

**RESOLUTION NO. 04-33**  
**DESIGN REVIEW PERMIT NO. 04-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES APPROVING DESIGN REVIEW PERMIT NO. 04-02, APPLIED FOR BY MR. SEMIK OUNGOULIAN, TO PERMIT THE CONSTRUCTION OF A FIVE-STORY, 130-FOOT HIGH SENIOR HOUSING BUILDING ON A 1.28 ACRE SITE LOCATED ON SOUTH SIDE OF SYCAMORE AVENUE AND EAST OF INTERSTATE 80 FREEWAY, SUBJECT TO CERTAIN CONDITIONS BASED ON FINDINGS WITH FACTS.**

WHEREAS, the Planning Commission of the City of Hercules has considered an application for a Design Review Permit filed by Mr. Semik Oungouljian, in accordance with Chapter 42 Section 100 through 900 of the Hercules Zoning Ordinance; and

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, deliberation and public hearing, that the following circumstances exist:

- a. Approval of the design review plan is in conformance with all provisions of this Chapter, pertinent provisions of this Code and applicable zoning and land use regulations, including but not limited to the Hercules General Plan as amended and any specific plan.
- b. The approval of the design review plan is in the best interest of the public health, safety, and general welfare.
- c. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, heights, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development.
- d. General architectural considerations, including the character, scale and quality of 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.

- e. General landscape considerations, including the location, type, size, color, texture and coverage of plant materials at the time of planting and after a five (5) year growth period, provision for irrigation, maintenance and protection of landscaped areas and similar elements have been considered to insure visual relief, to complement buildings and structures and to provide an attractive environment for the enjoyment of the public.

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 permit based on Findings of Fact, subject to the attached Conditions of Approval. 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 Hercules Zoning Ordinance.

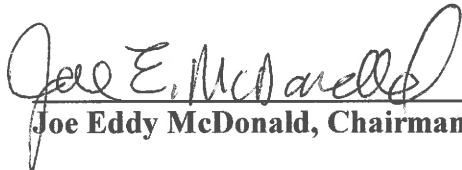
PASSED AND ADOPTED by the Planning Commission of the City of Hercules on this twenty-sixth day of July, 2004, by the following vote:  
**Motion/Tang, Second/Mitchell**

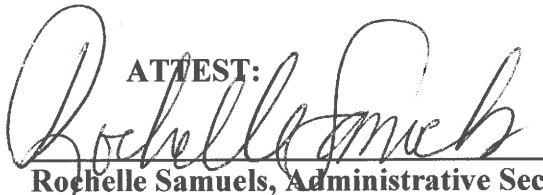
**AYES: Wong, Mitchell, McDonald, Tang**

**NOES: Betschart**

**ABSENT:**

**ABSTAIN:**

  
Joe Eddy McDonald, Chairman, 2004

**ATTEST:**  
  
Rochelle Samuels, Administrative Secretary