

## **RESOLUTION #18-17**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT #CUP 18-01 AND DESIGN REVIEW PERMIT #DRP 18-02 FOR THE WILLOW AVENUE COMMERCIAL PROJECT LOCATED ON APN#'S 406-522-001 AND 406-522-004**

**WHEREAS**, on March 28, 2018 the applicant, Hercules Self Storage submitted the Use permit and Design Review applications to the City, to develop a mini-storage (aka self storage) facility along with an auto oriented commercial center on a 7.1 acre site located at the southeast corner of Willow and Palm Avenues, and,

**WHEREAS**, on March 28, 2018 applications were also concurrently submitted for a Zoning Text Amendment to add self storage to the list of uses that could be considered in the General Commercial (CG) Zone with a Use Permit. In addition, an application for a Development Agreement between the applicant and the City was also submitted; and

**WHEREAS**, an Initial Study (IS) was prepared which determined that CEQA required that a Mitigated Negative Declaration (MND) be prepared for the project. The MND was subsequently completed, and properly published for a 20 day public review from June 22, 2018 to July 12, 2018, and

**WHEREAS**, comments received on the MND were subsequently responded to in the Final MND, which was considered by the Planning Commission, who on August 6, 2018 recommended to the City Council approval of the IS/MND and corresponding Mitigation Monitoring and Reporting Program (MMRP), and

**WHEREAS**, the Planning Commission held an initial public hearing to consider the proposed project on July 16, 2018, and after considering input from City staff, the Applicant, and the public, the Planning Commission provided direction to the Applicant on design and other aspects of the Project, and continued consideration of the Project and the public hearing to the August 6, 2018 Planning Commission meeting; and

**WHEREAS**, the Applicant, in response to the direction provided by the Planning Commission at the July 16, 2018 hearing submitted revised drawings and additional information to the City for consideration at the August 6, 2018 Planning Commission meeting, and

**WHEREAS**, at the August 6, 2018 Planning Commission meeting, the Commission reviewed the revised drawings and evaluated their conformance to the various City codes, and considered the IS/MND and MMRP and the required findings of the Conditional Use Permit and Design Review process; and

**WHEREAS**, the Planning Commission has received oral and written comments from the general public, property owners, and interested parties, and has thoroughly

considered all above referenced reports, recommendations, and testimony, and used its independent judgment before making a decision or taking any action on the Project.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY OF HERCULES PLANNING COMMISSION FINDS THAT THE FORGOING RECITALS ARE TRUE AND CORRECT AND MADE A PART OF THIS RESOLUTION BY THIS REFERENCE AND THAT:**

After due study, deliberation, and public hearings, the Planning Commission makes specific findings and determinations below which are supported by facts and findings stated in the Planning Commission staff reports for the July 16, 2018 and August 6, 2018 regular meetings of the Planning Commission that the Commission Finds that Conditional Use Permit related provisions are being met in that:

- (a) That the proposed use is consistent with the General Plan.
- (b) That the proposed location of the use conforms with the purposes of the zoning ordinance and the purposes of the district in which the site is located, and will comply with the applicable pro That the location, size, design and operating characteristics of the proposed use will be compatible in design, scale, coverage and density with existing and anticipated adjacent uses.
- (c) That the location, size, design and operating characteristics of the proposed use will be compatible in design, scale, coverage and density with existing and anticipated adjacent uses.
- (d) There is adequate access, traffic, public utility, and public service capacity for the proposed use and surrounding existing and anticipated uses.
- (e) There are no potential, significant adverse environmental impacts that could not be feasibly mitigated and monitored.

And that Design Review Permit related provisions are being met in that:

- (a) The approval of the design review plan is in compliance with all provisions of this Chapter, pertinent provisions of Zoning Ordinance and applicable zoning and land use regulations, including but not limited to the Hercules General Plan as amended and any specific plan.
- (b) The approval of the design review plan is in the best interests of the public health, safety, and general welfare.
- (c) 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.
- (d) 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 insure the compatibility of this development with its design concept and the character of adjacent buildings.
- (e) 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.

**BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION ALSO FINDS AS FOLLOWS:**

The proposal would not be detrimental to the health, safety, welfare, and public interest of the City so long as the applicant adheres to the below Conditions of Approval, Mitigation Monitoring and Reporting Program and drawings contained herein as Exhibit A.

The proposal is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance so long as the applicant adheres to all the Conditions of Approval.

The Planning Commission finds, and the applicant agrees with the necessity of, all elements, requirements, and below conditions for the Willow Avenue Commercial Project are a reasonable and appropriate manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work or visit this development based on the Design Review and Use Permit related Facts and Findings as documented in the July 16, 2018 and August 6, 2018 Planning Commission staff reports.

General underground utility considerations, including the location, type, and size are not included in this approval. Review of exact locations, type, and size will be performed by Engineering as part of the final project design.

**BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION HEREBY RECOMMENDS TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT #CUP 18-01) AND DESIGN REVIEW PERMIT #DRP 18-02- FOR THE WILLOW AVENUE COMMERCIAL PROJECT, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:**

Legend:

PW=Public Works primarily responsible for implementing  
PL= Planning primarily responsible for implementing  
BD= Building primarily responsible for implementing  
CA= City Attorney primarily responsible for implementing  
FD= Fire Department primarily responsible for implementing  
MND=Mitigation from Mitigated Negative Declaration

**PROJECT SPECIFIC CONDITIONS**

- 1) **Transportation/Road Improvements:** Applicant/Developer shall implement the following transportation related improvements prior to project occupancy, including any needed frontage improvements to Willow Avenue and Palm Avenue as required by the City Engineer:

- a) Applicant/Developer shall restripe and widen Willow Avenue on the southside of the street adjacent to the project site to provide a second westbound lane on Willow approaching Palm (within 200 feet including the transition from one to two westbound lanes) to provide separate left-turn and through lanes in westbound direction, as well as improvements to the Willow/Palm Intersection to ensure all lanes of travel line up correctly, to the satisfaction of the City Engineer. These improvements to Willow Avenue and the Willow/Palm Intersection will be eligible for fee credit under the City's Transportation Impact Fee, to the extent as determined by the City Engineer, or as otherwise negotiated. (PW) (MND).
  - b) Applicant/Developer shall improve the right turn on Palm Avenue onto Willow Avenue to accommodate fire truck design vehicle including curb and gutter to the satisfaction of the City Engineer. These improvements to the Willow/Palm Intersection will be eligible for fee credit under the City's Transportation Impact Fee, to the extent as determined by the City Engineer. (PW).
  - c) Prior to the issuance of construction permits, the applicant shall ensure there is adequate room for future Class II bike lanes in the ultimate widened configuration of Willow Avenue bordering the project site. (PW) (MND).
  - d) Applicant/Developer shall make an offer of dedication to the City for the right of way necessary to accommodate the possible future widening of Willow Avenue to accommodate two motor vehicle lanes per direction. The boundaries of the area involved in this offer of dedication shall be determined by the City Engineer
  - e) Applicant/Developer shall enter into an encroachment agreement or similar instrument for the private improvements constructed in the City's right-of-way.
  - f) Applicant/Developer shall repair any damaged sidewalk, curb and gutter, and construct and dedicate any improvements within the City's right of way, including concrete curb, gutter, sidewalk, and paving, drainage system, street lights, , and fire hydrants all to the satisfaction of the City Engineer. (PW)
  - g) All street striping improvements shall be completed using raised pavement markers or thermoplastic. (PW)
  - h) Applicant/Developer shall provide engineering drawings for review by City staff confirming the provision of adequate stopping sight distance at the project driveway, and adequate sight-distance for permissive left-turns relevant to the westbound left-turn into the project site. Following project completion, the Applicant/Developer shall ensure that adequate maintenance is provided such that vegetation growth will not impeded the necessary sight distance. (PW)
- 2) **Sanitary Sewer System:** Applicant/Developer shall design and construct a sanitary sewer disposal system to the satisfaction of the City Engineer. The system shall comply with City and/or Contra Costa County Department of Environmental Health standards. Applicant/Developer shall secure necessary approvals and easements from private property owners and/or government agencies as required to construct and maintain the system. Applicant/Developer shall demonstrate the viability of the system to the satisfaction of the City Engineer prior to the issuance of any construction permits for the Project. (PW)
  - 3) **Future Design Review Approval Required:** Future Design Review approval by the Planning Commission is required for the car wash, express lube, and auto services buildings, as such approval is not being granted as part of this application. The design and architecture of these three buildings shall be generally consistent with the conceptual design for these buildings as depicted in the drawings submitted for the August 6, 2018 Planning Commission meeting. Future Design Review applications for the car wash, express lube, and auto services buildings may be submitted individually for each building or simultaneously for more than one building (PL).

- 4) **Sign Program for Auto Services Buildings**: Concurrently with submitting the first Design Review application for a building in the automotive commercial portion of the project, the property owner must submit a complete application to the City for a sign program that addresses signage for the automotive center and for all three auto related buildings.(PL)
- 5) **Project Phasing**: If the project is phased, in the Applicant's/Developer's sole discretion, development of the property shall be phased in such a manner so that each phase of the project is fully functional and self contained, and meets all City requirements in relation to access, parking, utilities, grading, landscaping, and related provisions requirements, as determined by the Planning and Public Works Director (PL/PW).
- 6) **Access/Parking Easements**: Cross access, parking, maintenance, and utility easements shall be provided between the two existing tax parcels that comprise the project site to ensure that both parcels have adequate access, parking, and utilities, and are properly maintained. The documents/maps stipulating the terms and locations of these easements shall be subject to the review and approval of the Public Works Director. The legal documentation necessary to establish these easements shall be approved and operative prior to the first project occupancy (PW).
- 7) **Grading Adjacent to Willow Avenue Sidewalk**: The bottom ("toe") of all slopes being graded along the project's Willow Avenue frontage shall be set back a minimum of three (3) feet from the back of the existing public sidewalk on Willow Avenue. All such slopes adjacent to the Willow Avenue sidewalk shall not exceed a grade of 2 to 1. These slopes adjacent to the Willow Avenue sidewalk shall be landscaped and stabilized in such a manner so as to prevent soil and landscape material from eroding/washing onto the public sidewalk, and to provide adequate protection for the buildings located at the top of the slope. (PW).
- 8) **Encroachment Permit**: Prior to any grading or construction within the public right of way, the Developer/Property Owner shall secure from the City an encroachment permit and grading permit, the terms of which shall be subject to the approval of the Public Works Director. This encroachment permit shall address the landscaping and maintenance requirements as specified in Condition #9 of this resolution.
- 9) **Landscaping Within the Public Right of Way**: The Public Right of Way located between the back of the Willow Avenue sidewalk and the project site shall be fully landscaped, irrigated, and maintained by the Applicant/Property Owner to a level consistent with the proposed Project landscaping. This landscaping and maintenance requirement shall also include the public right of way located between the project site and the edge of pavement at the Willow/Palm Avenue intersection. Applicant / owner is required to participate in a Lighting Landscape and Maintenance District (LLAD).
- 10) **Landscaping of 1 to 1 slope adjacent to Wetlands**: Prior to issuance of Grading Permits, the Applicant/Property Owner shall provide landscape and engineering plans and other documentation, including a soils report specific to this area, addressing how this steep slope will be stabilized, landscaped, and maintained.
- 11) **Status of Existing Easement**: Prior to issuance of building permits the Applicant/Property owner shall provide the City with a Title Report and/or other documentation that addresses the current status of the easement that runs in an east west direction through the site in close proximity to the site's southern property line and resolve any potential conflicts to the satisfaction of the City Engineer and the City Attorney.

- 12) **Outdoor Storage:** No temporary or permanent outdoor storage of equipment, merchandise, vehicles, or other related material is permitted on the project site, with the exception of the rental vehicles associated with the self storage facility (PL).
- 13) **Vehicle Rental:** Vehicle rental associated with the self storage facility is allowed under this Use Permit. A maximum of 12 rental vehicles are permitted on the site at any one time. Location shall be agreed upon to avoid potential conflicts with fire access (PL).
- 14) **Hours of Operation:** The self storage facility shall be open for business no earlier than 6:00am and shall close no later than 12:00 midnight. The auto related uses (car wash, express lube, and auto service center) shall open for business no earlier than 6:00am and close no later than 10:00pm (PL).
- 15) **Retaining Walls Oriented Toward Public Streets:** Retaining walls located parallel to the project's Willow Avenue frontage shall be of a decorative design with any single retaining wall on the Willow frontage limited to a maximum height of five (5) feet, subject to the review and approval of the Planning Director (PL).
- 16) **Building Colors:** The exterior colors utilized for the self storage buildings shall match the project colors selected by the Planning Commission at its August 6, 2018 meeting attached to this resolution (PL).
- 17) **Approval Period:** The approvals referred herein are each valid for the Term as set forth in 1.2 of the Development Agreement. (PL)
- 18) **Mitigated Negative Declaration (MND):** The Applicant/Developer shall comply with the Mitigation Measures as set forth in the Final Initial Study/Mitigated Negative Declaration / Mitigation Monitoring and Reporting Program for the project, including without limitation the improvements to the Willow and Palm Avenue intersection discussed above in condition #1 of this resolution.

## **STANDARD CONDITIONS**

### **PLANNING RELATED STANDARD CONDITIONS (PL):**

- 19) **Compact and Accessible Parking:** On-site compact parking spaces (i.e., parking spaces smaller than the standard 20'x9' parking space) shall be limited to no more than 40% of total required project parking. Parking configuration and striping will be subject to project approvals and applicable city codes. Accessible and compact parking spaces shall be appropriately identified on the pavement. The developer shall provide a minimum of 1-foot wide step-out curb or provide additional stall width for a paint-striped buffer equivalent on landscape fingers and islands adjacent to parking stalls. Median islands shall be designed to ensure adequate isle widths and turning radius per the approved plans.
- 20) **Screening of Parking Spaces:** Parking adjacent to public streets shall be substantially screened from view from the public street with landscaping, hardscape, and/or grade separation, including use of berms, as approved by the Planning Director.
- 21) **Bicycle Parking** – City zoning code requires a minimum of bicycle parking of 5% of the total parking. The specific type and location of bike parking shall be subject to the review and

approval of the Planning Director, with the exact location and specific type of bicycle parking depicted on drawings included with the Building Permit submittal

- 22) **Electric Vehicle Charging Stations:** In accordance with California Building Code requirements, three (3) percent of the required parking spaces (or the appropriate percentage amended from time to time by the State) shall support vehicle charging stations, and the location of all proposed spaces shall be clearly identified on all plans subject to further review and approval by the Planning Director.
- 23) **Parking Lot Striping/Signing Plan:** A striping plan and any proposed directional and/or traffic control signage for the parking areas shall be submitted with the building construction plans to the Public Works Department for review and approval by the Public Works Director.
- 24) **Project Fencing:** The details and location of all proposed project fencing, including material samples if needed, shall be submitted for staff review and approval prior to the issuance of building permits. Any fencing visible from the public rights of way, including trails, shall be of a decorative material as determined by the Planning Director in general conformity with the fencing plan.
- 25) **Screening of Above Ground Utilities:** All above ground utilities visible from public rights of way shall be screened from view from the public right of way with landscaping, decorative materials, berming or other means as determined by the Planning Director.
- 26) **Phase 1 Environmental Assessment Studies:** Applicant/Developer shall supply the Director of Planning with a copy of the Applicant/Developer's Phase 1 environmental assessment studies. All remediation required by those studies shall be implemented to the satisfaction of the Director of Public Works prior to Improvement Plan approval.
- 27) **Pedestrian Access:** An accessible pedestrian route shall be provided between each primary building entrance and the public sidewalk, and between each primary building entrance and the disabled parking stalls designated to serve that building. The accessible route and all ramps shall comply with all current applicable ADA access requirements and City Standards.
- 28) **Site Lighting:** Prior to the issuance of a building permit, the Developer/Applicant shall obtain the approval of the City of a photometric lighting plan which demonstrates that all exterior areas of the site and project frontage will have a lighting level in accordance with California Code of Regulation and Title 24 (generally less than 0.01 foot-candle light spill at 15 feet beyond the property line). Lighting in landscaped areas throughout the project shall also be subject to reasonable review and approval by the City's Landscape Architect, Planning Department, and Public Works Department, in consideration of IES standards for lighting in public/community areas. The Applicant/Developer shall meet a performance standard of no increase in lighting spillover into adjacent "light-sensitive" areas (Central Hercules Plan) as reasonably approved by the Planning Director. At a minimum the plan shall include 0.50 foot-candle lighting at all doors, and lighting fixtures of exterior doors shall be of a vandal-resistant type.
- 29) **Landscape Standards:** A final landscape plan and irrigation plan with planting materials and planting plans shall be submitted to the Planning Director for review and approval concurrent to or prior to the submittal of a building permit application, to be substantially consistent with the City's Water Efficient Landscape Regulations, and provisions of Section 30.700.2 of the City Zoning Ordinance. The Landscape Plan shall use native plants, drought-resistant, or low-maintenance species of plants, trees, and shrubs to reduce the

demand for gas-powered landscape maintenance equipment and water. A tree replacement plan shall be incorporated as part of the landscape construction drawings showing the number, size, and type of trees being removed, if any are present. The final landscape plan shall indicate the type, location, and size of all plants, trees, shrubs, and groundcover materials being installed as part of the new Project. All trees shall be at least 15 gallon; all shrubs shall be at least 5 gallon, except that ornamental shrubs along pathways may be 1 gallon. Appropriate soil amendments shall be installed in all landscape areas to provide high survivability for the selected plantings as determined by the City. Landscaping and irrigation shall be incorporated with the site development permit plan set and installed per plans, as approved by the City, prior to issuance of a Certificate of Occupancy.

- 30) **Minor Modifications:** The project being built will substantially be in compliance, as determined by the Planning Director, with the latest submitted plans with any changes approved by the Planning Commission, unless otherwise amended by action of the City Council. Minor modifications to the project may be requested by the Applicant/Owner and approved administratively by the City as set forth in section 5.1 of the Development Agreement in conformity with Chapter 46 – Minor Modifications section of the Zoning Ordinance.
- 31) **Special Zoning Provision of Section 35.280 of the Zoning Ordinance:** The mini-storage facility shall follow all provisions of Section 35.280 – Mini-Storage Facilities section of the Hercules Zoning Code which includes some of the following standards:
- i) The site shall be completely enclosed with a solid masonry wall 6 feet high with a gated entrance.
  - ii) All structures shall be set back 25 feet from the street or highway right-of-way.
  - iii) One parking space per 10 storage units shall be provided or informal parking areas may be provided adjacent to the storage units as long as adequate circulation is maintained. All storage within the facility shall be within fully enclosed structures. No toxic or hazardous materials shall be stored within the facility. The facility shall not be used to conduct business other than storage operations.
  - iv) No storage facility shall be used for human or animal habitation. No storage facility shall be used to cultivate, grow or keep live plants.
  - v) Each storage facility shall provide a trash receptacle or dumpster within the site for the use of its renters. The trash receptacle shall be of adequate size and capacity to accommodate the trash that is generated.
- 32) **Performance Standards:** The project plans and implementing construction shall also meet the City's Planning related Performance Standards listed in Chapters 30 and 31 of the Zoning Ordinance.

#### **BUILDING RELATED STANDARD CONDITIONS (BD):**

- 33) **Addressing Requirement:** Prior to issuance of a building permit, the applicant shall obtain City and Fire District approval of a plan for addressing and identifying project buildings. Such a plan shall include directional signs and markings, as may be required by the City or the Fire District.
- 34) **Construction Drawings:** Construction drawings submitted for review and approval also shall include: a) Site grading, drainage, utility, and improvement plans; and b) Hydrology and hydraulic calculations for the site. Applicant/Developer shall provide to the Engineering Division, prior to the issuance of building permits, a 100-foot scale site plan in both paper and digital form (to NAD 83 standards) of the project as approved by the City Council for the purposes of updating the City base maps.



- a. An engineer's cost estimate for frontage and site improvements shall be submitted with the grading and building permit submittals.
- b. Prior to construction, Applicant/Developer and City shall procure a performance bond reasonably acceptable to the City to establish the party or parties responsible for the construction of and financial responsibility for off-site improvements associated with the project site and to establish the timing of various construction activities.
- c. Applicant/Developer shall submit a grading plan prepared by a registered civil engineer incorporating into the grading plan all applicable recommendations from soil engineering and engineering geology reports. Site grading shall comply with City standards. The site shall be graded so that runoff is not increased or concentrated to adjacent properties and so as not to impede runoff from adjacent properties. The grading plan shall be reviewed and approved by Public Works prior to issuance of the grading and site development permit. Building pad elevation and landscaping mounds shall be shown on the grading plan.
- d. All on site surface drainage shall be collected and conveyed in an adequately designed underground storm drainage system to an approved point of discharge in a manner approved by the City Engineer. Drainage design will be in conformance with the City standards.
- e. Adequate sanitary facilities shall be provided and maintained during construction.
- f. Applicant/Developer shall make arrangements with the Planning/Public Works to inspect and test, prior to connection, any existing sewer and or East Bay Municipal Utilities District water service laterals to be used, and shall make necessary repairs as determined by the Inspector.
- g. Curb cut widths and design shall substantially conform to the project approvals, City and Fire District standards.
- h. On-site and off-site utility service shall be installed underground in accordance with the City Code. Utilities shall be undergrounded to the nearest suitable riser pole as determined by the appropriate utility company. Applicant/Developer shall post a bond or other surety approved by the City guaranteeing the undergrounding.

35) **Health, Design and Safety Standards:** Prior to final approval allowing occupancy of any new building, the physical condition of the building shall meet minimum health, design, and safety standards including but not limited to the following:

- a. The streets providing access to the site shall be complete to allow for safe traffic movements to and from the site.
- b. All traffic striping and control signing on streets providing access to the site shall be in place.
- c. Exterior lighting shall be provided for building entrances and shall be of a design and placement so as not to cause glare onto adjoining properties.
- d. All repairs to the street, curb, gutter, and sidewalk which may create a hazard shall be completed to the reasonable satisfaction of the Director of Public Works and any non-hazardous repairs shall be complete and/or bonded for.
- e. The self storage facility leasing building and each of the car wash, express lube, and auto services buildings shall have an illuminated address number that is clearly visible from the middle of the street.
- f. Lighting used after daylight hours shall be adequate to provide for security needs. Photometrics and lighting plans for the site shall be submitted to the City for review and approval prior to the issuance of a building permit.
- g. All sewer clean-outs, water meter boxes, and other utility boxes shall be set to grade to the approval of the Director of Public Works.

- 36) **Work Hours:** All contractors (grading, building, landscaping etc.) shall observe City construction work hours (including all deliveries of materials and maintenance of equipment), unless prior arrangements are approved by the City. Hours of construction shall be from 7:00 a.m. to 5:00 p.m., Monday through Friday. No work shall be permitted weekends or holidays. Work hours for construction activities that occur completely within an enclosed structure are allowed to begin at 7:00 am and end at 8:00pm on weekdays, and from 8:00am to 5:00pm on weekends.
- 37) **Construction Traffic Management Plan:** Applicant/Developer shall develop and submit to the City a Construction Traffic Management Plan for review and approval by the Public Works Director prior to the initiation of any construction-related activities.
- 38) **Refuse/Trash Collection and Construction Debris:** A refuse collection plan shall be formulated, working with the refuse collection provider, Republic Services, to provide for efficient and effective trash/refuse collection system. The refuse collection plan shall be subject to Planning Director review and approval. Republic Services (a.k.a. Richmond Sanitary Service) is the exclusive franchised solid waste hauler for the City of Hercules. Republic's exclusive collection rights include collection of all solid waste in the City, including construction and demolition (C&D) waste from construction and demolition projects in the City. Removal of construction and demolition (C&D) waste must be arranged with Republic Services prior to commencement of construction, or in another manner consistent with the Franchise Agreement or State Law. All construction material/equipment shall be staged outside the City's rights-of-way. The Developer/Applicant shall keep the adjoining public streets and properties free and clean of project dirt, mud, and materials during the construction period. Construction debris boxes shall be provided during all phases of construction. The Developer shall be responsible for corrective measures reasonably related to its construction activities at no expense to the City of Hercules.
- 39) **Temporary Construction Fencing:** The use of any temporary construction fencing shall be subject to the review and reasonable approval of the Public Works Director, Hercules Police Services, and the Building Official. Security lighting and patrols shall be employed as necessary. The fencing shall not obstruct pedestrian access along the frontage during construction. A safe pedestrian access route shall be maintained along the frontage at all times where sidewalks exist.
- 40) **Screening of Roof Mounted Equipment:** All roof-mounted mechanical equipment, including but not limited to heating, ventilation, and air conditioning equipment, shall be recessed, grouped, and/or screened from adjoining property and public streets and highway subject to reasonable approval of the Planning Director. Plumbing vents, ducts, and other appurtenances protruding from the roof shall be integrated in such a manner that they will not be viewed from the front of the property or other highly visible vantage points. All vents, gutters, downspouts, flashings, conduits, etc. that are visible from outside the building shall be painted the color of the adjacent surface. A note shall be included on construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B)

## **PUBLIC WORKS RELATED STANDARD CONDITIONS (PW):**

- 41) **Public Works Standards:** Applicant/Developer shall comply with all applicable City of Hercules Public Works Standards. In the event of a conflict between the Public Works Standards and these Conditions, these Conditions shall prevail. In the event that clarifications to the conditions of approval are required, the Public Works Director or the Planning Director, as applicable, shall have the authority to clarify the intent of the conditions without requiring a public hearing.
- 42) **Final Geotechnical Report:** Applicant/Developer shall retain a licensed Geotechnical Engineer to prepare a Geotechnical Investigation Report for the site. The design of the underground utilities, grading, paving, retaining walls, and foundations shall be based on the recommendations outlined in said Report. The Geotechnical Engineer shall certify that the design conforms to the recommendations in the Report before the City issues a Grading/Site Development Permit. Applicant/Developer shall pave all parking lots in accordance with the Geotechnical Engineer's recommendations, based on the traffic index provided by the City's Traffic Engineer. Pavement sections shall be approved by the City Engineer or their designee in his or her reasonable discretion.
- 43) **Soils Report:** A Soils Report shall be submitted and the grading, retaining walls, surface and sub-surface drainage, lot drainage, and utility trench backfilling shall be designed in accordance with the recommendations of the registered geotechnical/soils engineer subject to approval by the City Engineer. Final grading and drainage plans for the site development permit shall be reviewed and signed by the Soils Engineer specifying the recommendations in the Soils Report have been followed. The geotechnical/soils engineer shall submit a letter report to the City at completion of construction certifying that grading, drainage and backfill installation was performed in general compliance with recommendations in the geotechnical report. All material testing reports shall be attached to the certification letter report
- 44) **Title Report Required:** A current title report shall be submitted with any application for grading or building permits to verify current ownership and any existing easements or land use restrictions.
- 45) **Street Repair:** Should the developer cut into the newly constructed or rehabilitated City streets, the Developer shall restore such streets to their condition prior to developer's work and shall slurry seal and stripe (with thermoplastic) the adjacent streets in coordination with the City Engineer and Public Works when the project is completed.
- 46) **Retaining Walls:** Any retaining walls to be built along the property boundary to resolve differences in elevation between the property and the abutting right of way shall be constructed of aesthetically pleasing concrete, masonry block, or other City-approved durable material, as approved by the Planning Department. Structural calculations for any retaining walls shall be submitted to the County Building Department and depending on size may require separate building permit review and approval, as determined by the City Engineer. Retaining Walls constructed of wood shall not be permitted. Maintenance of said walls shall be the responsibility of the Owner/Developer/Applicant.
- 47) **Storm Drainage:** Applicant/Developer shall be subject to project approvals and regulatory agency permitting requirements. The design of the storm drain system shall be consistent with the City standards, as evidenced by the preparation and submittal of hydrologic/hydraulic calculations prepared by a registered Civil Engineer. Drainage shall be

designed in accordance with City standards and shall meet all requirements of the Regional Water Quality Control Board.

- 48) **Location of Improvements/Configuration of Right of Way:** All public streets, sidewalks, driveway approaches, street lights, traffic markings and signs, storm drainage facilities, handicap ramps, and other street improvements shall be located within the public right of way or public service easements and meet City Standards. The location of improvements shall be approved by the Director of Public Works in coordination with the Planning Department prior to construction.
- 49) **Water and Sewer Lines:** Applicant/Developer shall construct all fire hydrants, water lines, and sewer lines needed to serve the project, to the satisfaction of EBMUD and the Rodeo/Hercules Fire Protection District, City of Hercules, and Pinole-Hercules Treatment Plant.
- 50) **Erosion Control Measures:** An Erosion Control Plan shall be required if any work is to occur during the rainy season (i.e., between October 1 and April 15). If required, the erosion control plans shall be included in the Stormwater Pollution Prevention Plan (SWPPP) required for any grading permit or activity that may take place at the site. The Developer/Applicant shall install erosion control measures in all areas of the site during construction between October 1 and April 15 to the reasonable satisfaction of the Director of Public Works. A plan for erosion control shall be prepared and submitted for approval by the Public Works Director. All erosion control measures shall be in accordance with the latest Regional Water Quality Control Board Manual of Sediment Control standards in effect at time of permit submittal. (PW)
- 51) **Joint Utility Trenches/Undergrounding/Utility Plans:** Applicant/Developer shall construct all utility trenches (such as electric, telephone, cable TV, and gas) in accordance with the applicable utility jurisdiction standards. All communication vaults, electric transformers, cable TV boxes, blow-off valves, and any appurtenant utility items thereto adjacent to any public right-of-way shall be undergrounded. Notwithstanding the foregoing, communication vaults, electric transformers, cable TV boxes, blow-off valves, and any appurtenant utility items thereto not adjacent to any public right-of-way are not required to be undergrounded. Utility plans, showing locations of all proposed utilities (including electrical vaults and underground transformers) shall be reviewed and approved by the Director of Public Works in his or her reasonable discretion concurrent with the approval of the grading plans. Location of these items shall also be shown on the Final Landscaping and Irrigation Plan and Site Plan for the Project construction and placed to reduce their visual impact. (PW)
- 52) **Street Lighting:** Applicant/Developer shall install required street lights within the City's right of way, to the satisfaction of the Public Works Director.
- 53) **Sight Distance.** Maintain landscaping along the entire project frontage to avoid sight distance conflicts (shrubs should not be higher than approximately 30 inches and tree canopies should be at least six feet above the ground) and stripe visual clear zones between the travel lane and bike lane as shown on the approved site plan.
- 54) **Post-Construction Stormwater Management:** Post-construction storm water quality controls shall be installed as part of this project. These controls will be reviewed and approved as part of the civil plan review process. A maintenance and inspection plan for the storm water treatment facilities shall be submitted with the plans and will be reviewed prior to permit approval. The developer shall enter into a Stormwater Operations and

Maintenance Agreement with the City for the post-construction storm water quality control system.

- 55) **Encroachment Permit:** An Encroachment Permit shall be obtained for equipment driving over City property and over public easements. The developer shall arrange a pre-construction conference at least 48 hours prior to the proposed construction to discuss the scope and extent of removal and replacement of any pre-existing broken curb, gutter, sidewalk, or asphalt paving (patch, repair and/or overlay) in the public right-of-way. A cash deposit as reasonably determined by the City Engineer shall be required to secure the repair of any damages and said deposit may be increased at the discretion of the City Engineer, as reasonably necessary.
- 56) **Utility Pipe Sizes:** Utility pipe sizes to be shown and signed off by City Public Works Director as adequate before building permit issuance.
- 57) **Documents Needed for City Base Maps:** Developer shall provide to the Engineering Division, prior to the issuance of building permits, a 100-foot scale site plan in both paper and digital form (to NAD 83 standards preferable/MicroStation SE) of the project as approved by the Planning Commission for the purposes of updating the City base map.

#### **OTHER STANDARD CONDITIONS:**

- 58) **Indemnity Requirement:** Failure by the Applicant/Grantee to object to any of the terms, conditions, requirements and obligations set forth in this Conditional Use Permit and Design Review Permit prior to the expiration of the appeal period (which is 10 business days of the mailing or posting of the approving resolution) shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The Applicant/Grantee by said acceptance waives any challenges as to the validity of these conditions. Applicant/Grantee agrees to indemnify and defend the City, its agents, officers and employees, at Applicant/Grantee's own expense, against and from any claim, action or proceeding brought by any third party arising from or relating to the City's processing of Applicant/Grantee's development applications, the City's issuance of any of the approvals described in these conditions, and the Applicant/Grantee's implementation of and operations under the Conditional Use Permit and Design Review Permit, including but not limited to any claim, action or proceeding brought to attack, set aside, void or annul any of the City approvals described in these conditions, and any claim, action or proceeding brought against the City arising from or relating to Applicant/Grantee's development and operation of the project that is the subject of such City approvals. City shall promptly notify Applicant/Grantee of any such claim, action or proceeding of which City receives notice, and City will fully cooperate with Applicant/Grantee in the defense thereof. Applicant/Grantee's obligations under this condition shall include the obligation to reimburse the City for any court costs, reasonable attorney's fees and damage awards which the City may be required to pay as a result of any such action. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, and such participation shall not relieve the Applicant/Grantee of any of the obligations of this condition. (CA).
- 59) **Payment of Fees:** Applicant/Developer shall pay plan check and processing fees, development fees, encroachment permit fees, and other miscellaneous fees applicable per current City resolutions in effect as of application for grading and/or building permits (BD).
- 60) **Sewer Related Fees:** Applicant/Developer is advised that City Ordinance requires payment of sewer connection fees prior to issuance of a building permit. Notwithstanding the above, it

is hereby acknowledged Applicant/Developer and owners of the subject property are located within the Hercules-Pinole Wastewater Treatment Plant Assessment District. Accordingly, the actual sewer connection fee due shall be determined by the City Engineer consistent with the prior payments made to the sewer assessment district and in accordance any other conditions of approval (BD).

- 61) **Business License Required**: All contractors shall obtain a City of Hercules business license before starting work (BD).
- 62) **Graffiti Prevention and Control**: The Applicant/Developer shall maintain the site free of graffiti. Graffiti applied to any surface of the subject property shall be removed within forty-eight (48) hours of the Applicant/Developer being notified by the City. The City may remove the graffiti if the Applicant/Developer fails to remove the graffiti within forty-eight (48); the Applicant/Developer shall reimburse the City for the graffiti-removal work (PL).
- 63) **Compliance with all Conditions/Requirements**: All conditions of approval for this development, including improvements such as building, paving, and landscape construction/installation, shall be completed prior to issuance of certificate of occupancy except as may be permitted by the Planning Director in consultation with other affected departments or as otherwise set forth herein. Completion of project improvements includes construction approved through building permits, construction of required off-site improvements approved through public works permits, and construction or installation of site improvements (including paving, hardscape, and landscaping) as shown on the approved plans. In the event early occupancy is permitted, Applicant/Developer shall provide to the reasonable satisfaction of the Planning Director and City Engineer and Building Official proof of substantial completion, safe occupancy, and security or agreements to assure full completion of the project PL,PW,BD).
- 64) **Ongoing Site Maintenance**: The property owner shall be responsible for ensuring the ongoing maintenance, servicing, and capital replacement of improvements on the project site. This includes all parking lot and driveway striping and surfacing, sidewalks and hardscape, landscaping, open space, retaining walls, fences, streetlights, and related site improvements.
- 65) **Handling of Hazardous Materials**. All hazardous materials must be handled in conformance with applicable governmental safety requirements, and disposed of by a certified contractor using proper disposal procedures. The Applicant shall comply with the Contra Costa County Environmental Health Department's requirements, including, if required, the submittal of an Emergency Plan/Hazardous Materials Management Plan.
- 66) **CC&Rs**: Any covenants, conditions, and restrictions (CC&Rs) applicable to the subject property shall be consistent with the terms of this permit. Where a conflict exists between the CC&Rs and the City regulations, the City regulations shall prevail (CA).
- 67) **Fire District**.
- a. Fire Department access roads shall be provided to within 150 feet path-of-travel distance of all portions of first floor exterior walls of all structures and hazardous materials use or storage areas. Access roads shall be designed to current Fire Department standards: 20 feet wide minimum for structures two-

stories or less in height, and 26 feet wide minimum (with Aerial Apparatus Access compliance) for structures more than 30 feet in height. Access shall support the imposed load of fire apparatus weighing at least 74,000 lbs. Turning radius 25 feet inside and 45 feet outside. Dead-end fire department access routes more than 150 feet in length shall have an apparatus turnaround per current Fire Department standards. CFC 503.

Apparatus Access issues:

- i. Projects in excess of 62,000 ft<sup>2</sup> require two separate fire department access roads and which are 'remote' from each other. Remote separated a distance apart of not less than one-half the maximum overall diagonal dimension of the property. This project exceeds the basic (62k ft<sup>2</sup>) requirement and also the permitted exception (124k ft<sup>2</sup>) and is not approvable with a single access. CFC DI 07.2
  - ii. Buildings over 30' in height are required to satisfy the Aerial Apparatus Access Road requirements (26' wide on the longest side with proximity setback 15'-30'). Building D triggers this requirement. CFC D105.1
  - iii. Site Plan. While turning radius evaluation is required around buildings, specific evaluation of the switchback turn maneuver between the divided entrance drive aisle and the Self-Storage drive aisle is necessary and also at the NE corner of Building D. CFC 503.2.4.
  - iv. A recorded access agreement establishing a right-of-way is necessary for the Self-Storage parcel as there is no connection from this parcel to Willow Avenue.
  - v. Building D. Please identify (stripe on asphalt) the prescribed "loading area" where customers will park their moving trucks while loading/unloading. No parking shall be allowed in the minimum 20' fire lane required for accessing the building.
- b. A Fire Flow Analysis including proposed building areas, type of construction, and calculated available fire flow at the proposed fire hydrants shall be provided to the Fire Department for review and approval concurrent with submittal of Grading plans. Minimum adjusted (50% sprinkler credit) Fire Flow for this commercial project is estimated at 3,375 gallons per minute with 20 residual psi in the water main. Applicant shall contact East Bay Municipal Utilities District to have a flow test performed for the nearest existing hydrant to be used for the hydraulic design prior to submitting the Fire Flow Analysis. CFC 507.
- c. Hydrant spacing for this commercial project shall comply with current Fire District standards of CA Fire Code Chapter 9 and Appendix C and three (3) copies of the final site plan shall be submitted for approval of hydrant locations.
- d. Location of Fire Department Connections (FDCs) for the required automatic fire sprinkler systems are a deferred item but shall be on the access side of the buildings and within 50' of a fire hydrant. CFC Appendix C.
- e. Private Underground Fire Mains (aka on-site mains behind the detector

check) require a separate Fire Department permit. CFC 507.

- f. The Rodeo-Hercules Fire Protection District has adopted a local ordinance which requires automatic fire sprinkler systems in certain type/size of new construction. All structures shall be protected with automatic fire sprinkler systems in accordance with CA Fire Code Chapter 9 as adopted by the Fire District. CFC 903.
- g. As mitigation for delays in response time, traffic signal pre-emption (Opticom or compatible) shall be provided on traffic signals lacking same. Locations within the response route to be identified by the District.
- h. Review of the Environmental Site Assessment, re-use of the site and implementation of the construction program shall be approved by Certified Unified Program Agency (CUPA), Contra Costa Hazardous Materials Programs, 4585 Pacheco Blvd. Suite 100, Martinez, CA 94553, ccchazmat@hsd.cccounty.us (925-335-3200).
- i. Site address signage per current Fire Department Standards shall be established and maintained during and after any combustible construction or intensification of site use. A complex directory shall be provided at the main entrances. CFC 505.
- j. Elevators shall accommodate a medical stretcher. The fire resistive smoke assembly used for the elevator must be operable from the elevator cab (by first responders). CBC 607.
- k. Required Fire Department access roads shall be signed "No Parking-Fire Lane" per current Fire Department standards and the CA Vehicle Code. CFC 503.
- l. Traffic calming measures or controls (speed bumps, humps, undulations, gates, etc.) are not approved as a part of this review and require specific approval from the Fire Department. CFC 503.4.
- m. Structures and lockable gates limiting vehicle access to commercial facilities shall be equipped with a Fire Department approved locking device or Fire Department approved key system ("Knox" lock or "Knox" keyed lock). Access controls on fire department response routes shall be electrically operated, equipped with pre-emption and Knox-key override (gates, barriers, retracting bollards, etc.). CFC 506.
- n. A bi-directional public safety emergency responder radio system, designed and installed per current Fire Department standards, is required in all new structures. System can be building specific or a campus-wide system can be provided. CFC 510.
- o. Rooftop Solar Photovoltaic Systems shall comply with the CA Fire Code



and CA State Fire Marshal Guideline. CFC 605.

- p. Required Fire Department permits that are eligible for deferred submittal: Construction; Underground Fire Main, Automatic Fire Sprinkler System, Sprinkler Alarm Supervisor Service (water-flow monitoring), Generator Fuel Storage (if proposed). Operation; Bi-Directional Repeater System. CFC 105.
- q. The developer shall remit the Fire Development Impact Fee with the Building Permit submittal.
- r. The developer shall remit the Rodeo-Hercules Fire District Review Fee 1,2 in the amount of \$486.00 for the planning review.
- s. The developer shall submit a "Fire Safety During Construction" plan to the Fire District at the time of Building Permit submittal. CFC 3308.
- t. Emergency Evacuation Guide and signage (entrances, stairwells, elevator lobbies) and Stairwell identification signage shall be provided and submitted to the RHFD for review to ensure all required information is provided in the plan and on the floor plans. CFC 403 & 1023.
- u. Storage or use of any hazardous materials at the site (such as diesel fuel for the on-site generator or acid for batteries) will require a Hazardous Materials Business Plan be submitted to the CUPA. CFC 5001.
- v. Access roads and water supplies for fire protection shall be installed and made serviceable prior to storage or construction of any combustible materials. CFC 3312.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Hercules held on the sixth day of August 2018, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Dion Bailey, Chairperson of Planning Commission

ATTEST:

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Holly Smyth, Secretary to the Planning Commission &  
Planning Director

Exhibit A: Hercules Self Storage Presentation Booklet Hercules, CA dated August 6, 2018

**Exhibit A to Planning Commission Resolution 18-17**

**Hercules Self Storage Presentation Booklet Hercules, CA August 6, 2018  
for Planning Commission 8/6/2018 Meeting containing 47 pages**