

Exhibit A – Draft Conditions of Approval

Planning Division

1. **Project Approval.** Approval of Design Review Permit #26-02 shall conform to the project plans updated July 1, 2026.
2. **Performance Standards.** 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. **Expire Date.** 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. **Business License.** Prior to commencing operations, the Applicant shall obtain a Business License from the Finance Department of the City of Hercules.
5. **Indemnification.** 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.
6. **Building Permit Required.** 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.

Contra Costa County Fire Protection District

7. **Fire Plan Review.** New construction, alterations, and renovations requiring a building permit shall be reviewed and approved by the Contra Costa County Fire Protection District (CCCFPD) prior to issuance of a building permit. The Applicant shall contact CCCFPD early in the process.

Public Works Department

8. Existing public improvements damaged by project construction activities shall be repaired or replaced to the satisfaction of the City Engineer at the applicant's expense.

9. Construction-phase stormwater pollution prevention measures shall be implemented throughout construction. At a minimum, BMPs shall address erosion and sediment control, storm drain inlet protection, material and waste storage, spill prevention and cleanup, concrete washout procedures, and site housekeeping. BMPs shall be maintained throughout construction in accordance with applicable Contra Costa Clean Water Program requirements and "*Blueprint for a Clean Bay*" guidance.
10. An encroachment permit shall be obtained from the City for any work within the public right-of-way, including temporary storage of materials, dumpsters, scaffolding, lane closures, or sidewalk closures.