



Planning Department

TO: Chairperson and Members of the Planning Commission

FROM: Holly Smyth, AICP, Planning Director
Victor Carniglia, Municipal Resources Group

DATE: May 7, 2018 Planning Commission Meeting

SUBJECT: Design Review Permit #DRP 17-06 by Hercules Development Partners, LP/Ledcor Corporation, to construct a 232 Unit, 4-Story Apartment Building on Blocks Q & R in the Waterfront District Master Plan

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

LOCATION: The project is located on APN #404-730-005-0, which is bounded on the West by John Muir Parkway and on the South by the North Channel (near Tioga Loop) south of Bayfront Boulevard (also referred to as Blocks "Q&R" or Parcels 29 & 30 in the Vesting Tentative Map)

1. RECOMMENDATION:

Open the Public Hearing, continued from April 16, 2018, and upon conclusion consider adopting Resolution #18-05 approving Design Review Permit 17-06 (#DRP 17-06) including all CEQA findings and Design Review Permit findings, subject to the conditions of approval contained therein.

2. PROJECT DISCUSSION:

This Project involves a request for Design Review approval for blocks "Q" and "R" of the Bayfront Waterfront Area and consists of a single large four story building with 232 apartment units, ground floor and upper level lobbies, two internal outdoor plazas, and 12,000 square feet of residential amenities. A total of 311 off street parking spaces are proposed in two separate parking structures, one with 215 spaces and a smaller structure with 96 spaces. The 232 apartment units are located on a podium above the two parking structures. The project site consists of 2.20 acres, and is located within the larger Bayfront Project Area, within the Hercules Waterfront Master Plan District and the Transit Village Planning Subarea.

This project was previously discussed by the Commission at the April 16, 2018 and March 19, 2018 Planning Commission meetings, with a cancelled meeting on February 20, 2018. Copies of those earlier staff reports as well as the videos from each of the meetings that were held can be found on the City's website under the 2/20/2018, 3/19/2018, and 4/16/2018 Agendas at <https://hercules.legistar.com/Calendar.aspx> .

At the April 17, 2018 Commission meeting the applicant presented a few minor revisions to various design drawings and provided additional drawings as directed by the prior Planning Commission input from their March meeting as well as from staff so that some of the drafted conditions of approval could be modified. It appeared that most of the drawing related items were satisfied to a majority of the Planning Commission at the meeting. However, nine of the pages have been slightly modified by the developer to reflect slightly modified information. The new page A-01 reflects updated sheet index information pages that were not previously reflected and the title was modified to reflect the revisions are through 4/30/2018 for Planning Commission May 7, 2018 meeting. Page A-02.1 reflects the preferred View B at the corner of John Muir Parkway and Loop Road. Pages A-06 and A-07 reflect parking numbers slightly shifting spaces between Structure A and Structure B and decreasing the overall number from 312 to 311 spaces within the structures and making sure the footer title labeling references "Structure A" and "Structure B" which it did not previously. Pages A-16.1 and A-16.2 soffit details and C-201 were incorporated into the overall set but previously provided. The two pages L0.00 modified the footer title labeling stated "Interium Potential Layout" and Ultimate Potential Layout" as the landscape around the terminus of Linus Pauling may be done over time.

Following the discussion of architectural issues at the April 17, 2018 meeting, the applicant presented specific concerns they had with a number of the proposed conditions of approval contained in the resolution attached to the April 16, 2018 staff report. After some discussion it became apparent that it would not be possible to resolve the issues being raised at the Commission meeting. As a result the Planning Commission left the public hearing open and continued the item to the Planning Commission meeting of May 7, 2018. The applicant Leducor was amenable to this continuance.

Since the April 17, 2018 Planning Commission meeting, senior City staff and the applicant's representatives have been meeting to prepare mutually agreeable wording that addresses the outstanding issues raised at that meeting. The outstanding issues primarily revolved around parking related issues, sewer connection fees, affordable housing, community facility district financing. A Revised Resolution #18-05 has been prepared and is contained in Attachment 1 to address all those issues that were previously unresolved by the applicant and the City for the Planning Commission's considered adoption. Additionally, a complete set of the drawings is attached to the resolution containing all drawings previously discussed at Planning Commission with a few revisions to reflect correct information as discussed above.

3. ENVIRONMENTAL DETERMINATION

As discussed previously with the Planning Commission, in 2011, a Final Environmental Impact Report for the Hercules Bayfront Project was certified concurrently with approval of the larger Bayfront project (“2011 Certified EIR”). The proposed project is consistent with, and part of the program of development contemplated by, the approved Bayfront project.

Pursuant to section 21166 of the California Environmental Quality Act (Pub. Res. Code §§21000 et seq.) and section 15162 of the CEQA Guidelines (Cal. Code Reg. §§15000 et seq.), when an EIR has been certified for a project, no subsequent EIR shall be prepared unless the lead agency determines that certain conditions are met. Pursuant to CEQA Guidelines section 15164, an addendum to a previously-prepared EIR shall be prepared if none of the conditions in section 15162 are met but minor changes to the EIR are necessary.

As previously discussed with the Planning Commission and detailed in Exhibit C to the proposed Revised Resolution #18-05, the proposed project does not trigger any of the conditions in section 15162, nor does it require an addendum pursuant to section 15164. While the proposed project incrementally contributes to impacts previously identified in the 2011 Certified EIR, it does not require changes to that EIR. Additionally, there have not been changes in any circumstances that would require changes to the EIR nor is new information of substantial importance now available that demonstrates that the proposed project will have new significant impacts, increase the severity of impacts previously identified, or otherwise cause environmental effects not previously examined. And since the proposed project does not involve any new or significant impacts, no additional mitigation measures are necessary. Finally, in its review and analysis of the proposed project, the City did not identify any additional mitigation measures that would substantially lessen any significant and unavoidable impacts previously identified in the 2011 Certified EIR. Therefore, no changes to the 2011 Certified EIR are required. Pursuant to CEQA Guidelines sections 15162 and 15164, no further CEQA documentation is necessary.

The proposed project will implement all applicable mitigation measures from the Mitigation Monitoring and Reporting Program (“MMRP”) adopted with the 2011 Certified EIR. The applicable mitigation measures are identified in Exhibit A to the attached Resolution, as well as in Condition #37 of the Resolution. A copy of the full draft and Final EIR MMRP can be viewed at the following link <http://www.ci.hercules.ca.us/index.aspx?page=640>.

4. ACTIONS BEFORE PLANNING COMMISSION

Under the approved Bayfront Master Plan, each phase of the project requires Design Review approval subject to the discretion of the Planning Commission. 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 before the April 16, 2018 Commission meeting and

was continued at that meeting to the May 7, 2018 meeting. The previously certified 2011 EIR is intended to be used as the basis for the environmental review of subsequent Design Review projects within the Bayfront Area.

5. 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 the 2012 Bayfront Project approval, including the related Development Agreements. These consistency and compliance issues were provided in the March 19, 2018 Planning Commission staff report for this project and are part of the draft resolution in Exhibit D Findings with Facts.

6. ATTACHMENTS

Attachment 1: Resolution of Approval with Conditions

Exhibit A Additional Conditions of Approval from the Overall Bayfront Project
Implementing Development Agreement Exhibit L (Mitigation Measures applicable to
Blocks Q and R are asterisked)

Exhibit B.1, B.2, B.3, B.4: Development Review Resubmittal #3 Plans – With Revisions
Through 4/30/2018 for Planning Commission 5/7/2018 Meeting

Exhibit C: CEQA Findings Concerning the Approval of the Hercules Parcels Q&R Project

Exhibit D: Design Review Permit #DRP 18-01 Findings with Facts

Attachment 2: Hyperlink to 4/16/2018 Planning Commission Agenda with staff reports and all attachments