

PLANNING COMMISSION

CITY OF HERCULES
Council Chambers, City Hall
111 Civic Drive, Hercules, CA 94547

Monday September 21, 2009

7:00 p.m.

Commission Officers

Chair Sherry McCoy
Vice-Chair Myrna L. deVera

Commission Member

Jose Bibal
Raoul Maltez
Richard Mitchell

AGENDA

Cablecast live on Channel 28

I. CALL TO ORDER - PLEDGE OF ALLEGIANCE

II. ROLL CALL

III. PUBLIC COMMENT

The Public is invited to speak on topics of general interest that are not on the agenda. In accordance with the provisions of the Brown Act, the Commission will automatically refer to staff any matters that are brought before them at this time, and the matter may be placed on a future agenda.

It is requested that persons wishing to address the Commission obtain a speaker form PRIOR to the start of the meeting from the Recording Secretary. Please indicate the name and address of speaker and general topic to be addressed prior to this item. Speakers are asked to address the Commission from the podium using the microphone so that comments will become part of the public record.

IV. CONSENT CALENDAR

All matters listed under Consent Calendar are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Planning Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

There are no consent items.

V. PUBLIC HEARINGS

- a. Receive *report*; conduct discussion and possible adoption of a resolution confirming Commission action relative to: a Time Extension Request for the following previously-approved applications; **VARIANCE NO. 07-01** to Section 22.400(1) of the Zoning Ordinance, to Allow a Senior Condominium Building to Encroach 30 Feet into the 50-Foot Refugio Creek Overlay District, and to Section 6.500, Table 6-2 of the Zoning Ordinance to Allow the Eastern Side of the Senior Condominium Building to Encroach 5 feet into the 15-Foot Rear Yard Setback, and to Section 6.500, Table 6-2 of the Zoning Ordinance to Allow Less than the Required 1,000 Square Feet of Usable Open Space Per Dwelling Unit; the Project Proposes 249.2 Square Feet Per Senior Condominium Unit. **CONDITIONAL USE PERMIT NO. 07-01**, a Request to Construct Twenty-Eight (28) Senior Condominium Units on a 1.29 Acre Parcel. **DESIGN REVIEW PERMIT NO. 07-08**, A Request to Approve the Architectural Design, Exterior Elevations, Colors and Building Materials for Twenty-Eight (28) Senior Condominium Units, Including Landscaping, Circulation and Parking Layout.

VI. INFORMATION

There are no information items.

VII. SUBCOMMITTEE & PLANNING COMMISSION LIAISON REPORTS

- a. Design Review Subcommittee (McCoy/Mitchell)
- b. AD-Hoc Subcommittee: New Town Center (deVera/McCoy)
- c. Waterfront AD-Hoc Subcommittee (McCoy/Bibal)

The next 3 items are for brief announcements or discussion on issues of interest to the community. In accordance with the provisions of the Brown Act, matters which do not appear in this section of the agenda require Planning Commission, Staff or Director's discussion may be either (a) referred to the appropriate resource for factual information or (b) placed on a future meeting agenda.

VIII. COMMISSION ANNOUNCEMENTS/DISCUSSION

- a. Commissioner Bibal
- b. Commissioner Maltez
- c. Commissioner Mitchell
- d. Vice-Chair deVera
- e. Chair McCoy

IX. STAFF ANNOUNCEMENTS/DISCUSSION

X. DIRECTOR'S ANNOUNCEMENTS/DISCUSSION

XI. ADJOURNMENT

Consideration of a MOTION TO ADJOURN.

*The next Regular Meeting of the Planning Commission is **Monday October 5, 2009** 7:00 p.m. at Hercules City Hall, 111 Civic Drive, Hercules, CA.*

IF YOU CHALLENGE A DECISION OF THE PLANNING COMMISSION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COMMISSION MEETING OR IN WRITTEN CORRESPONDENCE DELIVERED AT, OR PRIOR TO, THE COMMISSION MEETING. ACTIONS CHALLENGING PLANNING COMMISSION DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN THE CODE OF CIVIL PROCEDURES SECTION 1094.6.

CONDUCT OF THE MEETING

Function of the Public Hearing: A public hearing enables the public to present information, opinions, and arguments relevant to the actions of the Planning Commission, and informs the public about the details of the proposal.

Public Hearing Procedure: (1) Chair opens the hearing; (2) City staff explains the application and presents a preliminary analysis; (3) Applicant speaks; (4) Persons in favor and opposition of the project speak; (6) Applicants may rebut; (7) Proponents and opponents may also rebut; (8) City staff presents its summary and recommendations; (9) Commission discussion; (10) Hearing is closed; (11) Commission votes to approve, deny, approve in a modified form, postpone, or take the application under advisement; (12) Chair informs the audience of the Commission's action, outlines the appeal procedure, and states when the action becomes final.

The Planning Commission has decided that no public hearings will begin after 11:00 p.m., and that items still remaining on the agenda after 11:00 p.m. will be held over to the next Commission meeting.

Persons who wish to speak on matters set for Public Hearings will be heard when the Chair calls for comments in support thereof or in opposition thereto. After the hearing is closed there is no further comment permitted from the audience unless invited by the Chair.

Speaker Registration: Persons who wish to address the Commission should complete the speaker form PRIOR to the Planning Commission's consideration of the item on the agenda. Once discussion of the agenda item begins, only those persons who have previously submitted speaker forms shall be permitted to speak on the item. Speakers will be called after the project

applicant has made presentation. Anyone who wishes to address the Planning Commission on a topic that is not on the agenda and is relevant to the Commission's purpose may submit written comments at anytime before or during the meeting and will be called during the Public Forum portion of the meeting.

In the interest of conducting an orderly and efficient meeting speakers will be limited to three (3) minutes.

Commission Statement of Purpose: The Planning Commission typically meets the first and third Monday every month; its primary functions are to advise the City Council on policy matters in regard to the growth and development of the City of Hercules and to act on applications for development permits.

Consent Calendar: All matters listed under Consent Calendar are considered by the Planning Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Planning Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

Notification Procedure: Property owners within 300 feet of a proposal will receive a notice of the proposal at least ten (10) days prior to the public hearing. The notice lists the type of application, application number, brief description and location of the project, and the applicant. The City of Hercules subscribes to a service that uses the property owner information from the most recent data on the Contra Costa County Tax Assessor's rolls. Please be aware there often is a time lag for both the tax rolls and this service to be updated.

The Planning Commission Agenda is posted at least 72 hours prior to the Planning Commission meeting at City Hall, the Hercules Swim Center, Ohlone Child Care Center, Hercules Post Office, on the City's website (www.ci.hercules.ca.us), and on Cable Channel 28 (live broadcast available to Hercules residents). You may submit a written request to the City Clerk's Office for an audio or videotape copy of a meeting. There is a charge of \$30.00 for the videotape, and \$15.00 for an audiotape that must be submitted with the written request. Please allow at least one week for a copy to be provided to you. Contact the City Clerk's Office at 510-799-8215 for additional information about obtaining an audio or videotape copy of a meeting.

Review of Public Documents: All Planning applications are public documents, and can be reviewed by the public. These files, however, are not allowed out of the office. Should a member of the public require copies of information contained within the file, a written request must be submitted to the City Clerk's Office. Staff will accommodate the request within ten (10) calendar days. Please note that the first four pages are free; the charge is \$.20 per page for five or more pages. If you require a complete copy of the file, or if staff cannot accommodate your request within ten (10) calendar days, you must make arrangements to bring in a copier or copy service that can make copies without leaving City Hall.

Environmental Impact Reports, Specific Plans, and other project specific documents are made available for the public to review at the Hercules, Rodeo, Pinole libraries, and at City Hall. Loan copies (limited supply) are available for review, not purchase, at the Community Development and Public Services Department. These documents must be checked out with staff. You will be asked to provide your name, phone number, and a deposit. Persons will be informed of the date and time the document must be returned. You may check out the loan document, but staff will not make a complete copy of the document. *Staff will accommodate the request to make photocopies based upon the current workload and availability of personnel to make copies.* The first four pages are free; the charge is \$.20 per page for five or more pages. If you require a complete copy of the file, or if staff cannot accommodate your request, you must make

arrangements to bring in a copier or copy service that can make copies without the document leaving City Hall.