

## **RESOLUTION NO. 04-32**

### **CONDITIONAL USE PERMIT NO. 04-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES APPROVING CONDITIONAL USE PERMIT NO. 04-10, APPLIED FOR BY MR. SEMIK OUNGOULIAN, TO PERMIT THE CONSTRUCTION OF NINETY-ONE (91) SENIOR HOUSING UNITS ON A 1.28 ACRE SITE LOCATED SOUTH OF SYCAMORE AVENUE, EAST OF INTERSTATE 80 LOCATED IN THE CITY OF HERCULES SUBJECT TO CERTAIN CONDITIONS BASED ON FINDINGS WITH FACTS.**

WHEREAS, the Planning Commission of the City of Hercules has considered an application for a conditional use permit filed by Semik Oungouljian in accordance with Sections 50.100 through Section 50.900 of the Hercules Municipal Code;

WHEREAS, in accordance with the California Environmental Quality Act, the Community Development Director has recommended adoption of a negative declaration for this project and has provided public notice of the intent of the City to adopt a declaration to this effect and the Planning Commission has reviewed the staff report concerning this project and hereby finds that this project will not produce a significant effect on the environment and adopts said negative declaration; and

WHEREAS, the Planning Commission finds, after due study and deliberation and public hearing that the following circumstances exist:

- (a) That the proposed use is consistent with the City of Hercules General Plan.
- (b) That the proposed location of the use conforms with the purposes of the zoning ordinance and the purposes of the district in which the site is located, and will comply with each of the applicable provisions of the Zoning Ordinance.
- (c) That the location, size, design and operating characteristics of the proposed use will be compatible in design, scale, coverage and density with existing and anticipated adjacent uses.
- (d) There is adequate access, traffic, public utility, and public service capacity for the proposed use and surrounding existing and anticipated uses.
- (e) There are no potential, significant adverse environmental impacts that could not be feasibly mitigated and monitored.

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution 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 work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Hercules hereby approves this conditional use permit subject to the conditions of approval based on findings with facts. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Chapter 44 of the Hercules Zoning Ordinance.

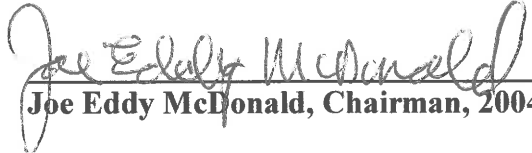
PASSED AND ADOPTED by the Planning Commission of the City of Hercules on this twenty-sixth day of July, 2004, by the following vote:  
**Motion/Tang, Second/Mitchell**

**AYES: Wong, Mitchell, McDonald, Tang**

**NOES: Betschart**

**ABSENT:**

**ABSTAIN:**

  
**Joe Eddy McDonald, Chairman, 2004**

**ATTEST:**  
  
**Rochelle Samuels, Administrative Secretary**