

CITY OF HERCULES

COMMUNITY DEVELOPMENT AND PUBLIC SERVICES DEPARTMENT

TO: Chairman McDonald and Members of the Planning Commission

SUBMITTED BY: Steve Lawton, Community Development Director
Nelson Oliva, Affordable Housing Solutions Group

FOR: Meeting of September 18, 2006

SUBJECT: **DESIGN REVIEW PERMIT NO. 06-14 for the Sycamore Downtown Project which is a mixed-use retail commercial and residential development located within the Bayside Community and includes 30,104 square feet of ground floor retail commercial and 104 single-family homes within four buildings.**

TENTATIVE PARCEL MAP NO. 497-06, a request to create a one lot parcel for condominium purposes for a mixed-use project consisting of 104 residential units and 30,104 square feet of commercial floor area within four buildings with 194 parking stalls.

Applicant: City of Hercules Redevelopment Agency

Location: Adjacent and north of Sycamore Avenue between South Front Street and Tsushima Avenue

1. RECOMMENDATION

- a. Open the public hearing and receive testimony;
- b. Close the public hearing;
- c. Request clarification from Staff or the Applicant, if necessary, on any issues related to the proposed project;
- d. Adopt a Resolution approving Development Review Permit Plan File No. 06-14; and
- e. Adopt a Resolution recommending approval to the City Council for Tentative Parcel Map No. 497-06; or

- f. Continue to the Planning Commission regular meeting of October 2, 2006, to provide Commission members adequate opportunity to review all site and architectural details, and the proposed tentative parcel map.

2. BACKGROUND HISTORY/DISCUSSION

The Sycamore Downtown Project is located within Bayside, a fully entitled, partially constructed and occupied master-planned community. The residential area that comprises Bayside and includes the Sycamore Downtown Project is located on approximately 31 acres bordered by John Muir Parkway on the north and Sycamore Avenue on the south. The residential component of Bayside will ultimately produce 409 single and multi-family homes. A 17-acre parcel located adjacent to John Muir Parkway, is included in the master plan and will ultimately provide approximately 167,000 square feet of mixed retail commercial uses. Home-based business opportunities and mixed-use commercial and residential are anticipated within the Bayside community, along Sycamore Avenue.

An Initial Planned Development, Tentative Map and Development Agreement were approved for Bayside in 2003. The Bayside project site is identified as Parcel 3 of the Dynamite Redevelopment Project Area, as amended. Projects within a Redevelopment Area are required, by law to provide 15 percent of the units as affordable to lower income households. Consistent with Redevelopment law, Bayside was conditioned to provide affordable units.

Within the entitlement process, and as a part of the Development Agreement, the Bayside developer was required to dedicate a 1.87 acre parcel to the City. In exchange for the dedication the City accepted the responsibility of constructing and managing the affordable units. The 1.87 acre site is commonly referred to as the 'Sycamore Downtown Project' and is the subject of this entitlement and staff report. The City of Hercules Redevelopment Agency is the applicant.

3. PROJECT DESCRIPTION

LOCATION. The Sycamore Downtown Project is located adjacent and north of Sycamore Avenue, bordered by South Front on the east and Tsushima Avenue on the west. The site is generally rectangular. The Project proposes 104 multi-family units and 30,104 square feet of retail commercial within four buildings. Retail Commercial will be located on the ground floor of each building. The residential component will consist of both for-sale and for-rent units made up of studio, and 1 – 3 bedroom floor plans. Parking will be located within an underground podium structure, adjacent to the buildings along the existing alley, and on adjacent public streets.

4. GENERAL PLAN, ZONING REGULATIONS, REGULATING CODE

The General Plan and Zoning Designation is Planned Commercial-Residential.

Section 15.100 of the Planned Commercial-Residential zoning district lists the following specific purposes for this district:

- a. Provide the opportunity to accommodate both residential and commercial uses in a well planned, mixed use development.
- b. Provide the opportunity for an integrated mixture of residential and commercial employment generating uses within the same structure or site.
- c. Allow lower cost live-work opportunities for start-up commercial enterprises and other smaller scale point of sale enterprises that are compatible with the residential and commercial uses within the building or site.
- d. Provide the opportunity for upper floor residential over ground floor commercial uses.
- e. Encourage mixed-use development that could minimize vehicle use.

CENTRAL HERCULES PLAN. The Sycamore Downtown Project is located in the Central Hercules Plan area. The Central Hercules Plan consists of illustrative build-out concepts, a variety of street cross-sections, parking standards and approved or conditionally approved uses. Approved uses consist of single and multi-family residential including live-work; a variety of commercial office uses; a variety of retail commercial uses including but not limited to restaurants, book stores, toy stores, florists, travel agencies, or dance studios. Conditionally permitted uses such as markets or drug stores are required to secure a Conditional Use Permit. A complete list of approved and conditional uses is attached to the staff report.

5. DESCRIPTION OF BUILDINGS AND PARKING

Building 1 – **Exhibit 1** Sycamore Downtown Conceptual Design, August 9, 2006, pages SK04 – SK11:

- Located at the corner of East Front and Sycamore Avenue
- 9,010 square feet Retail Commercial
- Lobby including mail boxes and storage area are located on the ground floor
- Retail commercial uses are provided on the ground floor with store fronts and entry onto Sycamore Avenue. Signage will be provided above each storefront.
- Arches located at the corner of Sycamore Avenue and East Front present an opportunity for outdoor dining
- Access is available from Sycamore Avenue and the adjacent alley
- 10 residential units are located on the second floor in the following mix:
 - 1 – Studio
 - 7 – One Bedroom
 - 1 – Two Bedroom
 - 1 – Three Bedroom

- 20 residential units are located on the third and fourth floors in the following mix:
 - 2 – Studio
 - 14 – One Bedroom
 - 2 – Two Bedroom
 - 2 – Three Bedroom
- Laundry facilities are located on each floor
- Each floor is accessed via stairs or elevator

Buildings Two and Three - Exhibit 1 Sycamore Downtown Conceptual Design, August 9, 2006, pages SK12 – SK28

- A pedestrian path separates Buildings 1 and 2
- Located in the center of the project area adjacent to Sycamore Avenue, the buildings are adjacent to one another and share a common courtyard and play area.
- 9,010 square feet Retail Commercial
- Retail commercial uses are located on the ground floor
- Storefronts are located on Sycamore Avenue, signage is provided above each storefront
- Residential units can be accessed through gated entries from Sycamore Avenue, from the eastern edge adjacent to Building 4 as well as the adjacent alley
- A formal separation between Buildings 2 and 3 on the ground floor along Sycamore Avenue affords an opportunity for outdoor dining.
- 13 residential units are located on the ground floor in the following mix:
 - 1 – Studio
 - 8 – One Bedroom
 - 4 – Two Bedroom
- Laundry facilities for each building are located on the ground floor
- A Management Office is located on the ground floor of Building 2
- 26 residential units are located on the second floor in the following mix:
 - 6 – Studio
 - 12 – One Bedroom
 - 8 – Two Bedroom
- 26 residential units are located on the third floor in the following mix:
 - 6 – Studio
 - 12 – One Bedroom
 - 8 – Two Bedroom

Building Four - Exhibit 1 Sycamore Downtown Conceptual Design, August 9, 2006, pages SK29 – SK36

- Located at the corner of Tsushima Street and Sycamore Avenue
- 8,800 square feet Retail Commercial
- Retail commercial uses are provided on the ground floor with store fronts and entry onto Sycamore Avenue. Signage will be provided above the storefront
- Entrance including mail boxes is located on Sycamore Avenue, access is also provided from the underground parking area and the adjacent alley
- 9 residential units, designed as lofts, are located on the second floor and are proposed to be one bedrooms.
- Access to the residential units is via Sycamore Avenue and the underground parking area
- Common laundry facilities are not provided
- Each floor is accessed via stairs or elevator

Parking

The Central Hercules Plan requires 1.25 parking stalls/400 square feet of retail commercial and 1.25 stalls/residential unit. Parking requirements are entitled to be met on public streets.

The total parking demand, per the Central Hercules Plan is 206 and is made up of 76 stalls/Retail Commercial and 130 stalls/Residential.

A total of 194 stalls will be provided on site; 148 within an underground parking facility, and 46 at-grade at the rear of the buildings. See Exhibit 1, Sycamore Downtown Conceptual Design, August 9, 2006, page SK37.

Additional parking including 31 stalls, are available on Sycamore Avenue immediately adjacent to the project; 8 stalls on Tsushima Street and South Front; 21 stalls on Tsushima between San Pablo and Sycamore and 102 stalls on Sycamore West between Tsushima and the former sanitation facility. The section of Sycamore between Tsushima and the former sanitation facility is presently striped for parallel parking.

The result is a parking demand of 206 and a parking supply of 356 stalls.

Dwelling Unit Distribution

Of the 104 residential units 75 will be available for below market rate households and 29 will be available to market rate households. Below market rate units will include both 52 rentals and 23 for-sale units. Market rate units will consist of 23 for-sale units. The product mix is as follows:

Below Market Rate Rental – 52 Units

Rents for the housing units will be limited by the CalHFA rents at 50% of the median income for Contra Costa County by unit size and project type, and are as follows:

- 12 - Studios
- 24 - One Bedroom
- 16 - Two Bedroom

Below Market Rate Ownership - 23 units

For sale affordable units will be delivered as affordable units to first time homebuyers within the moderate income scale:

- 2 - Studios
- 15 - One Bedroom
- 5 - Two Bedroom
- 1 - Three Bedroom

Market Rate Ownership - 29 units

- 2 - Studios
- 14 - One Bedrooms
- 2 - Two Bedrooms
- 2 - Three Bedrooms
- 9 - One Bedroom two story lofts

6. REQUIRED APPLICATION REVIEWS

Chapter 42, section 200 on page 139 of the Zoning Ordinance requires the Planning Commission to review and approve the construction and exterior design of any public or private building, fence, structure or sign. The Planning Commission is the decision-making authority for Design Review Permit No. 06-14, the Sycamore Downtown Project. (The City Council has the authority to review the decision of the Planning Commission in the Sycamore Downtown Project in a public hearing setting.) In addition, the Subdivision Ordinance, adopted March, 2002 requires “all development associated with a subdivision project is subject to Design Review by the Planning Commission under Chapter 42 of the Zoning Ordinance. Design Review may occur concurrently with subdivision review.”

The Planning Commission reviews and recommends to the City Council tentative subdivision proposals, lot splits and parcel maps.

7. CONSISTENCY AND CONFORMITY WITH CONTROLLING PLANS

The current zoning for the project area site conforms to the existing land use designations. The current zoning for the project’s 1.87 acre site is “Planned Commercial-Residential Mixed Use District”.

The uses and land use objectives under Planned Commercial-Residential zoning and land use designation are described, as follows:

a. **Zoning District:** (PC-R) Planned Commercial-Residential - The specific purposes under this zoning designation provide the opportunity to accommodate both residential and commercial uses in a planned, mixed use development. Standards in this zoning district generally are established by the Planned Development Plan (PDP). However, the following list includes certain standards that are specific to this zone and would not be established by PDP:

- Residential density of 15 - 30 units per acre.
- Residential structures are limited to three stories.
- Residential and commercial uses in a mixed-use development, to provide opportunities for upper floor residential units over commercial uses and lower floor opportunities for start-up commercial enterprises.
- Commercial structures to have a floor area ratio (FAR) between .2:1 to .4:1.

The project is consistent with the Planned Commercial-Residential Zone.

b. **General Plan Consistency:** The project is consistent with the General Plan Land Use designation of "Planned Commercial Residential Mixed Use". In addition, the Sycamore Downtown Project is consistent with the following General Plan objectives, policies, and program:

1. Objective 2 on page II-12 of the Land Use Element: "Develop a community that balances housing, jobs, and commercial opportunities."
2. Policy 2B on page II-12 of the Land Use Element: "Develop non-residential Land Use Categories which reduce the need for residents to leave the community by providing a variety of shopping and service opportunities."
3. Program 2C.3 on page II-13 of the Land Use Element: "Give favorable consideration to the following types of development: new retail development that would generate substantial new sales, businesses that would provide substantial living wage employment, high growth technical businesses (particularly bio-tech, flex office and incubator uses), health care services, restaurants and innovative mixed use development proposals).
4. Policy 3D on page II-14 of the Land Use Element: "Create a strong and successful focus or center for business and activities that would provide services, shopping opportunities which would attract employees, clients and patrons from a regional area, while not disturbing existing residential and community oriented areas."
5. Objective 4 on page II-15 of the Land Use Element: "Develop sufficient employment and commercial tax generating uses to maintain a positive City government fiscal condition."
6. Policy 4A on page II-15 of the Land Use Element: "Encourage local and regional commercial uses that can benefit from substantial regional traffic on I-80, Highway 4 freeway, and San Pablo Avenue."

7. Policy 4B on page II-15 of the Land Use Element: “Encourage uses that bring additional revenue (retail sales, property tax) either directly or indirectly to the City.”
 8. Objective 5 on page II-15 of the Land Use Element: “Develop and maintain a pattern of residential land uses which provide for a variety and balance of densities and opportunities for a mix of dwelling and residential type.”
 9. Program 5B.2 on page II-16 of the Land Use Element: “Encourage development of innovative types of housing, including co-housing, congregate care facilities, and other types of housing that may provide low cost alternatives to typical market-rate housing.”
 10. Policy 5C.1 on page II-16 of the Land Use Element: “Provide additional affordable and/or senior citizen housing.”
 11. Objective 12 on page II-21 of the Land Use Element: “Attain new development with residential and employment mixed uses.”
 12. Policy 13A on page II-21 of the Land Use Element: “Create a transition between residential neighborhoods and commercial/industrial areas, except where such mixed uses are desirable (e.g. live/work space and other designated areas).”
- c. **Central Hercules Plan:** The project site is located within Phase 1 of the Central Hercules Plan in the area identified as the Central Quarter District. The project site (as well as all of the Central Quarter District) is designated as “Phase I/Mandatory.” This category indicates consistency and conformity between the current General Plan land use designation and uses currently permitted by that zoning district with no needed further amendments or rezoning. The Central Hercules Plan does not prescribe architectural styles; instead, it establishes design elements, permitted and prohibited materials, signage, and landscaping. The proposed project is consistent with the Central Hercules Plan.
- d. **Redevelopment Plan:** The project site located within the Dynamite Redevelopment Project Area, as amended. The Redevelopment Plan was adopted to eliminate blight and spur economic development in the redevelopment area. Residential projects within redevelopment areas are required by state law to provide 15 percent of the units as affordable to lower income households. The commercial aspect of the proposed development will spur economic development in the redevelopment area. Further the project will provide 75 affordable and 29 market rate residential units. Therefore, as the project would eliminate blight, provide high quality development, and meet the 15-percent affordable housing requirement and is consistent with the Redevelopment Plan.
- e. **Subdivision Map No.** Vesting Tentative Subdivision Map No. 8764 (approved March 2004) represented the improvements and standards of the Initial Planned

Development Plan No. 03-01. A Final Subdivision Map was submitted to reflect the final lot layout which complied with the final Conditions of Approval which were reviewed and approved to the satisfaction of the Community Development Director and the Public Works Director.

- f. **Development Agreement DA 03-01.** The Project will provide 75 below market rate units, fifteen units in excess of the 60 required through the Development Agreement.

- g. **Environmental Determination** – Environmental impacts resulting from the proposed project were assessed in an Initial Study. Exhibit 1, Environmental Checklist, and Addendum which included technical reports regarding traffic and geotechnical conditions, as well as the Addendum and Environmental Checklist that was prepared for the Bayside Project which included technical reports regarding traffic, noise, air quality, and geotechnical conditions. On the basis of that the environmental assessment, the proposed project:
 - 1. Will fall within the scope of the Final City of Hercules General Plan Land Use and Circulation Updates and Redevelopment Plan Amendments Environmental Impact Report (1995), as amended by the Revised Addendum to the Final EIR (1996), as certified and approved by the City Council in Resolution 96-13 on February 13, 1996;
 - 2. Is within the scope of the original project and will not result in any new significant impacts or any substantial increase in the severity of the significant impacts previously identified, and will not require any new mitigation measures.

Tentative Parcel Map No. 497-06 is Categorically Exempt per the California Environmental Quality Act, Section 15315, which states that minor land divisions are exempt if the “division of property is in urbanized areas zoned for residential, commercial or industrial use, into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.”

8. ATTACHMENTS/EXHIBITS

- a. Findings with Facts
- b. B-1 Conditions of Approval for Design Review Permit No. 06-14
B-2 Conditions of Approval for Tentative Parcel Map 497-06
- c. Draft Resolutions approving Design Review Permit No. 06-14 and Parcel Map 497-06
- d. Site Plan, Floor Plans, Building Elevations
- e. Tentative Parcel map No. 497-06

EXHIBIT B-1
CONDITIONS OF APPROVAL
DESIGN REVIEW PERMIT NO. 06-14
(SYCAMORE DOWNTOWN PROJECT)

Special Conditions

1. The commercial portion of the Sycamore Downtown Project shall create and be annexed into a Business Improvement District which shall be required to maintain the underground parking area, landscaping along Sycamore Avenue, the exterior façade of the commercial facades of the buildings, trash enclosures, signage and any improvements within the proposed subdivision including the drainage lift station. The Business Improvement District agreement shall be reviewed and approved by the City Manager and City Attorney. (Public Works)
2. The residential portion of the Sycamore Downtown Project shall be required to annex into the Landscaping and Lighting District 2004-01. (Public Works)
3. The proposed subdivision shall create a home owners association to maintain landscaping and irrigation improvements within the residential portion of the subdivision. (Public Works)
4. Project shall provide appropriate Residential and Commercial address numbers that are clearly visible and readable to responding Police personnel from the front (Sycamore side), the rear (alley side), and the courtyard areas. (Police)
5. Commercial Buildings shall provide mail slots in doors. Residential units shall have locked mail boxes. (Police)
6. Entry gates should have keypad entries so that emergency personnel are not required to carry extra keys. The code pad can be set up so that emergency personnel have one code that remains the same even when the code is changed for residents. (Police)
7. The podium (underground) parking should be gated and also controlled with a keypad. Without a gate, vehicles in the underground parking will be easy targets for criminals. (Police)
8. Adequate lighting shall be provided in the courtyard areas, stairwells, and podium parking area. (Police)
9. Double parking on Sycamore by Commercial vehicles is a concern. The final Development Plan should specifically address commercial vehicle access for deliveries and other parking concerns. As discussed in the initial Development Review meeting, the company that is conducting the Bayside parking assessment should have input to this project. There may even be a need for parking time limits or parking meters in the Sycamore Downtown area. (Police)

Community Development and Public Services Conditions

1. Prior to issuance of a building permit, the project sponsor shall secure approval by City and Fire District staff of a plan for addressing and identifying project buildings. Such a plan shall include directional signs and markings, as may be required by the City or the Fire District. All unit numbers shall be illuminated.
2. Prior to issuance of a building permit, the applicant shall secure approval by City and Fire District staff of a lighting plan for the project. Such a plan shall provide lighting at all pedestrian and parking areas, and shall not cause glare at adjoining properties. On-site lighting shall be positioned and shielded, as needed, to avoid causing increased light or glare at adjacent properties.
3. All trees planted at the site shall be at least 15 gallon; all shrubs shall be 5 gallon, except that ornamental shrubs at building entries or along pathways may be 1 gallon.
4. All on-site sidewalks and paths shall be at least four feet wide.
5. Design Review Permit No. 06-14 is granted for the property as described in the application, shown as "Sycamore Downtown", shall not be transferable from one parcel to another. (CD-PS)
6. This permit shall become null and void within 12 months from the date of its issuance, unless the proposed development or use has been diligently pursued. The issuance of a grading, foundation or building permit for structural construction shall be a minimum requirement for evidence of diligent pursuit. (CD-PS)
7. All conditions of this permit including off-site and on-site improvements, including building, paving and landscape construction shall be completed prior to occupancy except as may be permitted by the Community and Public Services Director in consultation with other affected departments. In the event early occupancy is permitted, developer shall provide security or agreements to assure full completion of the project. (CD-PS)
8. The development or use by the applicant/grantee of any activity or structure authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The applicant/grantee by said acceptance waives any challenge as to the validity of these conditions. (CA)
9. Applicant/developer agrees as a conditions of approval of this resolution to indemnify the City and to defend as the developer's owner expense and its agents, officers and employees against and from any claim, action or proceeding brought within the time period provided for in Section 66499.37 of the Government Code to attack, set aside, void or annul the approval of this resolution. City shall promptly notify developer of such claim, action or proceeding of which City receives notice, and City will

cooperate fully with developer in the defense therefor. Developer shall reimburse the City for any court costs and attorney's fees which the City may be required to pay as a result of any such action. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve the developer of the obligations of this condition. (CA)

10. No signs shall be erected, constructed, painted or printed without a sign permit issued by the Community Development and Public Services Department. Sign area, size and location shall be in accordance with the City's requirements. Any change in sign content shall conform to the original sign in terms of material and sign area. (CD-PS)
11. A building permit shall be secured for any new construction or modifications to structures including interior modifications authorize by this permit. (CD-PS)
12. The location and elevations of the Sycamore Downtown buildings shall substantially conform to Exhibits as submitted and dated August 9, 2006, and unless amended specifically by a major modification. The final building plans submitted with the building permit application shall clearly indicate all building materials and colors to be used in construction. (CD-PS)
13. Minor changes or minor increases in the extent of use or size of structures may be approved by the Community Development and Public Services Director, but any substantial change or increase will require the filing and approval of a major modification by an amended permit by the Planning Commission. (CD-PS)
14. Minor changes in the final design or materials and colors for building and landscaping may be approved by the Community Development and Public Services Director with the filing of a minor modification permit to this project. Any request for a minor modification shall be accompanied by three copies of any plans reflecting the requested modification. (CD-PS)
15. Prior to the issuance of a building permit, a reproduction of all conditions of this permit approval as adopted by resolution of the Planning Commission and City Council shall be part of, and incorporated into, all sets of the construction documents, and specifications for this project. A reproduction of all conditions shall be included on each set of the job/construction documents. (CD-PS)
16. All roof heating and cooling system and any other mechanical equipment shall be recessed and/or screened from adjoining properties and public streets to the approval of the Community Development Public Service Department. Plumbing, vents, ducts and other appurtenances protruding from the roof shall be integrated in such a manner that they will not be viewed from the front of the property or other highly visible vantage points. A note shall be included on construction plumbing drawings of the building elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Exposed roof vents shall be shown on construction drawings and painted to match roof material color. (CD-PS)

17. On-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on abutting streets. To prevent damages from automobiles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Under canopy lighting elements shall be recessed or concealed in such a manner as not to be directly visible from a public street. A lighting plan showing standard heights and light materials shall be submitted for review and approval by the Community Development and Public Services Director. (CD-PS)
18. Developer shall provide for dust control at all times during site preparation and construction activities at the direction of the Public Works Inspector or Building Inspector. (CD-PS)
19. The developer/applicant shall paint all exterior surfaces of non-residential buildings, walls and fences with graffiti resistant paint where ever possible.
20. The developer/applicant shall maintain the site and subject property free of any graffiti.
21. Graffiti applied to any surface of the subject property shall be removed within twenty-four (24) hours of the developer/applicant being notified by the City. The City may remove the graffiti if the developer/applicant fails to remove the graffiti within 24 hours; the developer/applicant shall reimburse the City for the graffiti-removal work.
22. Prior to construction of any permanent fencing, the project sponsor shall secure approval by City staff of a plan for fencing at the project, including privacy fencing and fencing at property lines.
23. Final plans for screening of meter enclosures and utility boxes shall be submitted as part of final landscape plans; such plans shall insure that utility boxes are fully screened and shall be subject to City staff approval.
24. All public and private site utilities, site improvements and grading and drainage are subject to staff approval.
25. All conditions shall be fulfilled prior to issuance of a building permit unless otherwise noted.
26. Plans submitted for design review approval shall be considered final design drawings. Any changes to the exterior shall be subject to approval of the Planning Commission except minor changes may be approved by staff.
27. Compact parking spaces shall be indicated with suitable pavement marking.

28. All roof-mounted equipment shall be fully screened except as may be approved by the Planning Commission.
29. All vents, gutters, downspouts, flashings, conduits, etc. that are visible from outside the building shall be painted the color of the adjacent surface.
30. A minimum of 25% of the trees and shrubs around the building walls shall be 24 inch box sized for trees and 5 gallon for shrubs.

Standard Public Works Conditions

1. Developer shall pay plan check and processing fees in effect at the time of permit application, and development fees, encroachment permit fees, and other miscellaneous applicable fees in effect at the time building permits are issued. (PW)
2. Developer shall submit a grading plan prepared by a registered civil engineer which incorporates all recommendations from soil engineering and engineering geology reports. The grading plan will be reviewed and approved by Public Works prior to the issuance of the building permit. Building pad elevations and landscaping shall be shown on the grading plan. (PW)
3. Developer shall submit adequate drainage calculations and hydraulic design to insure that downstream areas and the site will drain to a safe point of discharge. (PW)
4. Developer shall remove and replace all improvements adjacent to the project site which are damaged during construction as directed by the Public Works Inspector. (PW)
5. Developer shall make arrangements with Public Works to inspect and test any existing sewer and water service laterals to be used, prior to connection, and shall make necessary repairs as determined by the Public Works Inspector. All existing water services shall comply with current Public Works standards or shall be upgraded to current standards.
6. Developer shall submit an on-site sewer plan where existing lateral is larger than four inches in diameter.
7. Developer shall submit on-site water plans where a separate loop or terminal line is required for fire hydrants and/or sprinkler system. All improvements plans, construction cost estimates, soils reports, geology reports and all pertinent engineering design calculations shall be submitted simultaneously.
8. Construction drawings shall be submitted for review and approval by the Engineering staff and shall include the following:
 - a. Site grading, drainage, utility and improvement plans.

- b. Hydrology and hydraulic calculations for the site.
9. Prior to construction the Engineering Division shall approve permits for the following:
- a. Grading
 - b. Encroachment
 - c. Industrial waste discharge
 - d. Sewer connection

**EXHIBIT B-2:
CONDITIONS OF APPROVAL
TENATIVE PARCEL MAP NO. 497-06**

Special Conditions

1. The applicant or its successors in title and interest shall be responsible for the maintenance of the landscaped areas, parking areas, driving aisleways, trash enclosures and exterior building walls.
2. Prior to the final map being recorded, the developer shall provide the Community Development Director with a copy of the Conditions, Covenants and Restrictions for the proposed residential condominiums for review and approval by the City Attorney, City Engineer and Police Commander

Standard Conditions

1. The developer shall comply of all applicable sections of the City of Hercules Municipal Code relating to Subdivisions and the State of California Subdivision Map Act.
2. The developer shall pay all costs relating to any assessment district that may be necessary as a result of this subdivision.
3. The applicant/developer agrees as a condition of approval of this resolution to indemnify the City and to defend at developer's own expense, the City and its agents, officers, and employees against and from any claims, actions or proceedings brought within the time period provided for in Section 66499.37 of the Government Code to attack, set aside, void, or annul the approval of this resolution. City shall notify the developer of any such claim, action, or proceeding of which the City receives notice. Developer shall reimburse the City for any court costs and attorney's fees which the City may be required to pay as a result of any such action. The City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve the developer of the obligations of this condition.
4. Developer's acceptance of this resolution shall be deemed to be acceptance of all conditions thereof.
5. Developer shall provide the Public Works Division with written evidence from the County Clerk's Office stating that the provisions of Sections 66492 and 66493 of the Subdivision Map Act have been meet and satisfied prior to the approval of the final map.
6. "Hercules Standard Drawings and Design Policy for Public Works", latest edition and modifications thereto by the City shall be the project specifications except as noted

otherwise on the approved improvement plans. The City reserves the right to upgrade, add to, or revise said specifications and plates and all other City ordinances, policies and standards. If the improvements required of this development are not completed within 12 months from the date of improvement plans approval, the developer shall comply with and conform to any and all upgraded, additional or revised specifications, plates, ordinances, policies and standards.

7. Prior to the release of the final map for recordation, the developer shall provide the Public Works Division with a 100-scale base map in digital form for the purpose of updating their base map. The map shall also be drawn on 18-inch by 24-inch mylar and shall show the title block, north arrow, street names, tract number, boundaries and lot numbers.

**RESOLUTION NO. 06-23
DESIGN REVIEW PERMIT NO. 06-14
(SYCAMORE DOWNTOWN PROJECT)**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HERCULES APPROVING DESIGN REVIEW PERMIT NO. 06-14 FOR THE SYCAMORE DOWNTOWN PROJECT, TO PERMIT THE CONSTRUCTION OF A MIXED-USE RETAIL COMMERCIAL AND RESIDENTIAL DEVELOPMENT LOCATED WITHIN THE BAYSIDE COMMUNITY AND WHICH WILL INCLUDE 30,104 SQUARE FEET OF GROUND FLOOR RETAIL COMMERCIAL AND 104 MULTI-FAMILY HOMES ON A VACANT 1.87 ACRE SITE LOCATED ADJACENT TO AND NORTH OF SYCAMORE AVENUE BETWEEN SOUTH FRONT AND TSUSHIMA IN THE BAYSIDE COMMUNITY IN HERCULES, CALIFORNIA 94547, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Planning Commission of the City of Hercules has considered an application for a Design Review Permit No. 06-14 filed by the Redevelopment Agency for the City of Hercules, in accordance with Chapter 42.100 et. seq. of the Hercules Zoning Ordinance; and

WHEREAS, in accordance with the California Environmental Quality Act, an Addendum and Environmental Checklist were prepared and the Planning Commission has reviewed the addendum for the Sycamore Downtown Project, along with the Environmental Checklist and has determined that the impacts from the proposed project have been adequately addressed as part of the Environmental Impact Report (EIR) and Revised addendum prepared for the 1995 and 1996 General Plan and Redevelopment Plan amendments previously certified by the City Council, and

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

- The approval of the design review plan is in conformance with all provisions of this Chapter, pertinent provisions of this Code and applicable zoning and land use regulations, including but not limited to the Hercules General Plan as amended and any specific plan.
- The approval of this plan is in the best interest of the public health, safety, and general welfare.
- General site considerations, 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.

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 Chapter 44, Hearings, Appeals and Judicial Review of the Zoning Ordinance.

PASSED AND ADOPTED by the Planning Commission of the City of Hercules on this 6th day of November, 2006 by the following vote:

MOTION/ MITCHELL, ARRIOLA

AYES: ARRIOLA, MITCHELL, DE VERA, STAUFFER

NOES:

ABSENT: MC DONALD

ABSTAIN:

Myrna de Vera, Vice-Chair, 2006

ATTEST:

Rochelle Samuels, Recording Secretary