

**RESOLUTION# 19-07  
SYCAMORE CROSSING**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES RECOMMENDING CITY COUNCIL APPROVE FINAL PLANNED DEVELOPMENT PLAN (FPDP) #17-02, DESIGN REVIEW PERMIT (DRP) #17-04 WITH A MASTER SIGN PROGRAM (MSP), CONDITIONAL USE PERMIT (CUP) #17-04, VESTING TENTATIVE MAP (VTM) #9477, MINOR EXCEPTION #ME 19-02, FOR THE 12.88-ACRE PROJECT SITE KNOWN AS SYCAMORE CROSSING LOCATED ALONG THE SOUTH SIDE OF SYCAMORE AVENUE AND NORTHWEST SIDE OF SAN PABLO AVENUE EAST OF TSUSHIMA STREET (ASSESSOR'S PARCEL NUMBERS 404-020-094-3 AND 404-020-095-0) AND CONCUR WITH PLANNING COMMISSION'S DETERMINATIONS**

**WHEREAS**, the Planning Commission has received and considered applications from Sycamore Crossing Land Developers LLC ("Applicant") for the Project known as Sycamore Crossing located along the south side of Sycamore Avenue and northwest side of San Pablo Avenue east of Tsushima Street; and

**WHEREAS**, the proposed Sycamore Crossing Project is located within the Central Quarter of the Plan for Central Hercules (considered the Penterra/Poe property) and classified as a Phase II/Permissive category (meaning that the applicant has the discretion to adhere to the uses and design standards of development allowed under the *Central Hercules Plan Regulation Code* rather than the standard City Zoning Code) but the Applicant has opted not to pursue development according to the *CHP Regulation Code*; and

**WHEREAS**, the Project Site is not subject to Chapter 29 of the Zoning Ordinance entitled "Zoning Regulations and Development Standards for Sycamore Crossing" adopted by Ordinance #459, which anticipated mixed-use development in accordance with the existing PC-R land use designation, because it was rescinded from the Zoning Ordinance by City Council through Ordinance No. 482 adopted January 27, 2015; and

**WHEREAS**, the Project Site in its current state generally is vacant/undeveloped, although it also contains remnant foundations, building pads, and retaining walls from past industrial uses, as well as utility improvements associated with a utility right-of-way along the site's southern boundary; and

**WHEREAS**, the Project Site is comprised of two separate Assessor parcel numbers which along with a combination of right-of-way dedications and vacations will result in Project Site of approximately 12.88 acres; and

**WHEREAS**, the following applications related to the Sycamore Crossing Project have been filed concurrently and collectively define the Project:

- Initial Study – (IS) #17-02 dated June 2019 pursuant to Sections 15063 and 15168 of the California Environmental Quality Act (CEQA) Guidelines;

- General Plan Amendment (GPA) #17-02 to change the Land Use Designation of 8.88 acres of the westerly and central portions of the Project, from General Commercial (GC) to Planned Commercial-Residential (PC-R) and Public/Semi-Public Open Space (P/SP-OS) located along the south side of Sycamore Avenue and northwest side of San Pablo Avenue, east of Tsushima Street;
- Zone Amendment (ZA) #17-02 to rezone 8.88 acres of the westerly and central portions of the Project Site from General Commercial (CG) to a combination of Planned Commercial-Residential (PC-R) and Public/Quasi-Public-Open Space (P/QP-O) zoning districts;
- Vesting Tentative Map #9477 to subdivide approximately 12.88 acres into seven (7) parcels including the preservation of Ohlone Creek, a natural drainage way, with conditions of approval; and
- Final Planned Development Plan (FPDP) #17-02 for a 120 multi-family dwelling units, a 105-room hotel, surface parking, and 29,511 square feet of total commercial space, to include a pharmacy, and retail and service uses, including a neighborhood restaurant and coffee shop with a drive-through, in four (4) buildings ranging from 4,400 square feet to approximately 6,000 square feet. The Project Site will include water quality features, utility extensions, and common areas for parking, landscaping, and pedestrian use;
- Design Review Permit (DRP) #17-04 with a Master Sign Program (MSP), in accordance with Section 13-34.400(R) of the Hercules Municipal Code Zoning section, for the above listed project.
- and Design Review Permit (DRP) #17-04
- Conditional Use Permit (CUP) #17-04 for: a) retail stores greater than 2,000 square feet; b) drive-through facilities for the pharmacy and for a food service pad building; c) seasonal outdoor sales; d) a hotel; e) a shopping center; f) multi-family residential uses and g) potential beer & wine alcohol sales; and
- Minor Exception #M# 19-02 to reduce the amount of on-site parking for the hotel use; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), a CEQA Initial Study #IS 17-02 and Determination dated June 2019 was prepared for the proposed Project and determined that the land uses and impacts resulting from the level of development for the proposed Sycamore Crossing project are within the scope of the development program evaluated in the 2009 Updated Redevelopment Plan Draft EIR (Redevelopment Plan EIR) (SCH #200112049) certified by the City Council on April 20, 2009 and would result in no new or more severe significant impacts than previously analyzed; and

**WHEREAS**, Chapter 48 of the Zoning Ordinance states that an initial planned development plan and final planned development plan may be reviewed concurrently at the request of the applicant, and that planned development plans and subdivision maps may be processed concurrently; and

**WHEREAS**, all new and expanded commercial development that comes online after the initial project tenants shall apply for an administrative or conditional use permit and shall be subject to Chapter 49, Design Review; and

**WHEREAS**, certain open space uses proposed for central portion of the proposed Project and the P/QP-O zoning district further identifies open space areas with natural areas and passive use on lawn areas and trails are permitted without being subject to use permit approval pursuant to Chapter 49 of the Zoning Ordinance; and

**WHEREAS**, a duly noticed public hearing was held by the Planning Commission at their July 15, 2019 Planning Commission meeting, where a Staff Report dated July 15, 2019, incorporated herein by reference, described and analyzed all of the above listed applications, including the CEQA Initial Study and Determination, and staff recommended that the Planning Commission recommend that the City Council approve the Project; 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 information, reports, Project plans, staff recommendations, and testimony up to and during the public hearing of July 15, 2019 (including those discussed at the prior Planning Commission workshops of October 17, 2017, December 4, 2017, and January 16, 2018, June 25, 2018, August 6, 2018, September 17, 2018, and December 3, 2018), described herein and incorporated by reference, before using its independent judgment and taking any recommending action on the Project.

**NOW, THEREFORE BE IT RESOLVED**, that the Planning Commission after due study, deliberation, and public hearing for the proposed Final Planned Development Plan (FPDP) #17-02, Design Review Permit (DRP) #17-04 with accompanying Master Sign Program (MSP), Conditional Use Permit (CUP) #17-04, and Minor Exception #ME 17-02 finds and determines that:

1. The foregoing recitals are true and correct and made a part of this resolution by this reference.
2. The Proposed Project a) Falls within the scope of the development program evaluated previously in the 2009 Certified EIR and subsequent analysis provided in the June 2019 CEQA Initial Study checklist, b) Will not result in any new, significant impacts that were not examined and that none of the circumstances that would require preparation of an addendum or a subsequent or supplemental EIR under CEQA exists or needs to be filed for the proposed project, c) Should still be subject to the Mitigation Monitoring and Reporting Program of the 2009 EIR as part of the entitlement approvals, and 4) Does not require further environmental review, Pursuant to Sections 15162 and 15168 of the CEQA Guidelines.

3. Specific findings and determinations shown in the attached Findings with Facts contained herein as Exhibit E contingent upon the City Council approvals of a) CEQA Initial Study and Determination #IS 17-02, 2) adopt General Plan Amendment #GPA 17-02, 3) adopt Zone Amendment #ZA 17-02, and applicant's adherence to the Conditions of Approval contained herein as Exhibit A.
4. The proposal would not be detrimental to the health, safety, welfare, and public interest of the City.
5. The proposal is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance once the above listed amendments thereto are approved by and made effective by the City Council.
6. The Planning Commission finds that all elements, requirements, and conditions 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 in particular.

**BE IT FURTHER RESOLVED** that the Planning Commission finds the following regarding the proposed Final Planned Development Plan #FPDP 17-02 in accordance with Section 13- 48 of the Hercules Municipal Code Zoning Section as it relates to approval of a Planned Development Plan:

1. The proposed use and densities are consistent with the General Plan, once the above listed General Plan and Zoning Amendments are approved and in effect by action of City Council.
2. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the proposed project exceeding those anticipated in the Initial Study and updated Traffic Analysis contained therein.
3. That any exceptions from standard ordinance requirements are warranted by the design and amenities incorporated in the approved FPDP 17-02 drawings and approved minor exception regarding the hotel parking.
4. The area surrounding the Project Site can be planned and zoned in coordination and substantial compatibility with the proposed development so long as the conditions of approval are met.
5. The existing and proposed utility services are adequate for development densities proposed and will comply with the improvement standards required by VTM #9477.
6. The proposed FPDP #17-02 is environmentally compatible as determined by #IS 17-02 as it is subject to applicable Mitigation Measures from the 2009 Redevelopment Update EIR, which are made part of this resolution as Exhibit B.

7. The proposed plan is consistent with the general planning and design intent of the Central Quarter of the Plan for Central Hercules and complements the character, planning, and design in the balance of the area.
8. The proposed plan complies with the Architectural Regulations, Projecting façade element standards, and palette of Street Types and other General Provisions adopted in the Hercules General Plan Circulation Element and the Zoning Code Section of the Hercules Municipal Code contained within Title 13. so long as any redlined changes to the drawings shown in Exhibit C which are attached herein, as discussed by staff and Planning Commission are incorporated into the City Council approval.
9. Once the City Council approves FPDP #17-02 for the Project Site known as Sycamore Crossing the prior FPDP # 14-01 adopted January 13, 2015 will no longer be valid and superseded by the new approvals subject to Conditions of Approval contained in Exhibit A contained herein.

**BE IT FURTHER RESOLVED** that the Planning Commission finds the following regarding the proposed Design Review Permit #DRP 17-04 in accordance with Section 13- 42 of the Hercules Municipal Code Zoning Section that:

1. The approval of the design review plan is in compliance with all provisions of the City of Hercules Municipal Code Zoning Section in Title 13 including Section 13-42 Design Review, as well as other pertinent provisions of the Zoning Ordinance and applicable zoning and land use regulations, and including, but not limited to, the Hercules General Plan, and the Plan for Central Hercules once the above listed General Plan and Zoning Amendments are approved and in effect.
2. The approval of the Design Review is in the best interest of the public health, safety, and general welfare.
3. General site considerations, including site layout, open space and topography, orientation and location of buildings, vehicular access, circulation and parking, setbacks, heights, walls, fences, public safety and similar elements have been designed to provide a desirable environment for the development.
4. General architectural considerations, including the character, scale and quality of 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.
5. General preliminary landscape considerations, including the location, type, size, color, texture and coverage of plant materials at the time of planting and after a five (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.

6. The Planning Commission recommends approval of DRP #17-04 for the Project Site known as Sycamore Crossing subject to Conditions of Approval contained herein as Exhibit A so long as any redlined changes to the drawings shown in Exhibit C, which are attached herein,, as discussed by staff and the Planning Commission are incorporated into City Council approval.

**BE IT FURTHER RESOLVED** that the Planning Commission finds that:

1. The Master Sign Program (MSP) referenced above as dated May 29, 2019 by National Sign Corporation has been submitted for the Sycamore Crossing Project in accordance with Section 13-34.400(R) of the Hercules Municipal Code Zoning Section
2. The Planning Commission recommends City Council approval of the MSP referenced above and attached herein as Exhibit D subject to Conditions of Approval contained herein in Exhibit A.

**BE IT FURTHER RESOLVED** that the Planning Commission finds the following regarding the proposed Conditional Use Permit #CUP 17-04 in accordance with Section 13-50 of the Hercules Municipal Code Zoning Section and the Plan for Central Hercules once the above listed General Plan and Zoning Amendments are approved and in effect by action of City Council:

1. That the proposed use is consistent with the General Plan.
2. 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 provisions of the Zoning Ordinance.
3. 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.
4. There is adequate access, traffic, public utility, and public service capacity for the proposed use and surrounding existing and anticipated uses.
5. There are no potential, significant adverse environmental impacts that could not be feasibly mitigated and monitored as we have determined that the Project a) Falls within the scope of the development program evaluated previously in the 2009 Certified EIR and subsequent analysis provided in the June 2019 CEQA Initial Study checklist, b) Will not result in any new, significant impacts that were not examined and that none of the circumstances that would require preparation of an addendum or a subsequent or supplemental EIR under CEQA exists or needs to be filed for the proposed project, c) Should still be subject to the Mitigation Monitoring and Reporting Program of the 2009 EIR as part of the entitlement approvals (contained herein as Exhibit B), and 4) Does not require further environmental review, Pursuant to Sections 15162 and 15168 of the CEQA Guidelines

6. The Planning Commission recommends City Council approval of Conditional Use Permit #CUP 17-04 for the Project Site known as Sycamore Crossing subject to Conditions of Approval contained herein in Exhibit A, so long as any redlined changes to the Exhibit C Plan Drawings as discussed by staff, and the Planning Commission are incorporated into the City Council approval for the following uses:
  - a. retail stores over 2,000 square feet;
  - b. drive through facilities for the pharmacy and for a food service pad building;
  - c. outdoor sales;
  - d. alcoholic beverage and beer and wine sales
  - d. local shopping center; and
  - e. hotel

**BE IT FURTHER RESOLVED** that the Planning Commission finds the following regarding the proposed Vesting Tentative Map VTM #9477 in accordance with Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code:

1. VTM #9477 is consistent with the General Plan, as amended, and the Central Hercules Plan;
2. VTM #9477 is consistent with the PC-R zoning of the property which allows the proposed PC-R uses;
3. VTM #9477 is consistent with the Regulating Code for the Central Hercules Plan;
4. VTM #9477 is consistent with the intent of applicable subdivision regulations and related ordinances in Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code;
5. The design and improvements of VTM #9477 are consistent as they relate to the Project Site;
6. VTM #9477 is consistent with the FPDP #17-02 for the Sycamore Crossing project and therefore consistent with the Zoning Ordinance
7. Project design, architecture, and concept are suitable for the Project Site created by VTM #9477 and therefore, the proposed subdivision is physically suitable for the type and intensity of development proposed;
8. All Mitigation Measures and the Mitigation Monitoring program adopted with Program EIR and subsequent Addenda pertaining to the 2009 Redevelopment Plan EIR applicable to the Sycamore Crossing site would be applicable as appropriate for addressing any potential environmental impacts identified with no new mitigation measures required;
9. VTM #9477 will not result in environmental damage or substantially injure fish or wildlife or their habitat or cause public health concerns; and

10. The design of VTM #9477, will not conflict with easements or access through or use of property within the proposed subdivision; and
11. The Planning Commission recommends that the City Council approves VTM #9477 for the Project Site known as Sycamore Crossing subject to Conditions of Approval contained herein in Exhibit A so long as any redlined changes to the drawings shown in Exhibit C as discussed by staff and Planning Commission are incorporated into the City Council approval.

**BE IT FURTHER RESOLVED** that the Planning Commission finds and the Applicant agrees (as stated in the public hearing) with the necessity of and accepts all elements, requirements and conditions of the FPDP #17-02, DRP #17-04 with Master Sign Program (MSP), CUP #17-04, VTM #9477, and the above referenced for the Sycamore Crossing project 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, visit or live in this development in particular based on the attached Facts and Findings in Exhibit E.

**BE IT FURTHER RESOLVED** that to the extent there is any conflict between Final FPDP #17-02, DRP #17-04, CUP #17-04, and VTM #9477 and the Plan for Central Hercules and Regulating Code for the Central Hercules Plan, the FPDP #17-02, DRP #17-04, CUP #17-04, and VTM #9477 then shall prevail.

**BE IT FURTHER RESOLVED** that if there is any conflict between the attached Approved Sycamore Crossing Development Plans and Master Sign Program contained in Exhibits C & D and/or the conditions of approval in Exhibits A and B, the Planning Director shall reasonably resolve the issues based on the general intent discussed in the staff reports, environmental documents, Findings with Facts and City policy.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the Planning Commission of the City of Hercules held on the 5<sup>th</sup> day of August 2019, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Irena Galieva, Chairperson of Planning Commission

ATTEST:

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Holly Smyth, Planning Director &  
Secretary to the Planning Commission



**Exhibits:**

- Exhibit A - Sycamore Crossing Conditions of Approval
- Exhibit B - Mitigation Monitoring and Reporting Program adopted with *2009 Updated Redevelopment Plan Environmental Impact Report*
- Exhibit C - Sycamore Crossing Development Plans
- Exhibit D - Sycamore Crossing Master Sign Program
- Exhibit E - Sycamore Crossing Findings with Facts

**EXHIBIT A**  
**SYCAMORE CROSSING PROJECT CONDITIONS OF APPROVAL**

**EXHIBIT B**  
**MITIGATION MONITORING AND REPORTING PROGRAM ADOPTED WITH**  
**2009 UPDATED REDEVELOPMENT PLAN ENVIRONMENTAL IMPACT REPORT**

**EXHIBIT C:**  
**SYCAMORE CROSSING DEVELOPMENT PLANS**  
**(See June 24, 2019 Spiral Bound Submittal plus Slip Sheet from July 11, 2019)**

**Includes Site Plan, Floor Plans, Elevations, and Color and Material Palette,  
Landscape Plans, Vesting Tentative Map #9477, and Civil Plans**

**EXHIBIT D:**  
**SYCAMORE CROSSING MASTER SIGN PROGRAM**

**EXHIBIT E:  
FINDINGS WITH FACTS**