

**EXHIBIT D.1**  
**FINDINGS WITH FACTS**  
**SYCAMORE CROSSING**  
**INITIAL/FINAL PLANNED DEVELOPMENT PLAN #FPDP 17-02**

**Section 13-48.600 of the Hercules Municipal Code Zoning Section requires the following findings with facts to be made in order to approve Planned Development Plans:**

**FINDING NO 1:** That the proposed use and densities are consistent with the General Plan.

**FACT:** Based on the record generally and the analysis provided in the staff report for the Planning Commission Public Hearing of July 15, 2019, Initial/Final Planned Development Plan #FPDP 17-02 is in conformance with the Hercules General Plan objectives, goals, and policies.

The proposed Zone Amendment #ZA 17-02 is consistent with the proposed General Plan Amendment #GPA 17-02 in which the land use would be changed from General Commercial (GC) to a combination of Planned Commercial-Residential (PC-R) and Public/Semi-Public Open Space (P/SP-OS) and the zoning would be changed from General Commercial (CG) to a combination of Planned Commercial-Residential (PC-R) and Public/Quasi-Public Open Space (P/QP-O). All of the proposed uses are permitted or conditionally permitted in areas designated as GC, PC-R and P/SP-OS under the General Plan and CG, PC-R and P/QP-O under the Zoning. The GC land use and CG zoning allow for the character of the buildings typically to be suburban in nature and one to two stories in height, with a FAR of 0.20 to 1.00 (typical FAR of 0.30). The commercial portion of the Sycamore Crossing project would be built at a FAR of approximately 0.21. The PC-R land use and zoning allow for the character of the buildings typically to be suburban in nature with up to 65' high buildings along Sycamore which are up to 5 stories or 40' maximum height outside of Sycamore, with a FAR of 0.20 to 4.00 (typical FAR of 2.0) and up to 40 units per acre density. The hotel portion of the Sycamore Crossing project would be built at a FAR of approximately 0.81. The condominium portion of the Sycamore Crossing project would have 37' height with 13.7 units to the acre.

**FINDING NO. 2:** That 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 planned development.

**FACT:** The streets and thoroughfares as shown in the proposed projects are designed based on standards for the City of Hercules with landscaped center median planned along San Pablo where work is being done to

accommodate channelization. Traffic and parking analyses performed for the Sycamore Crossing project have been updated based on the currently proposed uses for the purposes of complying with CEQA. The updated traffic analysis concluded that the proposed project, as conditioned, will not generate project traffic in excess of levels previously analyzed and approved or in a manner that would overload the street network.

**FINDING NO. 3:** Any exceptions from standard ordinance requirements are warranted through the design and amenities incorporated through Initial/Final Planned Development Plan #FPDP 17-02 and approved through the Minor Exception #ME 19-02.

**FACT:** Approval of #FPDP 17-02 would supersede Initial Planned Development Plan #FPDP 14-01, approved in 2015 for a previous retail shopping center approved for the Sycamore Crossing site. The proposed project subject to Initial/Final Planned Development Plan #FPDP 17-02 includes standards specific to this project with amenities typical of a mixed-use center with housing, retail commercial and a hotel. A parking exception from standard ordinance requirements for the hotel are required for the proposed Project but are accommodate through a new street with on-street parking being built with the project.

**FINDING NO. 4:** That the area surrounding the project site can be planned and zoned in coordination and substantial compatibility with the proposed development.

**FACT:**The area surrounding two sides of the Project Site has been developed primarily as residential. The Project Site was viewed for many years as a potential location of a grocery supermarket since the planning effort undertaken in 2009-2010 following acquisition by the City/Redevelopment Agency. It was one of a number of properties owned by the City subject to liquidation following dissolution by the State Legislature of statewide redevelopment agencies effective February 1, 2012. When the previously approved Safeway retail shopping center could not be fully leased, the old entitlement approval iteration of the Project was abandoned and the property fell out of escrow.

The City sold the property to Lewis Company who went out to market the site for tenants and determined the proposed mixed development land use and zoning for the Sycamore Crossing was necessary and planned given market forces.

The scale and mass of the proposed Sycamore Crossing project is substantially compatible with the character of the surrounding area planned and being developed in proximity to the Project Site and therefore is being planned and zoned in coordination and in substantial compatibility with the surrounding areas and uses.

**FINDING NO. 5:** That the proposed utility services are adequate for the development densities proposed.

**FACT:** The proposed project will be improved with streets, curbs, gutters, sidewalks, gas, water, sewer, electric, storm drain, and telecommunications services sized so as to meet the demands of the proposed project with some being relocated to appropriately avoid buildings on the site. Initial/Final Planned Development Plan #FPDP 17-02 and Vesting Tentative Map #9477 provide for adequate utility services.

**EXHIBIT D.2**  
**FINDINGS WITH FACTS**  
**SYCAMORE CROSSING**  
**DESIGN REVIEW PERMIT #DRP 14-04**

**Section 42.500 of the City of Hercules Zoning Ordinance requires all of the following findings to be made for granting a Design Review Permit with Findings also required by Chapter VII of the Regulating Code for the Central Hercules Plan:**

**FINDING NO. 1:** The approval of the design review plan is in compliance with all provisions of the City of Hercules Municipal Code Zoning Section 13-42, Design Review, as well as 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 and the Plan for Central Hercules.

**FACT:** Design Review Permit #DRP 17-02 has been reviewed concurrently with Initial/Final Planned Development #FPDP 17-04 establishing development regulations for the Sycamore Crossing project and superseding the previous project. As proposed, #DPR 17-04 complies with all provisions of the Zoning Ordinance and #FPDP 17-04 relating to building height, lot size and coverage, open space, and parking. Approval of Design Review Permit #DRP 17-04 allows the construction of approximately 29,511 square feet of commercial space including an approximately 13,111 square foot one-story drug store and pharmacy, a four-story, 105-room hotel, with up to 120 attached multi-family condominium dwellings along with common areas for parking, landscaping, and pedestrian use and preservation of a natural drainage way on the 12.88-acre Project Site. The proposed Sycamore Crossing project adheres to the applicable objectives and policies of the General Plan and the Plan for Central Hercules.

**FINDING NO. 2:** The approval of this plan is in the best interests of the public health, safety and general welfare.

**FACT:** Subsequent to the City's initial planning efforts for the Project Site, modification to the development plans and focus of uses became necessary due to a change in the economy and related State laws affecting the activities of redevelopment agencies. The Sycamore Crossing project currently proposed reflects mixed-use project. The proposed site plan for the Sycamore Crossing has been planned and zoned in coordination and substantial compatibility with the area surrounding the project.

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 CG zoning district, the PC-R zoning district, the P/QP-OS zoning district, the Central Hercules Plan, and surrounding properties.

**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:** 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/community shopping at this location. Building and parking orientation has been laid out in consideration of public safety, efficiency and avoidance of potential circulation conflicts with access points to/from Sycamore Avenue, San Pablo Avenue, and Tsushima Street.

Building setbacks and placement of the pedestrian plaza and improvements to the natural drainage channel have been designed to reflect the character of the Plan for Central Hercules area and provide a desirable environment for the development.

**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:** The proposed commercial structures are reflective of new construction for neighborhood/community shopping centers constructed within the vicinity. The architectural style is compatible with the character of the Central Quarter of the Plan for Central Hercules. The design review materials include a color and materials board. The streetscape and hardscape elements have been proposed for continuity along Sycamore Avenue and San Pablo Avenue and a harmonious interface along Tsushima Street with the adjacent neighborhood. Parking lot areas will be sufficiently illuminated for pedestrian and vehicular safety. A Master Sign Program provides efficient way-finding from both off-site and from within the site.

**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 five (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.

**FACT:** The project site is subject to approval of a Master Landscape Plan which identifies all landscaped areas on site and peripheral public areas required to be landscaped. The Master Landscape plan identifies planted and irrigated areas as well as pedestrian hardscape areas. The Landscape Plan also establishes a palette of planting materials and typical details related to walls and other permanent elements to be located within planted or pedestrian areas. A Landscape and Lighting Assessment district is proposed to be established for the proper and consistent maintenance of common areas, both on site and within the public right-of way, which have been or will be improved with landscaping, illumination, and irrigation.

**EXHIBIT D.3**  
**FINDINGS WITH FACTS**  
**SYCAMORE CROSSING**  
**CONDITIONAL USE PERMIT #CUP 17-02**

**The following findings are required to be made in accordance with Section 13-50.300 of the City of Hercules Municipal Code Zoning Section for uses identified as requiring a Conditional Use Permit in the General Commercial (CG) (Title 13-Chapter 8) or Planned Commercial-Residential (Title 13-Chapter 15) or in the Central Quarter of the Central Hercules Plan:**

**FINDING NO. 1:** That the proposed use is consistent with the General Plan.

**FACT:** The Sycamore Crossing project includes an application for a General Plan land use amendment (#GPA 17-02) for the Project Site from General Commercial (CG) to a combination of Planned Commercial-Residential (PC-R) and Public/Semi-Public Open Space (P/SP-OS) and a Zone Amendment #ZA 17-02 to the corresponding and consistent zoning district of General Commercial (CG), Planned Commercial-Residential and Open Space districts. All of the commercial uses proposed for the Sycamore Crossing project are included with those identified in the CG and PC-R districts. However, a number of those uses are identified in Title 13, Chapters 8 and 15 of the Hercules Municipal Code Zoning Section and/or the Regulating Code for the Central Hercules Plan as requiring a Conditional Use Permit. While the uses are consistent with the General Plan and Zoning Ordinance, additional standards would be applicable. The uses proposed for this project identified as conditional are: Shopping centers, retail uses greater than 2,000 square feet, hotels, liquor sales, drive-through sales and services (including fast food), and outdoor sales.

The proposed Sycamore Crossing project adheres to the objectives and policies of the General Plan and the Central Hercules Plan.

**FINDING NO. 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.

**FACT:** All of the uses proposed for the Sycamore Crossing project conform with the purposes of the zoning ordinance and the district in which the Project Site is located because all of those uses permitted or conditionally permitted in the CG and/or PC-R district. However, a number of those uses are identified in Title 13-Chapter 8 of the Hercules Municipal Code Zoning Section and/or the Regulating Code for the Central Hercules Plan as requiring a Conditional Use Permit. While the uses are consistent with

the General Plan and Zoning Ordinance, additional standards would be applicable. The uses proposed for this project identified as conditional are: Shopping centers, retail uses greater than 2,000 square feet, hotels, liquor sales, drive-through sales and services (including fast food), and outdoor sales. As proposed, and subject to the conditions of approval, all of these uses will be in compliance with the applicable provisions of the Zoning Ordinance.

Since the project site is located with the Central Hercules Plan area, the other uses proposed generally are allowed by an Administrative Use permit.

**FINDING NO. 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.

**FACT:** The Sycamore Crossing project currently proposed reflects a mixed-use project that has been planned and zoned in coordination and substantial compatibility with the area surrounding the project. Building setbacks and placement of the pedestrian plaza and improvements to the natural drainage channel have been designed to reflect the character of the Plan for Central Hercules area and provide a desirable environment for the development.

As proposed, the Sycamore Crossing project complies with all provisions of the Zoning Ordinance and #FPDP 17-02 relating to design, building height, lot size and coverage, open space, and parking. Building and parking orientation has been laid out in consideration of public safety, efficiency and avoidance of potential circulation conflicts with access points to/from Sycamore Avenue, San Pablo Avenue, and Tsushima Street.

**FINDING NO. 4:** There is adequate access, traffic, public utility, and public service capacity for the proposed use and surrounding existing and anticipated uses.

**FACT:** The Project Site will be served by adequate infrastructure and utilities including fire protection, sewer, water, and drainage. 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 or community shopping at this location. The Project Site has adequate parking, and parking lot areas will be sufficiently illuminated for pedestrian and vehicular safety. Adequate public utilities and services are available to serve the project site for the proposed uses.



**FINDING NO. 5:** There are no potential, significant adverse environmental impacts that could not be feasibly mitigated and monitored.

**FACT:** The requested Conditional Use Permit is part of a number of applications for the Sycamore Crossing project. As stated in Initial Study and CEQA Determination #IS 17-02, the Sycamore Crossing project is subject to the 2009 Updated Redevelopment Plan EIR (Redevelopment Plan EIR) (SCH #200112049) certified by the City Council on April 20, 2009 which included mitigation measures addressing potential environmental impacts that will part incorporated into the project approvals as conditions of approval to mitigate potential negative impacts on surrounding properties or public facilities that may be caused by the requested conditional uses. 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. As a result, there would be no potential, significant adverse environmental impacts from the Project.

**EXHIBIT D.4**  
**FINDINGS WITH FACTS**  
**SYCAMORE CROSSING**  
**VESTING TENTATIVE MAP #9373**

Section 10-2.3.103 of the Hercules Municipal Code requires that no land be subdivided pursuant to a vesting tentative map for any purpose which is inconsistent with the Hercules General Plan or not permitted by the zoning ordinance. Vesting Tentative Maps also are subject to the State Subdivision Map Act.

**FINDING NO. 1:** Vesting Tentative Map #9477, as proposed and subject to conditions of approval, is consistent with the General Plan, as amended, and the Plan for Central Hercules.

**FACT:** Based on the record generally and the analysis provided in the staff report for the July 15, 2019 Planning Commission Public Hearing, and Attachment \_\_\_ thereto, Vesting Tentative Map #9477 is in conformance with the Hercules General Plan objectives, goals, and policies as proposed for Sycamore Crossing project consisting of up to 29,511 square feet of retail commercial uses, a four-story, 105-room hotel, up to 120 multi-family, condominium dwellings, parking and open spaces preservation of a natural drainage way on the 12.88-acre Project Site.

**FINDING NO. 2:** Vesting Tentative Map #9477, as proposed and subject to conditions of approval, is consistent with the General Commercial (CG). Planned Commercial-Residential (PC-R) and Public/Semi-Public-Open Space (P/SP-OS) land use designationss on the property.

**FACT:** The project site will be zoned General Commercial (CG), Planned Commercial-Recreation (PC-R) and Public/Semi-Public Open Space (P/SP-O) which permits a variety of residential and commercial uses.

Based on the entire record and analysis provided in the staff report for the July 15, 2019, Planning Commission Public Hearing, the uses and level of development proposed are generally permitted by the zoning ordinance with the Minor Exception #ME 19-02.

**FINDING NO. 3:** Vesting Tentative Map #9477, as proposed and subject to conditions of approval, is consistent with the Regulating Code for the Central Hercules Plan.

**FACT:** The Applicant's/Developer's intention is to subdivide the 12.88-acre site into seven parcels for commercial and residential development within the Sycamore Crossing center as described above.

**FINDING NO. 4:** Vesting Tentative Map #9477, as proposed and subject to conditions of approval, is consistent with the intent of applicable subdivision regulations and related ordinances in Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code and with the provisions and intent of Section 66474 of the California Government Code.

**FACT:** The design of proposed subdivision and the proposed improvements are consistent with the General Plan, as amended, the requirements of the Plan for Central Hercules, subject to the conditions of the project. The property development standards are established by Initial/Final Planned Development Plan #FDP 17-02, and the subdivision proposed by Vesting Tentative Map #9477 would be consistent with those standards.

**FINDING NO. 5:** The design and improvements of Vesting Tentative Map #9477, as proposed and subject to conditions of approval, are consistent as they relate to the Project Site.

**FACT:** Commercial projects within the Central Quarter of the Plan for Central Hercules area are required to be approved as a Planned Development which allows the adoption of Development Standards specific to each Planned Development zone and requires approval by the City Council. The proposed Vesting Tentative Map #9477 generally complies and is consistent with the specific development standards/regulations for this zone, the proposed Initial/Final Planned Development #FPDP 17-02 for the Sycamore Crossing project, and all other standards specific to the proposed uses.

**FINDING NO. 6:** Vesting Tentative Map #9477, as proposed and subject to conditions of approval, is consistent with the Initial/Final Planned Development Plan #FPDP 17-02 for the Sycamore Crossing project and therefore consistent with the Zoning Ordinance.

**FACT:** The proposed Sycamore Crossing project will be located at the intersection of Sycamore Avenue and San Pablo Avenue which is a regional crossroad in proximity to the proposed Intermodal Transit Center and the existing Hercules Transit Center. Mixed-use developments are a prescribed method for establishing Development regulations in the CG, PC-R and P/QP-O districts in order to provide flexibility for a variety of uses, urban development, and conformance with innovation desired in the Central Quarter of the Central Hercules Plan.

**FINDING NO. 7:** Project design, architecture, and concept are suitable for the project site created by the Vesting Tentative Map #9477, as proposed, and therefore the proposed subdivision is physically suitable for the type and intensity of development proposed.

**FACT:** The proposed project generally conforms with the character envisioned for the Central Hercules area in terms of architectural design, style, and color, as well as services and amenities.

The streetscape along public streets and within the parking areas will be landscaped. All setbacks behind the property lines will be landscaped. The landscape plan provides a variety of plant materials suitable for the location, type, size, color, texture and coverage along with provisions for irrigation, maintenance, and protection of landscaped areas.

Setbacks conform to the Building and Safety Codes; there is sufficient vehicular access to the site for public safety, protection, and maintenance. Pedestrian access and main street character is sufficiently provided is sufficient to satisfy the requirements of the applicable zoning districts and Central Hercules Plan.

**FINDING NO. 8:** The Mitigation Measures and the Mitigation Monitoring program adopted with the program EIR for the Redevelopment Plan and any subsequent Addenda or Negative Declaration would be applicable, as appropriate, based on the Initial Study and CEQA Determination No. #IS 17-02 approved concurrently herewith, to ensure that the Project does not result in any new significant environmental effects, substantially increase the severity of any previously identified environmental effects, or otherwise lead to any conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR.

**FACT:** Applicable Mitigation Measures included as part of the Redevelopment Plan EIR and General Plan EIR will be applied to the Sycamore Crossing project.

**FINDING NO. 9:** Vesting Tentative Map #9477, as proposed and subject to conditions of approval, will not result in environmental damage or substantially injure fish or wildlife or their habitat or cause public health concerns.

**FACT:** The Mitigation Measures and the Mitigation Monitoring program adopted with the program EIR for the Redevelopment Plan and any subsequent addenda would be applicable, as appropriate, based on the Initial Study and CEQA determination No. IS 17-02 approved concurrently herewith, to ensure that the Project does not result in any new significant environmental effects, substantially increase the severity of any previously identified environmental effects, or otherwise lead to any conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR, and compliance with such mitigation measures and the Conditions of Approval would ensure that the Project does not result in environmental damage, including but not limited to harm to the environmental related to grading, drainage, erosion, water

quality, and environmental management, and does not substantially injure fish or wildlife or their habitat or cause public health concerns.

**FINDING NO. 10:** The design of Vesting Tentative Map #9477, as proposed and subject to conditions of approval, will not conflict with easements, acquired by the public at large, or access through or use of property within the proposed subdivision

**FACT:** The proposed plan designates a 2.02-acre area as a drainage easement for Ohlone Creek across private property. The proposed Sycamore Crossing Plan also will include pedestrian and community spaces. All required easements and dedications will be obtained prior to recordation and approval of the Final Map.

**EXHIBIT D.5**  
**FINDINGS WITH FACTS**  
**SYCAMORE CROSSING**  
**MINOR EXCEPTION #M3 19-02**

Section 13-46.100 of the Hercules Municipal Code allows the City to approve Minor Exception to development projects, including parking and loading requirements so long as the modification does not affect the overall design theme of the site. Such an application has been made for the Sycamore Crossing Project, to reduce the amount of on-site parking for the 105 room hotel from the required 126 spaces to 105 spaces.

**FINDING NO. 1:** Approval of the Minor Exception for Parking would not affect the overall design of the Sycamore Crossing Project.

**FACT:** The design of the mixed-use project has taken into account a reduced parking count of the proposed Hampton Inn hotel and no changes to the overall character of the project would result with the approval of the Minor Exception.

**FINDING NO. 2:** Approval of the Minor Exception for Parking would not result in a parking problem or issue in the Sycamore Crossing project.

**FACT:** The development plan for the Project would allow overflow parking on the adjacent public street (Ohlone Creek Place) being built with the project and a condition of approval requires the hotel management and operator to develop and implement a plan for peak hour parking demand that would likely include a valet parking service.

**EXHIBIT D.6**  
**FINDINGS WITH FACTS**  
**SYCAMORE CROSSING**  
**MASTER SIGN PROGRAM**

A Master Sign Program is required by Title 13, Chapter 34.400(R) of the Hercules Municipal Code Zoning Section when a building or grouping of buildings contains six (6) or more business or office uses. A Master Sign Program has been submitted to the City prepared by National Sign Corporation dated May 29, 2019 that provides a mix of ground-mounted monument signs, wall signs for individual tenants and window and door signs.

**FINDING NO. 1:** Approval of the Master Sign Plan is consistent with the Hercules Zoning Ordinance requirement and will result in an integrated, pleasing and functional design of signs for the center.

**FACT:** The Master Sign Program is generally consistent with the previously approved Sign Plan for the Sycamore Crossing Project for the Safeway center.