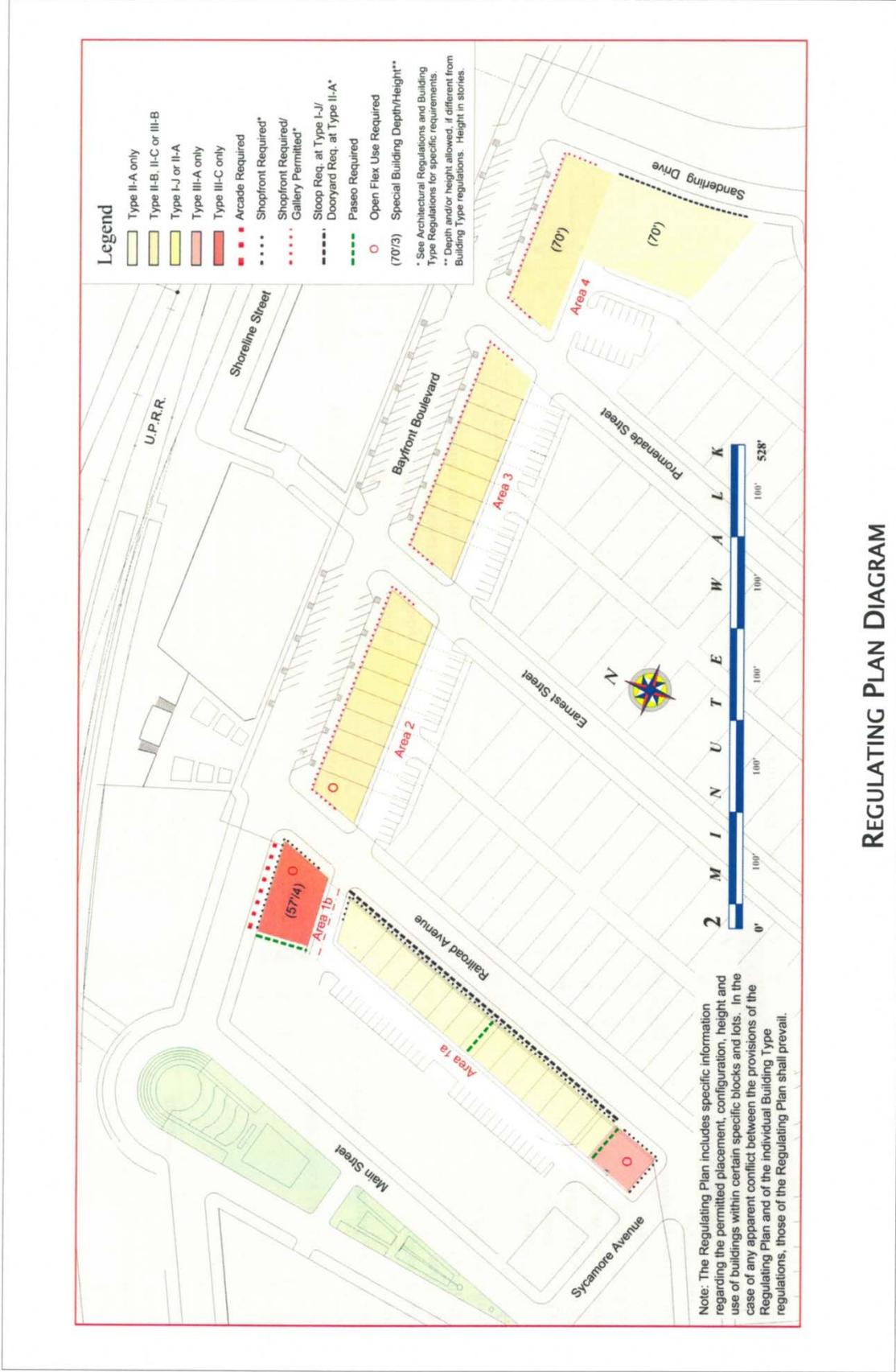


3.6.0 REGULATING PLAN DIAGRAM



REGULATING PLAN DIAGRAM

ORDINANCE NO. 454

APPROVING ZONE TEXT AMENDMENT NO. 09-02, ADDING TO THE "WATERFRONT DISTRICT MASTER PLAN", "HISTORIC TOWN CENTER SUB-DISTRICT PLAN - PHASES I AND II", ALLOWING PREVIOUSLY-PROHIBITED PUBLIC AND CIVIC USES, OFFICE AND PROFESSIONAL USES, AND COMMERCIAL/SERVICE/RETAIL USES LISTED IN SECTION 3.6.0.1, TABLE A - "ALLOWED, CONDITIONALLY ALLOWED AND PROHIBITED USES" IN BLOCK 1a, ALSO KNOWN AS THE RAILROAD AVENUE LIVE-WORK UNITS.

WHEREAS, the City Council of the City of Hercules has considered Zone Text Amendment No. 09-02, in accordance with Chapter 52 of the Hercules Zoning Ordinance; and

WHEREAS, in accordance with the California Environmental Quality Act, the City Council previously reviewed and considered environmental documents that included negative declarations of no impact in their deliberations of the City's Central Hercules Plan Regulating Code, and the Historic Town Center Sub-District Plan; and

WHEREAS, the City Council reviewed and concluded there are no detrimental impacts in the Historic Town Center Sub-District Plan-Phases I and II as a result of the proposed additional land uses especially in the area known as the Railroad Avenue Live-Work units, and no further environmental analysis is required; and

WHEREAS, the City Council has thoroughly considered the recommendation, staff report, and minutes conducted by the Planning Commission for the Zone Text Amendment to the Historic Town Center Sub-District Plan-Phases I and II, allowing previously prohibited public and civic uses. Office and professional uses, and commercial, service, retail uses listed in Section 3.6.0.1, Table A-"Allowed, Conditionally Allowed and Prohibited Uses" in Block 1a, identified and known also as the "Railroad Avenue Live-Work Units"; and

WHEREAS, the City Council finds, after due study, deliberation, and public hearing that the following circumstances exist:

- a. The proposed amendment is consistent with the General Plan.
- b. The proposed amendment would not be detrimental to the health, safety, welfare and public interest of the City.
- c. The proposed amendment is internally consistent and does not conflict with the purposes, regulations and required findings of the Zoning Ordinance.

WHEREAS, the City Council finds that revising Section 3.6.0.1, Table A - "Allowed, Conditionally Allowed and Prohibited Uses" in Block 1a, (the Railroad Avenue Live-Work Units), is 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 city in particular.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERCULES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The following text changes shall be added to the “Historic Town Center Sub-District Plan – Phases I and II”, Section 3.6.0.1, “Table A: Allowed, Conditionally Allowed and Prohibited Uses”:

Key: “CA” = Conditional Allowed (Conditional Use Permit Required) **Bold = New Added**
~~Strike-out~~ = Deleted Text

<u>Use</u>	<u>Restricted</u>	<u>Limited</u>	<u>Open</u>
Public and Civic Uses			
Churches	Prohibited	Prohibited	CA
City Hall			
Administrative Offices	Prohibited	CA	CA
Public Assembly	Prohibited	Prohibited	CA
Storage and Maint of Vehicles	Prohibited	Prohibited	Prohibited
Convention Center			
Less than 10,000 s.f.	Prohibited	Prohibited	CA
More than 10,000 s.f.	Prohibited	Prohibited	Prohibited
Daycare Facilities	Prohibited	Prohibited	CA
Hospitals	Prohibited	Prohibited	Prohibited
Information Kiosks and Landmarks	Allowed	Allowed	Allowed
Library	Prohibited	Prohibited	CA
Trails	Allowed	Allowed	Allowed
Parking Garages	CA	CA	CA
Post Office			
Mailbox facility	Allowed	Allowed	Allowed
Full post office	Prohibited	CA	CA
Public Safety			
Police Dispatch/Storefront	CA	CA	CA
Fire Substations	Prohibited	Prohibited	CA
Storage and Maint of Vehicles	Prohibited	Prohibited	Prohibited
Private schools, religious, K-12	Prohibited	Prohibited	CA
Public Restroom	Prohibited	CA	CA
Public School	Prohibited	Prohibited	CA
Public Transportation			
Train Station	Prohibited	Prohibited	CA
Bus Transfer Station – Off street	Prohibited	Prohibited	CA
Public Utilities			
Underground & in alleys	Allowed	Allowed	Allowed
Recreation Fitness/Dance Centers			
Less than 1,000 s.f.	Prohibited	CA	CA
1,001 s.f to 5,000 s.f.	Prohibited	Prohibited	CA
More than 5,000 s.f.	Prohibited	Prohibited	Prohibited

Office and Professional Uses

Advertising Agencies	Allowed	Allowed	Allowed
Computer Consulting & Software	Allowed	Allowed	Allowed
Employment Agencies	Allowed	Allowed	Allowed
Home Occupations	Allowed	Allowed	Allowed
Professional Offices			
Architect, CPA, Lawyers, etc.	Allowed	Allowed	Allowed
Medical and Dental	Allowed	Allowed	Allowed

Commercial/Service/Retail Uses

Alcohol Beverage Sales	Prohibited	CA	CA
Adult Congregate Care	Prohibited	CA	CA
Adult Novelty/entertainment	Prohibited	Prohibited	Prohibited
Alterations/tailoring	Allowed	Allowed	Allowed
Amusement: private commercial	Prohibited	CA	CA
Antique Shop	CA	Allowed	Allowed
Appliance Sales and Service	Prohibited	Prohibited	CA
Art Galleries	Allowed	Allowed	Allowed
Artisanal	Allowed	Allowed	Allowed
Artist Studios	Allowed	Allowed	Allowed
Artist Supply Sales	Allowed	Allowed	Allowed
Astrology & Related Practices	Prohibited	Prohibited	Prohibited
Automotive Sales/New & Used	Prohibited	Prohibited	Prohibited
Automotive Accessories Sales	Prohibited	CA	Allowed
Automotive Repair Shops	Prohibited	Prohibited	Prohibited
Banks/Savings & Loans	Prohibited	CA	Allowed
Bakery/café/coffee shops	CA	CA	Allowed
Barber	CA	CA	Allowed
Bike Sales and Repair	CA	CA	Allowed
Bed and Breakfast	Prohibited	CA	CA
Bookstores, Newstands, Stationers	Allowed	Allowed	Allowed
Candy Store	Allowed	Allowed	Allowed
Cellular Transmission Facilities	Prohibited	Prohibited	CA
Clothing and Accessories Sales	CA	CA	CA
Coin Dealers	Allowed	Allowed	Allowed
Computer sales and service	CA	Allowed	Allowed
Convenience Store/Nghd. Market	Prohibited	CA	Allowed
Copy Centers	Allowed	Allowed	Allowed
Dance Studios	Prohibited	CA	Allowed
Drug Stores	Prohibited	CA	Allowed
Electronic Sales and Service	Prohibited	CA	Allowed
Fast Food Restaurant w/o Drive-Thru	Prohibited	Prohibited	CA
Fast Food w Drive-Thru	Prohibited	Prohibited	Prohibited
Floor Covering Sales	Prohibited	CA	Allowed
Florist and Gift Shop	CA	Allowed	Allowed
Furniture, Retail: New and Used	CA	CA	Allowed

Gasoline Station	Prohibited	Prohibited	Prohibited
Gift Shop	CA	Allowed	Allowed
Grocery/Health Foods Store	Prohibited	CA	CA
Hair Salon	CA	CA	CA
Hardware	CA	CA	CA
Hobby & Crafts Shop	CA	Allowed	Allowed
Hotel	Prohibited	CA	Allowed
Ice Cream Parlor	Allowed	Allowed	Allowed
Interior Decorating	Allowed	Allowed	Allowed
Jewelry Stores	Allowed	Allowed	Allowed
Loan/Mortgage Companies	Allowed	Allowed	Allowed
Locksmiths	CA	CA	Allowed
Luggage Shops	Allowed	Allowed	Allowed
Manufacturing & Assembly			
Less than 1,000 s.f.	Prohibited	Prohibited	CA
More than 1,000 s.f.	Prohibited	Prohibited	Prohibited
Massage	CA	CA	CA
Motel	Prohibited	Prohibited	Prohibited
Mortuary, Columbaria, Cemetery	Prohibited	Prohibited	Prohibited
Nail Salon	CA	CA	CA
Nightclub	Prohibited	CA	CA
Pet Shops & Grooming Services	CA	CA	CA
Photo Studios	Allowed	Allowed	Allowed
Physical Fitness: Health Clubs	Prohibited	Prohibited	CA
Physical Fitness: Personal Trainer	Allowed	Allowed	Allowed
Plant Nurseries: Retail & Wholesale	Prohibited	Prohibited	Allowed
Private Clubs and Lodges	Prohibited	CA	CA
Radio/TV Broadcasting Studios	Prohibited	Prohibited	CA
Real Estate Sales	Allowed	Allowed	Allowed
Restaurants			
Less than 1,000 s.f.	CA	CA	Allowed
More than 1,000 s.f.	CA	CA	Allowed
Schools: Service & Vocational	CA	CA	CA
Shoe Repair	Allowed	Allowed	Allowed
Sidewalk Café	CA	CA	Allowed
Spa	CA	CA	CA
Snack Shops	CA	CA	Allowed
Sporting Goods: Retail	CA	CA	Allowed
Taxidermists	Prohibited	CA	Allowed
Theatre/Performance Space	Prohibited	Prohibited	CA
Title/Escrow Companies	Allowed	Allowed	Allowed
Tobacco Shops	Prohibited	Allowed	Allowed
Toy Stores	Allowed	Allowed	Allowed
Travel Agencies	Allowed	Allowed	Allowed
Tutor: Academic and Special Training	CA	CA	CA
Video Sales & Rentals	Prohibited	Allowed	Allowed

Wines & Spirit Sales

CA

CA

CA

Residential Uses

Single-Family

Allowed

Allowed

Allowed

Multi-Family

Allowed

Allowed

Allowed

Second/Carriage Units

Allowed

Allowed

Allowed

Live-Work (as Flex use R, L,O)

Allowed

Allowed

Allowed

SECTION 2: The City Council has determined that the proposed Zone Text Amendment allowing additional commercial, retail, office land uses has no detrimental impacts to the existing Historic Town Center Sub-District Plan-Phases I and II especially in Block 1a, also known as the "Railroad Avenue Live-Work units", and in their deliberations, the City Council concluded there are no impacts in the City's Zoning Ordinance, Central Hercules Plan Regulating Code, and the Historic Town Center Sub-District Plan, and as a result, the City Council has determined that no further environmental analysis is required; and

SECTION 3: Pursuant to Government Code Section 65863.5, the City Clerk shall mail a copy of this ordinance to the County Assessor of Contra Costa County within thirty (30) days from the adoption of this ordinance.

SECTION 4: Publication and Effective Date.

a. This Ordinance shall be published in accordance with applicable law, by one or more of the following methods:

1. Posting the entire Ordinance in at least three (3) public places in the City of Hercules, within fifteen (15) days after its passage and adoption; or
2. Publishing the entire Ordinance at least once in the West County Times, a newspaper of general circulation published in the County of Contra Costa and circulated in the City of Hercules, within fifteen (15) days after its passage and adoption; or
3. Publishing a summary of the Ordinance prepared by the City Attorney in the West County Times and posting a certified copy of the entire Ordinance in the office of the City Clerk at least five (5) days prior to the passage and adoption, and a second time within fifteen (15) days after its passage and adoption, along with the names of those City Council Members voting for and against the Ordinance.

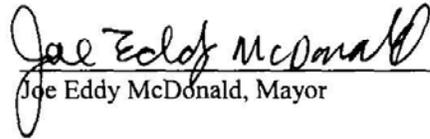
b. This Ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Hercules City Council on the 8th day of September 2009, and was passed and adopted at a regular meeting of the Hercules City Council on the 22nd day of September 2009, by the following vote of the Council:

AYES: Balico, Kuehne, Valstad, Ward, McDonald

NOES: None

ABSENT: None



Joe Eddy McDonald, Mayor

ATTEST

