

**HERCULES PLANNING COMMISSION
RESOLUTION NO. 25-05**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING CITY COUNCIL APPROVAL OF DESIGN REVIEW PERMIT (DRP) #24-02, VESTING TENTATIVE MAP (VTM) #24-01 AND A COMBINED INITIAL AND FINAL PLANNED DEVELOPMENT PLAN (PDP) #24-01 FOR A RESIDENTIAL PROJECT LOCATED ON BAYFRONT BLOCKS K-L-M-O-P, CONSISTING OF 168 ATTACHED TOWNHOUSE UNITS (INCLUDING 10 AFFORDABLE UNITS) LOCATED WITHIN PARCELS 19, 21, 23, 27, AND 28 OF THE HERCULES WATERFRONT VESTING TENTATIVE MAP, ON PORTIONS OF ASSESSOR'S PARCEL NUMBERS 404-730-012-6, 404-730-003-5, 404-730-008-4, 404-730-009-2, AND 404-730-006-8

WHEREAS, in 2000 the City adopted the "Waterfront District Master Plan" (WDMP) and amended it in September 2001. In 2008 the "Waterfront Now Initiative" was presented to the City Council, and the Council adopted without alteration the language of the ballot initiative by adding "Section 4" to the original WDMP (often called the Bayfront Waterfront Plan, or the Initiative Plan, or in this approval the WDMP) via Initiative Ordinance 440 on July 22, 2008; and

WHEREAS, the Hercules Bayfront Draft and Final EIR documents (collectively, the "EIR") were certified by the City Council through Resolution No. 11-140 on December 13, 2011. The EIR evaluated development of the WDMP area in accordance with a development proposal known as the Bayfront Project. The Bayfront Project divided the WDMP area into three Sub-Areas, referred to as The Bowl (containing Blocks A, B, and C), Bayfront Boulevard (containing Blocks D–J), and The Village (containing Blocks K–R), which together allow for a total of 1,392 residential units, 115,000 square feet of non-flex office space, 90,000 square feet of non-flex retail space, and an additional 134,000 square feet of flex space (which can convert to 134 units of residential use); and

WHEREAS, further amendments to the Initiative, General Plan Amendment, updates to exhibits, and refinements to the WDMP document were adopted through Council Ordinance 464 on January 10, 2012, to conform the WDMP to the EIR documents; and

WHEREAS, on March 13, 2012, the City Council approved a Vesting Tentative Map, a Vesting Development Agreement, and an Implementing Development Agreement (which was recorded June 15, 2012) covering the entire Bayfront area of the Waterfront District and establishing various rights and obligations between the owner and the City regarding development of the area; and

WHEREAS, the last minor amendment to the WDMP was initiated by the City and approved by the owner by a Council action taken on May 10, 2016, though Ordinance 494 to include the already developed Railroad Avenue Live–Work block for the sole purpose of using the T5-MST land use table to simplify the implementation of use permits; and

WHEREAS, Exhibit B to this resolution contains Exhibit L from the Implementing Development Agreement which contains a complete list of Conditions of Approval that are applicable to the larger Bayfront Project that the developer is responsible for; and

WHEREAS, Exhibit G of the Implementing Development Agreement (which is not contained herein) shows the City Public Improvements required to be carried out by the City as part of the larger Bayfront Project, with many of the public improvements already completed by the City; and

WHEREAS, on April 17, 2024, Hercules Land Partners LP (applicant) submitted to the City a Senate Bill (SB) 330 preliminary application pursuant to California Government Code Section 65941.1 for the proposed project located on Blocks K-L-M-O-P, including 28 live-work units and 143 multifamily residential units, including 10 low-income units; and

WHEREAS, on July 8, 2024, Hercules Land Partners LP (applicant) submitted to the City the following application concurrently and collectively related to the proposed project located on Blocks K, L, M, O, and P:

- Design Review Permit (DRP) #24-02 in accordance with Section 13-42.200 of the Hercules Municipal Code and the Implementing Development Agreement; and
- Vesting Tentative Map (VTM) #24-01 to vest current land use regulations, realign the Shoreline Loop, and subdivide the existing two parcels (7.04 acres) into a condominium project; and
- Initial and Final Planned Development Plan (PDP) #24-01 per the Implementing Development Agreement for all developments exceeding five acres; and

WHEREAS, the proposed project is located within the Transit Village (a.k.a., “The Village”) planning subarea of the larger Hercules Waterfront District Master Plan (WDMP), which consists of eight city blocks (Blocks K, L, M, N, O, P, Q & R); and

WHEREAS, in accordance with the California Environmental Quality Act (CEQA), City staff reviewed the EIR to determine whether the development proposal for Blocks K-L-M-O-P are within the scope of the development program evaluated in the EIR, and staff’s analysis and findings are contained in the attached Exhibit D; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 21, 2025 to consider Design Review, Vesting Tentative Map and Planned Development Plan of the proposed project on Blocks K-L-M-O-P, and after considering input from City staff, the applicant, and the public, the Planning Commission reviewed the project plans, evaluated the project’s conformance with various City codes, and considered the certified EIR and the required findings; and

WHEREAS, the Planning Commission in reviewing this material finds that the proposed project will not result in any new, significant impacts that were not examined in the 2011 Certified EIR, and that none of the circumstances that would require preparation of an addendum or a subsequent or supplemental EIR under CEQA exists; and

WHEREAS, the Planning Commission Staff Report, dated July 21, 2025, incorporated herein by reference, describes and analyzes the subject application for DRP
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#24-02, VTM #24-01 and PDP #24-01, and the Planning Commission concurs with staff's analysis and findings regarding how the project meets the required Design Review, Vesting Tentative Map and Planned Development Plan Findings that are contained in the attached Exhibit E; and

WHEREAS, the Planning Commission has received oral and written comments from the general public, property owners, and interested parties, and has thoroughly considered all above referenced reports, recommendations, and testimony, and used its independent judgment before making a decision or taking any action on the Project; and

WHEREAS, during the July 21, 2025 public hearing, the Planning Commission discussed concerns regarding building and property maintenance responsibilities, street intersection geometry and street lighting;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission after due study, deliberation, and public hearing for the proposed Design Review Permit (DRP) #24-02, Vesting Tentative Map (VTM) #24-01, Initial/Final Planned Development Plan (PDP) #24-01, and finds and determines that:

- The foregoing recitals are true and correct and made a part of this resolution by this reference.
- After due study, deliberation, and public hearing, the Planning Commission makes specific findings and determinations below which are supported by facts stated in the Planning Commission staff report of July 21, 2025, which are incorporated herein by reference, and the attached Exhibit E.
- The proposal would not be detrimental to the health, safety, welfare, and public interest of the City so long as the applicant adheres to the Conditions of Approval listed in Exhibit A and those listed in Exhibit B from previous Project Approvals and the attached approved drawings.
- The proposal is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance so long as the applicant adheres to the Conditions of Approval contained herein as Exhibit A and B from previous Project Approvals and the attached approved drawings in Exhibit C.
- The Planning Commission finds that all elements, requirements, and below conditions for the 168-unit townhouse development proposed on Blocks K-L-M-O-P within the Bayfront "Village" subarea are a reasonable and appropriate manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work or visit or live in this development based on the Findings with Facts attached in Exhibit E supporting the Design Review, Vesting Tentative Map, and Planned Development Plan related Findings, as well as information contained in the July 21, 2025, Planning Commission staff report.
- The Planning Commission concerns expressed during the public hearing and related to building and property maintenance responsibilities, street intersection geometry and street lighting shall be forwarded for City Council consideration in the associated staff report.

- General underground utility considerations, including the location, type, and size, are not included in this approval. A review of exact locations, type, and size will be performed by Engineering as part of the final project design.
- Applicant agrees with the necessity of, and accepts all elements, requirements, and below conditions for the 168-unit townhouse development proposed on Blocks K-L-M-O-P (of which 10 units will be affordable) as reasonable and appropriate to preserve, protect, provide for, and foster the health, safety, and welfare of the citizenry in general and the persons who work or visit or live in this development in particular, based on the Findings with Facts attached in Exhibit E supporting the Design Review, Vesting Tentative Map, and Planned Development Plan related Findings, as well as information contained in the July 21, 2025, Planning Commission staff report.

BE IT FURTHER RESOLVED that the Planning Commission finds the following regarding the proposed Design Review Permit #DRP 24-02 in accordance with Chapter 13- 42 of the Hercules Municipal Code zoning section that:

1. The approval of the design review plan complies with all provisions of Chapter 42, Design Review section of the City of Hercules Zoning Ordinance (Municipal Code Section 13-42), as well as other pertinent provisions of the Zoning Ordinance and applicable zoning and land use regulations, including, but not limited to, the Hercules General Plan as amended and any specific plan, such as the Hercules Waterfront District Master Plan (HWDMP).
2. The approval of the design review plan is in the best interest of the public health, safety, and general welfare.
3. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, heights, walls, fences, public safety, and similar elements have been designed to provide a desirable environment for the development.
4. General architectural considerations, including the character, scale and quality of 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.
5. General preliminary landscape considerations, including the location, type, size, color, texture and coverage of plant materials at the time of planting and after a five-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.
6. The Planning Commission recommends that the City Council approves DRP #24-02 for the Project Site known as Blocks K-L-M-O-P subject to Conditions of Approval contained herein in Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission finds the following regarding the proposed Vesting Tentative Map VTM #24-01 in accordance with Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code:

1. VTM #24-01 is consistent with the General Plan;
2. VTM #24-01 is consistent with the PC-R zoning of the property, which allows the proposed uses;
3. VTM #24-01 is consistent with the Waterfront District Master Plan;
4. VTM #24-01 is consistent with the intent of applicable subdivision regulations and related ordinances in Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code;
5. The design and improvements of VTM #24-01 are consistent as they relate to the Project Site;
6. VTM #24-01 is consistent with the PDP #24-01 for the Block K-L-M-O-P project and therefore consistent with the Zoning Ordinance;
7. Project design, architecture, and concept are suitable for the Project Site created by VTM #24-01 and therefore, the proposed subdivision is physically suitable for the type and intensity of development proposed;
8. The 2011 Certified EIR Mitigation Measures and the Mitigation Monitoring program are appropriate for addressing any potential environmental impacts identified;
9. The design of VTM #24-01, will not conflict with easements or access through or use of property within the proposed subdivision; and
10. The Planning Commission recommends that the City Council approve VTM #24-01 for the Project Site known as Blocks K-L-M-O-P subject to Conditions of Approval contained herein in Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission finds the following regarding the proposed Initial/Final Planned Development Plan (PDP) #24-01 in accordance with Section 13- 48 of the Hercules Municipal Code Zoning Section as it relates to approval of a Planned Development Plan:

1. The proposed use and densities are consistent with the General Plan.
2. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the proposed project exceeding those anticipated in the Initial Study and updated Traffic Analysis contained therein.
3. That any exceptions from standard ordinance requirements are warranted by the design and amenities incorporated in the approved PDP #24-01 drawings

and approved exceptions regarding lot size, lot width, lot depth, and corner side yards.

4. The area surrounding the Project Site can be planned and zoned in coordination and substantial compatibility with the proposed development so long as the conditions of approval are met.
5. The existing and proposed utility services are adequate for development densities proposed and will comply with the improvement standards required by VTM #24-01.
6. The Planning Commission recommends that the City Council approves PDP #24-01 for the Project Site known as Blocks K-L-M-O-P subject to Conditions of Approval contained herein in Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission finds and the Applicant agrees (as stated in the public hearing) with the necessity of and accepts all elements, requirements and conditions of the DRP #24-02 , VTM #24-01, and PDP #24-01, and the above referenced for the Blocks K-L-M-O-P project 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 live in this development in particular.

BE IT FURTHER RESOLVED that if there is any conflict between the attached Approved Blocks K-L-M-O-P Development Plans contained in Exhibits C and/or the conditions of approval in Exhibit A, the Community Development Director shall reasonably resolve the issues based on the general intent discussed in the staff reports, environmental documents, and City policy.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Hercules held on the 21st day of July 2025, by the following vote:

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

NOES: None

ABSENT: None

ABSTAIN: None

Signed by:

Hector Rubio

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Hector Rubio, Chair

Signed by:

Timothy Rood

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Timothy Rood, AICP
Community Development Director

ATTEST:

Exhibits:

Exhibit A – Hercules Bayfront Blocks K-L-M-O-P Project Conditions of Approval

Exhibit B – Applicable Conditions of Approval from the Implementing Development Agreement (IDA) for the Hercules Bayfront Project (Exhibit L)

Exhibit C – Development Plans (includes General Information, Architectural, Civil, and Landscape Plans)

Exhibit D – CEQA Findings Concerning the Approval of the Bayfront Blocks K-L-M-O-P Project

Exhibit E – Findings with Facts

Exhibit F – Bayfront Blocks K-L-M-O-P - Traffic Report