



## Planning Department

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Holly Smyth, AICP, Planning Director  
Victor Carniglia, Municipal Resources Group  
Bruce Brubaker, PlaceWorks

**DATE:** February 20, 2018 Planning Commission Meeting

**SUBJECT:** Design Review Permit #DRP 18-01. Design Review of the Hercules  
Parcels Q&R project, located in the Bayfront Master Plan Area.

**APPLICANT:** Benjamin L. Ortega,  
Hercules Development Partners, LP  
114 Pacifica, Suite 100  
Irvine, CA 92618

**LOCATION:** Intersection of John Muir Parkway and Loop Road, Hercules, CA  
Blocks Q and R, Assessor Parcel Number; 404-730-005

### 1. RECOMMENDATION

That the Planning Commission:

- a. Invite the applicant to make a presentation;
- b. Request planning staff present further information on the project;
- c. Open the public hearing;
- d. Receive comments from the Commission and the public;
- e. Discuss relevant project issues and provide guidance and direction to staff and applicant as appropriate, in preparation for taking action on the project at a subsequent Planning Commission meeting;
- f. Continue the public hearing to the regular Planning Commission meeting of March 19, 2018.

As described in the preceding recommendation, staff is proposing a two-step hearing process for this project. At the February 20, 2018 Planning Commission hearing staff intends to have the developer present their project in detail to the Commission, focusing on project design and starting to evaluate consistency with the Hercules Waterfront District Master Plan (HWDMP) (aka the Bayfront Plan) and its included form based code (FBC) provisions and consistency with other applicable City regulations. This initial hearing will provide an opportunity for the Commission and the public to ask questions and make comments about the project and City requirements, as well as to provide needed direction to staff and the applicant. Staff is wanting Commission to be aware of various big picture items that may require input from the Commission on specific issues as noted in various sections of this staff report.

At the conclusion of discussions on this agenda item, staff is proposing that the Planning Commission continue the public hearing to its March 19, 2018 Regular Meeting. While a continuance to the March 5, 2018 Commission meeting may be theoretically possible, in this instance such a quick turnaround is not appropriate due to the lead times necessary to prepare and distribute a staff report combined with the inherent complexity of a major project like the one proposed. More specifically, given that the staff report and resolution needs to be distributed the week prior to the hearing, a continuance to the March 5, 2018 Commission meeting staff would give staff little more than a week to 1) address any issues that will be raised at the February 20, 2018 meeting, 2) compile the resolution of approval with appropriate conditions and required findings, and 3) have the staff report, resolution, and environmental documentation fully reviewed by the City Attorney to ensure all the various legal implications are appropriately addressed. This issue of legal compliance is a complex one in and of itself given the project's long history, which includes three separate development agreements and a significant number of supporting documents. With a continuance to the March 19, 2018 Commission meeting, staff expects to be able to provide the Commission with all the documentation needed to allow the Planning Commission to act on the project at the March 19, 2018 hearing, if the Commission so desires.

## **2. PROJECT OVERVIEW AND RELEVANT HISTORY:**

This Design Review application for blocks "Q" and "R" consists of a single 4-story building with 232 apartment units with ground floor and upper level lobbies, and residential amenities totaling approximately 12,000 square feet and 312 onsite parking stalls. The project is proposed on a 2.20 acre site within the larger Bayfront Project Area, and is located in the Hercules Waterfront Master Plan District within the Transit Village Planning Subarea. The density proposed is 105 units/"net" acre. This question of "net" acreage and "net" density, as well as gross acreage and gross density is discussed in more detail later in this staff report.

The project is regulated by the [Hercules Waterfront District Master Plan \(HWDMP\)](#) as amended by the Waterfront Now Initiative, which was originally adopted by the City Council by resolution in 2008 rather than a vote of the people with several amendments over the years agreed to by the property owner and the City. The Plan covers an area known as Bayfront which consists of a total of 1392 residential units, 115,000 square feet non-flex office space, 90,000 square feet non-flex retail space, and 84,000 square feet flex space. In October 2011 the City Council certified the Hercules Bayfront Project Final Environmental Impact Report,

including a Mitigation Monitoring and Reporting Program (MMRP). In March 2013, the Council approved various Development Agreements which spelled out slightly different mitigation measures the developer would be responsible for and ones the City would be responsible for as part of a public-private partnership for this transit oriented designed project area. All these documents can be accessed on the City's website at <http://www.ci.hercules.ca.us/index.aspx?page=229>

Hercules Block Q & R is the second project to move forward in the Bayfront area covered under the HWDMP, after Block N, which was approved by the Planning Commission on May 1, 2017. A key focus of the Design Review process needs to be on the project's conformity with the HWDMP, including project architecture, building design and building materials, project landscaping, site layout, including parking, ingress, egress and ability to be served by emergency vehicles. As was done with the previous Block N proposal, Holly Smyth, Planning Director, is working with Project Manager Victor Carniglia of Municipal Resource Group and Bruce Brubaker of PlaceWorks to process the application and assess conformity of the project with the WDMP as well as determine architectural and environmental compliance review and conformity with the Development Agreement.

The Applicant submitted a formal application for Design Review Approval to the City on November 2, 2017. This application was reviewed by the City team for completeness, and on November 30, 2017 a letter indicating the application was incomplete was distributed to the applicant. In order to expedite the process, the project plans at the time of application submittal were distributed for review to the Planning, Public Works/Engineering, Police, and Fire Departments, as well as to WestCAT and Republic Services (waste management). After receiving comments at an "all hands" meeting between City staff, the applicant, and outside agencies held on January 10, 2018 the applicant submitted a revised Design Review package to the City on January 23, 2017, with the revised plans modified to respond to a number of the initial comments received. Subsequent discussions were held between City staff and the applicant, which resulted in a set of re-submittal plans on February 8, 2018. A hard copy of this most recent resubmittal was forwarded to the Planning Commission (with courtesy copies provided to City Council) and posted to the City web on February 8<sup>th</sup> and are part of this report as Attachments 1, 2, and 3. A Design Review Comment Log listing the comments to date and responses to comments from the applicant from the initial packet receipt through the newest submittal is included as Attachment 4.

### **3. DESIGN REVIEW PROCESS UNDER THE DEVELOPMENT AGREEMENT**

Under the signed Development Agreement, a streamlined Design Review process is allowed if Bayfront applications are a) consistent with the Project Approvals, b) do not cause an amendment to the General Plan, Zoning Ordinance, or Waterfront District Master Plan, c) do not require additional environmental review (over the original EIR), d) are not subject to concurrent review and approval by jurisdictional agencies, and e) are for design review approval. Additionally, if a project application is less than five gross acres in size, the application will only be subject to Design Review under City Zoning Ordinance Chapter 42 which requires Planning Commission approval and not be subject to a Final Plan Development Plan which would require the approval of the City Council.

The City of Hercules Zoning Ordinance (Chapter 42) defines the purpose of and types of projects subject to Design Review, which includes new construction and any substantial exterior alteration of any public or private building, and requires review and action by the Planning Commission, including consideration of specific required findings. Because the project is subject to discretionary review, a public hearing notice was published in the newspaper and sent to all property owners within 300 feet of the project site. The conformity analysis of the project fitting within the previously certified 2011 EIR is intended to be review at a subsequent Design Review hearing. As noted previously in this staff report, staff is requesting feedback on the proposed project from the Commission at the February 20, 2018 Planning Commission meeting, with action on the project possible on March 19, 2018.

#### 4. PROJECT DESCRIPTION

**Overview:** The project is located south of Bayfront Boulevard and bounded on the West by John Muir Parkway, on the north by a proposed new loop road street, on the northeast by Linus Pauling Drive, on the South by the North Channel and a Ponding Basin (near Tioga Loop) within the larger Bayfront Master Plan Area. The area is located on a portion of existing Assessor's Parcel Number 404-730-005-0 that are identified as Blocks "Q&R" or Parcels 29 & 30 in their Vesting Tentative Map. The project includes construction of a contiguous S-shaped single building with two courtyards open to the northwest and southeast. The façade along John Muir Parkway is 3 stories of apartments over a tall ground floor with amenity spaces. The other facades are 4 stories of apartments above grade or 3 stories of apartments above a parking podium. Maximum roof height above grade is 55 feet (or 78' elevation) and is shown with anticipated future surrounding buildings on plan pages A-05.1, A-05.2, and A-05.03.



**Proposed Structure:** The structure is one continuous building, containing 191,585 square feet of space devoted to residential use (this includes apartment space, hallways, elevators, stairs, and 12,000 square feet of amenity space, but excludes the 2 exterior courtyards). The total enclosed space of the building is much larger at 373,000 square feet counting the internal area of the building devoted to two levels of structured parking. However, much of this area devoted to structured parking does not contribute to the visible mass of the building. The architect has done an excellent job of reducing the apparent mass of the building by varying the building façade, by breaking up the apparent length of the building by introducing two large internal plazas, and by other means as discussed later in this report. It's worth noting for comparison purposes that the approved project on block "N" consists of almost the same amount of total residential square footage (191,000 square feet) with fewer units. This difference can largely be explained by the greater efficiency of developing a rectangular site, as compared to the triangular shape of Block "N".

The project's includes approximately 12,000 square feet of total internal amenity space for the building's tenants. Interior amenities facing John Muir Parkway on Floor P includes bike storage, fitness area, lobby, internet café/lounge, leasing office, and move in area. Floor 1 interior amenities includes a residential lounge and a second residential entry lobby. Floor 2 interior amenity includes another residential lounge that is adjacent to the upper exterior courtyard. Outdoor amenities include 21,200 square foot of landscaped courtyard spaces which are split onto two podiums as well as bridge viewing decks on the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floors facing down the loop road (which staff believes are in addition to the 12,000 square feet of interior amenity space).

**Proposed Mix of Units:** The proposed project includes 232 apartments, which consist of 38 studio units, 130 one-bedroom units, and 64 two-bedroom apartments, with an average unit size of approximately 825 gross square feet. The unit size is comparable to the previously approved Parcel "N", which has an average square footage of 854 square feet. All of the residential units are initially proposed as rental units. While the applicant has discussed the possibility of submitting a condominium subdivision map at a future date in order to be able to sell the units, the project is for the foreseeable future a rental project.

While the majority of the units are market rate, the Development Agreement (DA) requires at least 5% of total residential units to be affordable housing units be introduced above a certain threshold. A total of 15 housing units within Blocks "Q" and "R" are proposed to be affordable, which meets the provisions of the DA and starts to address the 5% overall affordability for previously approved Block N (which did not contain any affordable units) and the current project.

No commercial uses are currently proposed within the project, however the design of those areas within the T5-MST district are such that they meet the primary purpose of the district to provide the flexibility required for the morphology/evolution of the Waterfront District and the ability to accommodate future commercial uses on the ground-floor (which occurs along John Muir Parkway).



**Description of Proposed Parking:** The two level parking structure is tucked under the apartments and not visible from three sides. It includes 221 spaces on the lower level and 91 spaces on the upper level, for a total of 312 off-street parking spaces. This provision greatly exceeds the Master Plan's Parking Standards (per page 1-34 of the Plan) requirement by more than double the amount of parking, which calls for one space for every 1,500 square feet of residential space (and includes guest parking). In rough numbers, based on this ratio of 1 parking space for 1500 square feet a total of 128 spaces would be required. However, subtractions would apply to the 15 affordable units as the Code does not require any parking. Based on 854 square foot average times 15 then divided by 1,500, 8 less parking stalls would be required (this means that 120 spaces are required for residents and visitors by code). If amenity spaces are converted out over time, additional stalls would potentially be needed. The code states that non-commercial spaces be provided at a minimum of 2 spaces per 1,000 square feet up to a maximum of 3 per 1,000. This could add between 24 minimum to 36 maximum parking stalls. With these subtractions and additions approximately 144 – 156 parking spaces could potentially be “required by code” if all amenity spaces were converted in the future, which the project's proposed 312 spaces far exceeds the Code standards. As a note for future phases, the code does allow for off-site parking within 1,250 feet of user at the discretion of the review authority which could potentially serve as some of the parking for adjacent blocks

The code also allows “counting” on-street parking within the public right-of-way towards satisfying off-street parking for proposed non-residential (which the project does not include at this point in time). There appears that only 12 parking spaces would be available on-street in public right of way directly adjacent to the project on John Muir Parkway and the Loop Road, once you leave space back from the corner and exclude the loading zone area towards “counting” if it were needed. With the proposed elimination of the public streets between Blocks Q & R and between Blocks R & P, approximately 26 on-street parking spaces would be eliminated for the purpose of the public. The developer proposes to replace the loss by providing 12 spaces within Blocks Q-R parking structure and replacing the other 14 with the implementation of Block P.

Both parking levels have access from the Loop Road side of the project, with access to the lower level of parking located within 84 feet of the intersection of the Loop Road and John Muir Parkway, with the driveway to the second level located approximately 160 feet down the private driveway that connects to the loop road. It is important to note that there is no internal vehicular connection between the upper and lower parking levels of the parking structure. In order to reduce the potential for folks circling in one garage and then going into the other garage, the applicant proposes to limit parking in the upper garage to residents only through a keyed entry system. Any other potential negative impacts can be mitigated by parking management plan if needed.

The applicant's initial intent is to park the project at one off street parking space per bedroom. However, as was determined during the review of the Block N project, only the code required residential parking spaces shall be labeled and 20% of the “code required” stalls were to be visitor stalls with no individual assignments for any of the spaces to encourage more efficient use of the parking structure. Using the same methodology as Block N, given that a Parking Management Ordinance or District has not yet been formed, 120 of the spaces can be identified

for “residential tenants”, while 24 additional spaces shall be identified for “visitors”. Additionally, the developer will need to fully define how the parking operation shall work to accommodate these folks in the on-site parking.

As to the replacement of lost on-street parking within the parking garage this is a question that is not been fully flushed out by the developer and the City and needs further discussion and refinement before final action is taken on the project.

**Regulatory Documents:** The project design is required to be consist with the adopted HWDMP Hercules Waterfront District Master Plan - Historic Town Center, Transit Village and Hercules Point Sub-District requirements, including its Form Based Code (FBC). Some of the analysis of project compliance with these applicable plans and requirements is discussed in Attachment 5 from Placeworks memo with further updates included in Attachment 4 Design Log, and more within the following “Required Findings” section of this staff report. The HWDMP, which contains the FBC, was previously distributed to the Planning Commission, and is available on the City’s website at this [link](#) as the file is 432MB with a hard copy available in the Planning Department at City Hall.

**Site Grading/Topography:** In terms of site grading, the current pad grade of Block Q lies approximately 8 feet above the grade of John Muir Parkway, as can be seen in Civil Engineering Sheet C-100. This high dirt amount is from surcharging that was done on the site from the City’s work on the Baytrail project approximately 3 years ago. According to Sheet C-200, Cross section “E” of Civil Engineering Sheet this area will be lowered back down so that the pad will be at the grade with John Muir Parkway. This grading will require the removal of approximately 34,000 cubic yards of earth, which will likely be distributed to other properties in Bayfront.

## **5. ENVIRONMENTAL DETERMINATION**

The proposed development is subject to the previously certified 2011 Hercules Bayfront Final Environmental Impact Report (EIR), which established mitigation measures tied to the overall buildout of the larger Bayfront Project. The 2011 Bayfront Final EIR, as well as the Mitigation Monitoring and Reporting Program, are available on the City’s website at this [link](#) to the Final Report and this link for the [Draft EIR](#). Since the project is relying on the 2011 Bayfront certified Final EIR for environmental clearance, the Planning Commission is requested to review and become familiar with this EIR in advance of making a decision on the project. As noted previously, staff is recommending that the project come back to the Commission on March 19, 2018 for possible action. As Commissioners may recall from the May 1, 2017 hearing on Block “N”, that the 2012 “Implementing Development Agreement” limits the mitigation measures in the EIR that were applicable to the developer of the Bayfront Project.

## 6. CONSISTENCY WITH CITY REQUIREMENTS:

The project is required to demonstrate compliance and consistency with all applicable City requirements, including the General Plan, Zoning Ordinance, Waterfront Master Plan, and including the related Development Agreements. Some of these consistency and compliance issues are addressed in the following “Required Findings” section of this staff report. The staff report is organized in this manner as the issue of the project’s consistency with adopted City plans is closely linked with the decision makers’ need to make the necessary findings for a given project.

The Design Review section of the Zoning Code lists a total of five required findings that the decision making body must make to approve a Design Review application (Section 42.500). The following descriptions of these findings are presented for information. Detailed recommended findings will be provided for the March 19, 2018 Planning Commission meeting.

**Traffic Analysis:** It should be noted before discussing the specific findings required here that the City has been working with the applicant and their traffic consultant on the completion of a traffic study to validate underlying traffic analysis prepared for the 2011 Bayfront EIR, and to determine if future projected traffic in the area will have site specific impacts on the plans proposed for Blocks “Q” and “R”. An initial analysis was provided with the initial project submittal with further information provided recently regarding John Muir Parkway at San Pablo Avenue. More specific information needs to be provided in terms of traffic “queuing” entering and leaving the site onto the Loop Road in the context of the site plan to ensure that traffic will not backup onto John Muir Parkway. Iterations of the original parking analysis have been provided by the developer and an update traffic analysis which address a number of remaining issues is planned to be completed and distributed for the March 19, 2018 Planning Commission hearing.

## 7. ISSUES FOR PLANNING COMMISSION CONSIDERATION

**Overview of Issues:** The proposed design generally supports the overall goals of the HWDMP and the objectives of its Form Based Code. In reviewing the proposed project with the applicant, a number of issues have arisen, the majority of which have been addressed. Attached is a “Design Review Comment Log” dated February 16, 2018 and prepared by the City’s consultant PlaceWorks, which summarizes project issues that came up during the review process, as well as the applicant’s response to those issues (see Attachment 4).

In addition to the issues just noted in the “Comment Log”, there are a number of issues identified and discussed in this section of the report on which staff is requesting Planning Commission review and comment. Several of these issues will feed into the consistency findings, generally discussed below, that the Planning Commission ultimately will need to make as part of the required findings needed to act on the project. In addition to the consistency related findings, there are a number of issues, some policy related and others design related, that warrant discussion with the Planning Commission. These issues are identified and discussed below:



**#1 : General Plan and Project Density:** Questions arose during the processing of Block “N” about the density of projects proposed in Bayfront, given the approximate 40 unit/acre density in the “Initiative Measure to be submitted directly to the voters City of Hercules” cover document, amended in 2012, and discussed more specifically on page 5. The Planned Commercial Residential (PC-R) Zone District / General Plan Designation (which applies to Blocks “Q” and “R”) 40 units/acre and the adjacent Historic Town Center (HTC) designation with 40 units/acre within. These questions about density are in large part due to the fact that the Waterfront Master Plan allocates development based on the total “gross” acreage of the site, which for Bayfront is 42.36 acres. Gross acreage includes all area devoted to roads, parks, plazas, trails, and open space areas, both public or private. In contrast, the density of the proposed project on Blocks Q and R is referred to in terms of “net” density, which is calculated based on the size of the site the individual project is located on, which in this case is 2.2 “net” acres. The net density of the proposed project, with 232 units proposed on 2.2 acres, works out to 105 units/net acre, which based on the difference between “net” and “gross” acres, is consistent with the 40 unit/acre limit in the Master Plan.

Part of the reason for this dramatic difference between “gross” and “net” density in Bayfront, is that the net acreage of Bayfront consists of an unusually small portion of the total gross acreage. Specifically, the net acreage of Bayfront (22.73 acres) is only 54% of the gross area (42.36 acres). In most development projects, “net” acreage is typically between 75% to 85% of gross acreage, with the result that “net” density is higher, but not significantly higher, than the gross density. However, with Bayfront the gross acreage is almost double the net acreage. The Commission needs to be comfortable with this density question in order to make the necessary consistency findings when this project comes to the Commission for action.

**#2: Proposed Deletion of Two Public Streets:** The Waterfront District Master Plan depicts the road network proposed to serve the Bayfront area on page 4-3 of the document. The applicant, as noted previously, seeks to delete the road currently depicted between Blocks “Q” and “R” and modify the section between Blocks R and P into an emergency access only driveway that also serves the upper parking garage.

In its place they are proposing to develop one building across both blocks, eliminating the street. Although this is clearly an efficient building solution, the elimination of the cross street between “Q” and “R” may deserve further consideration if its. It should also be noted that this same road proposed for deletion is also shown on the approved Tentative Map for Bayfront. The following is an analysis if the removal has any negative implications:

- View Connection: The through road connection between Block Q and Block R could potentially provide a view from John Muir Parkway through the buildings towards the Bay beyond. However, a careful review of the drawings show that this view connection would not be possible with any arrangement, because the elevation of the ground level at the building is higher than the elevation on John Muir Parkway, and also because the edge of the neighboring Muir Pointe houses, when complete, will block the view. Therefore, a view connection to the

Bay from John Muir Parkway is not possible, and therefore is not an impact from deleting the road between “Q” and “R”.

· Vehicular Connection: The through connection between Blocks “Q” and “R” would provide vehicular access to the eastern edge of the project. However, there is no longer a road proposed on the east side of the project, which in the Master Plan was previously intended to connect directly to Linus Pauling. It now turns out that only emergency access is being proposed to Linus Pauling. Given this changed situation with no road being proposed on the east side of Blocks “Q” and “R”, there is little compelling reason from an access perspective to retain the road between Blocks “Q” and “R”.

· Pedestrian Connection. The through connection between Blocks “Q” and “R” could have provided enhanced pedestrian circulation to the public within the Bayfront project. The Form Based Code puts a strong emphasis on a pedestrian environment by ensuring a walkable scale of blocks as done in traditional downtowns. If the through block connection is not kept for public use, the project should consider other ways to encourage pedestrian activity. The applicant has worked to try to offset this loss in connectivity by providing a landscaped public pathway (which doubles as emergency vehicle access) around all four sides of the building. Additionally, staff has asked that exterior leading doors be clear glazing to encourage residents of the building to utilize these exiting points to walk more.

· Massing. The through connection between “Q” and “R” would have provided a strong, clear break in the mass of the building by separating building mass into two separate distinct blocks. To make up for the loss of the through connection, the project includes two courtyards, one facing each direction. This design solution achieves break in building mass, especially on the side away from the Bay. However, there is a multi-story bridge shown across the opening at the upper podium courtyard facing the Loop Road and the Bay can read more like a single long building than is desirable. Initial design submittals showed the bridge structure pulled forward with larger deck areas, which staff asked that the bridges/deck be made of materials to be visually as thin and light as possible. The applicant modified the design to lightened the look of the bridge by setting it back from the building face and reducing the viewing deck areas. Staff is highlighting this issue for the Commission’s consideration and discussion in case they don’t agree with this assessment.

· Parking Implications: The public roads proposed to be deleted between Blocks “Q” and “R” and between blocks “R” and “P” would have provided on street parking that would be lost with the road’s deletion. If parking allowed on both sides of these deleted streets, approximately 12 on-street parking spaces will be lost between Blocks “Q” and “R” and 14 between Blocks “R” and “P” if they are not constructed. This on street parking would likely have been utilized by visitors or future transit users, which impacts the amount of public parking in the Waterfront. The developer has proposed to replace 12 of the spaces with their project within the parking structure and address the other 14 spaces (being lost between blocks “R” and “P”) with future projects. Additionally, the developer has potential talked about

widening the private EVA driveway/street to accommodate on-street parking, however it would be controlled by private development rather than in City right-of-way and therefore the Overall Parking District would need to address how to access and manage the spaces.

· **Increase in Developable Land:** STREETS WIDENED AND EVA ADDED A benefit to Ledcor of being able to build over the right of way of the road proposed between Blocks “Q” and “R” is the increase in net developable area by approximately one third acre of land. Given the project density of 105 units/acre, it can be estimated that as many as 20 to 30 units would be not be able to be built without the use of the road right of way. It should be noted that any added units that can be built on Blocks “Q” and “R” due to the ability to build on what is currently shown as street right of way does not increase the total number of units that can be built in Bayfront. However, the developer added 6’ of street width along the Loop Road to accommodate the Fire District and added emergency evacuation roads along two full sides of the building which might equate to similar land area as is being gained with the proposed elimination of the street.

**#3: Extension of Loop Road to Linus Pauling Drive:** The Bayfront Plan shows a public street connection to Linus Pauling Drive to the north. For various reasons the Applicant is showing a private drive/street extending from the Loop Road up to the property line for Block R, but not all the way to Linus Pauling. However, the Fire and Police Departments need an emergency vehicle access to connect up to Linus Pauling. The plans now show a fence with an operable gate at the property line, and an EVA route to a new cul-de-sac at Linus Pauling. This arrangement is satisfactory to Public Safety providers. The design of this area is trying to follow the intent of the street cross-section and it now appear that a rendering looking up this area to the EVA connection with Linus Pauling is needed to ensure adequate transitions.

The developer is now engaging and have received verbal agreement by Bio Rad to the EVA connection shown in the attached drawings. Bio Rad is not agreeable to a public street between the business park and the Transit Village portion of the Waterfront and during the update of the Circulation Element it was determined that the business park streets can stay within appropriate levels of service without an open street connection. According to the Development Agreement, the developer is required to remove the portions of Linus Pauling that currently exist outside of the connection area. A condition of approval will need to be added to capture this fact and may also require formal “abandonment” proceedings for those areas outside the developer boundaries and granting of an EVA easement by Bio-Rad

**#4: Architectural and Design Related Issues:** The Applicant’s team has designed an attractive project that almost entirely meets the form based code regulations. The project is thoughtfully laid out and takes advantage of the sloped site. Facing John Muir Parkway, the façade includes a tall ground floor that accommodates a grand entry to the apartments and ample amenity uses for residents. Above the ground floor are three floors of apartments, keeping in scale with the recently approved Block N across the street. The façade is broken into two building types to make the street frontage look like it was developed over time.

Parking is behind the front façade and under the apartments, and is well screened on all four sides. Finally, the two podiums open spaces are generously sized and are provided on two levels, providing a variety of spaces for residents.

Most of the architecture and design related issues that staff and PlaceWorks have highlighted to discuss for revision are minor. The Applicant has worked diligently to address these issues, as shown in Attachment 4 Design Review Comment Log and only a few design issues remain. Staff is requesting feedback from the Commission on the architectural and design related issues discussed below:

-Building Scale and Massing: The FBC says for this zone (T5-VN) “Buildings wider than 150' must be designed to read as a series of buildings no wider than 100' each”. The total length of this project’s façade along the Loop Road is 470’, which would require the building’s appearance to read as a series of five buildings. The North Elevation on Sheet A-17 gives an appearance of four separate buildings, and two of the “building facades” are longer than the allowed 100’. We have suggested the Applicant add another siding material and/or color to break it up further in the building element to the right of the bridge connecting section. The Applicant claims that this requirement should not apply at buildings fronting private drives.

-Corner Element. The blue corner element at the corner of John Muir Parkway and the Loop Road is set out from the surrounding building walls, but may require more definition to create a focal point at that corner. The project could change the floor plans to increase the pop-out, or heighten the roof parapet (or provide a roof feature) to further enhance this key corner. Additionally, the corner building was modified from a Gold Rush style to a Victorian style but seems to lack many Victoria details that need to be added.

-Aboveground Utility Structures. Sheet C-300 now shows above ground utility structures. One in particular will be quite visible – a Fire Department Connection at the South corner of the building. This is a key façade of the building, and drivers on John Muir Parkway will have a view of this utility structure as they drive west towards the bay.

-EVA Access Road: A street section has been provided at the Emergency Vehicle Access drive around the Northeast and Southeast sides of the building. This shows landscaping on the building side of the EVA only. Landscaping may be useful on the other side of the EVA to screen the fencing between the project and the uphill business park or consider leaving the existing Redwood trees in place in Linus Pauling when the street get removed.

-Driveway Sight Distance: This is not in the Comment Log but came up recently. For both vehicle drives out of the garages, applicant should provide a solution to ensure that cars pulling out of vehicle entries will see pedestrians and minimize potential accidents. This could include mirrors, alerts or window openings at corners of the driveway. Additionally, a traffic engineer should sign off that appropriate queuing and distance are provided at the garage entry area.

**#5: Visitor Parking:** As previously noted, the amount of parking proposed significantly exceeds what the Master Plan requires. A total of 312 structured parking spaces are proposed. In comparison, the code, as discussed above, only requires 120 spaces with the all residential use. As a result the proposed residential parking exceeds the required parking by 192 spaces, which is well more than double the amount required. The amount of on street parking is limited due in part to the proposed removal of streets, with approximately 12 on street spaces available within close proximity of the site.

Of particular concern for the City, as it was for Block ‘N’, is how visitor parking will be handled. Until a parking district is formed to better define how public and private parking will be managed, staff recommends following the outline from Block “N” which required 20% of the required parking should be provided for visitors, equating to 24 stalls. How the parking is designated within the structures is also following suit with Block “N” and the Code as described above. How replacement parking lost by the elimination of the two public streets has not been fully vetted.

**#6: Potential for Inclusion of Commercial Use:** The ground floor spaces facing John Muir Parkway are proposed as amenity space for residents. The space is appropriate for future “morphology/evolution of the Waterfront District to commercial retail use, which could be realized in the future if the market for such retail increases when/if the market allows. Entries have been planned every 50’ as required by the T5-MST district so that conversion is possible. It appears that the parking proposed is adequate to meet the code should all amenity space convert over. However, at this time there is only residential units and residential amenities being provided with the project. It may be appropriate to require the applicant to include in the leases that address a potential possibility of eliminating amenity spaces, so residents in the future are not surprised in the event any is ever converted. Staff is requesting feedback from the Commission on this issue of the potential for future commercial space on the John Muir frontage of Block “Q”.

## **7. REQUIRED DESIGN REVIEW FINDINGS CONTEXT**

An overview of the required findings is presented in this section of the staff report to give the Commission a preview of the findings process. In addition, staff has highlighted the correlation between the necessary findings and the preceding specific issues on which staff is requesting Planning Commission guidance.

The Design Review section of the Zoning Code lists a total of five (5) required findings that the decision-making body must make to approve a Design Review application (Section 42.500). The following descriptions of these findings are presented for the Commission’s information. More detailed recommended findings will be provided for the March 27, 2018 Planning Commission meeting based on input received at the February 20, 2018 meeting.

### **Finding #1: Consistency with Applicable Zoning, General Plan, and any Specific Plans**

Required Finding: *“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.”*

Initial Discussion to become part of future supporting Facts: The zoning for this project includes Sub-District Amendments for the Hercules Waterfront District Master Plan for the Transit Village Sub-District within Bayfront Blocks “Q & R” in the T5-MST Main Street Transition and the T5-VN Village Neighborhood districts. Adoption of the WDMP included updating of the General Plan designation of Planned Commercial Residential (PC-R) and to achieve conformity at 40 units to the gross acre for the entirety of the Bayfront area.

While the project generally appears to meet the provisions of the FBC including land uses, height, building placement and setbacks, frontage types, and required parking, there are a number of items concerning consistency on which staff is requesting feedback from the Planning Commission as noted in the above section of this staff report titled “Issues for Planning Commission Consideration.”

### **Finding #2: Public Health, Safety and General Welfare.**

Required Finding: *“The approval of design review plan is in the best interests of the public health, safety, and general welfare.”*

Initial Discussion to become part of future supporting Facts: The project has been reviewed by the Planning, Public Works, Engineering, Police, and Fire Departments. At a level of consideration appropriate for design review, the project appears to satisfy concerns for public safety, with the extension of the 3’6” fence along the North Channel and traffic study confirming adequate queuing distances into the parking garage so that traffic does not backup on John Muir Parkway. Ongoing review and approval of public safety issues will be required prior to building permit approval to address the issues identified by the Fire District’s review memo, shown as Attachment 6.

The Bayfront EIR includes a set of mitigation measures that apply to projects proposed in the entire District. Mitigation measures that relate to site and building design are being reviewed as to their applicability to this particular phase of the project and would become part of the conditions of approval will be required to be met prior to building permit approval and/or during construction.

### **Finding #3: Site characteristics provide desirable development environment.**

Required Finding: *“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.”*



Initial Discussion to become part of future supporting Facts: 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. Although the podium open spaces in the building will not be accessible to the public, the neighboring streets of John Muir Parkway and the Loop Road will have attractive landscaping and hopefully some furnishings. The Emergency Vehicle Access (EVA) road around the rear and southeast side of the building will be open to the public for walking and jogging, and provide landscaping directly adjacent to the building. In addition, the bulk of parking will be underground so that the building edge will not be dominated by pedestrian unfriendly parking areas.

With the potential exception of the items discussed in the “Issues for Planning Commission Consideration” section, the site development, including layout, open space and topography, orientation and location of buildings, circulation and parking, setbacks, height, walls, fences and other elements have been designed to provide a desirable environment. In particular, the two plazas proposed internal to the building provide a desirable amenity for the residents to use, helping to create a desirable location in which to live.

Topographical changes between the future proposed cul-de-sac Linus

#### **Finding #4 – Architecture compatibility.**

Required Finding: *“General architectural considerations, including the character, scale, and quality of the design, the architectural relationship with the site and other buildings, building materials colors, 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.”*

Initial Discussion to become part of future supporting Facts: The closest existing nearby buildings are homes being constructed as part of the Muir Pointe residential subdivision project just southeast of the site, across the North Channel drainage basin. In addition, a part of the previously approved Block N project will face the project across John Muir Parkway when it is built. Currently, the closest inhabited homes are across Refugio Creek to the southwest. The distance is approximately 400’ to the closest residence on that side. The project façade that is visible from these houses faces onto John Muir Parkway with three stories of residential space over one tall floor of amenity space. The architecture facing John Muir Parkway is proposed to comply with two of the styles allowed for this site, Victorian and Gold Rush. The use of traditional architecture means the project will be relatively compatible with the nearby existing residences that are also designed in a traditional style.

With the potential exception of the items discussed above in the “Issues for Planning Commission Consideration” section, the architectural elements of the project, including character, scale, quality of design, relationship to the site and other buildings, colors, lighting and signage, are generally compatible with its design concept and the character of adjacent buildings with a few adjustments needed as discussed above.

## **Finding #5 – Landscape.**

Required Finding: *“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 insure visual relief, to complement buildings and structures, and to provide an attractive environment for the enjoyment of the public.”*

Initial Discussion to become part of future supporting Facts: The landscape for this project is in three categories: the landscaping along street frontages; the landscape at the rear of the building and along the southeast edge, and the landscape in the two podium courtyards. Street trees are proposed along the street perimeter, to be similar to streets at neighboring projects. A more natural “grove” landscaping, with California native plants and other drought tolerant plants, is proposed along the rear and southwest edges. The podium courtyards are urban spaces with a variety of landscaping in planters and are designed for attractiveness and use by residents. All of the proposed landscaping proposed looks to be well designed and thought out. The project meets the requirement of the underlying Planned Commercial Residential (PC-R) Zoning that requires a minimum of 10% landscaping of the site, which works out to 9,583 square feet. The two plazas alone count for a total of 21,200 square feet of landscape area which is well in excess of the minimum amount, not even counting the perimeter landscape area that doubles as an EVA.

With the potential exception of the items discussed in the above “Issues for Planning Commission Consideration” section, the landscape elements of the project, including location, type, size, color, texture and coverage of plant materials, including within the two expansive plaza areas, insure visual relief, complement the architecture and provide an attractive environment.

## **8. ATTACHMENTS**

Attachment 1: Project Renderings

Attachment 2: Project Architectural-Civil Plans

Attachment 3: Project Landscape Plans

Attachment 4: Design Review Comment Log (updated 2-16-2018)

Attachment 5: Placeworks Design Review and Conformity Analysis initial memo of 1/11/2018

Attachment 6: Fire District Comment Letter of 2-14-2018