

**HERCULES PLANNING COMMISSION
RESOLUTION NO. 25-XX**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES APPROVING DESIGN REVIEW PERMIT #25-02 FOR A SUBSTANTIAL REMODEL OF THE EXISTING 2,598 SQUARE FOOT SINGLE-FAMILY RESIDENCE AND A 1,770-SQUARE FOOT ADDITION AT 184 EMERALD WAY, HERCULES, CALIFORNIA WITHIN THE RESIDENTIAL SINGLE-FAMILY LOW DENSITY (RS-L) ZONING DISTRICT.

WHEREAS, the Planning Commission of the City of Hercules has considered the submittal requirements for Design Review Permit #25-02, 184 Emerald Way, filed by Colleen Mohan of Studio Pranava on behalf of the homeowners, in accordance with the Hercules Zoning Ordinance; and

WHEREAS, the project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines §15061(b)(3), which is the “General Rule” exemption. This exemption applies to projects that have no potential to cause a significant environmental impact. “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The project involves exterior remodel and addition of an existing single-family residence consistent with the zoning ordinance on a previously developed property; therefore, there is no potential environmental impact; 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 Planning Commission finds, after due study, deliberation, and public hearing, that the following circumstances exist with regard to the Design Review Permit applications so long as conditions of approval are met; and

WHEREAS, in accordance with the Design Review findings identified in the Hercules Municipal Code Section 13-42.500, the Planning Commission finds the project demonstrates the following:

1. The approval of the design review permit 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.
 - a. The proposed design is consistent with the following General Plan Housing Element Policies:
 - i. Policy 2.1: Promote the continued maintenance and enhancement of residential units. The project proposes renovating the 1980s area home to enhance its architectural style and functionality for current and future residents.

- ii. Policy 6.2: Ensure all new residential development complies with energy efficiency performance standards of the California Building Standards Code. The project will comply with all energy efficiency performance standards of the California Building Standards Code.
 - iii. Policy 6.3 Utilize site planning techniques to allow passive energy efficiencies through solar access, landscaping, and building orientation. Solar panels are proposed in compliance with current building code standards, and the project has been designed to minimize shading of adjacent homes.
- b. The project complies with the development regulation presented in Hercules Municipal Code (HMC) Table 13-6.2, Fence Wall and Hedge Height standards in HMC Sec. 13-30.610, and HMC Sec. 13-30.750 regarding Paving in Residential Front, Rear, and Side Yard Area.
- 2. The approval of the design review plan is in the best interests of the public health, safety, and general welfare.
 - a. The project site at 184 Emerald Way is located within the RS-L zoning district and is not within any designated hazard zones, including landslide, flood, earthquake fault rupture, or liquefaction zones. However, the property is within the Local Responsibility Area of the Wildland-Urban Interface (WUI) Zone, as defined by the Contra Costa County Fire Protection District. As such, the project must comply with applicable fire safety standards, including the installation of a fire sprinkler system consistent with NFPA 13D, as amended by the State of California.
 - b. The project will also be required to meet all applicable State and local building regulations, including the California Building Code and California Residential Code, which govern structural safety, accessibility, energy efficiency, and fire resistance. Collectively, these requirements ensure that the project promotes public health, safety, and welfare.
- 3. 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.
 - a. The project complies with applicable zoning standards for height, setbacks, parking, fences, and related elements. Site modifications are intended to enhance usability and visual appeal while minimizing grading and preserving the existing topography where feasible.
 - b. Permeable pavers will replace concrete in the driveway and rear/side yard areas, increasing site permeability from 31.9% to 55.3%. This change reduces impervious surface coverage and contributes to improved stormwater management. New landscaping steps and front yard planters are proposed, reflecting similar treatments on adjacent properties and enhancing curb appeal.

- c. Masonry retaining walls are proposed along shared property lines to support existing grade transitions and help prevent erosion and runoff. A solar access study confirms that the new second-story addition, located on the downslope side of the lot, will not cast significant shadows on the adjacent home at 178 Emerald Way.
- 4. 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 have been incorporated in order to ensure the compatibility of this development with its design concept and the character of adjacent buildings.
 - a. The project introduces a more modern and streamlined architectural style while preserving compatibility with the surrounding neighborhood. The proposed massing, with stepped-back second-floor and roof lines, remains consistent with nearby homes. Features such as the relocated front entry hall and the addition of a third garage bay are compatible with architectural patterns observed along the street.
 - b. The proposed exterior materials include a mix of smooth troweled stucco (cream) and composite wood siding (ebony and light oak), which are contemporary yet harmonious with the neighborhood's existing finishes. Roofing options include black metal standing seam, onyx asphalt shingles, or charcoal black composite slate tile. Final selection may involve a combination or single treatment consistent with the design intent.
 - c. Windows and doors will feature black fiberglass composite frames, with black French and metal exterior doors, and a panel garage door that matches the adjacent siding. The main entry will feature a pivot-style front door with sidelights, finished in white oak, alder, or birch with black accents.
 - d. This project represents the first significant remodel of this type in the immediate neighborhood. It increases the home's square footage and updates its appearance while maintaining its compatibility with the surrounding context.
- 5. 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 have been considered to ensure visual relief, to complement buildings and structures, and to provide an attractive environment for the enjoyment of the public.
 - a. The proposed landscape plan enhances both the home's functionality and its visual appeal. New landscape steps and raised planters will be added to the front yard to provide structure and soften the transition between built elements and open space. These treatments are consistent with similar features found on neighboring properties. The existing front lawn will be

refreshed, and new planting areas will be concentrated within the added planters.

- b. Masonry retaining walls will reinforce site grading along shared property lines, supporting both erosion control and water runoff management. The project proposes a total landscape area of 1,535 square feet, including 609 square feet in the front yard and 926 square feet in the rear and side yards.
- c. Increased site permeability is achieved through a combination of permeable landscaping and permeable hardscape, including the redesigned driveway, which replaces existing solid concrete. The resulting design provides greater environmental benefits, visual interest, and improved stormwater infiltration while remaining consistent with the neighborhood character.

WHEREAS, the Planning Commission 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 Planning Commission of the City of Hercules finds that the above recitals are true and correct and are incorporated herein as findings.

AND BE IT FURTHER RESOLVED that the Planning Commission of the City of Hercules hereby determines that the project is Categorically Exempt from CEQA per Section 15061(b)(3) and hereby approves Design Review Permit #25-02 allowing a major remodel of the existing 2,598 square foot single-family residence and addition of approximately 1,770 square feet of new living space at 184 Emerald Way, subject to the following Conditions of Approval:

1. Approval of Design Review Permit #25-02 shall conform to the project plans dated May 15, 2025 (Exhibit A hereto).
2. Except as modified by the conditions herein, both construction and post-construction operations shall comply with performance standards specified in Hercules Municipal Code Chapter 13-31.
3. This approval is effective for one (1) year from the date of approval unless, prior to the expiration, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion. Design review approval may be renewed for a maximum of one (1) additional year beyond the original date of expiration; provided, that a request for such renewal is submitted to the Planning Department before the date of expiration.
4. Applicant shall obtain a building permit for the construction, which shall comply with all pertinent California Building Codes and Standards adopted by the City of Hercules.

5. All persons conducting business on the project site shall obtain a Business License from the Finance Department of the City of Hercules.
6. Applicant agrees as a condition of approval to indemnify the City, its agents, officers, and employees and to defend at developer's own expense against and from any claim, action, or proceeding brought within the time period provided for in Section 66499.37 of the Government Code to attack, set aside, void, or annul the approval of this resolution. City shall promptly notify developer of such claim, action, or proceeding of which City receives notice, and City will fully cooperate with developer in the defense therefor. Developer/applicant shall reimburse the City for any court costs and attorney's fees which the City may be required to pay as a result of any such action. City may, in its sole discretion, participate in the defense of any such claim, action, or proceeding, but such participation shall not relieve the developer of the obligations of this condition.

Public Works Engineering

7. Unless otherwise noted on the plans, finished ground surfaces shall be graded to drain the finished site properly within 10 feet of any building foundation with a slope of 5% away from any building or structure. All exterior hardscape within 10 feet of a building foundation shall be installed with a 2% minimum slope away from any building or structure. Drainage swales shall be a 1.5% minimum slope. All graded slopes shall have a maximum slope of 3H to 1V (33%), unless shown otherwise on the plans.
8. Lot grading shall conform at the property lines and shall not slope toward property lines in a manner which would cause storm water to flow onto neighboring property. Historic drainage patterns shall not be altered in a manner to cause drainage problems to neighboring property.
9. Contractor to field verify existing drainage. If the existing drainage system is damaged during excavation, contractor shall repair and/or reroute drainage system and connect to existing drainage facility, as necessary.
10. Applicant shall remove and replace all improvements damaged during construction adjacent to the project site as directed by the Public Works Inspector.
11. Erosion and sediment control facilities shall be installed prior to October 1 and shall be maintained daily until April 30. These facilities shall control and contain erosion-caused silt deposits and provide for the safe discharge of silt-free storm waters into existing storm drain facilities. Erosion and sediment control supplies must be kept on-site during the dry season and employed, as necessary prior to and during rain events.
12. An encroachment permit shall be required for any construction activity within a public street right-of-way, which includes any temporary storage of materials.
13. Applicant shall pay plan check and processing fees, development fees, encroachment permit fees, and other miscellaneous fees applicable.

14. An Encroachment Permit shall be obtained for equipment driving over City property and over public easements. A cash deposit determined by the City Engineer shall be required to secure the repair of any damages and said deposit may be increased at the discretion of the City Engineer, as necessary.
15. Applicant shall provide for dust control at all times during site preparation and construction activities at the direction of the Public Works Inspector or Building Inspector without causing tracking on the streets.
16. An Erosion Control Plan shall be required should work occur during the rainy season.
17. Construction debris boxes shall be provided during all phases of construction.
18. Retaining wall comment: Building permits are required if the wall height exceeds 3 feet. All heights are measured from top of footing to top of wall.
19. Per City of Hercules Design Standards 15.04.1, driveway width should be 32 feet for 3-car garage as measured at the face of curb. The city will not require applicant to widen the driveway for the addition of the third garage space. However, if the Applicant requests a wider driveway, they will need to submit a request for an encroachment permit. Driveway installation shall be per standard detail RW-8.1 and RW-8.2.
20. Existing building sewer lateral shall be cleaned and inspected at the property owner's expense in accordance with HMC Sec. 5-10.05(b)(1). The finding is based on the addition of bathrooms and a kitchen to the house. Refer to HMC Sec. 5-10.05(c) for inspection procedures.
21. Prior to issuance of a sewer certificate, Applicant shall provide a drawing, in a form acceptable to the City Engineer, showing the location of the clean-out and backwater prevention device conforming to City requirements per HMC Sec. 5-10.03..

Rodeo-Hercules Fire Protection District/ Contra Costa Fire Protection District

22. The proposed addition meets the requirements of the Rodeo-Hercules adopted fire code, Section 903.2.8.1.1 subsection 1, for the addition of new gross floor area that exceeds fifty percent of the existing gross floor area and where the total new gross floor area is 3,600 square feet or greater. As such, fire sprinklers shall be required throughout the structure in accordance with NFPA 13D as amended by the State of California.

PASSED AND ADOPTED by the Planning Commission of the City of Hercules on this 16th day of June 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Hector Rubio, Chair

ATTEST:

Timothy Rood, AICP
Community Development Director

Exhibit A – 184 Emerald Way Project Plans, dated May 15, 2025