

**HERCULES PLANNING COMMISSION
RESOLUTION NO. 24-02**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING 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).

WHEREAS, California's State Density Bonus Law (Government Code §§ 65915 et seq.; "SDBL") encourages developers to build affordable housing (e.g., very low-, low- and moderate-income units) by requiring cities to grant a density bonus, concessions, incentives, and waivers of developments standards for projects that commit certain percentages of their units to affordable housing; and

WHEREAS, California Government Code § 65915(a) requires that local governments adopt an ordinance that specifies how compliance with SDBL will be implemented; and

WHEREAS, Sections 13-6.100, 13-6.300, 13-30.420, 13-30.430, 13-30.440, 13-30.450, 13-30.460 and 13-30.470 of the Hercules Municipal Code contain regulations implementing the SDBL; and

WHEREAS, Hercules Municipal Code Sections 13-6.100, 13-6.300, 13-30.420, 13-30.430, 13-30.440, 13-30.450, 13-30.460 and 13-30.470 were last amended to comply with the SDBL via Ordinance No. 484, adopted on February 10, 2015; and

WHEREAS, this ordinance ("Ordinance") amends Hercules Municipal Code Sections 13-6.100, 13-6.300 and 13-30.420, amends and renumbers Sections 13-30.460 and 13-30.470 and repeals Sections 13-30.430, 13-30.440 and 13-30.450 to adopt the State Density Bonus Law by reference. As amended and renumbered by this Ordinance, Hercules Municipal Code Sections 13-30.420, 13-30.430 and 13-30.440 will provide density bonuses and other affordable housing incentives required by SDBL (including but not limited to Government Code § 65915 et seq.); and

WHEREAS, adopting the SDBL by reference will ensure the Municipal Code remains current whenever the State Legislature amends the SDBL; and

WHEREAS, on March 4, 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 2a 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 13-6.100, 13-6.300 and 13-30.420, amend and renumber Sections 13-30.460 and 13-30.470 and repeal Sections 13-30.430, 13-30.440 and 13-30.450 to adopt the State Density Bonus Law by reference. As amended and renumbered by this Ordinance, Hercules Municipal Code Sections 13-30.420, 13-30.430 and 13-30.440 will provide density bonuses and other affordable housing incentives required by SDBL (including but not limited to Government Code § 65915 et seq.) as noted by the additions and deletions shown in Attach 1a hereto.

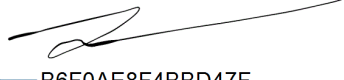
PASSED AND ADOPTED by the Planning Commission of the City of Hercules on this 4th day of March 2024, by the following vote:

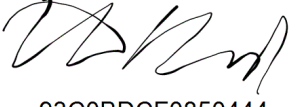
AYES: Morrison, Most-Walker, Schaufenbil and Rubio

NOES: None

ABSTAIN: None

ABSENT: Bhattarai

DocuSigned by:

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Robert Schaufenbil, Chair

ATTEST: DocuSigned by:

93C0BDCE0850444...
Timothy Rood, AICP
Community Development Director

Attach 2a: Draft Ordinance amending Hercules Municipal Code Title 13, Chapters 6, 30 and 60