

**HERCULES PLANNING COMMISSION  
RESOLUTION NO. 24-05**

**A RESOLUTION OF THE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING PROVISIONS OF HERCULES MUNICIPAL CODE SECTIONS 13-6.200(3), 13-10.200(3), 13-15.200(1 & 2), 13-16.200(1-3), 13-21.400(2), 13-22.300(1 & 2), 13-23.300(1), 13-24.300(1 & 2) AND 13-25.300(2) TO MODIFY THE REQUIREMENT OF A PLANNED DEVELOPMENT PLAN, TO AMEND HERCULES MUNICIPAL CODE SECTION 13-48.200 TO ALLOW A PLANNED DEVELOPMENT PLAN TO BE REQUESTED IN ALL ZONING AND OVERLAY DISTRICTS, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

**WHEREAS**, the Planned Development Plan process allows an applicant to propose development standards that deviate from the zoning district, provided the Planned Development Plan remains consistent with the intent of the General Plan and Zoning Ordinance and includes only uses and densities that are already permitted in the subject zoning district; and

**WHEREAS**, several Hercules Overlay Districts and Zoning Districts require the Planned Development Plan process prior to any development of the property; and

**WHEREAS**, Hercules Municipal Code Chapter 13-60 defines Development as "...any human-made change to improved or unimproved real estates, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations..."; and

**WHEREAS**, the Planned Development Plan process places an undue burden on an applicant who is proposing a development and not requesting to deviate from the development standards of the applicable zoning or overlay district; and

**WHEREAS**, the Hercules Municipal Code can be amended to allow the Planned Development Plan process to be utilized where appropriate and when requested to modify the development standards for a project from those of the base zone and to allow applicants to utilize this process where and when it is warranted; and

**WHEREAS**, on September 3, 2024, the Planning Commission held a duly noticed public hearing to consider these amendments and did hear and use its independent judgment to consider all said reports, recommendations, and testimony hereinabove set forth.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Hercules recommends that the City Council:

1. Find that this draft ordinance (Attachment 1a hereto) is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines § 15061(b)(3) –

Common Sense Exemption in that the proposed ordinance would only establish and clarify administrative processes and would not facilitate new construction or other groundbreaking activities. It can be seen with certainty that there is no possibility that the ordinance will result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. Further, none of the circumstances described in CEQA Guidelines § 15300.2 applies. No unusual circumstances are present. This determination reflects the City of Hercules' independent judgment and analysis.

- 2. Amend Hercules Municipal Code Sections 13-6.200(3), 13-10.200(3), 13-15.200(1 & 2), 13-16.200(1-3), 13-21.400(2), 13-22.300(1 & 2), 13-23.300(1), 13-24.300(1 & 2) and 13-25.300(2) to modify the requirement of a Planned Development Plan (PDP) for new and expanded development within the specified Zoning and Overlay Districts and to amend Hercules Municipal Code Section 13-48.200 to allow a PDP process to be requested in all zoning and overlay districts as noted by the additions and deletions shown in Attachment 1a hereto.


**PASSED AND ADOPTED** by the Planning Commission of the City of Hercules on this 3<sup>rd</sup> day of September 2024, by the following vote:


AYES: Schaufenbil, Morrison, Rubio, Most-Walker, and Bhattarai

NOES: none

ABSTAIN: none

ABSENT: none

**DocuSigned by:**  
  
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 Robert Schaufenbil, Chair

**Signed by:**  
 ATTEST:   
 93C0BDCE0850444  
 Timothy Rood, AICP  
 Community Development Director

Attach 1a: Draft Ordinance amending Hercules Municipal Code Title 13, Chapters 6, 10, 15, 16, 21, 22, 23, 24, 25 and 48