

EXHIBIT D — PC RESOLUTION 19-03

FINDINGS WITH FACTS FOR THE HERCULES BAYFRONT BLOCKS M-P & O PROJECT (DESIGN REVIEW PERMIT #19-01)

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 (which would include the Hercules Waterfront District Master Plan- HWDMP) 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 overall Bayfront project entitlements allow up to 1,526 residential units (if all 134,000 square feet of maximum ‘flex’ space is converted to the allowed 134 units plus the base 1,392 non-flex residential units) across a total of 42.36 acres for an average of 36 residential units to the acre, so this project conforms to the required density.

FACT 1.2: The proposed project is located within the Transit Village Sub-Area (Blocks M, P, and O) of the adopted Hercules Waterfront District Master Plan (WDMP). The HWDMP Regulating Code designates Block O as being within both the T5-MST Main Street Transition and the T5-VN Village Neighborhood districts, and Blocks M and P only if the T5-VN Village Neighborhood district. The project designs conform with the allowed Building Form Standards (including height, building placement, building form, encroachments, frontage types, and required parking standards), Architectural Standards (including allowed styles, massing, façade composition, roof form, windows, doors, storefronts, and elements), Street and Circulation Standards, and Land Uses allowed per the Composite Use Table. Plan set pages A-02 and A-03 (Blocks M and P) and pages A22 and A23 (Block O) contain the bulk of the comparative analysis as to what is required and what is proposed, and the plans demonstrate that the project conforms to and is consistent with the form-based code with conditions of approval 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, and Police Departments, and the Fire District. At a level of consideration appropriate for design review, the project satisfies concerns for public safety, unless as otherwise noted in the April 1, 2019 Planning Commission 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 Planned Commercial–Residential zones, the HWDMP, the Central Hercules Plan, and surrounding properties.
- FACT 2.3: The Bayfront Environmental Impact Report (EIR; State Clearinghouse #2009112058) 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 included in Exhibit A to the Planning Commission Resolution of approval for Design Review Permit #DRP19-01. Additionally, the conditions of approval applied to the approved project design drawings contained in Exhibit B to the Planning Commission’s approving resolution 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 with amenities 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 Regional Intermodal Transportation Center will efficiently utilize parking. Interim parking measures will be put into place through conditions of approval 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. Public pedestrian circulation is provided around all four sides of each building, with the exception of north side of Blocks M and P, which for safety reasons are restricted to resident and emergency vehicle access. The west end of Block M features the Neighborhood Park that connects with the Bay Trail (a regional bike–pedestrian path). The buildings front onto interesting and varied street edges along John Muir Parkway and the new Bayfront Loop road. In addition, the bulk of parking will be enclosed or underground so that building edges 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 buildings will be to the southwest referred to as Block N (a.k.a., The Exchange) currently under construction, and to the southeast referred to as Blocks Q & R (a.k.a., The Grand), construction of which is expected to start in spring 2019. The Block O building presents a four-story, “Bay Area Eclectic”-style façade along its John Muir Parkway and Bayfront Loop frontages, with the building stepping uphill along the Loop Road. Though appearing essentially as two separate buildings, Blocks M-P are a unified apartment complex with a shared courtyard and underground parking. Though varying in height from four to six stories (excluding garage levels), both Blocks M and P use a mix of “Waterfront Warehouse”-style architecture to create a consistent street frontage along Bayfront Loop road and the private drive shared with Blocks Q & R. The buildings’ mass is broken into smaller distinct volumes, with each section having a separate style and a clear relationship to the street edge. To the north, office and research buildings, including Bio-Rad Laboratories, occupy the North Shore Business Park served by Linus Pauling Drive. The building façade viewed from these neighbors to the north is lower than other sides, and will be largely screened from view by a line of trees to be planted as part of the project’s landscaping features and a grade differential.

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 Bayfront Loop; the Neighborhood the Square adjacent Block M and north Bayfront Loop; the Neighborhood Park at the west end of Block M next to the Bay trail; and a Paseo connecting the Neighborhood Square and Neighborhood Park. The retaining wall along the Emergency Vehicle Access lane on the north-east side of Blocks M and P will be planted and screened with planted vines. This section between the vine covered retaining wall and the building has a locked EVA section that should only accommodate pedestrian exiting and fire vehicle access and is not meant a publicly accessible area. Bio-Rad has asked the developer to incorporate Redwood tree plantings above the retaining wall to provide improved visual separation between their campus and the residential uses. The apartment buildings at Blocks M, P, and O will have residential interior courtyards built on top of the parking podiums; though will be at accessible only to residents, portions of the courtyards will be 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.