

## **RESOLUTION #18-13**

**A Resolution of the Planning Commission Approving Design Review Permit #DRP 18-05 for the Master Sign Program for The Exchange at Bayfront (previously the “Hercules Bayfront Creekside Apartment Project” or “Block N”), located at the South Corner of the Intersection of John Muir Parkway and Bayfront Boulevard (Assessor Parcel Number 404-730-004-3), Subject to Conditions of Approval Contained Herein.**

**WHEREAS**, the City in 2000 adopted the Waterfront District Master Plan (WDMP), and in 2008 adopted the “Waterfront Now Initiative” (Initiative Ordinance No. 440), which revised and amended the WDMP for the Bayfront portion of the Waterfront District; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), the City Council on December 13, 2011, certified the Hercules Bayfront Draft and Final Environmental Impact Report (EIR) documents (State Clearinghouse #2009112058) for the Bayfront Project, including Block N of the Waterfront; and

**WHEREAS**, on May 1, 2017, at a duly held public hearing, the Planning Commission adopted Resolution No. 17-02 approving Design Review Permit #17-01 for the “Hercules Bayfront Creekside Apartments” (located on Block N of the Bayfront portion of the Waterfront District Master Plan), consisting of 172 residential units in three buildings with approximately 16,400 square feet of amenities and approximately 6,673 square feet of commercial space, ranging 3–4 stories in height, and including 205 below-grade and 20 at-grade parking spaces; and

**WHEREAS**, on July 11, 2018, the City’s Planning Director approved Minor Modification #18-01 for Block N–The Exchange, converting 7,837 square feet of previously identified amenity space to retail space for a total of 13,979 square feet, adding 6,892 square feet of new residential space (while retaining the same total number of residential units—172), and modifying other interior features; and

**WHEREAS**, Design Review Permit No. 17-01 for the Block N project approvals included a set of Conditions of Approval (COAs), including COA #5, requiring that the project applicant submit and receive City approval of a Master Sign Program (MSP) prior to ordering or constructing permanent signage; and

**WHEREAS**, the project applicant, Ledcor Properties, Inc., submitted to the City on June 28, 2018, an application for a Master Sign Program (Design Review Permit #DRP 18-05) for the previously approved Block N project at the south corner of John Muir Parkway and Bayfront Boulevard (Assessor Parcel Number 404-730-004-3); and

**WHEREAS**, City staff have deemed the application for Design Review Permit #DRP 18-05 and Master Sign Program as complete; and

**WHEREAS**, Chapter 42 of the Zoning Ordinance, “Design Review,” defines the purpose of and types of projects—including any exterior construction of on-site signage—subject to review and approval by the Planning Commission, based on findings of fact; and

**WHEREAS**, on July 2, 2018, the City mailed project hearing notices to all property owners within 300 feet of the project site and published a public hearing notice on July 6, 2018, in compliance with Section 40.700 of the Zoning Ordinance; and

**WHEREAS**, on July 16, 2018, the Planning Commission held a duly noticed public hearing to consider Design Review Permit #DRP 18-05 and did hear and use its independent judgment to consider all said reports, recommendations, and various verbal and written testimony provided at or prior to the July 16, 2018, public hearing; and

**WHEREAS**, 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 at or visit this development in particular.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Hercules, after due study of the proposed Master Sign Program (including drawings, elevations, and written sign guidelines), conditions of approval, and staff report with its findings of fact, and deliberation and public hearing, makes the following findings regarding approval of #DRP 18-05 so long as the conditions of approval listed further below are complied with in accordance with the approved attached drawings in Exhibit A:

- The approval of the design review plan complies with all pertinent provisions of the Zoning Ordinance, including provisions of Chapter 42, "Design Review," and applicable zoning and land use regulations, including but not limited to the Hercules General Plan as amended and any specific plan.
- The approval of the design review plan is in the best interests of the public health, safety, and general welfare.
- General site considerations have been designed to provide a desirable environment for the development.
- 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.
- General landscape considerations have been considered to insure visual relief, to complement buildings and structures, and to provide an attractive environment for the enjoyment of the public.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Hercules determines that DRP #18-05 is within the scope of the development programs evaluated in the Environmental Impact Report (EIR) for the Hercules Bayfront Project, no new significant environmental effects could occur as a result of the proposed project, no new mitigation measures are required for the proposed project, and the proposed project does not require further environmental review under CEQA; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Hercules, hereby approves Design Review Permit #DRP 18-05 with the following conditions of approval:

1. Approval of DRP #18-05 shall conform to the Master Sign Program (Exhibit A hereto).
2. All conditions of approval for the project's prior approvals, including but not limited to Design Review Permit #17-02, continue to be in affect and shall be met.
3. The applicant shall obtain all required planning and building permits prior to construction of on-site signage. The commencement of construction or operations shall constitute acceptance of all of the conditions and obligations imposed by the City for this project. The applicant/grantee by said acceptance waives any challenge as to the validity of these conditions.
4. All persons installing signage shall obtain a Business License from the Finance Department of the City of Hercules.
5. The Master Sign Program shall be attached to the lease agreements for all leasable space within the project.
6. The applicant agrees as a condition of approval of this permit to hold harmless and to defend, at the sole expense of applicant, any action brought against the City based upon approval or use of these permits. The applicant shall indemnify and reimburse the City for any judgement for damages, court costs, and attorneys' fees that the City may be required to pay as a result of any such action. The City, at its sole discretion, may participate, which shall not relieve the permittee of its obligations under this condition.

**PASSED AND ADOPTED** by the Planning Commission of the City of Hercules on this sixteenth day of July 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Dion Bailey, Chairperson

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Holly Smyth, AICP, Planning Director & Secretary

- Exhibit A: The Exchange Master Sign Program

**Attach Exhibit A**

**Master Sign Program for The Exchange at Bayfront  
Design Review Permit #DRP 18-05**