

DRAFT Conditions of Approval – Emblem Hercules

LEGEND:

DEPARTMENT with primary responsibility for implementing the listed conditions of approval:
(B) = Building; (CA) = City Attorney; (F) = Fire District; (PL) = Planning; (PW) = Public Works

GENERAL CONDITIONS

1. **Minor Modifications:** The project being built will substantially comply with the attached plans (dated February 12, 2026) for the Emblem Hercules Project as submitted for the April 20, 2026, Planning Commission meeting, with any changes approved by the Planning Commission, unless otherwise amended by action of the City Council. Minor modifications to the project may be requested by the Owner and approved administratively by the City, by the Community Development Director. The decision on amendments must be based on the standards that applied to the original project approval, and a minor change can only be approved or conditionally approved if the Community Development Director determines that the minor change does not substantially change the effects of the approval on surrounding property. Minor modifications shall only be approved consistent with the provisions of the City of Hercules Zoning Ordinance, contained within the Hercules Municipal Code Title 13, Chapter 46, “Minor Modifications.” (PL)(B)
2. **SB 330 Preliminary Application Vesting Rights.** The housing development project shall commence construction within two and one-half (2.5) years following the date of final approval, or the Owner will lose all vested rights received at the time the preliminary application was submitted (Gov. Code §65589 [o]).
3. **Indemnity Requirement:** Failure by the Applicant/Grantee to object to any of the terms, conditions, requirements and obligations set forth in this Design Review Permit prior to the expiration of the appeal period (which is 10 business days of the mailing or posting of the approving resolution) shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The Applicant/Grantee by said acceptance waives any challenges as to the validity of these conditions. Applicant/Grantee agrees to indemnify and defend the City, its agents, officers and employees, at Applicant/Grantee’s own expense, against and from any claim, action or proceeding brought by any third party arising from or relating to the City’s processing of Applicant/Grantee’s development applications, the City’s issuance of any of the approvals described in these conditions, and the Applicant/Grantee’s implementation of and operations under the Design Review Permit, including but not limited to any claim, action or proceeding brought to attack, set aside, void or annul any of the City approvals described in these conditions, and any claim, action or proceeding brought against the City arising from or relating to Applicant/Grantee’s development and operation of the project that is the subject of such City approvals. City shall promptly notify Applicant/Grantee of any such claim, action or proceeding of which City receives notice, and City will fully cooperate with Applicant/Grantee in the defense thereof. Applicant/Grantee’s obligations under this condition shall include the obligation to reimburse the City for any court costs, reasonable attorney’s fees and damage awards 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 and may elect to be represented by counsel of the City’s choosing at Applicant/Grantee’s expense, and such participation shall not relieve the Applicant/Grantee of any of the obligations of this condition

4. **Mitigation Fee Act Notice:** Pursuant to Government Code Section 66020(d)(1), the Applicant/Grantee is hereby notified that the 90-day period within which to protest any fees, dedications, reservations, or other exactions imposed as conditions of this approval commences upon the earliest of: (a) the date of payment of any such fee or performance of any such dedication, reservation, or exaction; or (b) the date of issuance of the first permit, license, or other entitlement to proceed with the project. Any protest must be filed in writing with the City Clerk in accordance with Government Code Section 66020. Failure to file a timely protest shall constitute a waiver of any rights under the Mitigation Fee Act with respect to the fees, dedications, reservations, or other exactions described herein.
5. **Mechanical Equipment Screening.** Per HMC 13-31.300.10, all mechanical equipment, including but not limited to heating, ventilation, and air conditioning equipment, shall be recessed, grouped, and/or screened from adjoining property and public streets, except as waived per State Density Bonus. (PL/B)
6. **Project Fencing.** The details and location of all proposed project fencing, including material samples, if needed, shall be consistent with the approved plans and HMC, submitted for staff review prior to the issuance of building permits.
7. **Screening of Above Ground Utilities.** All above-ground utilities visible from public rights of way shall be screened with landscaping, decorative materials, berming, or other means as required by the City Code.
8. **Landscaping.** Landscape planting and all irrigation systems shall be maintained continuously in accordance with HMC 13-30.700.
9. **Refuse/Trash Collection and Construction Debris:** A refuse collection plan shall be formulated, working with the refuse collection provider, Republic Services, to provide for an efficient and effective trash/refuse collection system. Republic Services is the exclusive franchised solid waste hauler for the City of Hercules. Republic Service's exclusive collection rights include collection of all solid waste in the City, including construction and demolition (C&D) waste from construction and demolition projects in the City. (PL)
10. **Graffiti Prevention and Control:** The Owner shall maintain the site free of graffiti. Graffiti applied to any surface of the subject property shall be removed within forty-eight (48) hours of the Owner being notified by the City. The City may remove the graffiti if the Owner fails to remove the graffiti within forty-eight (48) hours; the Owner shall reimburse the City for the graffiti-removal work. (PL)
11. **Final Vesting Tract Map(s).** The Final Tract Map(s) shall be in accordance with the Vesting Tentative Map No. 9715 as approved, and the form and content shall be in conformity with the State of California Subdivision Map Act and City of Hercules Municipal Code, Title 10 - Land Use, Chapter 2 – Subdivisions, Article 4 – Final Map, including the requirements described and listed in the following:
 - a. Section 10-2.401, "Form and Content of Final Map",
 - b. Section 10-2.402, "Documents to Accompany Final Map",
 - c. Section 10-2.403, "Review of Final Map and Accompanying Documents", and
 - d. Section 10-2.404, "Filing Final Map". (PL, PW)

CALIFORNIA ENVIRONMENTAL QUALITY ACT

12. All applicable mitigation measures identified in the Addendum to the Hercules New Town Center EIR Appendix A dated March 3, 2026, shall be implemented.
13. The Project shall implement the recommendations of the final geotechnical study to be reviewed and accepted by the City Engineer prior to issuance of a grading permit.
14. Prior to issuance of a building permit, the Owner shall demonstrate compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
15. The Project shall unbundle parking by requiring residents to lease or purchase parking spaces separately from their dwelling units. Separating parking costs discourages car ownership and reduces vehicle trips and Vehicle Miles Traveled.

AIR QUALITY CONTROL (BAY AREA AIR DISTRICT)

Prior to the commencement of any grading, demolition, or construction activities, and throughout the duration of construction, the project applicant/contractor shall implement all applicable Bay Area Air District (BAAD) air quality control measures in compliance with the BAAD 2022 CEQA Guidelines and all applicable Best Management Practices (BMPs). At a minimum, the following measures shall be implemented:

16. **Construction Equipment Emissions Reduction.** To the extent feasible, all diesel-fueled off-road construction equipment greater than 50 horsepower (HP), including owned, leased, and subcontracted equipment, shall use the cleanest available engines. The project applicant/contractor shall prioritize, in order of preference: (a) zero-emission equipment; (b) EPA Tier 4 Final compliant engines; or (c) the next best available emission control technology, including engine retrofits, diesel particulate filters, selective catalytic reduction (SCR), or other after-treatment devices. Prior to construction, the applicant shall submit to the City a list of all off-road equipment greater than 50 HP anticipated for use on the project, including make, model, engine year, and Tier certification, for review. Where Tier 4 Final equipment is not available or is demonstrated to be infeasible, the applicant shall document the basis for infeasibility and identify the alternative emission control measures to be employed.
17. **NO_x Emissions Limit During Grading.** Grading activities shall be limited such that average daily NO_x emissions during the grading period do not exceed 54 pounds per day. The applicant shall demonstrate compliance either by limiting grading to an area consistent with this threshold or by preparing an emissions analysis using the current version of the California Emissions Estimator Model (CalEEMod) demonstrating that projected average daily NO_x emissions during grading will not exceed 54 pounds per day. This analysis shall be submitted to the City for review prior to the commencement of grading.
18. **Visible Emissions Limit.** Visible emissions from all on-site diesel-powered construction equipment shall not exceed 40 percent opacity (Ringelmann 2.0). Any equipment found to be in exceedance of this standard shall be immediately removed from service and shall not be returned to service until repaired, retrofitted, or replaced with compliant equipment.
19. **Electrical Service in Lieu of Diesel Equipment.** Where grid power is available, portable diesel-powered engines and independently powered equipment (e.g., compressors, generators, pumps) shall be prohibited. Electrical hookups shall be provided for electric construction tools such as saws, drills, and compressors, and electric tools shall be used whenever feasible. Where

grid power is not available, alternative fuels such as propane or solar electrical power shall be used for generators and other equipment to the extent feasible.

20. **Idling Restriction.** All diesel-powered equipment and trucks shall not idle for more than two (2) consecutive minutes when not in active use. This applies to all on-site equipment and to trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks are exempt from this requirement and may keep their engines running as operationally necessary. Signage clearly stating the two-minute idling limit shall be posted at all site entrances and in staging areas and shall remain posted for the duration of construction. The contractor shall develop and implement an enforceable mechanism to monitor idling time to ensure compliance.
21. **Equipment Hours Restriction.** Off-road diesel-powered equipment shall not remain in “on” position for more than ten (10) hours per day.
22. **Fugitive Dust Control.** The following dust control measures shall be implemented throughout all phases of construction:
 - a. All exposed surfaces, including parking areas, staging areas, soil piles, graded areas, and unpaved access roads, shall be watered at least twice daily or treated with BAAD-approved non-toxic soil stabilizers. Frequency shall be increased during dry, hot, or windy conditions.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered with a tarp or equivalent covering before departing the project site.
 - c. All vehicle speeds on unpaved roads and areas within the project site shall be limited to fifteen (15) miles per hour.
 - d. All roadways, driveways, and sidewalks to be paved shall be completed as soon as feasible. Building pads shall be laid as soon as possible after grading unless seeding or approved soil binders are used.
 - e. All trucks and equipment, including tires, shall be washed off prior to leaving the project site. Designated wash-down areas shall be established on-site.
 - f. Active material storage piles shall be kept adequately wetted or covered with tarps. Disturbed surface areas and storage piles inactive for more than seven (7) days shall be treated with chemical dust suppressants, chemical stabilizers, or surface crusting agents, or shall be hydroseeded.
 - g. Sandbags or other approved erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one (1) percent.
 - h. Grading and earthmoving activities shall be suspended when wind speeds are sufficient to cause dust emissions to cross the project property line despite the application of dust mitigation measures.
 - i. Wind barriers or screens of at least fifty (50) percent porosity shall be installed around a minimum of three (3) sides of any bulk material stockpile.
23. **Trackout Prevention and Control.** Trackout of mud, dirt, or other solid materials onto adjacent public roadways is prohibited in compliance with BAAD Regulation 6, Rule 6. The contractor shall maintain a paved or graveled surface for a minimum of fifty (50) consecutive feet from any site exit onto a public road. Any visible trackout on a public road shall be removed using wet sweeping or a HEPA filter-equipped vacuum device at the end of each workday or more frequently as conditions require.
24. **Asbestos Dust Mitigation (if applicable).** If soil sampling indicates asbestos concentrations at or above applicable limits, the applicant shall comply with CARB's Asbestos Airborne Toxic Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (Title 17, CCR Section 93105) and BAAD Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing). An Asbestos Dust Mitigation Plan (ADMP) shall be submitted to BAAD for review and approval prior to the commencement of any ground-disturbing activities, and no such activities shall commence until BAAD approval is received.

25. **Complaint Response and Public Notification.** A sign shall be posted at a publicly visible location at the project site identifying: (a) the name and direct telephone number of the on-site construction manager or designated contact person at the project applicant's organization responsible for receiving and responding to air quality and dust complaints; and (b) the BAAD complaint hotline number (1-800-334-6367) for reporting violations. The designated contact person shall respond to any complaint and implement corrective action within twenty-four (24) hours of notification. A log of all complaints received and corrective actions taken shall be maintained on-site and made available to the City upon request.
26. **Compliance with BAAD Rules.** Nothing in this condition shall be construed to limit or supersede the requirements of any applicable BAAD rule or regulation. The project applicant shall comply with all current and future BAAD rules applicable to the project; those standards shall supersede the applicable provisions of this condition.

GEOTECHNICAL CONDITIONS

27. **Geotechnical Investigation Report.** A Preliminary Geotechnical Investigation was prepared by Rockridge Geotechnical, Inc. (Project No. 24-2751, dated February 9, 2025) and submitted with the project application. Owner shall prepare a detailed, design-level geotechnical investigation performed by a licensed engineering geologist or geotechnical engineer. The investigation shall be peer-reviewed by a registered geologist acting on behalf of the City and shall include: Prior to issuance of a grading permit, Owner shall submit a final, design-level geotechnical investigation prepared by a licensed engineering geologist or geotechnical engineer, supplementing the preliminary investigation. The final investigation shall be peer-reviewed by a registered geologist acting on behalf of the City.
28. **Onsite Drainage Maintenance.** The detailed design-level geotechnical investigation required at the City's discretion shall include analysis of the effects of grading plans on groundwater flow and recommend any necessary additional slope stabilization measures. On-site drainage systems shall be regularly maintained to ensure that storm water runoff is directed from all slope areas.
29. **Contamination Remediation.** If additional contaminants are encountered, the affected areas shall be remediated to the standards applicable to the proposed development on that property. Owner shall comply with all applicable existing state and county-mandated site assessments, remediation, removal and disposal requirements for soil, surface water, and/or groundwater contamination. In particular, these include the requirements of Contra Costa County, the Regional Water Quality Control Board (RWQCB), and the California Department of Toxic Substances Control (DTSC). DTSC, as lead regulatory agency, would provide oversight of the clean-up.
30. **Environmental Contamination Identification and Remediation.** To ensure proper identification and removal of asbestos-containing material (ACM) PCB's, and/or mercury, the Owner shall complete the following steps:
- Step 1.** Thoroughly survey the existing non-native fill material and concrete anchor or foundation on the site for the presence of ACM, PCB's, and Mercury. The survey shall be performed by a person who is properly certified by OSHA and has taken and passed an EPA-approved building inspector course.

Step 2. If ACM is encountered, prepare a written Asbestos Abatement Plan describing activities and procedures for removal, handling and disposal of these building elements using the appropriate procedures, work practices, and engineering controls.

Step 3. Provide the asbestos survey findings, the written Asbestos Abatement Plan (if necessary), and notification of intent to the City of Hercules and Contra Costa County Health Services Department at least ten days prior to commencement of work.

Step 4. Remove any mercury-containing electrical equipment/plumbing prior to building renovation, in accordance with adopted regulations.

31. **Cal OSHA regulations.** All construction activities shall comply with applicable Cal OSHA regulations.

STORMWATER AND WATER QUALITY CONDITIONS (RWQCB / NPDES)

32. **Storm Water Quality Provisions.** Owner shall comply with all applicable current state, regional, and City water quality provisions, and in particular, comply with the process of development plan review established in the City's Storm Water Management and Discharge Control Ordinance and associated NPDES permit issuance requirements instituted to address short-term and long-term water quality issues, including construction period activities. Owner shall prepare, to the City's satisfaction, an updated Storm Water Pollution Prevention Plan (SWPPP) for the project site. Construction Best Management Practices (BMPs) shall include erosion control and dust control measures. Owner shall retain a Construction Manager familiar with NPDES permit requirements, including applicable C.3 requirements, to monitor construction activities.

33. **NPDES and SWPPP Requirement.** Pursuant to the Federal Clean Water Act, the quality of storm water runoff discharging into creeks and sloughs is governed by the National Pollutant Discharge Elimination System (NPDES). As a condition of project approval, City shall ensure that Owner complies with applicable City Stormwater control plan and NPDES permit requirements, including applicable C.3 requirements.

34. **NPDES Detailed Requirements.** Owner or successors of the project shall comply with the National Pollutant Discharge Elimination System (NPDES).

- a. Owner or project successors shall be required to comply with all rules, regulations, and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction, and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards (San Francisco Bay – Region 2). (PW)
- b. Improvement plans shall be reviewed to verify compliance with Provision C.3 of Contra Costa County's National Pollutant Discharge Elimination System (NPDES) Permit and the County's Stormwater Management and Discharge Control Ordinance (Section 1014).
- c. A final Stormwater Control Plan (SWCP) shall be reviewed and approved by the Public Works Department for consistency with Provision C.3 prior to recording of any Final Map for Subdivision. (PW)
- d. For on-site stormwater retention and/or treatment the property owner(s) shall enter into a standard Stormwater Management Facility Operations and Maintenance Agreement with the City of Hercules, in which the property owner(s) shall accept responsibility for construction, operation, and maintenance of the stormwater facilities and grant access to

relevant public agencies for inspection of stormwater management facilities. Such an agreement shall be fully executed and recorded prior to recordation of a Final Map.

- e. For public stormwater treatment facilities, Owner shall design and construct elements consistent with the version of Provision C.3 effective date the Vesting Tentative Map is approved. When accepted by the City of Hercules, City shall accept maintenance of the facilities.
- f. Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa County Mosquito and Vector Control District. (PW)
- g. Compliance shall include developing long-term Best Management Practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible the following long-term BMP's in accordance with the Contra Costa County Clean Water Program for the site's storm water drainage:
 - i. Minimize the amount of directly connected impervious surface area.
 - ii. Label all storm drains ("No Dumping, Drains to Creek") using approved markers.
 - iii. Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
 - iv. Distribute public information items regarding Clean Water Program to buyers.
 - v. Other alternatives comparable to the above as approved by Public Works (PW)

NOISE CONDITIONS

35. Construction Noise Management Plan. Reduce project construction period noise impacts on nearby residences by incorporating conditions in project construction contract agreements stipulating implementation of the following construction period noise abatement measures to the satisfaction of the City:

- a. Construction Plan. Prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with nearby noise-sensitive facilities so that construction activities can be scheduled to minimize noise disturbance.
- b. Construction Equipment Mufflers and Maintenance. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- c. Equipment Locations. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near the construction site.
- d. Construction Traffic. Route all construction traffic to and from construction sites via designated truck routes where possible. All construction traffic routes shall be approved by the City.
- e. Quiet Equipment Selection. Use quiet construction equipment, particularly air compressors.
- f. Temporary Barriers. When possible, construct solid plywood fences around construction areas to shield residences, operational businesses, or noise-sensitive land uses.

- g. Noise Disturbance Coordinator. City may require project designation of a Noise Disturbance Coordinator responsible for responding to local complaints about construction noise. A telephone number for the Coordinator shall be conspicuously posted at the construction site.

36. **Exterior Noise Level Acoustical Analysis.** A Preliminary Environmental Noise Study was prepared by Salter (Project No. 24-0542, dated January 22, 2025) and submitted with the project application. The preliminary study confirmed that all residential units require STC-rated windows and exterior doors, that mechanical ventilation shall be provided so that windows may remain closed, and that upgraded exterior wall assemblies (minimum STC 50) are required at the southern façades of Buildings 5 and 6 to address single-event railroad noise (Lmax criterion: 50 dB in bedrooms, 55 dB in other habitable rooms).

Prior to issuance of a building permit, the Owner shall submit a final environmental noise study conducted at the unit-by-unit level, incorporating the findings of the preliminary study and specifying all required noise control treatments for each unit. The project shall be designed in accordance with the final study. At the Owner's expense, a qualified Acoustical Engineer shall peer review and verify the residential noise abatement specifications, and written confirmation of that peer review shall be submitted to the City prior to building permit issuance. All noise control measures identified in the final study shall be incorporated into the construction documents. (PL)(B)

PUBLIC WORKS CONDITIONS

37. Owner shall comply with all applicable sections of the City of Hercules Municipal Code relating to Subdivisions and the State of California Subdivision Map Act. (PW)

38. **Final Map/Public Access/Rights of Way.** Prior to the issuance of Building Permits, a Final Map shall be recorded, subject to City approval, that covers the geographic area occupied by **Subdivision 9715**, including the area of the proposed 24-foot wide, and 26-foot wide easements for Emergency Vehicle Access Easement (EVAE), Public Utility Easement (PUE), and EBMUD Easements as depicted in the Project plans.

a. **Improvements within City Right-of-Way – Maintenance and Funding.** For any project-related improvements constructed within **City-owned right-of-way**, including but not limited to sidewalks, curb and gutter, street lighting, landscaping, and related appurtenances, one of the following shall be required, as determined by the City:

i. **Maintenance Agreement Option.** The Developer shall enter into a maintenance and indemnification agreement with the City for all project-related improvements constructed within City right-of-way. An easement shall be recorded for such improvements, and an encroachment permit from the Engineering Division shall be obtained prior to construction. Maintenance obligations shall include all routine maintenance and any incremental costs associated with repair or restoration of the improvements located on City property; **or**

ii. **Annexation into Lighting and Landscaping Assessment District No. 83-2 (LLAD 83-2).** In lieu of a separate maintenance agreement, the Developer may annex the subject parcel(s) into Lighting and Landscaping Assessment District No. 83-2 for the purpose of financing the operation, maintenance, servicing, and capital replacement of City-maintained lighting and landscaping improvements within the public right-of-way. Annexation shall be subject to City Council approval by Resolution,

consistent with the Landscaping and Lighting Act of 1972 and Proposition 218 requirements. Developer shall be responsible for all costs associated with the annexation process, including but not limited to preparation of the Engineer's Report, Proposition 218 noticing, balloting, public hearing processing, and any associated consultant and administrative costs incurred by the City.

Upon approval, the subject parcel shall be annually assessed, with assessments levied and collected on the property tax roll in accordance with the approved Engineer's Report. (PW)

- b. **Private Maintenance in Lieu of LLAD Participation.** At the Developer's election and subject to City approval, an easement over landscaping areas within City right-of-way may be recorded to allow the Owner or Property Owners' Association (if applicable) to perform maintenance of such landscaping improvements in lieu of participation in LLAD 83-2. Where such an easement is granted and maintenance is privately performed, the City shall have no obligation to maintain the improvements. (PW)
 - c. **Easement for Storm Drainage Maintenance.** The Owner shall grant easements, as required, for City access and maintenance of storm drainage facilities located on or serving the Project. Such easements shall be recorded prior to issuance of building permits, where applicable and as determined by the City. (PW)
39. Owner shall provide the Engineering Division with written evidence from the County Clerk's Office stating that provisions of Sections 66492 and 66493 of the Subdivision Map Act have been met and satisfied prior to the approval of the Final Map. (PW/MS)
 40. "Hercules Standard Drawings and Design Policy for Public Works," latest edition and modifications thereto by City, shall be the project specifications except as modified and approved by Vesting Tentative Map No. 9715, or the approved Final Planned Development plan. Subject to Owner's vested rights, City reserves the right to upgrade, add to, or revise said specifications and all other City ordinances, policies and standards. (PW/MS)
 41. Prior to the release of the final map for recordation, Owner shall provide the Engineering Division with a 100-scale base map in digital format for the purpose of updating their base map. The map shall also be drawn on 18-inch by 24-inch mylar and shall show the Title Block, North Arrow, Street Names, Tract Numbers, Boundaries, and Lot Numbers. (PW/MS)
 42. Prior to issuance of a building permit, Owner shall secure approval by City for the project, prepared by a qualified professional. Such plan shall provide lighting at all pedestrian and parking areas and shall not cause glare at adjoining properties. (B/PL/PD)
 43. All public and private site utilities, site improvements, and grading and drainage are subject to applicable City approval processes.
 44. **Utility Pipe Sizes:** Utility pipe sizes to be shown and signed off by City Public Works Director as adequate before building permit issuance. (PW)
 45. A Grading Permit application shall be submitted and approved by the City Engineer. (PW)
 46. A grading plan prepared by a registered civil engineer which incorporates all recommendations from soil engineering and engineering geology reports shall be reviewed and approved by Public Works prior to issuance of the building permit. Building pad elevations and landscaping shall be shown on the grading plan. (PW)

47. Adequate drainage calculations and hydraulic designs shall be reviewed and approved by Public Works to ensure that downstream areas and the site will drain to a safe point of discharge. (PW)
- a. **Existing system attributes:** Pipe size, material, slope, and inverts for the existing Willow Avenue storm drain downstream of the proposed connection through to the next major junction/outfall, along with a simple plan exhibit showing the connection point and downstream reach(es) analyzed.
 - b. **10-year capacity check:** Computation of the available capacity of the existing pipe(s) at the connection under 10-year design conditions.
 - c. **Existing contributing drainage:** Quantification of the existing onsite and offsite areas currently discharging to this system (areas, runoff coefficients, 10-year peak flows) and clarification of how much of the existing site drainage currently uses this line compared to the proposed post-project routing of the entire site.
 - d. **Design revisions if needed:** If the analysis shows inadequate capacity, revise the design to either (a) upsize the affected downstream reach(es), or (b) provide additional detention/flow control so that the 10-year performance standard is met without adverse downstream impacts.
 - e. **Municipal Regional Stormwater Permit (MRP) Compliance.**
Drainage calculations, hydraulic design, and storm drainage facilities for the Project shall be prepared in compliance with the **Municipal Regional Stormwater NPDES Permit (MRP)**, as administered by the City and the Contra Costa Clean Water Program. As part of improvement plan review:
 - i. The Project shall demonstrate compliance with MRP Provision C.3 (New Development and Redevelopment) stormwater treatment requirements, including preparation of a Stormwater Control Plan and incorporation of applicable stormwater treatment and source control measures; and
 - ii. Where required based on applicable MRP criteria, drainage connectivity, and land use classification, storm drain inlets associated with the Project shall comply with MRP Provision C.10 (Trash Load Reduction), including installation of State-certified Full Trash Capture devices, if applicable.

Determination of applicability and specific compliance measures shall be made during improvement plan review based on adopted permit standards.
48. An on-site sewer plan shall be submitted wherever the existing lateral is larger than four inches in diameter. (PW/FD)
49. On-site water plans shall be submitted wherever a separate loop or terminal line is required for fire hydrants and/or sprinkler systems. All improvement plans, construction cost estimates, soils reports, geology reports and all pertinent engineering design calculations shall be submitted simultaneously. (FD)
50. Construction drawings shall be submitted for review and approval by the Engineering staff and shall include the following: (PW)
- a. Grading

- b. Encroachment
- c. Sewer connection

51. **Sewer Connection to Existing Willow Avenue Manhole.** The Owner shall design and construct a new sanitary sewer connection from the project to the existing sewer manhole within the Willow Avenue public right-of-way. All work shall comply with City of Hercules standards

- a. Sewer connection plans, including alignment, slope, pipe material, manhole tie-in details, and trench restoration, shall be prepared under the direction of a registered civil engineer and submitted to the City of Hercules Public Works Department for review and approval.
- b. The connection to the existing manhole shall be made by core drilling with a watertight boot or approved saddle connection and shall conform to all technical specifications of City of Hercules. Breaking into the manhole wall or any unapproved method is prohibited.
- c. **CCTV Inspection and Manhole Condition Assessment.** Prior to connection, the Owner shall provide a CCTV inspection of the existing public sewer manhole to which the Project will connect within Willow Avenue, and the adjacent sewer reaches extending from that manhole to the next upstream and downstream manholes. Any defects, infiltration, corrosion, or structural issues identified within this area shall be repaired or rehabilitated as required by the Pinole-Hercules Water Pollution Control Plant Joint Powers Authority and the City.
- d. Work within the Willow Avenue public right-of-way requires a City Encroachment Permit. Traffic control, trenching, shoring, and pavement restoration shall comply with City standards
- e. Pipe Materials and Installation Standards. The sewer lateral shall be constructed using pipe materials and installation methods meeting -City standards, including required cover, bedding, compaction, and minimum/maximum slopes.
- f. Testing and Acceptance. Prior to City acceptance and prior to issuance of any Certificate of Occupancy, the new sewer lateral and manhole connection shall successfully pass all testing required by the City, including:
 - Low pressure air testing
 - Mandrel testing (if required for pipe type)
 - CCTV confirmation of alignment and cleanliness
 - Manhole inspection and watertightness verification
- g. As-Built Documentation. Accurate as-built drawings of the completed sewer improvements, including horizontal alignment, vertical profile, connection details, and any manhole modifications, shall be submitted to the City.

52. Owner shall coordinate with Public Works and arrange a pre-construction conference at least 48 hours prior to the proposed construction to discuss the scope and extent of removal and replacement of any existing broken curb, gutter, sidewalk, or asphalt paving (patch, repair, and/or overlay), and construction of access ramp for the physically handicapped adjacent to the project site. (PW)

53. Curb Cut widths and design shall conform to the City Code and current Public Works standards unless approved by the Planning Commission through the Vesting Tentative Map.
54. All streets, curbs, gutters, sidewalk, streetlights, parkways, and associated improvements shall be constructed per the City of Hercules Standard Drawings unless modified and approved by Vesting Tentative Map or an approved Final Planned Development Plan (PW)
55. **Offsite Sidewalk Construction.** The Owner shall construct a new ADA compliant offsite sidewalk along the north side of Willow Avenue, extending from the project's primary driveway westward to the existing sidewalk at the curb return at Sycamore Avenue. The design shall include curb, gutter, sidewalk, utility adjustments, grading, and drainage improvements, streetlights, and removal of pedestrian barricade, and other improvements as required to meet City standards. The sidewalk shall be constructed within the public right-of-way, unless otherwise approved by the City. (PW)
56. **Midblock Pedestrian Crossing on Willow Avenue.** The Owner shall construct a midblock pedestrian crossing consistent with the Preliminary Willow Avenue Plan Line dated January 20, 2026 submitted to the City that provides a safe and direct connection to the pedestrian walkway on the south side of Willow Avenue. The crossing shall include high visibility striping, pedestrian warning signage, ADA compliant curb ramps, and additional pedestrian safety enhancements such as Rectangular Rapid Flashing Beacons (RRFBs), refuge islands, lighting, or other measures determined necessary by the Public Works Director based on the City's traffic engineering review. (PW)
57. **Pedestrian Access:** An accessible pedestrian route shall be provided between each primary building entrance and the public sidewalk, and between each primary building entrance and the disabled parking stalls designated to serve that building. The accessible route and all ramps shall comply with all current applicable ADA access requirements and City Standards. (PW)
58. **Street Restoration and Pavement Improvements along Willow Avenue.** Where project construction requires trenching, pavement removal, or other disturbance withing Willow Avenue, including but not limited to utility connections, frontage improvements, and modifications associated with the proposed left-turn lane and proposed Midblock Pedestrian Crossing, the Developer shall restore all affected roadway surfaces to City Standards, as determined by the City Engineer.

As shown on the Preliminary Utility Plan and on the Preliminary Willow Avenue Plan Line exhibit, pavement restoration limits shall extend approximately 300 feet west of Driveway "A" to approximately 300 feet east of Driveway "F", unless otherwise approved by the City Engineer based on final improvement plans.

In recognition that Willow Avenue is planned for future resurfacing as part of the City's Foxboro Pavement Rehabilitation Phase 3 Project, and that additional bicycle and pedestrian facility improvements on the south side of Willow Avenue may be implemented by the City under that or another related projects, the Developer shall comply with one of the following, subject to City approval:

- a. **Slurry Seal Option.** The Developer shall slurry seal and stripe the affected portion of Willow Avenue within the limits described above upon completion of project construction, consistent with City standards and in coordination with Public Works; **or**

- b. **Future Resurfacing Contribution Option.** In lieu of slurry sealing, the Developer may elect to fully restore all trench and pavement cuts to City standards and make a proportionate contribution toward the City's future Willow Avenue Resurfacing Project. The contribution amount shall be based on the cost of the Slurry Seal Option as determined City Engineer review of the developer's cost proposal for the Willow Avenue restoration work and comparison with recent unit pricing for similar line item scope. Payment must be made in advance of the Contractor's work activity on Willow Avenue.

Selection of either option shall not relieve the Developer of responsibility to properly restore all project related pavement disturbances to City Standards. Nothing in this condition precludes the City from implementing broader roadway, bicycle, or pedestrian improvements as part of a separate City-funded project. (PW)

- 59. **Construction Damage to Roadways.** Prior to start of construction, Owner shall submit to City Public Works Director documentation of existing conditions of roadways in vicinity of project limits.

Once building construction has been completed in the vicinity, Owner shall repair and restore damage to Willow Avenue caused by Developer's construction within the Project limits. Restoration shall include, but is not limited to, repairs to all damaged curbs and gutters, replacement of damaged landscaping, irrigation repairs, grinding, asphalt concrete overlay, and striping of said streets, as required by the City. Owner shall also repair any damage caused by project-related truck traffic to city streets subject to construction traffic. Repairs may include but are not limited to patching, slurry sealing, striping, grinding, and asphalt concrete overlay, as needed. Nothing in this condition shall create any responsibility on the part of the Owner for roadway damage or deterioration shown to be caused by vehicles other than those used in Developer's construction activities. (PW)

- 60. After irrigation and landscape installation but before final acceptance of the Landscape and Lighting Assessment District Improvements by the City, a Landscape and Lighting Maintenance Plan drawn at an approved scale shall be provided to the Public Works Department for review and approval. The plan shall clearly designate areas of maintenance responsibility boundaries relative to: (1) Landscape and Lighting Maintenance District; (2) Homeowners Association, if one is formed; (3) Private Areas; and/or (4) City Landscape Maintenance Responsibilities. The Public Works Department shall be provided with one set electronic and one set of mylar original drawings. The Landscape and Lighting Maintenance District Improvement drawings shall accurately reflect all "As Built" conditions and shall become City's record drawings of the Landscape and Lighting Maintenance District Area Improvements. (PW)

- 61. **On-Site Maintenance.** The property owner shall be responsible for the operation, maintenance, servicing, and capital replacement of all areas not operated and/or maintained by other entities. This includes all on-site parking, landscaping, open space, streetlights, and non-public areas held in common by the association. The property owner or association shall be responsible for enforcement of any recorded Covenants, Conditions, and Restrictions.

- 62. All conditions of this permit including any off-tract and in-tract improvements, including building, paving and landscape construction shall be completed prior to occupancy except as may be permitted by the Public Works or Municipal Services Director in consultation with other affected departments except for that front yard landscaping must be completed within 30 days of dwelling unit occupancy. In the event of early occupancy is permitted, Owner shall provide security or agreement to assure full completion of the project. (PW/MS)

UTILITY CONDITIONS

63. On-site and off-site utility services shall be installed underground in accordance with the City Code. (PW)
64. **Water main extensions.** Water main extensions will be required to serve the proposed development. When the development plans are finalized, the project sponsor shall contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water services to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. Once the property is subdivided, separate meters for each lot will be required. No water meters are allowed to be located in driveways. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought. (EBMUD)
65. **EBMUD Pipeline Integrity.** EBMUD owns and operates an 8-inch water distribution pipeline located within the boundary of the project area (Willow Avenue). This pipeline provides water service to the existing property. The integrity of this pipeline needs to be maintained at all times. Any proposed construction activity within the right-of-way will need to be coordinated with EBMUD and may require relocation of the pipeline. No buildings or structures shall be constructed in EBMUD's right-of-way unless specific approval is given by EBMUD. (EBMUD).
66. **PGE Gas and Electric Facilities.** Extensions of gas and/or electric facilities will be made in accordance with PG&E's and/or Hercules Municipal Utility as applicable gas and electric rules and regulations on file with the State of California Public Utilities Commission at the time Owner applies for gas and/or electric services.

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT CONDITIONS

67. **Fire District Requirements:** Owner shall conform to the applicable requirements of the Contra Costa County Fire Protection District in accordance with the provisions of the CA Fire Code (CFC), Building Code (CBC), local ordinances, and adopted standards. (F)
68. **Land Development Permit Required.** A land development permit is required for access and water supply review and approval prior to submitting building construction plans.

OUTSIDE AGENCY PERMIT CONDITIONS

The Owner shall obtain all required permits and approvals from the following outside agencies prior to the commencement of any associated work. Evidence of each permit or approval, including any conditions imposed by the applicable agency, shall be submitted to the City of Hercules Community Development Department. The Owner shall incorporate all outside agency conditions into the project's final improvement plans and shall remain responsible for compliance throughout the duration of project construction and operation.

Caltrans

69. **Caltrans Encroachment Permit.** Any temporary or permanent work including traffic control that encroaches in, under, or over any portion of the State highway Rights-of-Way (ROW) requires a Caltrans-issued encroachment permit. TR-0416 Applicant's Checklist ([link](#))

No City approvals authorizing work within the State ROW shall be considered valid until the Caltrans Encroachment Permit is issued. (PW)

California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS)

CDFW.

70. **California Red-legged Frog (CRLF).** The qualified biologist shall conduct a focused survey for CRLF no more than 48 hours prior to initiation of ground disturbance activities. Surveys shall include an adequate examination of upland and aquatic habitat, such as mammal burrows and ponds, within a 500-foot radius surrounding the project area. If CRLF are encountered at any time during the survey or project activities, then all project activities shall cease and work shall not proceed until the frog has moved out of harm's way, as determined by the qualified biologist.
71. **Mass Grading.** Mass Grading. Limit mass grading activities to the period between May 1 and October 31, including placement of fill in upland habitat within 50 feet of aquatic habitat. A USFWS approved biologist with a Section 10(a)(1)(A) certification shall conduct training of crews to identify CRLF, monitor work where appropriate, may extend or limit grading activities based on site conditions and meteorological data, and shall notify USFWS in the event that CRLF is observed within the construction area. Any recommended modifications to the grading activities period shall be submitted to the City's Community Development Department prior to the commencement of out-of-season grading activities for review and approval.
72. **Exclusion and Silt Fencing.** Temporary construction fencing shall be designed and installed to exclude special status species from the construction area, and trap sediment during construction thereby precluding siltation from entering downslope environmentally sensitive areas. Exclusion fencing shall be constructed in a manner that allows for special status species that may potentially be present, including CRLF, WPT, and DFWR, to exit out of and not enter into construction areas. Exclusion and silt fencing shall be installed during construction, monitored by a qualified biologist to ensure effectiveness throughout the duration of construction, and fully removed upon completion of construction.
73. **Nesting Birds.** If project activities will occur during nesting bird season (February 1 to September 15), a qualified biologist shall conduct focused surveys for active nests within five (5) days prior to the initiation of project-related activities. If a lapse in project-related activities of seven (7) days or longer occurs, another focused survey will be required before project activities can be reinitiated. Surveys shall be conducted in and adjacent to all potential habitat located at project work sites and in staging and storage areas. The minimum survey radii surrounding the work area shall be the following: (1) 250 feet for non-raptors; and (2) 1,000 feet for raptors.
74. **Active Nest Monitoring.** The qualified biologist shall identify active nests prior to the start of any construction-related activities and establish a behavioral baseline for the adults and any nestlings. Once work commences, all active nests shall be continuously monitored by the qualified biologist to detect any signs of disturbance and behavioral changes as a result of project activities. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (i.e., nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

75. **Active Nest Buffers.** Active nest sites shall be designated as “Ecologically Sensitive Areas” (ESA) where no project-related activities or personnel may enter until the young have fully fledged and will no longer be adversely affected by the project. These designated areas shall be protected during project activities with the establishment of a fence barrier or flagging surrounding the nest site. The qualified biologist shall determine the necessary buffer to protect nesting birds based on existing site conditions, such as construction activity and line of sight, and shall increase buffers if needed to provide sufficient protection of nesting birds and their natural behaviors. Typical minimum protective buffers between each identified nest site and the construction site are as follows: i) 250 feet for passerines and ii) 1,000 feet for raptors.
76. **Roosting Bats.** For all project activities planned in potential bat roosting habitat, such as bridges, culverts, and/or involving woody vegetation modification, or removal of any and all trees, the qualified biologist shall conduct daytime and evening acoustic surveys, in addition to extensive visual surveys, including emergence surveys, of potential habitat, for bats no greater than 14 days prior to initiation of project activities. If bats are found onsite, the qualified biologist shall identify the species where possible without roost disturbance, estimated quantity present, roost type, and roost status, but shall avoid disturbing bats during surveys.
77. **Tree Removal.** Tree removal shall occur outside of the maternity season (April 15 to September 1). Trees shall be removed in accordance with the following methodology:
- a. To ensure that bats have left potential roosting trees, trees shall be removed over the course of two days. On the first day, limbs from the identified trees shall be removed in the late afternoon. This disturbance should cause potentially roosting bats to seek other roosts during their nighttime foraging. The remainder of the tree can then be removed on the second day as late in the afternoon as feasible.
 - b. Tree limbing or removal shall not be performed under any of the following conditions: during any precipitation events, when ambient temperatures are below 4.5° Celsius (40.1° Fahrenheit), when windspeeds exceed 11 miles per hour, and/or any other condition which may lead to bats seeking refuge.