

**RESOLUTION NO. 20-\_\_\_\_**  
**HILL TOWN PROJECT**

**A RESOLUTION OF THE CITY COUNCIL APPROVING FINAL PLANNED DEVELOPMENT PERMIT #FPDP 19-01, VESTING TENTATIVE MAP #VTM 9533, CONDITIONAL USE PERMIT #CUP 19-01, AND DESIGN REVIEW PERMIT #DRP 19-02, SUBJECT TO CERTAIN CONDITIONS, FOR A MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT COMMONLY REFERRED TO AS “HILL TOWN,” CONSISTING OF UP TO 597 ATTACHED MULTI FAMILY RESIDENTIAL UNITS AND 4,200 SQUARE FEET OF NEIGHBORHOOD COMMERCIAL USES ON +44.2 ACRES LOCATED ADJACENT TO AND WEST OF INTERSTATE I-80, ADJACENT TO AND EAST OF SAN PABLO AVENUE, AND ADJACENT TO AND NORTH OF JOHN MUIR PARKWAY (EXISTING APN 404-040-064)**

**WHEREAS**, the Planning Commission and the City Council of the City of Hercules have received and considered the applications by Santa Clara Valley Housing Group (“Applicant”) for the Project known as Hill Town located on San Pablo Avenue; and

**WHEREAS**, the Project Site is comprised of one generally vacant/undeveloped parcel of approximately 44 acres bearing assessor parcel number (APN 404-040-064) which, along with a combination of right-of-way dedication and vacation, will result in a Project Site of approximately 46 acres; and

**WHEREAS**, the Project Site in its current state does contain utility improvements and telecommunications equipment that are anticipated to be relocated; and

**WHEREAS**, the Project site has General Plan and zoning designations of PC-R Planned Commercial Residential district; and the Project is consistent with these designations, and

**WHEREAS**, Title 13, Chapter 48 of the Hercules Municipal Code Zoning Section states that a development proposal of 10 acres or more in the PC-R Planned Commercial Residential district shall require an approved Planned Development Plan; and

**WHEREAS**, Title 13, Chapter 48 of the Hercules Municipal Code Zoning Section states that an Initial Planned Development Plan and Final Planned Development Plan are required for an approved Planned Development Plan; and

**WHEREAS**, in 2007, the City Council approved an Initial Planned Development Plan (IPDP) for the Project Site which provided for the development of up to 640 multi-family residential units and up to 4,000 square feet of neighborhood commercial uses, and approved a Development and Owner Participation Agreement for the Hill Town Redevelopment Project (DOPA 07-01) to, among other things, vest the Applicant’s right to develop the Project Site consistent with the approved IPDP; and

**WHEREAS**, in 2008, in accordance with the California Environmental Quality Act (CEQA) and its implementing regulations (the CEQA Guidelines), the City prepared that certain Redevelopment Plan Final Environmental Impact Report (SCH#20018112049) certified by City Council in April 20, 2009 (the “Redevelopment Plan EIR”), which evaluated the potentially significant environmental effects from development of the Project Site consistent with the approved IPDP and described mitigation measures to minimize such effects; and

**WHEREAS**, the Applicant has now submitted the following applications for the proposed Hill Town Project, which collectively define the Project:

- Request to City to vacate and abandon approximately 1.13 acres of existing road right-of-way, consistent with the General Plan;
- Approval of Final Planned Development Plan #FPDP 19-01 and Design Review Permit DRP #19-02 for 598 residential units comprised of townhomes, courtyard homes, and multi-family podium style buildings; a 4,200 square foot neighborhood commercial use; and associated common areas for parking, landscaping, active and passive areas, and pedestrian access;
- Approval of Vesting Tentative Map #9533 subdividing approximately 44.25 acres plus abandonment area into forty-seven (47) residential parcels plus outlots (pending City Council approval of the partial roadway abandonment allowing for the incorporation of 1.13 acres of land in three separate areas of San Pablo Avenue and relocation of existing on-site utilities and easements); and
- Approval of Conditional Use Permit #CUP 19-01 to allow a neighborhood retail use that exceeds 2,000 square feet in the PC-R Planned Commercial Residential zoning district, which proposed neighborhood retail use will total 4,200 square feet; and for an allowance of up to 10% of the building architectural appurtenances to be up to 25’ taller than the 65’ building height of the PC-R District; and

**WHEREAS**, the Project described in the above applications incorporates changes to and varies in certain respects from the approved IPDP; and

**WHEREAS**, in compliance with CEQA and the CEQA Guidelines, and to evaluate whether or not the changes to the proposed Project require further environmental review, the City prepared an Initial Study, including technical studies of biological resources, cultural resources, paleontological resources, traffic impact analysis, air quality, greenhouse gas, and noise effects, to determine whether the potential environmental effects from the currently-proposed Project were analyzed adequately in the Redevelopment Plan EIR or whether further environmental review and analysis is required, and based on information and analysis of the Initial Study, prepared an Addendum to the Redevelopment Plan EIR and updated Mitigation Monitoring and Reporting Program dated 2/14/2020 (the “Updated MMRP”) (collectively, “CEQA Addendum #IS 19-01”), and which document the City’s determinations that the currently-proposed Hill Town Project is within the scope of the project evaluated in the 2009 Redevelopment Plan EIR and that none of the conditions described in Section 15162(a) of the CEQA Guidelines have occurred or will occur as a result of approval and development of the Project; and

**WHEREAS**, the Planning Commission held properly noticed public hearings on the Project at its regular meeting of March 2, 2020, and at a special meeting of March 11, 2020, and considered and analyzed the Project applications listed above and CEQA Addendum #IS 19-01; and

**WHEREAS**, on March 2, 2020, the Planning Commission adopted Resolution #20-01 recommending the Council's acceptance of the CEQA Addendum #IS 19-01, and Resolution #20-02 determining that the proposed partial abandonment is consistent with the General Plan on March 2, 2020; and

**WHEREAS**, on March 11, 2020 the Planning Commission adopted Resolution #20-03 recommending that the City Council approve #FPDP 19-01, #DRP 19-02, #VTM 9533, and #CUP 19-01, contingent upon the City Council's approval of the right-of-way vacation / abandonment, and CEQA Addendum #IS 19-01; and

**WHEREAS**, the City Council held a properly noticed public hearing on March 24, 2020 and 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 judgement and considered all such comments, reports, recommendations, and testimony; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council makes the following findings and determinations regarding the Project applications described above subject to the Applicant's incorporation and implementation of the Project changes and conditions described in the attached Exhibit A – Project Drawings and Exhibit B – Conditions of Approval, and based on the findings and determinations set forth in the attached Exhibit C- Findings with Facts:

1. The foregoing recitals are true and correct and made a part of this resolution by this reference.
2. Based on the CEQA Addendum #IS 19-01 and implementation of the Updated MMRP, the Proposed Project i) falls within the scope of the development project evaluated previously in the 2009 Certified EIR, as described in Section 15168(c)(2) of the CEQA Guidelines, and ii) none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or negative declaration will occur as a result of approval and implementation of the Project; therefore, no further environmental review is required for the Project.
3. After public hearing, due study, and deliberation, the City Council makes the specific findings and determinations shown in the attached Findings with Facts contained herein as Exhibit C, contingent upon the Applicant's changes to the Project Drawings described in Exhibit A and adherence to and compliance with the Conditions of Approval set forth in Exhibit B.
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 changes and amendments thereto are approved 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 works or visit this development in particular.

**BE IT FURTHER RESOLVED** that the City Council makes the following findings and determinations regarding the proposed Final Planned Development Plan #FPDP 19-01 in accordance with Title 13, Chapter 48 of the Hercules Municipal Code Zoning, based on the Findings of Fact set forth in Exhibit C attached hereto and **contingent upon the Applicant's adherence to and compliance with the attached Revised Exhibit A- Project Drawings and Exhibit B - Conditions of Approval:**

1. The proposed uses and densities are consistent with the General Plan and Zoning Ordinance.
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 the exceptions from standard ordinance requirements are warranted by the design and incorporated in the approved the FPDP 19-01 drawings and the Public Works Director memo of March 5, 2020 that is generally carried out as shown in the Santa Clara Valley Housing Group, Inc. Memo of March 4, 2020 attached to the March 24, 2020 Council staff report, that the strict interpretation and application of the otherwise applicable regulations would result in practical difficulties inconsistent with the purposes and intent of the Zoning Ordinance and General Plan while the exceptions allow for a site plan and development that better meets the purposes and intent of the Zoning Ordinance and General Plan, and that granting of the exceptions will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located.
4. The proposed utility services are adequate for development of proposed densities and will incorporate the improvement standards required by Vesting Tentative Map # VTM 9533.
5. The area surrounding the Project Site is or can be planned and zoned in coordination and substantial compatibility with the proposed Project and the approved Final Planned Development Plan #FPDP 19-01 is environmentally compatible with its surroundings as it is subject to the 2009 Redevelopment Update EIR, as amended by the Addendum #IS 2019-01, and as implemented by the Updated MMRP approved by City Council Resolution No. 20-xx.

Therefore, the City Council approves this Final Planned Development Plan #FPDP 19-01 for the Project Site known as Hill Town contingent upon the Applicant's adherence to and compliance with the attached Revised Exhibit A- Project Drawings and subject to the Conditions of Approval contained in Exhibit B attached hereto.

**BE IT FURTHER RESOLVED** that the City Council makes the following findings and determinations regarding the proposed Design Review Permit #DRP 19-02 in accordance with Title 13, Chapter 42 of the Hercules Municipal Code Zoning, based on the Findings of Fact set forth in Exhibit C attached hereto and **contingent upon the Applicant's adherence to and compliance with the attached Revised Exhibit A- Project Drawings and Exhibit B - Conditions of Approval:**

1. The approval of this design review permit is in compliance with all applicable provisions of Chapter 42 of Title 13 of the City of Hercules Municipal Code, as well as other pertinent provisions of the Zoning Ordinance and applicable zoning and land use regulations, as they relate to approval of a Design Review Permit and Planned Development Plan, and including, but not limited to, the Hercules General Plan.
2. The approval of this design review permit is in the best interest of the public health, safety, and general welfare.
3. Site design, 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 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 landscape 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.

Therefore, the City Council approves Design Review Permit #DRP19-02 for the Project Site known as Hill Town contingent upon the Applicant's adherence to the attached Revised Exhibit A- Project Drawings and subject to the Conditions of Approval set forth in Exhibit B attached hereto.

**BE IT FURTHER RESOLVED** that the City Council makes the following findings and determinations regarding the proposed Conditional Use Permit #19-01 in accordance with Title 13, Chapter 50 of the Hercules Municipal Code Zoning, based on the Findings of Fact set forth in Exhibit C attached hereto and **contingent upon the Applicant's adherence to and compliance with the attached Revised Exhibit A- Project Drawings and Exhibit B - Conditions of Approval:**

1. That the proposed use of neighborhood commercial is consistent with the General Plan land use designation.
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 uses.
4. There is adequate access, traffic, public utility, and public service capacity for the proposed use and surrounding existing and anticipated uses.
5. The building architectural appurtenances are a necessary component of the design.
6. There are no potential, significant adverse environmental impacts that could not be feasibly mitigated and monitored.

Therefore, consistent with Sections 13-50.300 Findings for Use Permits and 13-30.520 of the City of Hercules Municipal Code, the 4,200 square feet of retail and a Height Limit Exception is granted for architectural appurtenances no covering more than 10 percent of the ground area covered by the structure and not more than 25 feet above the 65' maximum height of the underlying PC-R Zone District, and the City Council approves Conditional Use Permit #19-01.

**BE IT FURTHER RESOLVED** that the City Council makes the following findings and determinations regarding the proposed Vesting Tentative Map # VTM 9533 in accordance with Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code, based on the Findings of Fact set forth in Exhibit C attached hereto, so long as adjustment to all VTM pages are made consistent with revised pages C1.01 and C2.01 in Exhibit A.1 contained herein, **and contingent upon the Applicant's adherence to and compliance with all Exhibit A- Project Drawings and Exhibit B - Conditions of Approval:**

1. Vesting Tentative Map # VTM 9533 is consistent with the General Plan.
2. Vesting Tentative Map # VTM 9533 is consistent with the PC-R Planned Commercial Residential Mixed-Use zoning of the property which allows neighborhood commercial uses.
3. Vesting Tentative Map # VTM 9533 is consistent with the intent of the applicable subdivision regulations and related ordinances in Title 10, Chapter 2 (Subdivisions) of the Municipal Code, as stated in the March 5, 2020 Memo from Public Works Director / City Engineer Michael Roberts as allowed per Hercules Municipal Code Section 10-2.105 - Variations.
4. The design and improvements of Vesting Tentative Map #VTM 9533 are not detrimental to the health, safety and welfare of the general public, are not likely to cause any public health problems, and are consistent as they relate to the Project Site so long as the provisions in the March 5, 2020 Memo from Public Works Director / City Engineer Michael Roberts as allowed per Hercules Municipal Code Section 10-2.105 – Variations are carried out.
5. Vesting Tentative Map # VTM 9533 is generally consistent with the Initial Planned Development Plan, and Development Agreement (DOPA 17-01) and therefore consistent with the Zoning Ordinance.
6. All mitigation measures set forth in the Updated MMRP are applicable and appropriate for addressing any potential environmental impacts from approval of the VTM and no new mitigation measures are required as shown in City Council Resolution No. 20-xx.
7. Vesting Tentative Map # VTM 9533 will not result in environmental damage or substantially injure fish or wildlife or their habitat or cause public health concerns, with the mitigations and conditions implemented by Applicant.

8. The design of Vesting Tentative Map # VTM 9533, will not conflict with easements or access through or use of property within the proposed subdivision once utilities are relocated and new easements determined and recorded.

Therefore, the City Council approves Vesting Tentative Map # VTM 9533, consisting of the C100 and C200 series pages contained in Exhibit A.1 herein for the Project Site known as Hill Town consistent with pages C1.01 and C2.01, and the Applicant's adherence to and implementation of the conditions set forth in Exhibit B - Conditions of Approval. .

**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 19-01, #DRP 19-02; #CUP 19-01, #VTM 9533 and the CEQA Addendum #IS 19-01 Mitigation and Monitoring Report Program attached to City Council Resolution No. 20-xx for the Hill Town 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 C.

**THE FOREGOING RESOLUTION** was passed and adopted at a regular meeting of the Hercules City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Roland Esquivia, Mayor

ATTEST:

\_\_\_\_\_  
Lori Martin  
City Clerk & Administrative Services Director

Exhibits:

- A.1 Revised Replacement Pages for Hill Town consisting of 15 Architectural pages, 1 Landscape page, and 14 Civil Plan pages
- A.2 Hill Town #FPDP 19-01 / #DRP 19-01 and VTM #9533 bound booklet consisting of Site Plan, Architectural, Landscaping, and Civil plans previously distributed in Hard Copy before March 2, 2020 Planning Commission Meeting (Unmodified)
- A.3 Three (3) Color and Material Boards
- B. Hill Town Conditions of Approval'
- C. Hill Town Findings with Facts