

# City of Hercules

111 Civic Drive  
Hercules, CA 94547



## Meeting Agenda

Monday, March 4, 2024

7:00 PM

**In-Person in Council Chambers or To Watch or Listen only:**

**Zoom ID: 896 6522 1332**

**Zoom Passcode: 405141**

**Zoom Phone Number: 1-669-900-6833**

## Planning Commission

*Chair Ken Morrison  
Vice Chair Robert Schaufenbil  
Commissioner Dilli Bhattarai  
Commissioner Hector Rubio  
Commissioner Carol Most-Walker*

To view webcast of meetings, live or on demand, go the City's website at [www.ci.hercules.ca.us](http://www.ci.hercules.ca.us).

**I. CALL TO ORDER - ROLL CALL - 7:00 P.M.**

**II. PLEDGE OF ALLEGIANCE**

**III. PUBLIC COMMUNICATION**

**IV. CONSENT CALENDAR**

1. [22-788](#) **Meeting Minutes for the Regular Meeting of November 20, 2023**

**Attachments:** [Meeting Minutes for the Regular Meeting of November 20, 2023](#)

**V. PUBLIC HEARINGS**

**VI. DISCUSSION / ACTION ITEMS**

1. [22-789](#) **Election of Chair and Vice Chair**

**RECOMMENDATION:**

That the Planning Commission:

1. Consider the request of Vice Chair Schaufenbil to serve as Chair for a term of one year;
2. Nominate one or more candidates to serve as Vice Chair for a term of one year;
3. Take public comment;
4. Elect a Chair; and
5. Elect a Vice Chair (both may be done in one motion by minute action)

**Attachments:** [Staff Report - Election of Chair and Vice Chair](#)

2. [22-792](#) **Five Year Extension of the Expiration Date of the Vesting Tentative Map No. 9533 and Amendment #4 to the Development and Owner Participation Agreement (DOPA 07-01) for the Hill Town Project**
- RECOMMENDATION:**
- That the Planning Commission:
1. Request planning staff present the staff report (Attachment 1);
  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. Approve the Resolution (Attachment 2, 2A & 2B) recommending that the City Council approve adoption of Amendment #4 to extend the term of the Development and Owner Participation Agreement (DOPA 07-01) by and between the City of Hercules and the Santa Clara Valley Housing Group, Inc. and to extend the expiration date of the Vesting Tentative Map No. 9533 for the Hill Town project, and finding the action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

**Attachments:**     [Attach 1 - Staff Report](#)  
                              [Attach 2 – Draft Resolution](#)  
                              [Attach 2A - Draft Ordinance](#)  
                              [Attach 2B – Draft DOPA Amendment #4](#)  
                              [Attach 3 – Hilltown History Overview from Applicant, Dated 2/13/24](#)

3. [22-790](#) **Repeal Local Density Bonus Regulations in Hercules Municipal Code and Reference State Density Bonus Law**

**RECOMMENDATION:**

Adopt Resolution #24-XX (Attachment 2) recommending City Council adoption of the proposed amended provisions of Hercules Municipal Code Sections 13-6.100, 13-6.300 and 13-30.420, amending and renumbering Sections 13-30.460 and 13-30.470, repealing Sections 13-30.430, 13-30.440 and 13-30.450 and amending Section 13-60.200 to comply with the State Density Bonus Law and finding the action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

**Attachments:**     [Attach 1 - Staff Report – Density Bonus Regulations](#)  
                              [Attach 2 – Draft Resolution](#)  
                              [Exhibit A - Draft Ordinance](#)  
                              [Attach 3 - Legislative History Summary \(2019-2022\)](#)  
                              [Attach 4 - Summary of Pending \(2023-2024\) Legislation](#)  
                              [Attach 5 - Presentation](#)

**VII. PLANNING DIRECTOR REPORTS AND ANNOUNCEMENTS**

**VIII. COMMISSIONER REPORTS AND ANNOUNCEMENTS**

**IX. ADJOURNMENT**

The next Regular Meeting of the Planning Commission is Monday, March 18, 2024 at 7:00 p.m. at Hercules City Hall, 111 Civic Drive, Hercules, CA.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City's website at [www.ci.hercules.ca.us](http://www.ci.hercules.ca.us) then clicking on the Planning Commission meeting you are interested in. You can also receive an e-notice from the City's homepage. Agendas and staff reports may also be obtained by contacting the Planning Department at (510) 799-8244.

Posted: February 29, 2024

**COMMISSION STATEMENT OF PURPOSE:** The Planning Commission typically meets the first and third Monday of every month; its primary functions are to advise the City Council on policy matters in regard to the growth and development of the City of Hercules and to act on applications for development permits.

**SPECIAL ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you require special accommodations to participate in a Planning Commission meeting, please contact the City Clerk at 510-799-8208 at least 48 hours prior to the meeting.

**AGENDA ITEMS:** Persons wishing to add an item to an agenda must submit the final written documentation 12 calendar days prior to the meeting. The City retains the discretion whether to add items to the agenda. Persons wishing to address the Commission otherwise may make comments during the Public Communication period of the meeting.

**PUBLIC COMMUNICATION:** Persons who wish to address the Commission should complete the speaker form prior to the Commission's consideration of the item on the agenda. Speakers will be called after the project applicant has presented the project.

Anyone who wishes to address the Commission on a topic that is not on the agenda and is relevant to the Commission should complete the speaker form prior to the start of the meeting. Speakers will be called upon during the Public Communication portion of the meeting. In accordance with the Brown Act, the Commission may not take action on items not listed on the agenda. The Commission may refer to staff any matters brought before them at this time and those matters may be placed on a future agenda.

In the interests of conducting an orderly and efficient meeting, speakers will be limited to three (3) minutes.

Anyone may also submit written comments at any time before or during the meeting.

**CONSENT CALENDAR:** All matters listed under Consent Calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

**PUBLIC HEARINGS:** A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Commission, and informs the public about the details of the proposal.

At the beginning of an item, the Chair will read the description of that item as stated on the agenda. The staff will then give a brief presentation of the proposed project. The Commission may then ask staff questions about the item.

The Chair will open the public hearing and ask the applicant(s) if he or she wishes to make a presentation or statement. Those persons in favor of the project will then be given an opportunity to speak followed by those who are opposed to the project. The applicant(s) will then be given an opportunity for rebuttal.

The public hearing will then be closed, and the Commission may discuss the item amongst themselves and ask questions of staff. The Commission will then vote to approve, deny, approve in a modified form, or continue the matter to a later date for a decision. The Chair will announce the Commission's decision and advise the audience of the appeal procedure.

Persons who wish to speak on matters set for public hearings will be heard when the Chair calls for comments in support thereof or in opposition thereto. After the hearing is closed, there is no further comment permitted from the audience unless invited by the Chair.

The Commission has decided that no public hearings will begin after 11:00 p.m., and that items still remaining on the agenda after 11:00 p.m. will be held over to the next Commission meeting.

**LEGAL CHALLENGES:** If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered at, or prior to, the meeting. Actions challenging Commission decisions shall be subject to the time limitations contained in the Code of Civil Procedures Section 1094.6.

**NOTIFICATION PROCEDURE:** Property owners within 300 feet of a proposal will receive a notice of the proposal at least ten (10) days prior to the public hearing. The notice lists the type of application, application number, brief description and location of the project, and the applicant. The City of Hercules subscribes to a service that uses the property owner information from the most recent data on the Contra Costa County Tax Assessor's rolls. Please be aware there often is a time lag for both the tax rolls and this service to be updated.

**AGENDA POSTING:** The Planning Commission Agenda is posted at least 72 hours prior to the meeting at City Hall, the Hercules Swim Center, Ohlone Child Care Center, and on the City's website ([www.ci.hercules.ca.us](http://www.ci.hercules.ca.us)),

**REVIEW OF PUBLIC DOCUMENTS:** All Planning applications are public documents, and can be reviewed by the public. These files, however, are not allowed out of the office. Should a member of the public require copies of information contained within the file, a written request must be submitted to the City Clerk's Office. Staff will accommodate the request within ten (10) calendar days. The charge is \$0.20 per page. If you require a complete copy of the file, or if staff cannot accommodate your request within ten (10) calendar days, you must make arrangements to bring in a copier or copy service that can make copies without leaving City Hall.

Environmental Impact Reports, Specific Plans, and other project specific documents are made available for the public to review at City Hall at 111 Civic Drive, Hercules CA. Loan copies (limited supply) are available for review, not purchase, at the Planning Department. These documents must be checked out with staff. You will be asked to provide your name, phone number, and a deposit. Persons will be informed of the date and time the document must be returned. You may check out the loan document, but staff will not make a complete copy of the document. Staff will accommodate the request to make photocopies based upon the current workload and availability of personnel to make copies. Costs are outlined in above paragraph.