

EXHIBIT C
REVISED FINDINGS WITH FACTS
HILL TOWN PROJECT

I. FINAL PLANNED DEVELOPMENT PLAN NO. 19-01

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

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

FACTS: The General Plan Land Use designation of PC-R Planned Commercial Residential to provide both either residential or commercial or residential and commercial uses with a residential density not to exceed 30 units per acre (approximately up to 85 persons per acre with a non-residential FAR floor area ratio in the range from 0.20 to 0.40 with a typical FAR of 0.30. The proposed use is consistent with the residential commercial mixed use. The residential density of 13.09 dwelling units per gross acres is below the maximum, and consistent. The commercial FAR of 0.06 is below the maximum, and consistent.

FINDING NO. 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 planned development.

FACTS: The private roadway design include a loop road designed for 26' to 36' wide street, that includes a minimum of two travel lanes of 13' each (1 in each direction) and optional 8' wide parking on one or both sides with a parkway strip and 5' sidewalks adjacent to the road on both sides of the street as shown on Revised page C1.01 of the Plan Set. A condition of approval requires each intersection meet the minimum turning radius site distance for public safety. In addition, all roadways will be limited to a maximum 15-miles per hour and signage will inform drivers thru-out the subdivision, and the Homeowners Association will monitor and enforce this requirement. A Transportation Impact Analysis was completed on the Project. No new or substantially more severe impacts related to traffic or circulation impacts were identified. A number of mitigations were identified which continue to be applicable, including the installation of a new traffic signal at San Pablo Avenue/Linus Pauling. Consistent with Sec. 10-2.106, and 10-2.309, the Director of Public Works has determined that the subdivision, and improvements are consistent with the subdivision regulations of the municipal code. In the case, of the roadway width, horizontal curve radius, and site distance the city's transportation engineer DKS conducted an analysis dated February 27, 2020 and has made specific safety recommendations. It was recommended that the lowest recommended speed limit of 15 mph and appropriate signage and traffic calming measures be required in coordination with the Fire District. The Director of Public Works provided in the March 5, 2020 memo Statement of Findings and Recommendations approval.

FINDING NO. 3: The exceptions from standard ordinance requirements are warranted by the design and amenities incorporated in the final planned development plan and approved through the minor exception process (and confirmed through the variance approval process).

FACTS: The Hill Town Project is inconsistent with the City Roadway Standards of 36' curb-to-curb by 2'. Consistent with Sec. 10-2.106 and 10-2.106 and 10-2.309, the Director of Public Works has determined the subdivision, and improvements are consistent with the subdivision regulation, subject to the conditions of approval. Based upon the Public Works Director memo of March 5, 2020 that the design is in keeping with the intent of the subdivision ordinance and with good engineering practice. The trade-off of maximizing the number of residential units combined with the safety measures described in Finding No. 2 warrants this exception from the standards. The Project street design is generally consistent with the approved IPDP that is the subject of the Owner Participation and Development Agreement (DOPA #7-01). The Hill Town Project Podium buildings are inconsistent with the PC-R Zoning maximum height of 65' approved thru the IPDP, proposing a building of 81'-6" or 16'-6" above the maximum. Section 13-30.520 Height Limit Exception enables up to an additional 25' above this limit for towers, spires, cupolas, chimneys, flagpoles, and similar structures and necessary mechanical appurtenances, subject to design review, and use permit in each case. The Project as designed is consistent with the IPDP, and CEQA determined the increased height did not constitute a significant impact that was not adequately addressed in the EIR for the original project.

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

FACTS: The Project is consistent with the General Plan Land Use designation of PC-R Planned Commercial Residential. The following land use, zoning, and improvements of surrounding properties. The proposed use is consistent with these adjacent uses.

	<u>Existing Land Use</u>	<u>General Plan Land Use Designation</u>	<u>Zone</u>
North	a. Victoria By the Bay single family homes	Residential	Residential
South	a. BART Park and Ride	Commercial-Public	Commercial-Public
	b. John Muir Parkway		
East	a. Interstate 80		
West	a. North Shore Business Park	Planned Office-Research & Development	Planned Office-Research & Development
	b. San Pablo Avenue		

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

FACTS: The preliminary title report dated April 30, 2019, includes the following existing public and private easements: a) an utility easement in favor of PG&E; b) an utility easement in favor of EBMUD, c) a sanitary sewer easement in favor of the City does not exist, but is required, d) an access and utility easement in favor of Crown Castle Towers for access to the antennae, and e) a storm drain easement in favor of the City, f) an easement for pipelines in favor of Union Oil Company, g) a pipeline easement for San Pablo Bay Pipeline Company. In order to accommodate the construction of the proposed project, all the above existing easements will need to be quitclaimed or abandoned and relocated to the edges of the property and relevant fees paid. The EIR for the approved IPDP determined that available utility services were adequate to serve the development described in the IPDP, and the proposed FPDP will impose less demands on utility service providers than the approved IPDP. Therefore, utility services are adequate for the development densities proposed.

II. VESTING TENTATIVE MAP NO. TSM 19-01

Section 10-2.309(b) -Department Recommendation Section of the Hercules Municipal Code requires the Director of Public Works to present a written statement of his findings and recommendations regarding the proposed improvements for the subdivision. He shall determine if the proposed improvements are in accordance with the city's requirements and in the case of a variation request determine if the proposed variation is in keeping with the intent of the subdivision ordinance and with good engineering practice.....prior to consideration of the tentative map by the City Council” .

FINDING NO. 1: The proposed subdivision is consistent with the General Plan and any applicable Specific Plan.

FACTS: The Project is consistent with the General Plan PC-R Planned Commercial Residential land use designation and the approved Development Agreement, and its IPDP. Consistent with Section 10-2.309(b) the Public Works Director has provided a Statement of Findings and Recommendation dated March 5, 2020 to grant three variances from the subdivision Section 10-2.105 regarding street slope, and street width of the City's Engineering Design Standards.

FINDING NO. 2: The City Council has considered the effect of the proposed subdivision on regional housing needs and balanced such needs against the public service needs of City residents and available fiscal and environmental resources.

FACTS: The proposed residential development would consist of a mixture of three basic types of attached housing: townhomes, courtyard units and podium housing. There are a variety of unit and bedroom sizes which will offer a variety of rental or sales prices. The Development Agreement included a minimum long-term affordable housing set-aside for moderate income of 20%. The Project will provide 598 new residential units helping the City to meet its RHNA goals. The EIR for the approved IPDP evaluated the demands of the approved IPDP on the City's public service providers and concluded that the development described in the approved

IPDP would not exceed or place an undue burden on the service needs of the City's existing residents and its available fiscal and environmental resources. The proposed FPDP will impose less demands on the City's service providers and its fiscal and environmental resources.

III. CONDITIONAL USE PERMIT NO. CUP 19-01

Section 50.300 of the Zoning Code requires the following findings with facts to be made in order to approve a Conditional Use Permit:

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

FACTS: Neighborhood Commercial is a consistent use with both the General Plan, and Municipal Code designation of PC-R Planned Commercial Residential. Any neighborhood commercial use over 2,000 sq. ft. requires a conditional use permit. The proposed neighborhood commercial use of 4,200 square feet will be located in residential podium C, ground floor.

FINDING NO. 2: 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.

FACTS: The commercial use requiring the conditional use permit is located in the PC-R planned commercial residential mixed-use district and conforms with the purposes of the Zoning Ordinance because it will:

1. Be located in a well planned mixed-use development.
2. Be part of an integrated mixture of residential and commercial employment generating uses within the same structure or site.
3. Be a ground floor commercial use beneath upper floor residential uses.
4. Could minimize vehicle use by providing commercial services in immediate proximity to residential uses.

FINDING NO. 3: 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.

FACTS: The commercial use that is the subject of the conditional use permit is consistent with the General Plan Land Use designation of PC-R Planned Commercial Residential to provide both either residential or commercial or residential and commercial uses with a non-residential FAR floor area ratio in the range from 0.20 to 0.40 with a typical FAR of 0.30. The commercial FAR of 0.06 is below the maximum. The location of the commercial use is on the ground floor of residential podium building C, accessible from the podium building, and the community at large. The neighborhood commercial space offers an opportunity for reduced vehicle trips within the subdivision. The Height Limitation Exception of Section 13-30.520 applies to heights that exceed the 65' maximum in the base Zoning District for towers, spires, cupolas, chimney, and similar structures but not greater than 25' taller and these taller features do not exceed more than 10% of the ground area covered by all structures.

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

FACTS: The location of the neighborhood commercial space, in the ground floor of Building C of the podium residential uses, makes the space accessible primarily to the subdivision. Bicycle and pedestrian paths are proposed thru-out the subdivision, increasing pedestrian accessibility to the neighborhood commercial use. Dedicated parking spaces in the Building C parking garage for the commercial use is provided.

Adequate public and private easements and utilities will be provided on this site to serve the commercial and residential uses. The preliminary title report dated April 30, 2019, includes the following existing public and private easements: a) an utility easement in favor of PG&E; b) an utility easement in favor of EBMUD, c) a sanitary sewer easement in favor of the City does not exist, but is required, d) an access and utility easement in favor of Crown Castle Towers for access to the antennae, and e) a storm drain easement in favor of the City, f) an easement for pipelines in favor of Union Oil Company, g) a pipeline easement for San Pablo Bay Pipeline Company. In order to accommodate the construction of the proposed project, all the above existing easements will need to be quitclaimed or abandoned and relocated to the edges of the property and relevant fees paid. Republic Services trash removal services has adequate capacity in the land fill, and will provide feedback on accessibility and service at the building permit.

A CEQA Addendum on the project determined that the 2009 Redevelopment Plan project vehicle trips of 487 daily vehicle trips would not be exceeded by this project.

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

FACTS: The CEQA Addendum to the Hercules Update 2009 Redevelopment Plan Final Environmental Impact Report (SCH#20018112049), certified in April 2009, supports the City's determination that the Project would not require major revision to the 2009 EIR due to new or substantially increased significant environmental effects. The 2009 EIR (Table ES-1) identified significant and unavoidable impacts for aesthetics, air quality, noise, and traffic. The conclusions from the Addendum is the project will not have greater impact, or new mitigations. Modified mitigations are provided in the Addendum.

IV. DESIGN REVIEW PERMIT NO. DRP 19-02

Section 42.500 of the Zoning Code requires the following findings with facts to be made in order to approve a Design Review Plan:

FINDING NO. 1: The approval of the design review plan is in compliance with all provisions of this Chapter, pertinent provisions of Zoning Ordinance and applicable zoning and land use regulations, including but not limited to the Hercules General Plan as amended and any specific plan.

FACTS: The project is generally consistent with the approved IPDP that is the subject of the Development Agreement. Further, the project is consistent with the purpose of the Municipal Code Design Review Chapter 13-42 to providing orderly development with good design, and site relationships and enhancing what was a brown field to a mixed-use commercial residential project. The applicant has provided the required information in this Chapter. The project is consistent with the PC-R Planned Commercial Residential General Plan land use designation, and Zoning Ordinance.

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

FACTS: The re-use of the former brownfield site into a mixed-use neighborhood commercial, residential use was the former Redevelopment Agency goal. The Project is consistent with the original IPDP to fulfill the image of an Italian Hill Town. The urban plan reuses a former industrial site after clean-up to a fully functional residential neighborhood with on-site active amenities, 20% affordable housing for median income, and neighborhood commercial use.

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.

FACTS: The project as proposed will take advantage of the hilly and visually prominent site by development a high-density, pedestrian-oriented master planned community. Two entry driveways are proposed from San Pablo Avenue linking to a vehicular circulation pattern that winds and traverses the site. There are four major public spaces and a number of semi-private plazas and courtyards, maximizing views from the site to the bay. Parking has been provided within each unit, and on-site adjacent and close-by each housing cluster, or in underground parking below each podium. The 598 residential units are provided in three building types to serve a mix of incomes, ages, and family types. The building designs are representative of a modern Italian Mediterranean style.

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 insure the compatibility of this development with its design concept and the character of adjacent buildings.

FACTS: Three building types are proposed including townhome, courtyard, and podium. Each of these building types include a rich combination of high-quality building materials to enhance the design. The building color combinations are reminiscent of Italian hillside communities. The building design combined with the landscape, lighting, and wall designs will create a quality subdivision. Similar building materials are on all building types linking the buildings through-out the site. A site-wide uniform landscaping plan with pedestrian walking paths will link building and uses and common areas on the site, and create links to off-site sidewalks and the bus stop and bicycle lane on San Pablo Avenue.

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 insure visual relief, to complement buildings and structures, and to provide an attractive environment for the enjoyment of the public.

FACTS: The landscape plans are designed to address distinct areas of the site including the two entry driveways from San Pablo Avenue; complementary landscaping for the delineated wetlands, and the three rainwater retention ponds; the highly visible center of the site from I-80 and San Pablo Avenue; around each townhome and courtyard cluster; and the podium central courtyards. The tree palette includes 417- 24” box trees or 9 types which will provide the site and buildings immediate greenery. An addition 448 accent, street tree, and wetland complimentary tree will be planted to soften the site. A Homeowners Association and Lighting and Maintenance District will be formed for long-term maintenance.