

HERCULES CITY COUNCIL

RESOLUTION NO. 26-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING CONDITIONAL USE PERMIT #26-01 AND DESIGN REVIEW PERMIT #26-01 FOR A RETAIL STORE WITH DRIVE-UP DONATION OPERATIONS AT 1551 SYCAMORE AVENUE (APN: 406-140-003-4), HERCULES, CALIFORNIA, WITHIN THE COMMUNITY COMMERCIAL (CC) ZONING DISTRICT, AND FINDING THE PROJECT CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, at its regular meeting of July 6, 2026, the Planning Commission of the City of Hercules approved Conditional Use Permit #26-01 and Design Review Permit #26-01 (Application CUP 26-01 / DRP 26-01); and

WHEREAS, on July 14, 2026, in accordance with Hercules Municipal Code Section 13-44.500 and the Hercules Zoning Ordinance, the City Council called up the subject project for review, specifying concerns regarding the donation drop-off area operations and controls, and now, having received the staff report and heard public testimony and applicant responses, is prepared to make its determination; and

WHEREAS, pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.), the project is categorically exempt from environmental review under Class 1 (Existing Facilities), California Code of Regulations, Title 14, Section 15301, because it involves the minor alteration of an existing commercial building with negligible or no expansion of use, and none of the exceptions set forth in CEQA Guidelines Section 15300.2 apply; and

WHEREAS, the City provided notice of the public hearing in accordance with the Hercules Municipal Code and Government Code Section 65090 et seq.; and

WHEREAS, based on the facts and evidence set forth in the entire record for this proceeding, including but not limited to the staff report prepared for this project, the City Council finds, after due study, deliberation, and public hearing, that all required findings for issuance of a Conditional Use Permit and Design Review Permit can be made so long as the conditions of approval are met; and

WHEREAS, in accordance with the Conditional Use Permit findings required by Hercules Municipal Code Section 13-50.300, the City Council affirms the Planning Commission's findings that:

- 1. The proposed use is consistent with the General Plan (HMC §13-50.300(1)).** The proposed retail use is consistent with the Community Commercial (CC) land use designation and with Land Use Element Objective 2 (Policies 2A and 2B) and Objective 13 (Policy 13A). The site has long operated as general retail commercial, and the proposed use continues that established character within a fully built-out, CC-designated shopping center.

2. **The proposed location of the use conforms with the purposes of the Zoning Ordinance and of the CC district, and the use will comply with the applicable provisions of the Zoning Ordinance (HMC §13-50.300(2)).** The CC district is intended to accommodate retail, office, and service uses serving City residents and employees, and general retail is a type of use that is conditionally permitted in the district. No changes to building footprint, floor area, setbacks, parking, or landscaping are proposed; the Design Review Permit was filed concurrently as required by HMC Section 13-8.200(1); and signage has been analyzed under HMC Chapter 13-34, with the authority under HMC Section 13-34.103(1) applied to the combined wall sign area. Subject to the Conditions of Approval, the use complies with all applicable provisions of the Zoning Ordinance.
3. **The location, size, design, and operating characteristics of the proposed use are compatible in design, scale, coverage, and density with existing and anticipated adjacent uses (HMC §13-50.300(3)).** The use occupies an existing retail building of unchanged size and scale within an established multi-tenant commercial center, and adjacent uses are general retail, food service, and personal service commercial uses of similar character. The drive-up donation operation is located at the rear of the building, screened from the primary retail frontage, and governed by attendant coverage during all operating hours, a prohibition on overnight drop-offs and outdoor storage, video surveillance, and an after-hours deterrent system.
4. **There is adequate access, traffic, public utility, and public service capacity for the proposed use and surrounding existing and anticipated uses (HMC §13-50.300(4)).** The site is fully improved with existing access drives, surface parking, and utility connections that served the prior retail tenancy. Traffic generation would be comparable to the former Big Lots store, as no floor area is added and the use classification is the same. The donation drop-off area is separated from primary pedestrian and customer parking areas by the building mass and existing drive aisle configuration, with queuing capacity for four (4) or more vehicles that does not encroach on marked parking or drive aisles. Existing public streets, water, sewer, and dry utilities are adequate to serve the use.
5. **There are no potential significant adverse environmental impacts that could not be feasibly mitigated and monitored (HMC §13-50.300(5)).** The project is a change of tenancy within an existing building on a fully developed commercial parcel, with minor physical improvements and no expansion of use or intensity. As discussed under Environmental Review below, the project is categorically exempt from CEQA as a Class 1 (Existing Facilities) project, and no unusual circumstances or exceptions to the exemption apply. No significant adverse environmental impacts would result, and

WHEREAS, the City Council specifically finds that the Conditions of Approval directly address the Council's call-up concerns regarding donation drop-off area operations and controls:

- Hours Limitation: Condition No. 3 restricts donations and public-facing operations to 9:00 AM to 9:00 PM, Monday through Sunday, preventing problematic late-night or early-morning activity at the rear of the building;
- Attendant Supervision: Condition No. 4 requires a dedicated Donation Attendant present during all operating hours to receive donations directly from customer vehicles, ensuring professional oversight and control of all donation transactions;
- No Unsupervised Donations: Condition No. 4 prohibits unsupervised donation bins and exterior storage of donations at any time, and requires removal within one hour of store opening if any items are left overnight, eliminating the risk of accumulated donations, refuse, or nuisance conditions;
- After-Hours Monitoring: Condition Nos. 5 and 6 require 24/7 video security monitoring and after-hours deterrent measures to discourage off-hours donations and ensure the facility remains secure and orderly when staff is not present;
- No Outdoor Storage: Condition No. 7 categorically prohibits merchandise, donated goods, trash, or equipment storage or display on the exterior of the building or in parking and drive aisles at any time, except donations during operating hours at the drive-up door;
- Refuse Management: Condition Nos. 11 and 12 require the trash compactor and loading dock to be maintained in clean and sanitary condition in compliance with solid waste regulations, and require a refuse collection plan developed with the refuse collection provider; and

WHEREAS, in accordance with the Design Review Permit findings required by Hercules Municipal Code Section 13-42.500, the City Council affirms the Planning Commission's findings that:

1. **The design review plan complies with all provisions of HMC Chapter 13-42, the Zoning Ordinance, and applicable zoning and land use regulations, including the Hercules General Plan (HMC §13-42.500(1)).** All proposed signs have been reviewed for compliance with HMC Chapter 13-34 and the Creekside Master Sign Program as addressed above. As discussed in the Sign Program Analysis, the building presents two (2) customer-facing storefronts: the primary retail storefront on the south elevation and a dedicated donation drop-off storefront on the north elevation. Counting both customer-facing frontages as tenant storefront under HMC Section 13-34.302(3)(A), the proposed 216.09 SF of combined wall signage is within the resulting frontage-based allowance, and the signage on each elevation is independently within the allowance generated by that elevation's own frontage.

The only exterior building modification, the new 12-foot by 8-foot donation drop-off door and associated concrete landing and ramp at the rear (north) elevation, is a minor alteration that does not change the building footprint, intrude into any required setback, or alter the building's street-facing elevations design

characteristics, and complies with the development standards of HMC. The finding can be made..

2. **The design review plan is in the best interests of the public health, safety, and general welfare (HMC §13-42.500(2)).** The proposed improvements are limited to interior alterations, one new rear door with landing and ramp, a trash compactor in the existing loading area, and replacement and new signage. No new building mass is proposed, and the project would not create adverse impacts on public health, safety, or welfare.
3. **General site considerations have been designed to provide a desirable environment for the development (HMC §13-42.500(3)).** No changes to site layout, parking, access, or setbacks are proposed. The existing site configuration adequately accommodates the proposed use, including the donation drop-off operation and associated vehicle queuing at the rear of the building.
4. **General architectural considerations are consistent with applicable design standards (HMC §13-42.500(4)).** The proposed signage uses high-quality materials: halo-lit reverse pan channel brushed aluminum letters on Deep Brown background panels, consistent across all signs and compatible with the shopping center's established character. Freestanding sign work is limited to replacement faces within existing structures and one new freestanding directional sign with commercial messaging.

A new trash compactor is proposed within one bay of the existing loading dock at the rear of the building; the second loading dock bay will remain open for deliveries. The approximately 8.5-foot-high compactor will be installed on a steel support frame and will be partially screened from the rear parking lot area by an existing wall. No additional screening is proposed, in order to preserve unobstructed operational access to the loading dock. As shown in the staff report, the compactor will be further screened from view whenever a delivery trailer is parked in the adjacent bay. The rear elevation of the building has functioned as the shopping center's service area since the center's original development, as reflected in the 1982 approved development and building plans for the Lucky's store, which show the loading dock in this location, and the rear elevation continues to serve this function today, as it is also where the other commercial tenants in the shopping center receive deliveries, store refuse, and locate utility equipment. The proposed compactor is therefore consistent with the long-established character and operational function of this elevation

5. **General landscape considerations are consistent with applicable design standards (HMC §13-42.500(5)).** No changes to landscaping are proposed, and existing landscaping would be maintained; and

WHEREAS, the City Council finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution 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 work at or visit this development.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hercules finds that the above recitals are true and correct and are incorporated herein as findings.

BE IT FURTHER RESOLVED that the City Council of the City of Hercules hereby determines that the project is Categorically Exempt from CEQA pursuant to Class 1 (Existing Facilities), California Code of Regulations, Title 14, Section 15301, and hereby approves Conditional Use Permit No. CUP 26-01 and Design Review Permit No. DRP 26-01, authorizing the operation of a retail store with drive-up donation operations by Goodwill of the San Francisco Bay at 1551 Sycamore Avenue within Creekside Shopping Center, subject to the Conditions of Approval (Exhibit A).

BE IT FURTHER RESOLVED that the City Council of the City of Hercules hereby approves Conditional Use Permit #26-01 and Design Review Permit #26-01 (Application CUP 26-01 / DRP 26-01) subject to the Conditions of Approval attached hereto as Exhibit A and incorporated herein, and as described and depicted on Exhibit B incorporated herein.

PASSED AND ADOPTED by the City Council of the City of Hercules on this 28th day of July 2026, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chris Kelley, Mayor

ATTEST:

Eibleis Melendez, City Clerk

Exhibit A – Conditions of Approval

Exhibit B – 1551 Sycamore Avenue Project Exhibits (CUP 26-01 / DRP 26-01)

Exhibit A – Conditions of Approval

Exhibit B – 1551 Sycamore Avenue Project Exhibits (CUP26-01 / DRP26-01)