

## **RESOLUTION #18-12**

### **A Resolution of the Planning Commission Approving Design Review Permit #DRP 18-04 for the Master Sign Program for ORB Partnership for Hercules Retail Center located at the South corner of San Pablo and Sycamore Avenues Subject to Conditions of Approval Contained Herein**

**WHEREAS**, the project applicant, ORB Partnership, submitted to the City on June 27, 2018, an application for a Design Review Permit requesting the current Master Sign Program be expanded to allow additional signs to be installed in an existing commercial shopping center, the Hercules Retail Center, allowing additional signs as stated in their proposed revised Master Sign Program for the Hercules Retail Center at the southwest corner of Sycamore Avenue and San Pablo Avenue (Assessor Parcel Number 404-040-152-7); and

**WHEREAS**, tenant signage for Sharetea is included in the submittal to process once the new Master Sign Program is accepted by the City; and

**WHEREAS**, on June 16, 2018, at a duly held public hearing, the Planning Commission considered the staff report, reviewed the proposed Hercules Retail Center Master Signage Program, and considered testimony; and

**WHEREAS**, the Planning staff determined that the proposed additional signage allowances in the proposed Master Sign Program are Categorically Exempt under Section 15301, “Existing Facilities” “Additions to existing structures provided that the addition will not result in an increase of more than (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less”, and (g) “New copy of existing on and off-premise signs.” 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 18-04 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 written sign guidelines, drawings, and photos), conditions of approval, and staff report with its findings of fact, deliberation and public hearing, makes the following findings regarding approval of #DRP 18-04 so long as the conditions of approval listed further below are complied with in accordance with the approved attached Master Sign Program 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 #18-04 falls within Article 19, Categorical Exemptions contained in the California Environmental Quality Act (CEQA) Section 15301, “Existing Facilities”, (e) “Additions to existing structures provided that the addition will not result in an increase of more than (1) 50% of the floor area of the structures before the addition, or 2,500 square feet, whichever is less, and therefore the proposed new Master Sign Program 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 18-04 new Master Sign Program requested by ORB Partnership with the following conditions of approval to be in place in perpetuity unless further modify by future action of the City:

1. Approval of DRP #18-04 shall conform to the Master Sign Program (Exhibit A hereto).
2. The applicant shall obtain all required planning and building permits prior to construction of on-site individual tenant signage (with no approvals needed for replacing copy within the existing pylon and monument sign structures). 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.

3. All persons installing signage shall obtain a Business License from the Finance Department of the City of Hercules.
4. The Master Sign Program shall be attached to the lease agreements for all leasable space within the project.
5. 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.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Hercules, hereby approves tenant signage for Sharetea once the proposed Master Sign Program is accepted by the City; and

**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: Master Sign Program for Hercules Retail Center with attachments  
Exhibit B: Sharetea Signage