking, falling short of the 10% minimum. As a result, the Owner is subject to the adjustment provisions outlined in Section 2.C of the Bayfront Project Parking Operations Agreement.

**Streets & Circulation:** The WDMP Street and Circulation Standards (4-3) identifies five street types within the project area, including

- John Muir Parkway
- Town Center Street I (Bayfront Blvd)
- Neighborhood Street II (Bayfront Loop)
- Transit Loop Drive (Shoreline Loop)
- Rear Access Alley (see Emergency Vehicle Access section below)

John Muir Parkway and Bayfront Boulevard have been constructed to WDMP and City standards. Bayfront Loop, identified as a Neighborhood Street II, is designed to be consistent with the WDMP in that the Public ROW is 66 feet in width and accommodates two-way traffic, with each lane being at least 10 feet wide and parallel parking on both sides of the street. Bicycle lanes and medians are not required or proposed. Where arcades are not proposed, continuous planter strips and tree plantings will also be consistent; however, planter strips and trees are not required with arcade frontage).

The Shoreline Loop, identified as the Transit Loop Drive in the WDMP, will no longer be constructed over Refugio Creek. As proposed in the Vesting Tentative Map, Shoreline Loop is proposed to be realigned to facilitate the townhouse development and to avoid the San Francisco Bay Conservation and Development Commission (BCDC) jurisdiction. As designed, Shoreline Loop is consistent in that the public right-of-way is a minimum of 68 feet for two-way traffic, providing parallel parking on one side of the street. Bicycle lanes and medians are not required or proposed, and loading is only required with one-way travel. Landscaping and tree planting will be consistent with the proposed planter type (5-foot by 5-foot tree grates with medium trees at 30-foot intervals).

**Emergency Vehicle Access:** While the WDMP shows a rear alley behind Block P, it does not extend the alley behind Block M. In place of a continuous alley, the project retains the 20-foot Bio-Rad Access Easement along the northeast edge and supplements it with strategically placed Emergency Vehicle Access Easements, Public Access Easements, and Public Utility Easements between buildings. These routes have been reviewed by the Fire District and provide acceptable fire truck access and hydrant coverage to all residential structures (see Exhibit C).

*Table 2: WDMP Consistency Summary*

Topic	Key Standards	Project Compliance
<b>Architectural Character</b>	Waterfront Warehouse, Gold Rush, and Spanish Revival styles with objective guidelines for massing, façade rhythm, materials, and roof form.	Buildings K-L-M-O-P follow the approved style sheets (Exhibit C.1), including flat/parapeted roofs, vertical window proportions, and articulated masonry or stucco bases.

<b>Frontage Types</b>	T5-MST and T5-VN zones may employ <b>Arcade, Stoop, or Loading Dock</b> frontages on public façades.	Arcades line Bayfront Blvd. and John Muir Pkwy (live-work units); Stoops serve Bayfront Loop and portions of Block O; Loading Docks activate Shoreline Loop and mid-block paseos.
<b>Civic &amp; Open Space</b>	Minimum 23 acres district-wide; Blocks K-P must provide a <b>Neighborhood Square, Neighborhood Park, and a Paseo.</b>	<ul style="list-style-type: none"> <li>• 5,600 sf Neighborhood Square framed by Bayfront Loop and Buildings L4/MP2/MP3.</li> <li>• 4,200 sf Paseo connecting the square to the Bay Trail.</li> <li>• 12,800 sf Neighborhood Park with play structure, lawn, and overlook deck. All open spaces will be covered by public-access easements and maintained by the HOA.</li> </ul>
<b>Parking</b>	≥1 space / 1,500 sf of residential floor area; guest parking may be on- or off-street.	449 total spaces (2.5 per unit): 336 garage, 52 driveways, 61 on-street (parallel & head-in). Meets WDMP ratio and provides distributed guest parking.
<b>Streets &amp; Circulation</b>	<p>Neighborhood Street 2 (Bayfront Loop) 60' width, 2 lanes, with parallel parking on 2 sides.</p> <p>Transit Loop Drive (Shoreline Loop) 68' width two-way traffic, parallel parking on 1 side</p>	The project meets all the street standards for public streets, including width, lanes, parking, and edges.

## REQUIRED FINDINGS

The project is required to demonstrate compliance and consistency with all applicable City requirements, including the General Plan, Zoning Ordinance, Waterfront District Master Plan, and the Bayfront Development Agreements.

To approve a Design Review, Vesting Tentative Map and Planned Development Plan the decision-making body (in this case, the City Council with recommendation from Planning Commission) must make specific findings.

As required by the Design Review chapter of the Zoning Ordinance (Section 13-42.500 of the Municipal Code), the following five specific findings shall be made, per the following titles:

1. Consistency with Applicable Zoning, General Plan, and any Specific Plans
2. Public Health, Safety and General Welfare



3. Site Characteristics that Provide a Desirable Environment
4. Architectural Compatibility
5. General Landscape Considerations

Subdivision of land is governed by the California Subdivision Map Act (SMA) and by Title 10, Chapter 2 of the Hercules Municipal Code. There are seven standards in the SMA (Government Code section 66474) by which subdivisions are evaluated:

1. The map is consistent with the General and Specific Plan.
2. The improvements are consistent with the General and Specific Plan.
3. The site is suitable for the proposed type of development.
4. The site is suitable for the proposed density.
5. Would not cause substantial environmental damage.
6. Would not cause public health problems.
7. Not conflict with easements.

Section 48.600 of the Zoning Ordinance requires the following findings with facts be made by the City Council in order to approve a Planned Development Plan Permit.

1. Consistent with the General Plan.
2. Circulation is suitable.
3. Exceptions to the Zoning Ordinance are warranted.
4. Compatibility with the surroundings.
5. Utility Service.

**Exhibit E** of the draft Resolution 25-XX provides full Facts and Findings needed to support the project.

#### **ENVIRONMENTAL REVIEW:**

Pursuant to Section 21166 of the California Environmental Quality Act (Pub. Res. Code §§21000 et seq.) and Section 15162 of the CEQA Guidelines (Cal. Code Reg. §§15000 et seq.), when an Environmental Impact Report (EIR) has been certified for a project, no subsequent EIR shall be prepared unless the lead agency determines that certain conditions are met. Pursuant to CEQA Guidelines Section 15164, an addendum to a previously prepared EIR shall be prepared if none of the conditions in Section 15162 are met but minor changes to the EIR are necessary.

The proposed development is subject to the previously certified 2011 Hercules Bayfront Final Environmental Impact Report (EIR) (State Clearinghouse #2009112058), which established mitigation measures tied to the overall buildout of the entire Bayfront Project.

The proposed project implements a portion of the Approved Project that was analyzed in the 2011 Certified EIR. The proposed project is identified as Blocks K-L-M-O-P in the 2011 Certified EIR. The project site is subject to the Implementing Development Agreement for the Hercules Bayfront Project by and between the City of Hercules and Hercules Bayfront, LLC, dated March 14, 2012, which provides the project developer flexibility with respect to moving density within the Approved Project site, so long as overall development remains within the buildout evaluated in the 2011 Certified EIR.

As shown in the Title Sheet C1.0 of the Vesting Tentative Map review package, a density summary table is provided for each block and the overall density of the project, showing the project with an overall density of 25.5 dwelling units per acre, which is less than anticipated in the Certified EIR for this project area. Based on the Maximum Development “Ground-Up” Build Out Estimate analyzed in the 2011 Certified EIR compared with the current Density Summary on Sheet C1.0, the proposed project will not exceed the level of development. Therefore, the proposed project falls within the scope of the total program analyzed in the 2011 Certified EIR.

As detailed in **Exhibit D** to the draft resolution, the proposed project does not trigger any of the conditions in Section 15162, nor does it require an addendum pursuant to Section 15164. While the proposed project incrementally contributes to impacts previously identified in the 2011 Certified EIR, it does not require changes to that EIR. Additionally, there have not been changes in any circumstances that would require modifications to the EIR, nor is new information of substantial importance now available that demonstrates that the proposed project will have new significant impacts, increase the severity of impacts previously identified, or otherwise cause environmental effects not previously examined. And since the proposed project does not involve any new or significant impacts, no additional mitigation measures are necessary. Finally, in its review and analysis of the proposed project, the City did not identify any additional mitigation measures that would substantially lessen any significant and unavoidable impacts previously identified in the 2011 Certified EIR. Therefore, no changes to the 2011 Certified EIR are required. Pursuant to CEQA Guidelines sections 15162 and 15164, no further CEQA documentation is necessary. However, since the project is relying on the 2011 Bayfront certified Final EIR for environmental clearance, the Planning Commission will need to make findings of EIR conformity when considering approval of the design review permit.

The proposed project is subject to and will implement all applicable mitigation measures from the Mitigation Monitoring and Reporting Program (“MMRP”) adopted with the 2011 Certified EIR. The 2011 Bayfront EIR, including the Mitigation Monitoring and Reporting Program, is [available on the City’s website](#). The 2012 Implementing Development Agreement for the Hercules Bayfront project defines which mitigation measures are the responsibility of the Bayfront developer and which are the responsibility of the City.

**RECOMMENDATION:**

Staff requests that the Planning Commission consider and approve the Resolution recommending City Council approval of Design Review Permit (DRP) #24-02, Vesting Tentative Map (VTM) #24-01, and a combined Initial and Final Planned Development Plan (PDP) #24-01.

**ATTACHMENTS:**

- Attachment 1: Draft Resolution 25-XX approving Design Review Permit #24-02 VTM # 24-01, and PDP #24-01.
  - Exhibit A – Bayfront Blocks K-L-M-O-P Project Conditions of Approval
  - Exhibit B – Implementing Development Agreement Conditions of Approval
  - Exhibit C – Bayfront Blocks K-L-M-O-P – Development Plans
  - Exhibit C.1 – Bayfront Blocks K-L-M-O-P - Architectural Consistency
  - Exhibit D – Bayfront Blocks K-L-M-O-P – CEQA Conformity Findings to Certified Bayfront EIR
  - Exhibit E – Bayfront Blocks K-L-M-O-P - Findings with Facts
  - Exhibit F – Bayfront Blocks K-L-M-O-P - Traffic Report
- Attachment 2: Staff Presentation
- Attachment 3: Applicant's Presentation