

**RESOLUTION NO. 17-07**

**A Resolution of the Planning Commission of the City of Hercules approving Design Review Permit #DRP 17-03 to install a prefabricated restroom building and construct an 1,100 square foot half-basketball court with a 4-foot high ornamental metal fence at Duck Pond Park located at Sycamore Avenue subject to the attached Conditions of Approval contained herein**

**WHEREAS**, #DRP 17-03 proposes to make physical improvements to an existing neighborhood park which will provide much-needed restroom facilities and an additional sports activity (basketball) to an existing improved neighborhood park which currently improved with a bocce-ball court, horseshoe pits, and a family picnic area, which under Chapter 42 –Design Review requires review and approval by the Planning Commission based on facts and findings; and

**WHEREAS**, Design Review Application was filed by the City of Hercules Parks and Recreation Department, in accordance with Chapter 42 –Design Review and Chapter 40 – Administration, Applications sections of the City of Hercules Zoning Ordinance; and

**WHEREAS**, Based on Section 40.700 of the Zoning Ordinance, mailed public hearing notices were sent to all property owners within 500 feet and published in the local newspaper at least 10 days in advance of the Planning Commission hearing on the proposed project; and

**WHEREAS**, City Staff utilized the Administrative Procedure process outlined in Chapter 40 of the Hercules Municipal Code Zoning Ordinance and prepared a staff report on the Design Review Permit that included defining the five (5) required findings with supporting facts therein to present to the Planning Commission; and

**WHEREAS**, City staff reviewed the CEQA Guidelines book and determined that the proposed project as described herein is “Categorical Exempt” from CEQA per Section 15301-Existing Facilities; and Section 15303-New Construction or Conversion of Small Structures, and

**WHEREAS**, the Planning Commission of the City of Hercules considered the applications, staff report and various verbal and written input provided during the public meeting at their September 4, 2017 Regular Meeting; and

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Hercules, after due study of the proposed project, Conditions of Approval, Redlined Drawings/elevations /photos and staff report with Findings contained therein, receipt of public comment and deliberation determine that the following findings can be made regarding approval of #DRP 17-03 so long as the conditions of approval and attached redlined drawings are implemented as stated herein:

1. The approval of the design review plan is in compliance with all provisions of Chapter 42- Design Review section of the Zoning Ordinance, 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.
2. The approval of design review plan is in the best interests 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, height, 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 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 insure the compatibility of this development with its design concept and the character of adjacent buildings.
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.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Hercules determines that #DRP 17-03 is “Categorical Exempt” from CEQA per Section 15301-Existing Facilities and 15303-Existing Facilities; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Hercules, hereby approves Design Review Permit #DRP 17-03 with the following conditions of approval in conformity with the Redlined Drawings. This approval shall expire one year from the date of Planning Commission approval (expires September 5, 2018), unless a building permit is issued and construction is commenced and diligently pursued toward completion.

1. The project shall be built in conformity with the attached Revised Option 3 based on majority agreement of the Planning Commission in coordination with the Police Department, using the CXT Concrete Buildings color chart samples, and Stone Color Options, Wall and Roof Textures sheet submitted by Callander Associates, Landscape Architecture and shall incorporate a copy of this Resolution within the construction drawings and secure a building permit from the City Building Department due to the electrical, water, sewer and grading being done.
2. Grading shall be done in such a manner so that loose balls will not generally roll towards Sycamore Avenue and fencing may be an add on items as it is not anticipated it will be necessary.
3. The proposed restroom building shall substantially be constructed to the dimensions and exteriors proposed and submitted in the sheet identified as a “Denali” building with a “toasted almond” ribbed metal roof, a “natural honey” horizontal lap siding” siding color, and a “natural gray” stone veneer color. The final design and material shall be subject to the review and approval of the Planning Director.
4. The drinking fountains shown in the “Denali” colored elevation may not be incorporated depending on input from the Public Works Maintenance.

5. The proposed restroom building shall comply with the 2013 Fire Code and shall coordinate with the Rodeo-Hercules Fire Protection District for inspection and emergency response information (Fire).
6. Add signage for hours of use within the park.

The decision of the Planning Commission is final unless appealed in accordance with the provisions of Chapter 44, "Hearings, Appeals and Judicial Review" of the Zoning Ordinance.

**PASSED AND ADOPTED** by the Planning Commission of the City of Hercules on this fifth day of September 2017, by the following vote:

AYES: Galieva, Tolley, Rubio, Bailey, Morrison

NOES: None

ABSENT: None

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Kenneth Morrison, Chair

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Holly Smyth, AICP, Planning Director &  
Planning Commission Secretary

Exhibit A – Duck Pond Park – Site & Landscape Plan – Option 3

## Legend

1. Prefabricated restroom building with utility connections, ADA compliant (175 SF)
2. Concrete walk, 5' wide, ADA compliant
3. Basketball hoop
4. Basketball shooting area (1,700 SF)
5. Sewer system connection: injection pump in in-ground vault
6. Ornamental metal fence/guardrail, 4' tall (for ball control)
7. Players bench
8. Drinking fountain (existing)
9. Repair turf and adjust irrigation
10. Existing storm drain inlet, adjust to finish grade
11. Shrub/groundcover planting, typ.



Note: Option 3 anticipates having the restroom facility detached from the half basketball court into the red bubbled area pending coordination with the Police Department

## DUCK POND PARK | Site and Landscape Plan - Option 3