

**RESOLUTION #19-XX  
SYCAMORE CROSSING**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING A 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, AND 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 WAY (ASSESSOR'S PARCEL NUMBERS 404-020-094-3 AND 404-020-095-0)**

**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 Way; 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#459, which anticipated mixed-use development in accordance with the existing PC-R land use designation, because it was rescinded from the Zoning Ordinance by City Council through Ordinance No. 482 adopted January 27, 2015; and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 minor right-of-way dedication will result in a 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 6.86 acres of the westerly portion of the site and 2.02 acres of the central portion of the Project, from General Commercial (GC) to Planned Commercial-Residential (PC-R) and Public/Semi-Public Open Space (P/SP-OS) respectively;
- Re-Zone #RZ 17-02 (previously called Zone Amendment #ZA #17-02) to rezone 6.86 acres of the westerly portion of the site and 2.02 acres of the central portion 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 respectively;
- Vesting Tentative Map #VTM 9477 to subdivide approximately 12.88 acres into seven (7) smaller lots and incorporating the abandonment of small portions of existing roadways, dedication of additional roadways, and removal of existing on-site easements (including the preservation of Ohlone Creek, a natural drainage way), with conditions of approval; and
- Initial/Final Planned Development Plan (FPDP) #17-02 for 120 multi-family dwelling units, a 105-room hotel, surface parking, and 29,511 square feet of total commercial space (to include a pharmacy, retail, service uses, including a restaurant 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;
- Conditional Use Permit #CUP 17-04 for: a) retail stores greater than 2,000 square feet; b) drive-through facilities for a pharmacy and for a food service building; c) seasonal outdoor sales; d) a hotel; e) a shopping center; f) potential beer, wine, and alcohol sales, and g) potential 24-hour pharmacy store; and
- Minor Exception #ME 19-02 to reduce the amount of on-site parking for the hotel use; and
- A Master Sign Program (MSP).

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA) and its implementing regulations (the CEQA Guidelines), a CEQA Initial Study #IS 17-02 and Determination dated June 2019 was prepared for the proposed Project, and based on the Initial Study, it was determined that the level of development for the proposed Sycamore Crossing project is within the scope of the development program evaluated in the 2009 Updated Redevelopment Plan Draft EIR (the 2009 EIR; SCH #200112049) certified by the City Council on April 20, 2009; the Project would not result in any new or more severe significant impacts than was previously analyzed in the 2009 EIR, and therefore, pursuant to Section 15168(c)(2) of the CEQA Guidelines, no further environmental document is required for the Project; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on the Project at its regular meeting on July 15, 2019, and continued the hearing to its regular meeting on August 5, 2019; and

**WHEREAS**, staff reports dated July 15, 2019, and August 5, 2019 (respectively), and incorporated herein by reference, described and analyzed the Project applications listed above, including the CEQA Initial Study and Determination, and recommended that the Planning Commission recommend that the City Council approve the Project; and

**WHEREAS**, on August 5, 2019, the Planning Commission adopted Resolution #19-07 setting forth its determination, based on its review of #IS 17-02, that the proposed Sycamore Crossing Project is within the scope of the development program evaluated in the 2009 EIR and would result in no new or more severe significant impacts than previously analyzed, and recommended that the City Council approve Zone Amendment #ZA 17-02 (aka Re-Zone #RZ 17-02) based on the information provided during the seven workshops and two public hearings of the projects as stated in their Resolution; and

**WHEREAS**, Planning Commission adopted Resolution #19-07 also recommended that the City Council approve #FPDP 17-02, #DRP 17-04, #CUP 17-04, #VTM 9477, #ME 19-01, and Master Sign Plan; and

**WHEREAS**, on September 10, 2019, the City Council held a properly noticed public hearing on the Project at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, the Staff Report for the September 10, 2019 hearing (which includes July 15<sup>th</sup> and August 5<sup>th</sup> Planning Commission staff reports),, incorporated herein by reference, described and analyzed the application for #FPDP 17-02, #DRP 17-04, #CUP 17-04, #VTM 9477, #ME 19-02, a MSP and related applications, including the CEQA Initial Study and Determination #IS 17-02; and

**WHEREAS**, the City Council has thoroughly considered all above referenced comments, reports, recommendations, and testimony before making a decision or taking any action on the Project, and has used its independent judgment and considered all such comments, reports, recommendations, and testimony; and

**WHEREAS**, on September 10, 2019, the City Council adopted a Resolution approving General Plan Amendment #GPA 17-02 changing the western portion of the Project Site from General Commercial (CG) to Planned Commercial–Residential (PC-R) and changing the Ohlone Creek corridor in the approximate center of the site from General Commercial (CG) to Public/Semi-Public—Open Space (P/SP-OS); and

**WHEREAS**, on September 10, 2019, the City Council adopted an Ordinance approving ReZone #RZ 17-02 changing the zoning district designation for the western portion of the Project site from General Commercial (CG) to Planned Commercial–Residential (PC-R) and changing the Ohlone Creek corridor in the approximate center of the site from General Commercial (CG) to Public/Quasi-Public—Open Space (P/QP-O).

**NOW, THEREFORE BE IT RESOLVED** that the City Council determines the following regarding the “Project” as described above and conditioned through the attached Exhibits A and B and depicted in Exhibit C plans (which shall be updated to be consistent to match approval) attached hereto that :

1. The foregoing recitals are true and correct and made a part of this resolution by this reference.
2. The Proposed Project i) 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, ii) 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, iii) Should still be subject to the Mitigation Monitoring and Reporting Program of the 2009 EIR as part of the entitlement approvals, and iv) Does not require further environmental review, Pursuant to Sections 15168(c)(2) of the CEQA Guidelines.
3. After due study, deliberation, and public hearing, the City Council makes the specific findings and determinations shown in the attached Findings with Facts contained herein as Exhibit D, contingent upon the Applicant’s adherence to and compliance with the Conditions of Approval contained herein as Exhibit A.
4. The Project as proposed and conditioned would not be detrimental to the health, safety, welfare, and public interest of the City.
5. The Project 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 City Council 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 City Council determines the following regarding the proposed Initial/Final Planned Development Plan #FPDP 17-02 in accordance with Section 13- 48 of the Hercules Municipal Code Zoning Section as depicted in the attached Exhibit C within the conditions of approval in the attached Exhibit A:

1. The proposed uses and densities are consistent with the General Plan and Zoning Ordinance, as amended.
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.

3. That any exceptions from standard ordinance requirements are warranted by the design and included in the approved FPDP drawings and approved through the Minor Exception process where required.
4. The area surrounding the Project Site can be planned and zoned in coordination and substantial compatibility with the proposed development.
5. The proposed utility services are adequate for development of proposed densities and will comply with the improvement standards required by #VTM 9477.
6. The proposed #FPDP 17-02 is environmentally compatible as it is subject to applicable Mitigation Measures of the 2009 Updated Redevelopment Plan EIR, reiterated in #IS 17-02 Attachments.
7. The City Council approves #FPDP 17-02 for the Project Site known as Sycamore Crossing (which supersedes the Sycamore Crossing mixed-use project Initial PDP #10-01 adopted in June 2010 related to this subject site) subject to Conditions of Approval contained in Exhibit A hereto.

**BE IT FURTHER RESOLVED** that the City Council determines the following regarding the proposed Design Review Permit #DRP 17-04, in accordance with Section 13-42 of the Hercules Municipal Code Zoning Section : as depicted in the attached Exhibit C within the conditions of approval in the attached Exhibit A:

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, as it relates to approval of a Planned Development Plan, and including, but not limited to, the Hercules General Plan once the above listed General Plan and Zoning Amendments are approved and in effect.
2. The approval of this plan 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 City Council approves #DRP 17-04 for the Project Site known as Sycamore Crossing subject to Conditions of Approval contained herein as Exhibit A.

**BE IT FURTHER RESOLVED** that the City Council determines the following regarding the proposed Minor Exception #ME 19-01 in accordance with Section 13-45 of the Hercules Municipal Code Zoning Section:

1. Strict interpretation of the City parking standard would result in practical difficulty inconsistent with the intent of the General Plan and Zoning Ordinance due to the desire to preserve and protect the adjacent Ohlone Creek Open Space Corridor. The resulting development plan would result in an improved plan that would allow a needed hotel project with adequate on-site parking while preserving adjacent open space.
2. By granting the Minor Exception, the City Council would not be granting a special privilege inconsistent with regulations imposed on adjacent properties since the traffic and parking study commissioned for the Sycamore Crossing project documents that an adequate supply of on-site parking would still be provided with approval of the Minor Exception.
3. Approval of the requested Minor Exception would not be detrimental to the public health, safety, or welfare because a Condition of Approval (Condition #23) requires the hotel operation to safely accommodate peak parking demand by undertaking valet parking and using satellite parking lots and other techniques to ensure that hotel parking is accommodated.

**BE IT FURTHER RESOLVED** that the City Council determines the following regarding the proposed Master Sign Program – MSP in accordance with Section 13-34-400(16) of the Hercules Municipal Code Zoning Section:

1. The Master Sign Program (MSP) referenced above as dated May 29, 2019, by National Sign (Sheets MSP: 1 through MSP: 14) has been submitted for the Sycamore Crossing Project and is in accordance with the Sign Code Provisions of Section 13-34 of the Hercules Municipal Code Zoning Section.
2. The City Council approves the MSP referenced above and attached herein as Exhibit B, subject to Conditions of Approval contained herein in Exhibit A.

**BE IT FURTHER RESOLVED** that the City Council determines the following regarding the proposed Conditional Use Permit #CUP 17-04 in accordance with Section 13- 50 of the Hercules Municipal Code Zoning Section::

1. That the proposed use is consistent with the General Plan.
2. That the location of the proposed 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. The proposed project is within the scope of the development programs evaluated in the 2009 EIR, no new significant environmental effects could occur as a result of the proposed project, no new mitigation measures are required for the proposed project, and the proposed project does not require further environmental review under CEQA.
6. The City Council approves #CUP 17-04 for the Project Site known as Sycamore Crossing subject to Conditions of Approval contained herein in Exhibit A for the following uses:
  - a. retail stores over 2,000 square feet;
  - b. drive-through facilities for the pharmacy and for a food service building;
  - c. seasonal outdoor sales;
  - d. hotel;
  - e. shopping center ;
  - f. beer & wine sales with a potential for alcoholic beverage sales.
  - g. potential 24-hour pharmacy store

**BE IT FURTHER RESOLVED** that the City Council determines the following regarding the proposed Vesting Tentative Map #VTM 9477 in accordance with Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code once the civil map pages are made consistent with the landscape and architectural sections of the plans in Exhibit C:

1. #VTM 9477 is consistent with the General Plan, as amended;
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 intent of applicable subdivision regulations and related ordinances in Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code;
4. The design and improvements of #VTM 9477 are consistent as they relate to the Project Site;

5. #VTM 9477 is consistent with the #FPDP 17-02 for the Sycamore Crossing project and therefore consistent with the Zoning Ordinance
6. 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;
7. All Mitigation Measures and the Mitigation Monitoring program adopted with the Program EIR and subsequent Addenda pertaining to the 2009 Updated 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;
8. #VTM 9477 will not result in environmental damage or substantially injure fish or wildlife or their habitat or cause public health concerns; and
9. The design of #VTM 9477, will not conflict with easements or access through or use of property within the proposed subdivision; and
10. The City Council approves #VTM 9477 for the Project Site known as Sycamore Crossing subject to Conditions of Approval contained herein in Exhibit A.

**BE IT FURTHER RESOLVED** that the City Council finds and the Applicant agrees with the necessity of and accepts all elements, requirements, and conditions of #FPDP 17-02, #DRP 17-04, #CUP 17-04, #VTM 9477, and the above referenced Master Sign Program 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 based on the attached Findings with Facts in Exhibit D.

**THE FOREGOING RESOLUTION** was passed and adopted at a regular meeting of the Hercules City Council on the 10<sup>th</sup> day of September 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Dan Romero, Mayor

ATTEST:

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David Biggs  
Deputy City Clerk/City Manager



**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 & Master Sign Program
- Exhibit D. 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 & MASTER SIGN PROGRAM**

**(See Submittal Plans dated August 5, 2019)**

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

**EXHIBIT D:  
FINDINGS WITH FACTS**