

**EXHIBIT D OF
PC RESOLUTION 18-05**

**FINDINGS WITH FACTS
PROJECT DESIGN REVIEW PERMIT #DRP 17-06
(HERCULES PARCELS Q&R APARTMENTS)**

Section 42.500 of the Zoning Ordinance requires the following findings with facts be made by the Planning Commission in order to approve a design review permit:

FINDING NO. 1: The proposed plan complies with all provisions of Chapter 42 (“Design Review”) and other pertinent provisions of the Hercules Zoning Ordinance and applicable zoning and land use regulations, including but not limited to the Hercules General Plan as amended and any specific plan so long as the Site Specific Design Review Provision and Conditions of Approval are carried out.

FACT 1.1: The General Plan and Zoning District for this project is Planned Commercial Residential (PC-R), which allows for 40 residential units to the acre. The larger Bayfront project area entitlements average 40 residential units to the acre, so this project conforms to the required density.

FACT 1.2: The proposed project is also located within the adopted Hercules Waterfront District Master Plan (HWDMP) area within the Transit Village Sub-Area (Blocks Q and R), and is designated in the Regulating Code as being within the T5-MST Main Street Transition and the T5-VN Village Neighborhood districts. The project designs were reviewed for conformity with the allowed Building Form Standards (which includes height, building placement, building form, encroachments, frontage types, and required parking standards), Architectural Standards (which includes allowed styles, massing, façade composition, roof form, windows, doors, storefronts, and elements), Street and Circulation Standards and well as Land Use allowances through the Composite Use Table. Plan set pages A-01 and A-03 contain the bulk of the comparative analysis as to what is required and what is being proposed, and the plans demonstrate that the project conforms to and is consistent with the form-based code once the conditions are incorporated.

FINDING NO. 2: The approval of the design review plan is in the best interests of the public health, safety, and general welfare.

FACT 2.1: 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,

unless as otherwise noted in this staff report. Ongoing review and approval of public safety issues will be required prior to building permit approval.

- FACT 2.2: The Project Site will be served by adequate infrastructure and utilities including fire protection, sewer, water, and drainage. The site is designed with pedestrian-oriented amenities and adequate parking. Approval of this plan is in the best interest of the public health, safety and general welfare and consistent with the development concepts for CG zone, the Central Hercules Plan, and surrounding properties.
- FACT 2.3: The Bayfront EIR includes a set of mitigation measures that apply to projects proposed within the larger Bayfront project area. Those mitigation measures applicable to this specific portion of the overall project are asterisked in Exhibit A to the Planning Commission Resolution 18-05. Additionally, the conditions of approval applied to the approved project design drawings contained in Exhibit B to the Planning Commission Resolution 18-05 will ensure that the project design and construction is in the best interest of the public health, safety and general welfare.
- FINDING NO. 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.
- FACT 3.1: The proposed site plan has taken into consideration both pedestrian and vehicular access to the site as well as on site circulation most suitable for a neighborhood of apartments at this location. Building and parking orientation has been laid out in consideration of public safety, efficiency and avoidance of potential circulation conflicts adjacent and within the project site.
- FACT 3.2: The project will be a part of a future Waterfront Parking District to ensure that the site together with the future neighborhoods and the future Intermodal Transit Center will efficiently utilize parking. Interim parking measures were put into place through conditions to allow some initial parking principals to be implemented as outlined in the HWDMP.
- FACT 3.3: 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. It allows for public pedestrian circulation around all four sides of the project, while providing an interesting and varied street edge along John Muir Parkway and the new Loop Road. In addition, the bulk of parking will be underground so that the building edge will not be dominated by pedestrian unfriendly parking areas.

- FINDING NO. 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 ensure the compatibility of this development with its design concept and the character of adjacent buildings.
- FACT 4: The closest existing nearby buildings are homes across Refugio Creek to the south, although new homes are being built in the Muir Pointe project to the immediate east side, and Block N to the southwest will start construction soon. The project places a four-story façade facing the John Muir Parkway and existing neighbors to the south, with the building stepping uphill along the Loop Road. The apartment building will create a consistent street frontage with Block N along John Muir Parkway and breaks the building mass into smaller distinct volumes. Each section has a separate style with a clear relationship to the street edge. To the north, office and research buildings, including Pacific Bio Labs, occupy the business park served by Linus Pauling Drive. The building façade viewed from these neighbors to the north is lower than other sides, as the parking is mostly underground at this point.
- FINDING NO. 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.
- FACT 5.1: The landscape plans for this project are made up of three main parts: streetscape along John Muir Parkway and the Loop Road; a publicly-accessible landscaped Emergency Vehicle Access corridor around the north and east sides; and two interior courtyards raised up on top of the parking podiums, accessible only to residents but visible from public streets. There is a variety of landscape areas and transitions between public spaces and interior courtyards from all sides, providing a desirable environment for the development. The landscape plans with the conditions of approval require planting sizes be appropriate after 5-year growth with adequate irrigation and maintenance required.