

## EXHIBIT E — PC RESOLUTION 25-XX

### FINDINGS WITH FACTS FOR THE HERCULES BAYFRONT BLOCKS K-L-M-O-P PROJECT (DESIGN REVIEW PERMIT (DRP) 24-02, VESTING TENTATIVE MAP (VTM) 24-01, AND PLANNED DEVELOPMENT PLAN (PDP) 24-01)

Section 42.500 of the Zoning Ordinance requires that the following findings with facts be made by the Planning Commission in order to approve a design review permit:

FINDING NO. 1: The proposed plan complies with all provisions of Chapter 42 (“Design Review”) and other pertinent provisions of the Hercules Zoning Ordinance and applicable zoning and land use regulations, including but not limited to the Hercules General Plan as amended and any specific plan (which would include the Hercules Waterfront District Master Plan - WDMP) so long as the Site Specific Design Review Provision and Conditions of Approval are carried out.

FACT 1.1: The General Plan and Zoning District for this project is Planned Commercial Residential (PC-R), which allows for 40 residential units to the acre. The overall Bayfront project entitlements allow up to 1,526 residential units (if all 134,000 square feet of maximum ‘flex’ space is converted to the allowed 134 units plus the base 1,392 non-flex residential units) across a total of 42.36 acres for an average of 25.5 residential units to the acre, so this project conforms to the required density.

FACT 1.2: The proposed project is located within the Transit Village Sub-Area (Blocks K-L-M-O-P) of the adopted Waterfront District Master Plan (WDMP). The WDMP Regulating Code designates Blocks K & L as being within the T5-MST Main Street Transition, Block M & P as being within the T5-VN Village Neighborhood, and Block O as being within the T5-MST on John Muir Parkway street frontage and T5-VN on non-street fronting portions. The project designs conform with the allowed Building Form Standards (including height, building placement, building form, encroachments, frontage types, and required parking standards), Architectural Standards (including allowed styles, massing, façade composition, roof form, windows, doors, storefronts, and elements), Street and Circulation Standards, and Land Uses allowed per the Composite Use Table. **Exhibit C.1** contains the bulk of the comparative architectural consistency analysis as to what is required and what is proposed, and the plans

demonstrate that the project conforms to and is consistent with the form-based code.

FINDING NO. 2: The approval of the design review plan is in the best interests of the public health, safety, and general welfare.

FACT 2.1: The project has been reviewed by the Planning and Engineering divisions, the Public Works and Police Departments, and the Fire District. At a level of consideration appropriate for design review, the project satisfies concerns for public safety. Ongoing review and approval of public safety issues will be required prior to obtaining a building permit.

FACT 2.2: The Project Site will be served by adequate infrastructure and utilities including fire protection, sewer, water, and drainage. The site is designed with pedestrian-oriented amenities and adequate parking. Approval of this plan is in the best interest of the public health, safety and general welfare and consistent with the development concepts for Planned Commercial–Residential zones, the WDMP, the Central Hercules Plan, and surrounding properties.

FACT 2.3: The Bayfront Environmental Impact Report (EIR; State Clearinghouse #2009112058) includes a set of mitigation measures that apply to projects proposed within the larger Bayfront project area. Those mitigation measures applicable to this specific portion of the overall project are incorporated into the conditions of approval contained in **Exhibit A** to the Planning Commission Resolution recommending City Council approval for Design Review Permit #DRP 24-02, VTM 24-01, and PDP #24-01. Additionally, the conditions of approval applied to the approved project design drawings contained in **Exhibit A** to the Planning Commission’s resolution will ensure that the project design and construction are in the best interest of the public health, safety, and general welfare.

FINDING NO. 3: General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, height, walls, fences, public safety, and similar elements have been designed to provide a desirable environment for the development.

FACT 3.1: The proposed site plan has taken into consideration both pedestrian and vehicular access to the site as well as on-site circulation most suitable for a neighborhood of attached townhomes with amenities at this location. Building and parking orientation have been laid out

in consideration of public safety, efficiency and avoidance of potential circulation conflicts adjacent and within the project site.

FACT 3.2

The WDMP requires one parking space per 1,500 square feet of residential floor area, excluding affordable units. For live/work units under 2,500 square feet, this same residential parking standard applies. The project provides a total of 449 parking spaces, which includes 336 garage spaces (equivalent to two per unit), 52 driveway spaces, and 61 public spaces. The public spaces consist of 20 parallel on-street spaces along Bayfront Loop, 12 parallel spaces along Shoreline Loop, and 29 head-in spaces accessed from private alleys as shared private parking. This overall parking supply averages 2.5 spaces per unit and meets or exceeds the WDMP's minimum parking requirements. The parking ratio also reflects consideration for the functional needs of live/work units, including the potential for home-based businesses.

FACT 3.3:

The project is subject to the Bayfront Project Parking Operations Agreement, which requires each block within the Bayfront development to include "Shared Private Parking." Specifically, at least 10% of the private parking spaces across Blocks E, G, J, K, L, M, N, O, P, Q, and R must be designated as shared. Parking demand is initially based on the "Demand Analysis" prepared by CDM Smith, dated October 14, 2019. The agreement allows the amount of Shared Private Parking to fluctuate within a designated range, the "Cap and Floor", set between a minimum of 176 spaces and a maximum of 216 spaces.

As currently proposed, Blocks K, L, and O do not include any Shared Private Parking. Public parking on Shoreline Loop and private driveways and garage spaces are excluded from the Shared Private Parking count. Block M provides 9 Shared Private Parking spaces, representing 10% of its total 91 parking spaces (83 of which are in private garages or driveways). Block P provides 20 Shared Private Parking spaces, or 23% of its total 88 spaces (68 of which are in private garages). Across Blocks K, L, M, O, and P, the development provides a total of 6% Shared Private Parking, falling short of the 10% minimum. As a result, the Owner is subject to the adjustment provisions outlined in Section 2.C of the Bayfront Project Parking Operations Agreement.

FACT 3.4:

The site plan for the project has been reviewed for provision of public amenities, and the project, as proposed, appears to provide a desirable environment. The design incorporates a robust open space network that connects to the Bay Trail Promenade along the

shoreline, a central Paseo pedestrian spine, and a series of garden pathways interwoven through the blocks. These spaces are complemented by a variety of active and passive recreational areas, including a Neighborhood Park with a playground structure, a Neighborhood Square for informal gathering, and smaller Parklets distributed throughout the development to offer seating and shaded respite. An Overlook deck provides a vantage point with views of the Bay, enhancing the scenic quality of the project's waterfront edge

**FINDING NO. 4:** General architectural considerations, including the character, scale, and quality of the 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.

**FACT 4.1:** The closest buildings are to the southwest, referred to as Block N (a.k.a. The Exchange), and to the southeast, referred to as Blocks Q & R (a.k.a. The Dylan). The proposed Block K buildings consist of three-story "Waterfront Warehouse"-style facades along Bayfront Boulevard and Shoreline Loop with "Gold Rush"-style used on interior alleys. Block O consists of three-story "Spanish Revival"-style facades along John Muir Parkway and Bayfront Loop. The buildings' mass is broken into smaller, distinct volumes, with each street/alley section having a separate style and a clear relationship to the street edge. To the north, office and research buildings, including Bio-Rad Laboratories, occupy the North Shore Business Park served by Linus Pauling Drive. The building façade viewed from these neighbors to the north is lower than on other sides and will generally be screened by the elevation change. The use of the "Arcade" frontage type and "Waterfront Warehouse" architectural style on John Muir Parkway and Bayfront Boulevard is consistent with styles used on Block N.

**FINDING NO. 5:** General landscape considerations, including the location, type, size, color, texture, and coverage of plant materials at the time of planting and after a 5-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.

**FACT 5.1:** The proposed landscape design appropriately addresses general landscape considerations, including the location, type, size, color, texture, and coverage of plant materials. The landscape plan

employs a diverse, climate-appropriate plant palette to enhance the character of the development, soften the built environment, and create a cohesive visual experience across all blocks. Plant materials are thoughtfully selected and arranged to provide seasonal interest, layered texture, and a mix of shade, screening, and ornamental value.

Landscaped areas are integrated throughout the project to enhance both the public realm and private frontages.

Automatic irrigation systems are provided to support plant establishment and long-term maintenance, and the plans include measures to ensure the protection and care of landscaped areas. Together, the landscape and open space elements create a high-quality, visually appealing environment that provides visual relief, supports walkability and community interaction, complements the architectural design, and enhances the overall enjoyment of the development for residents and the public.

Subdivision of land is governed by the California Subdivision Map Act (SMA) and by Title 10, Chapter 2 of the Hercules Municipal Code. There are seven standards in the SMA (Government Code section 66474) by which subdivisions are evaluated.

**STANDARD A:** That the proposed map is consistent with applicable general and specific plans as specified in Section 65451.

**FACT A:** The proposed map is consistent with the General Plan in that it provides a residential project on a property designated for residential uses with a maximum density of 40 dwelling units per acre. The project has a density of 25.5 dwelling units per acre. Furthermore, the proposed map, together with provisions for its design and improvements will not be detrimental to the public health, safety, or welfare in that adequate public facilities exist or will be installed, including road, sidewalks, water, sewer, storm drains, and other infrastructure.

**STANDARD B:** That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.

**FACT B:** As designed, the subdivision is consistent with the General Plan in that the project density is consistent with that of the General Plan, and for the reasons stated in the previous standard. The project will also be consistent with the Waterfront District Master Plan design standards, including building form, civic spaces, and street and circulation standards.

STANDARD C:	That the site is physically suitable for the type of development.
FACT C:	The site is physically suitable for the density and type of development proposed in that the Waterfront District Master Plan anticipated such development on Blocks K-L-M-O-P.
STANDARD D:	That the site is physically suitable for the proposed density of development.
FACT D:	The site is physically suitable for the proposed density with the implementation of the proposed mitigation measures recommended in the 2011 Certified Final Environmental Impact Report (EIR) for the Hercules Bayfront Project.
STANDARD E:	That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
FACT E:	The design of the subdivision and the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish and wildlife or their habitat, in that the provided mitigation measures in the certified EIR reduce identified potential impacts on environmental resources to less than significant levels. All identified mitigation measures are included as conditions of approval to ensure implementation through the project.
STANDARD F:	That the design of the subdivision or type of improvements is not likely to cause serious public health problems.
FACT F:	With the implementation of the project's mitigation measures associated with the project's EIR, no serious public health problems would be caused.
STANDARD G:	That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision.
FACT G:	The design of the subdivision and the type of improvements will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision in that the project is proposing a new public street that will connect to the City's existing street network, including provisions for emergency vehicle access. Existing easements will be preserved or realigned to mesh with the subdivision design.

Section 48.600 of the Zoning Ordinance requires the following findings with facts be made by the City Council in order to approve a Planned Development Plan Permit:

FINDING NO. 1: That the proposed use and densities are consistent with the General Plan.

FACT 1: The General Plan and Zoning District for this project is Planned Commercial Residential (PC-R). The proposed townhouse development is a permitted use in the PC-R General Plan Land Use and Zoning designation. PC-R allows for residential units of up to 40 units per acre. The project proposes an overall density of 25.5 and a maximum density of 30 dwelling units per acre on Block O.

FINDING NO. 2: That 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 planned development.

FACT 2: The transportation impact analysis memo, prepared by Fehr & Peers for the project, found that the project would be consistent with the level of service standards set forth in the Hercules General Plan and the Contra Costa Transportation Authority (CCTA) Congestion Management Program. Therefore, 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 planned development.

FINDING NO. 3: That any exceptions from standard ordinance requirements are warranted by the design and amenities incorporated in the final planned development plan.

FACT 3: The applicant is not requesting any exceptions to the standard ordinance requirements.

FINDING NO. 4: That the area surrounding the project site can be planned and zoned in coordination and substantial compatibility with the proposed development.

FACT 4: The project site is bounded by vacant Bio-Rad Laboratories property to the east, Blocks Q & R (The Dylan), a four-story 232-unit multi-family building to the south, Block N (The Exchange), a mixed-use development with 172 dwelling units, and Refugio Creek to the west, and the Bayfront trail, Union Pacific Railroad and San Pablo Bay to

the north. The project will be substantially compatible with Bayfront Blocks N, Q, and R within the Waterfront District Master Plan.

FINDING NO. 5: That existing or proposed utility services are adequate for the development densities proposed.

FACT 5: The project will adhere to local water, sewer, stormwater and electrical utility infrastructure requirements. Therefore, existing or proposed utility services are adequate for the development densities proposed.