



CITY OF HERCULES

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To: City Council
From: Michael Roberts, Public Works Director/City Engineer
Cc: Planning Commission
Re: Hilltown Project – Statement of Findings and Recommendations
Date: March 5, 2020

Sec. 10-2.309(b) of the Hercules Municipal Code (HMC) stipulates the Public Works Director/City Engineer provide a written statement of findings and recommendations for development projects. In accordance with this provision, following is my assessment for Hilltown.

The majority of the Hilltown Project, as its name suggests, is on a fairly steep, south facing slope which is challenging to develop. A built-out environment surrounds the project, with John Muir Parkway immediately to the south, San Pablo Boulevard to the west, the Victoria Crescent residential subdivision to the north, and I-80 to the east, further constraining the site.

Since the approval of the Initial Project Development Plan (IPDP), more stringent stormwater requirements have been mandated by the Regional Quality Control Board, requiring the incorporation of horizontal treatment basins which further exacerbate the topographic constraints. During the more in-depth analysis that typically occurs as part of advancing the project from an IPDP to a Final Project Development Plan (FPDP), the Hercules-Rodeo Fire District's fire code has been incorporated into the design. These impact the street slopes (less steep) and street width (wider) which are more constraining than the City's Engineering Design Standards. These requirements, when coupled with the more in-depth knowledge gained during the advance of the project design, have made it clear that adhering to the City's Engineering Design Standards would make an FPDP that conforms to the approved IPDP, for which the developer has vested rights, impractical, if not impossible.

Per HMC Sec. 10-2.105 Variations, "Whenever the real property involved in any subdivision is of such size or shape or is subject to such title limitations of record or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider fully to conform to the regulations contained in this Chapter, or a Planned Unit Development is proposed, variations from the requirements of this Chapter may be permitted by the City Council provided such variations are in conformity with the spirit and purpose of the Map Act and this Chapter."

Over the past several months, the City's project review team and Developer's team have worked very closely to identify variances that would result in a viable project for the Developer that staff believes meets the spirit and purpose of the subdivision code. They are as follows:

- Private Ownership of Streets – To work within the topographic constraints, the project will require extensive retaining walls adjacent to the interior streets. The retaining walls will require periodic access for inspections and maintenance, which given the compact nature of the site (i.e.

close proximity of residences), would be best performed by the Developer. Additionally, Developers are responsible for maintaining stormwater facilities, which for this site will include placing the piping under the streets. Street ownership will allow the Developer to have full access to them.

- 15 MPH Speed Limit – While the City’s Engineering Standards specify a 25 mph design and posted speed limit, the associated roadway geometrics such as the distance between intersections and curve radiuses would render the project infeasible. A 15 mph speed limit will allow a FPDP to be constructed in substantial conformity to the IPDP.
- Private Speed Limit Enforcement – The City does not enforce speed limits on private streets. Given the proposed lower speed limit and associated sharper curves and closer intersections, coupled with the steep grades and 13 feet wide lanes, staff requested the Developer provide a means of enforcing the speed limit along with conditioning the project to use extensive traffic calming measures. Per the attached memorandum, the Developer has agreed to utilize the property management company on an as-needed basis to enforce the speed limits, including but not limited to the use of a radar gun and citations. A more detailed approach would be developed in the future subject to the City’s approval.

These 3 variances constitute my recommendations for the project.