



## STAFF REPORT TO THE PLANNING COMMISSION

**DATE:** Regular Meeting of May 4, 2026

**TO:** Chair and members of the Planning Commission

**SUBMITTED BY:** Timothy Rood, AICP, Community Development Director  
Larissa Alchin, Contract Senior Planner

**SUBJECT:** Recommendation to the City Council on approval of an Addendum to the Hercules New Town Center Environmental Impact Report, Design Review Permit (DRP) 25-04, Vesting Tentative Map (VTM) 25-02, and Planned Development Plan (PDP) 25-02 for the Emblem Hercules Apartments — 1601 Willow Avenue

**APPLICANT:** Quarterra Multifamily Communities

**LOCATION:** 1601 Willow Avenue (The Loop Site) Assessor Parcel Number (APN) 406-070-042-6.

### RECOMMENDED ACTION:

That the Planning Commission:

1. Request planning staff present the staff report;
2. Open the public hearing;
3. Invite the applicant to make a presentation or statement;
4. Receive comments from the public;
5. Offer the applicant or their consultant team the opportunity to answer questions;
6. Close the public hearing;
7. Request clarification from staff or the applicant on any issues related to the project;
8. Adopt a resolution recommending City Council approval of an Addendum to a Certified Final Environmental Impact Report (State Clearing House No. 2007062002), Design Review Permit (DRP) 25-04, Vesting Tentative Map (VTM) 25-02, and Planned Development Plan (PDP) 25-02 for a 180-apartment unit housing development.

## **BACKGROUND**

### A. State Housing Law Context

The Emblem Hercules Apartment project (“Project”) is subject to the Housing Accountability Act (HAA) and the Housing Crisis Act of 2019 (SB 330), as clarified by SB 8. These laws were enacted to address California’s housing crisis by limiting local discretion over qualifying housing developments and ensuring that projects consistent with objective standards are not denied, reduced in density, or made infeasible through the imposition of discretionary requirements.

#### 1. Housing Accountability Act

To help address California’s housing crisis, the Legislature enacted the Housing Accountability Act (HAA) to provide limits on local governments’ review of certain housing projects. The HAA prohibits disapproving or reducing the density of qualifying housing developments that are consistent with local objective standards unless written findings demonstrate a specific, adverse impact on health or safety that cannot be mitigated or avoided. Under the HAA, a “specific, adverse impact” is a significant, quantifiable, direct, and unavoidable impact based on objective, written public health or safety standards, policies, or conditions that existed on the date the application was deemed complete. The legislature intended such findings to be rare. Housing development projects that qualify for HAA protections are those that are purely residential, are mixed-use with at least 2/3 of the total square footage dedicated to residential uses, or those that contain other specialized housing types (emergency shelters, farmworker housing). Because Project is a purely residential development project, it is subject to the HAA.

#### 2. Housing Crisis Act of 2019

The Project is also subject to the Housing Crisis Act of 2019 (HCA) which is designed to accelerate housing production and remove local barriers to housing approvals. The HCA was created by SB 330, which went into effect on January 1, 2020. On September 16, 2021, Senate Bill 8 (SB 8) was signed into law, which clarified and updated the HCA, including extending its protections from January 1, 2025, to January 1, 2030.

In particular, SB 330 (at Government Code Section 65589.5(o)) established a preliminary application process for housing developments and allows developers to “vest,” i.e., lock in, all applicable City ordinances, policies, and development fees prior to filing a complete application. An applicant is required to file a final application within 180 days of the preliminary application in order to preserve its “vesting nature”.

#### 3. The Builder’s Remedy (Government Code section 65589.5(d)(5))

The Builder’s Remedy is a provision in the HAA that allows qualifying affordable housing projects to bypass certain local zoning and General Plan requirements if a city does not have a compliant Housing Element. Specifically, a housing project meeting specific affordability requirements (7% of total units dedicated to extremely low income housing,

10% very low income, or 13% low income) does not have to comply with subjective local zoning or General Plan standards, or other standards that do not facilitate development at the allowable density, if the qualifying project's application is complete prior to certification of a city's Housing Element.

#### 4. State Law Related to Parking (AB 2097 and AB 2553)

Two recent state laws limit the City's ability to require off-street parking for new development. AB 2097 took effect in 2023 and prohibits public agencies from imposing minimum automobile parking requirements on most residential, commercial and industrial developments located within one-half mile of a major transit stop. AB 2553 became effective January 1, 2025 and revised the definitions such that major transit stops include the intersection of two or more major bus routes with service at least every 20 minutes during the morning and afternoon peak commute period (typically identified as 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 7:00 p.m.). A technical advisory on AB 2097 issued by the California Department of Housing and Community Development (HCD) recommends averaging bus service intervals across the combined peak periods, so that each of two or more bus routes stops at a given location at least 21 times in a seven-hour period to qualify.

The Hercules Transit Center is served by the following major bus route:

- WestCAT Lynx, which has service to San Francisco every 20 minutes between 5:10 a.m. and 9:50 a.m. and from San Francisco at least every 20 minutes between 3:20 p.m. and 7:15 p.m.

The next most frequent bus route does not meet the threshold to qualify as a major bus route:

- WestCAT Route J (JR/JL) has service to Richmond every 30 minutes between 4:24 a.m. and 8:54 a.m. and every 30 minutes between 3:15 p.m. and 6:44 p.m., for a total of 12 stops at the Hercules Transit Center during the seven-hour peak period. This is less than the minimum service required to qualify.

Thus, the Project is not exempt from providing required parking under these laws. However, State Density Bonus Law provides reduced maximum parking ratios for projects qualifying for a density bonus.

#### 5. State Density Bonus Law

Government Code Section 65915(p)(1) establishes the following as the maximum parking ratios that may be required for a density bonus project, inclusive of parking for guests and people with disabilities:

- 1 space for each 0-1 bedroom unit
- 1.5 spaces for each 2-3 bedroom unit
- 2.5 spaces for each 4+ bedroom unit

## 6. Application of State Housing Laws to Emblem Apartment Project

On October 21, 2024, HCD found the City's Housing Element to be in substantial compliance when adopted. The City adopted its revised 2023-2031 Housing Element Update on December 4, 2024. On January 9, 2025, HCD certified the Housing Element Update. The Project submitted its SB 330 Preliminary Application on October 21, 2024, prior to final certification of the City's Housing Element. Accordingly, the Project vested the rules and policies in place at the time the application was submitted, including the non-compliant Housing Element and eligibility for the Builder's Remedy. The Project subsequently submitted its complete development applications, including DRP, VTM, and PDP applications, on April 14, 2025, within SB 330's required 180-day timeframe. The complete applications confirmed that the Project proposes that 10% of its total units be affordable to very low-income households.

Given that the Project (1) is entirely residential, (2) complied with the SB 330 vesting application process while the City did not have a compliant Housing Element, and (3) includes 10% of its units as affordable to very low-income households, the Project qualifies for processing under the HAA, HCA, and Builder's Remedy.<sup>1</sup>

The Project is therefore subject to multiple State laws that are intended to streamline and facilitate housing production and to limit the City's ability to deny or reduce the density of the Project. As explained above, Builder's Remedy projects must only comply with objective standards that facilitate and accommodate development at the permitted density, and the HAA and HCA also preclude the City from imposing any standard that is not objective. While the HAA and HCA do not replace the City's discretionary entitlement requirements (DRP, VTM, PDP, or CEQA), the City may not use subjective design review standards to deny, reduce the number of dwellings proposed, or render the Project financially infeasible.

The only way the City could deny the Project or approve it at a lower density would be upon demonstration that the Project would have a specific, adverse impact upon public health and safety. (Gov. Code §65589.5(j)(1)). "Specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact based on objective, written public or safety standards that existed on the date the application was deemed complete (Gov. Code §65589.5(j)(1)(A)).

### B. Relevant History

#### 1. The Plan for Central Hercules

In June 2000, the City worked with residents and design professionals in a series of community workshops to decide how the remaining undeveloped land in the middle of

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<sup>1</sup> AB 1893 took effect on January 1, 2025, and amended the Builder's Remedy provisions of the HAA to allow housing projects to be eligible for the Builder's Remedy with lower levels of affordability. These updated provisions are known as "Builder's Remedy 2.0" and projects that had already submitted applications could avail themselves to the updated affordability requirements, and this Project did so.

Hercules should be used. This area generally matched what later became known as the Dynamite Redevelopment Project Area.

A major goal of this effort was to create a true town center for Hercules. The vision for this Town Center and the types of land uses planned for it were written in a document called The Plan for Central Hercules.

On July 16, 2001, the City adopted a document called the Central Hercules Plan (CHP) Regulating Code. This code created four special districts in the central area of the City, including the Civic Center/Hospitality Corridor. The Regulating Code for the Central Hercules Plan is a form-based code, a land development regulation intended to foster predictable, high-quality built environments by focusing on a building's physical form, such as size, scale, and placement. Chapter 28 of the Hercules zoning ordinance references the CHP Regulating Code.

The Project Site is located in the New Town Center (formerly the Civic Center & Hospitality Corridor) subdistrict of the Plan for Central Hercules. This Plan includes three other sub-districts: (1) the Waterfront Master Plan area (approved as Hercules Waterfront District Master Plan, with its own separate subdistricts); (2) Central Quarter, which also identifies specific subdistricts or development parcels; and (3) Hilltown.

## 2. 2005 Disposition and Development Agreement

In the 2005 Disposition and Development Agreement (DDA) between the City, the former Redevelopment Agency, and Hercules New Town Center LLC, this parcel (Loop) was identified as an "Additional Town Center Parcel." The "Additional Town Center Parcels" are a group of parcels that the City identified as important to creating the Town Center. Unlike the primary development parcels, the Loop parcel was not required to be acquired or developed under the agreement and was included as a potential future opportunity site. The agreement provided that development of the Loop parcel might occur only if the property were acquired by the project developer or the developer entered into an agreement allowing participation in the development. It also required that future development of the Loop parcel be consistent with the City's current regulating codes. In October 2023, at the property owner's request, the City Council passed a resolution terminating the DDA with respect to the site.

### 3. New Town Center Zoning

In 2009, the City adopted Zoning Ordinance Amendment No. 08-01, which created a New Town Center (NTC) mixed-use zoning district and designated approximately 35 acres within the Central Hercules area as NTC. One of the purposes of the NTC district is to develop according to principles of transit-oriented development and urban design identified in the Central Hercules Plan Regulating Code. (HMC 13-18.100 (6.)).

#### C. Project Vicinity

The project site is located within the New Town Center area of the adopted Central Hercules Plan. It is adjacent to the following uses:

- Interstate 80, including the exit ramp to the west;
- State Route 4 and ramps to the north;
- Interstate 80 exit ramp, State Route 40 entry ramp, and the Hercules Transit Center to the east; and
- Willow Ave, BNSF Railroad, and the Creekside Shopping Center to the south.

The site and surrounding area are depicted in **Figure 1** below.

**Figure 1: Project Location and Surrounding Vicinity**



Source: City GIS 3/7/2026

#### D. General Plan

The General Plan Land Use designation for the project site is New Town Center (NTC) (see **Figure 2**), which allows for the development of residential, including multi-family or commercial, or both uses, in a well-planned, mixed-use development. The project site is substantially surrounded by roadways, including Interstate 80 and State Route 4 (including an off-ramp) and Willow Avenue. The parcel to the east is also designated NTC. The parcels to the south of the project site are designated Community Commercial and Public/Quasi-Public—City. The parcel to the west, separated by I-80, is designated General Commercial. The parcels north of SR-4 are designated as Public Open Space and Residential Single-Family Low Density.

**Figure 2: General Plan Land Use & Zoning Map**



Source: City GIS 1/14/26

#### E. Zoning

The project site is zoned NTC New Town Center (see **Figure 2**). Development standards in NTC zoning are generally regulated by a Planned Development Plan and the Central Hercules Plan Regulating Code, to the extent it is applicable to the parcel. Pursuant to Chapter 13-18 of the Zoning Ordinance, new and expanded development within the New Town Center zoning district must have a finding of consistency with the general planning and design intent of the Central Hercules Plan (CHP). As an 'Additional Town Center Parcel,' the Loop site was allowed, but not required, to opt into the CHP Regulating Code's objective standards. The Emblem project has not opted in, so no compliance review under the Regulating Code is required. However, the Project remains subject to all objective general conditions, specific performance standards, and development standards applicable to all new developments under HMC Sections 13-18.200 through 13-18.500, including standards related to design and architectural themes, street and pedestrian connectivity, open space, landscaping, noise attenuation, light and glare, and parking design and location. Staff's evaluation of the project against these objective standards (as well as an information-only evaluation of compliance with subjective standards) is provided in the Analysis section below.

## **ENVIRONMENTAL REVIEW**

Potential environmental impacts for development of the NTC district was evaluated in the Hercules New Town Center Environmental Impact Report (HNTC EIR; SCH #2007062002), certified by the City of Hercules on February 10, 2009. The HNTC EIR analyzed the environmental impacts associated with the General Plan and Zoning Ordinance Amendment that created the NTC land use designation and zoning district, and identified mitigation measures applicable to development within the district, including the project site.

An Addendum to the previously certified HNTC EIR for the Project was prepared by the City of Hercules as Lead Agency, as discussed in the CEQA Compliance section below. The Addendum concludes that there are no new or more significant impacts than were evaluated in the HNTC EIR and that HNTC EIR adequately evaluated and mitigated any Project impacts.

## **PROJECT DESCRIPTION**

The project proposes the development of a 180-unit multifamily residential community on 5.09 acres, including a clubhouse, dog park, trash enclosure, parking, fencing, landscaping, and frontage improvements. Ten percent of the units will be restricted to very low-income households.

**Figure 3: Exterior Rendering from Willow Avenue**



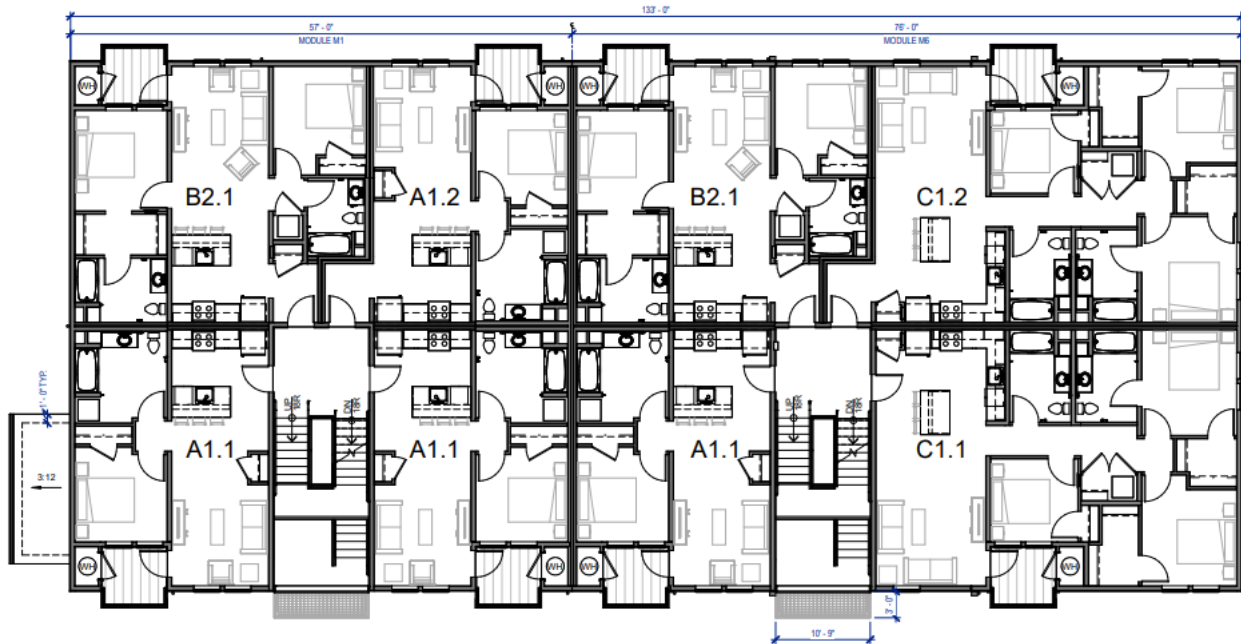
Source: Project Plans Sheet A.03

The project includes 162,747 square feet of new construction consisting of six three-story (44 feet in height) apartment buildings with 102 one-bedroom, 66 two-bedroom, and 12 three-bedroom units. Affordable units are dispersed throughout the six buildings and include all unit types and sizes. Of the 180 units, 10 one-bedroom, 6 two-bedroom, and 2 three-bedroom units will be affordable (see **Table 1**).

**Table 1: Proposed Units**

Unit Type	Size (SF)	Total number of units	Number of affordable units	Percent of each unit type that is affordable
One-bedroom Unit	635	78	8	10.26
One-bedroom Unit	677	24	2	8.33
Two-bedroom Unit	924	42	4	9.5
Two-bedroom Unit	965	12	1	8.33
Two-bedroom Unit	1,007	12	1	8.33
Three-bedroom Unit	1,207	6	1	16.66
Three-bedroom Unit	1,249	6	1	16.66

**Figure 4: Typical Floor Plan**



Source: Project Plans Sheet A.07

Buildings will be all-electric and designed to meet CalGreen, Title 24, and National Green Building Standard (NGBS) Silver standards. Exterior materials include cement plaster with board-and-batten accents and composition shingle roofs. Units will include private patios or balconies. Given the site's proximity to Interstate 80 and State Route 4, the project incorporates noise attenuation measures, including STC-rated windows, mechanical ventilation, and upgraded wall assemblies on noise-exposed facades.

**Figure 5: Exterior Rendering from Willow Avenue**



*Source: Project Plans Sheet A.03*

A one-story, 4,340-square-foot clubhouse (26 feet in height) will be located at the south end of the site and will include leasing offices, maintenance space, a community lounge, fitness center, parcel storage, and outdoor amenities (see Figure 3). Accessory structures include solar carports, a solid waste enclosure, a mailbox kiosk, and a monument sign.

**Figure 6: Typical Building Elevation**



Source: Project Plans Sheet A.13

Vehicular access will be provided via a two-way driveway from Willow Avenue, with internal driveways and sidewalks serving 239 parking spaces. Twenty-four spaces will include EV chargers and 94 will be EV-ready, with approximately 160 spaces covered by solar carports with battery storage (see **Table 2**). An emergency-only access driveway will be provided east of the main entrance.

**Table 2: Parking Spaces Provided**

Location/Type	Spaces Provided
Surface Spaces (includes tandem spaces)	75
Carport Spaces (includes tandem spaces)	164
EV Ready (with outlets)	180
EV EVCS (chargers)	15
Bicycle Parking (long and short term)	106

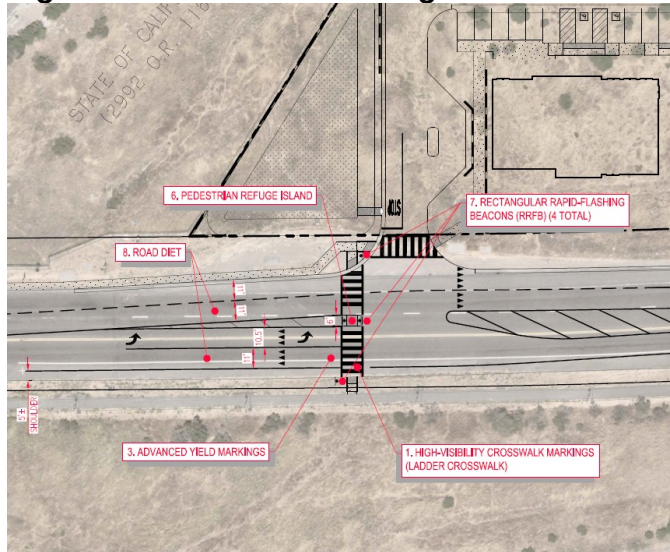
**Figure 7: Site Plan and Landscape**



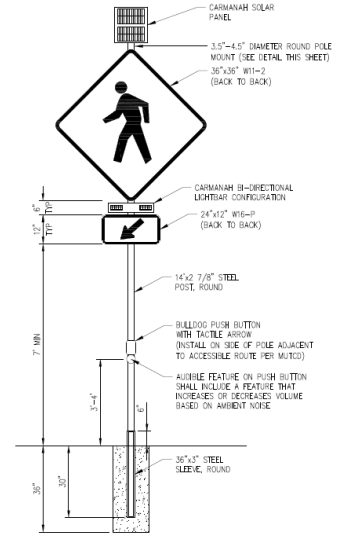
Source: Project Plans Sheet L-1.0

The project will include landscaped areas throughout the site and along Willow Avenue, a dog run, and 176 trees. Landscaping will comply with Model Water Efficient Landscaping standards, and lighting will meet City zoning requirements. Frontage improvements include realignment of Willow Avenue to add a turn lane and reduce traffic speeds, construction of approximately 475 feet of sidewalk, and installation of a mid-block pedestrian crossing (see **Figure 8**) with high-visibility striping, refuge island, and Rectangular Rapid-Flashing Beacon (RRFB) system to improve pedestrian safety (see **Figure 9**).

**Figure 8: Midblock Crossing**



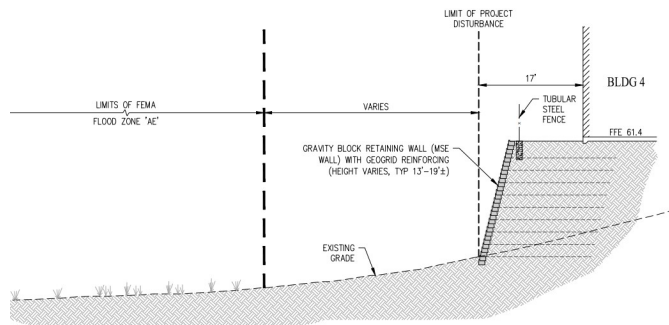
**Figure 9: Typical RRFB**



Source: Preliminary Willow Avenue Plan Line, dated 1/20/26

A retaining wall ranging from 5 to 18 feet in height will be constructed along the northern edge of the project site, separating the development from the 1.63 acre undeveloped portion of the parcel to the north. It will be constructed with a concrete masonry unit (CMU) block facing, stabilized with a geogrid soil reinforcement system, and fitted with seep drains at the base to manage water pressure and maintain downgradient drainage. It will also act as a barrier to prevent development activities, humans, and pets from intruding into the aquatic and riparian habitat and the FEMA regulatory floodway.

**Figure 10: Gravity Block Wall**



**Figure 11: Typical Gravity Block Wall**



Source: Preliminary Willow Avenue Plan Line, dated 1/20/26

## ANALYSIS

As described in detail above, the Project is subject to the Builder's Remedy, HCA, and HAA such that the City has little discretion to deny the Project based on inconsistency with objective local zoning standards. For informational purposes, staff has prepared the below analysis of the Project's consistency with subjective goals, policies, and development regulations that would otherwise apply. In summary, the Project is consistent with almost all objective standards and has requested waivers under State Density Bonus Law for: (1) a 1-foot reduction in carport space width; (2) location of air conditioning condensers; (3) a reduction in the required 50-foot surface parking setback; and (4) increased spacing between parking lot landscape islands

### New Town Center

Pursuant to Chapter 13-18 of the Zoning Ordinance, new and expanded development within the New Town Center zoning district is required to be consistent with the general planning and design intent of the Central Hercules Plan (CHP). As an "Additional Town Center Parcel," the Loop site was allowed, but not required, to opt into the CHP Regulating Code's objective standards. The Emblem project has not opted into these regulations. Furthermore, as previously described, at the property owner's request, the City Council passed a resolution in 2023 terminating the DDA for the site, officially separating this parcel from the CHP Regulating Code.

For informational purposes only, staff has evaluated the project against all general conditions, specific performance standards and development standards applicable to all new developments in the NTC zone under HMC Section 13-18.200 to 13-18.500, including design and architectural theme, street and pedestrian connectivity, block length, light and glare, landscaping, open space, noise attenuation, and parking design and location. Again, the Project is only required to comply with applicable objective standards. As documented below, the Project meets the applicable objective standards and also aligns with the Central Hercules Plan's general planning and design intent.

**Design and Architectural Theme.** The project presents a cohesive Craftsman-influenced residential character across all six apartment buildings and the clubhouse, unified through a consistent palette of cement plaster, board-and-batten siding, composition shingle roofing, and coordinated trim and railing details. The design is consistent with the general planning and design intent of the Central Hercules Plan and applicable objective design standards.

**Street Connectivity and Pedestrian Access to Transit.** The site is located less than a half mile from the Hercules Transit Center. A full-access driveway from Willow Avenue serves vehicles, and an internal sidewalk network connects all buildings, parking, and amenities to the project entrance. Approximately 475 feet of new sidewalk along Willow Avenue closes the pedestrian gap to Sycamore Avenue, and a new mid-block RRFB

crossing provides safe access across Willow Avenue. The Project provides 106 bicycle parking spaces and unbundles parking costs from rents, further supporting transit use. These improvements are consistent with the CHP's street connectivity, pedestrian access, and unified development themes with an emphasis on transit access.

**Block Length.** Strict implementation of the blocks contemplated by the Central Hercules Plan is not possible at this site given the configuration of the units and the freeway interchange. A development standard waiver is requested pursuant to Gov. Code §65915. The site is otherwise designed as a unified development with internal circulation providing adequate access throughout.

**Open Space, Landscaping, and Recreation.** The Project provides common open space through the clubhouse outdoor amenity area, covered patio, and a dog run with benches. Each unit includes a private patio or balcony. A total of 176 trees, including native and ornamental species, are planted throughout the site and along the Willow Avenue frontage, with landscaping strips separating pedestrian walkways from building frontages. All plantings comply with Model Water Efficient Landscaping Ordinance (MWELo) standards. On-site open spaces are connected to one another, to the residential buildings, and to the public pedestrian network via the internal sidewalk system, forming an integrated open space network.

**Parking.** The project provides 239 parking spaces: 164 covered solar carports and 75 surface spaces. The spaces are primarily located in the site interior and screened by landscaping from State Route 4 and Willow Avenue by the apartment buildings and landscaping. All parking, except for a minor deviation along the secondary emergency vehicle access, is set back more than 50 feet from the street, with a development standard waiver request pursuant to Gov. Code §65915 for that deviation. Twenty-four spaces are EV-equipped, and 94 are EV-ready.

**Light, Glare, Noise, and Buffers.** Site lighting uses downcast LED fixtures throughout, and all exterior finishes are matte with nonreflective windows, preventing spillover light and glare. The Project is subject to the Hercules New Town Center EIR Mitigation Measures NOI-1 through NOI-4, which require a final acoustical analysis prior to building permit issuance, confirming interior noise levels do not exceed 45 CNEL, exterior courtyard levels do not exceed DNL 60 dB, and deck levels do not exceed DNL 65 dB. STC-rated windows, mechanical ventilation, and upgraded wall assemblies are required on the most noise-exposed facades. The Mitigation Measure also requires that mechanical equipment be screened from public streets and oriented away from sensitive receptors.

**Attractive Frontages.** The Willow Avenue frontage is landscaped with trees, shrubs, and ground cover, softening the building's edge. The lower-profile clubhouse and outdoor amenity space are sited along the street frontage, the primary driveway is prominently marked with a monument sign, and no blank walls, exposed parking, or unscreened accessory structures are visible from the public right-of-way.

In addition to the general standards above, the Project meets the following property development regulations in the NTC District described below in **Table 3**.

**Table 3: Objective Development Regulations and SDBL Waivers**

	Required	Proposed	Compliance
Residential Density	Range: 30-75 DUA	Gross: 26.8 DUA Net: 35.4 DUA	Builder's Remedy projects comply with minimum density requirements if they propose a density of at least 30 DUA or half of the density deemed appropriate for the site by Gov. Code section 65583.2(c)(3)(B), which is 15 DUA.
Lot Dimensions	PDP <sup>2</sup>	Irregular shaped lot approximately 950 ft in width by 450 ft in depth	Compliant
Setbacks (ft)	Front: 0 Rear: 15 adjacent to residential, 10 adjacent to any other use Side: 0 Corner: 0	Front: 15 ft or more Rear: 10 ft or more (not adjacent to residential) Side: 15 ft or more	Compliant
Maximum Site Coverage	PDP	Gross site coverage = 31.1% Net site coverage = 41.1%	Compliant
Landscape Minimum	PDP	See Landscape Plans Sheet L-1.0 to L-5.2 (Attachment 1 Exhibit B)	Compliant
Building Height	Min: 20 ft or 2 stories Max: 85 ft	Apartment building height: 44 ft Clubhouse height: 26 ft	Compliant
Parking	PDP and HMC	239 total parking	Compliant

<sup>2</sup> Per an approved planned development plan

	<p>Chapter 13-32 (Off-Street Parking and Loading Facilities) as modified by State Density Bonus Law (Gov. Code 56915(p)):</p> <p>Residential Multifamily</p> <ul style="list-style-type: none"> <li>• 1 space for each 1-bedroom unit (102 spaces)</li> <li>• 1.5 spaces for each 2-3 bedroom unit (1.5 x 78 = 117 spaces)</li> <li>• 219 total spaces</li> </ul>	<p>spaces</p> <ul style="list-style-type: none"> <li>• 164 carport parking spaces</li> <li>• 75 surface parking spaces</li> <li>• 19 tandem parking spaces</li> </ul> <p>180 EV-ready parking spaces and 15 unassigned EV Charger parking spaces are included in the total.</p>	
Signage	<p>PDP and HMC Chapter 13-34 (Sign Regulations)</p> <p>Except as allowed through an approved master sign program, the size of the face of a monument sign shall not exceed 32 square feet, the maximum height of the sign shall not exceed 6 feet, and only 1 monument sign per 600 feet of lot frontage is permitted.</p>	<p>One monument sign, measuring 6 ft. in height and 11 ft. 3 in. in width, is located at the Willow Avenue entrance.</p> <p>Sign face = 31 sq. ft. (3 ft. in height by 10 ft 8 in.in width)</p> <p>Other required wayfinding and public information signs are also proposed.</p>	Compliant
Parking space design	<p>Off-street parking spaces located in a garage or carport shall:</p> <p>1) A parking space located in a single garage or carport shall be not less than 20 feet in length and 10 feet in width.</p>	<p>All carport spaces are 9 feet wide.</p>	<p>Waiver requested under SDBL because the Project could not be constructed at the proposed density with wider space(s).</p>

		2) Parking space located in a garage or carport for more than 1 car shall be not less than 20 feet in length and shall have a minimum width of 10 feet for the first space and 9 feet for each additional space.		
Parking setbacks	lot	Off-street surface parking lots shall be set back a minimum of 50 feet from the property line along all streets.	Parking is setback less than 50 feet along a secondary access EVA.	Waiver requested under SDBL because the Project could not be constructed at the proposed density with increased setbacks.
Town Center street requirements <sup>3</sup>		Town Center Street (CHP, illustrative figure pg. II-7) — 60-ft ROW, 36-ft street, parallel parking both sides, 6-ft sidewalks with optional green strips.	The CHP street layout was designed around an unrealized Hwy 4 on-ramp realignment. The existing freeway interchange physically precludes implementation of the depicted street types.	The CHP street depictions are illustrative rather than mandatory standards; however, the applicant has requested a waiver under SDBL because the Project could not be constructed at the proposed density on the site with the current configuration of the freeway ramp and Town Center street

<sup>3</sup> Staff notes that street requirements on this page may not be fully objective as they are deemed to be “acceptable” rather than mandatory, and in that vein may not actually apply to the Project. Further, the CHP envisioned an alternate location for the on-ramp which did not occur nor can the Project be required to move the ramp. Regardless, the applicant has requested a waiver under SDBL and staff believes the Project qualifies for the waiver.

			requirement.
Parking lot landscaping	No more than 6 consecutive parking stalls are permitted without a landscape island at least 6 feet wide and extending the entire length of the parking stall.	Landscape islands are spaced greater than 6 consecutive spaces to accommodate carports and to meet the parking requirement.	Waiver requested under SDBL because the Project could not be constructed at the proposed density with the required number of landscape islands.

No Net Loss (Government Code Section 65863)

The Project was originally identified in the City's adopted 2023–2031 Housing Element sites inventory as a vacant parcel with capacity for 402 extremely low/very low-income units toward the City's Regional Housing Needs Allocation (RHNA) of 344 extremely low/very low-income units. The Project now includes 180 units distributed across income categories (18 very low, 162 above moderate), which differs from the unit counts anticipated in the Housing Element. Pursuant to Government Code Section 65863 ("No Net Loss"), when a development approval results in a reduction of residential unit capacity below what was assumed in the Housing Element, the City must identify sufficient additional sites to maintain adequate capacity to meet its RHNA obligations for all income categories. In response, the City, in consultation with Raimi + Associates, prepared a No Net Loss Memorandum dated November 14, 2025, identifying additional underutilized sites in the New Town Center (NTC) zone, specifically the Singh parcel (APN: 406-160-002-1) and the West Coast Drilling parcel (APN: 406-160-006-2), with a combined capacity of 277 very low-income units, as well as two pending projects at Bayfront A, B, C, D, and J (Ledcor) and Bayfront E and H (Community Housing Works), providing an additional 285 units across income categories. Together, these additional sites provide 562 units of capacity, including capacity for 299 extremely/very low-income units, resulting in a RHNA surplus of 1,129 units and satisfying the City's No Net Loss obligations under state law.

**REQUIRED FINDINGS**

As described above, the Project is not required to comply with subjective development standards, including subjective findings that would otherwise be required for the proposed entitlements.

To approve a Design Review, Vesting Tentative Map, and Planned Development Plan, the decision-making body (in this case, the City Council, with a recommendation from the Planning Commission) would normally make the specific findings required below, some of which are not objective. Staff believes all of the findings can be made regardless of the

fact that the City cannot deny the Project even if any subjective components of those findings cannot be made.

### Design Review

As required by the Design Review chapter of the Zoning Ordinance (Section 13-42.500 of the Municipal Code), the following five specific findings are required for Design Review permits:

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 in Support of Finding: The Project site is designated NTC in the Hercules General Plan, a land use designation that expressly allows residential multi-family, or commercial uses, or both, in a well-planned, mixed-use development. The project proposes 180 multi-family residential units on a 6.65-gross-acre parcel (5.09 net buildable acres) at 1601 Willow Avenue and does not require any General Plan amendment or zone change. Residential use is a permitted use within the NTC zoning district.

The Project has been evaluated for consistency with the objective, quantifiable standards of the Central Hercules Plan (CHP) Regulating Code and complies with those standards or will receive a SDBL waiver.

2. *The approval of the design review plan is in the best interests of the public health, safety, and general welfare.*

Facts in Support of Finding: The Project will contribute to alleviating California's housing crisis by providing 180 new multi-family residential units, including 18 units (10%) restricted to very low-income households, on a currently vacant site designated and zoned for residential development, directly serving the public health, safety, and welfare by increasing the regional supply of affordable housing. The Project will be all-electric and designed to comply with CalGreen and Title 24 energy standards, incorporating energy-efficient systems, LED lighting, solar carports with battery storage serving approximately 160 parking spaces, and EV charging infrastructure, consistent with State and local climate objectives. The Project also includes frontage improvements along Willow Avenue that directly enhance public safety: realignment of Willow Avenue to add a dedicated turn lane and reduce vehicle speeds; construction of approximately 475 linear feet of sidewalk connecting to the existing Sycamore Avenue sidewalk; and installation of a mid-block pedestrian crossing with high-visibility pavement striping, a pedestrian refuge island, and a Rectangular Rapid Flashing Beacon (RRFB) system.

Emergency vehicle access is provided via both the primary driveway off Willow Avenue and a dedicated Emergency Vehicle Access (EVA) gate to the east of the

main entrance, and the Project complies with all applicable Contra Costa County Fire Protection District requirements. The Project maintains a 50-foot development and construction exclusion buffer from the on-site seasonal stream, wetland, and riparian areas, avoiding direct impacts to sensitive habitat. No specific, quantifiable, direct, and unavoidable adverse impact to public health or safety as defined under the Housing Accountability Act (Government Code §65589.5(j)(1) (A)) has been identified that cannot be avoided or mitigated, and the Project, subject to the Conditions of Approval, is consistent with all applicable public health and safety standards.

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 in Support of Finding: The site plan has been designed to respond to the site's unique topography, which includes an existing seasonal stream, floodway, and wetland area in the northern portion of the parcel. Development is focused on the buildable western and southern portions of the site, while the northeastern portion is preserved, including a 50-foot buffer from sensitive habitat areas. Retaining walls are incorporated along the northern and eastern perimeters to address grade changes, with proposed retaining wall heights identified in the Preliminary Grading Plan.

Vehicular access is provided via a single two-way driveway from Willow Avenue, with a separate Emergency Vehicle Access (EVA) gate to the east. An internal network of two-way driveways and sidewalks provides access to all units and parking areas. The primary driveway location has been coordinated with the realignment of Willow Avenue to add a dedicated left-turn lane, improving traffic flow and access safety. The realignment also accommodates a new mid-block pedestrian crossing with high-visibility striping, a refuge island, and a Rectangular Rapid Flashing Beacon (RRFB) system, which further serves as traffic calming along this segment of Willow Avenue.

The Project proposes setbacks of 15 feet or more at the front, 10 feet or more at the rear (not adjacent to residential uses), and 15 feet or more at the sides. Building heights of 44 feet (apartments) and 26 feet (clubhouse) are well within the 85-foot maximum height permitted in the NTC zone and are compatible with the scale of development contemplated for the New Town Center area.

Amenity areas include a dog run with synthetic turf, benches, and trash receptacles at the northwest corner of the site, as well as outdoor amenity space associated with the clubhouse. Fencing is provided at the site perimeter to promote site security and pedestrian safety and in accordance with the Project's habitat protection requirements. Internal pedestrian sidewalks connect buildings, parking

areas, amenity spaces, and the Willow Avenue frontage, promoting walkability and resident safety within the development.

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 are consistent with applicable design standards.*

Facts in Support of Finding: The six apartment buildings and clubhouse employ a consistent West Coast Craftsman-inspired architectural character with hipped and gabled roof forms clad in dark grey composition shingles, a permitted finish material under the CHP Regulating Code. Facades are clad in a complementary palette of dark grey board and batten siding accents, off-white, cool tan, and warm tan cement plaster, cool tan decorative trim, and naval blue cement plaster accents, applied with matte finishes consistent with the CHP Regulating Code's building wall material standards. Horizontal expression lines delineating the first and second stories are provided on all apartment building walls through changes in materials, color transitions, balcony placement, and molding. Windows are vertically oriented rectangular openings in white vinyl frames, and metal railings in painted black finish are provided at stairs, decks, and balconies — both permitted materials under the CHP Regulating Code. All units include private patios or balconies providing visual articulation and resident-scale outdoor space.

Exterior lighting is provided via Cutlass LED wall-pack fixtures painted to match building surfaces in compliance with Hercules Zoning Code Section 13-18.300(4), and air-conditioning condensers located between the building facade and the street are consistent with the approved density bonus waiver for that standard. A low-profile monument sign (6 feet tall, 11 feet 3 inches long) at the primary entrance fits the design theme of the buildings and landscape, consistent with the objectives of the Scenic Road and Highway Overlay District (Chapter 13-25). Accessory structures, including the solid waste enclosure (shed roof, 18 feet) and mailbox kiosk (shed roof, 11 feet to ridge), employ roof forms and finishes consistent with the principal buildings, and solar carport canopies provide functional shade and renewable energy generation while maintaining a compatible design character throughout the development.

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 are consistent with applicable design standards.*

Facts in Support of Finding: The Project provides landscaped areas throughout the site and along the Willow Avenue frontage, including 176 proposed trees—a mix of ornamental and native species—with landscape strips separating internal

pedestrian walkways from building frontages to soften building mass and create an attractive residential environment. All landscaping complies with California's Model Water Efficient Landscaping Ordinance (MWELo), with a Hydrozone Plan (Sheet L3.0) submitted that identifies hydrozones for irrigation scheduling, and permanent irrigation systems installed in all landscaped areas and parking lot islands.

The landscape design is consistent with the objectives of the Scenic Road and Highway Overlay District (Chapter 13-25), with trees and groundcover along the Willow Avenue frontage softening building mass and screening parking areas as viewed from this designated scenic road, and air conditioning condensers near building facades screened with landscaping per the conditions of approval. Amenity landscaping includes a dog run with synthetic turf, benches, and trash receptacles at the northwest corner of the site, and the Illustrative Landscape Plan (Sheet L1.0) and Planting Plan (Sheet L2.0) demonstrate the distribution, type, size, and coverage of plant materials at planting and through the 5-year growth period.

The parcel is located within the Scenic Road and Highway Overlay District; as such, specific performance standards apply to land use within the overlay.

6. *The architecture, design, and landscaping of the Emblem Hercules Apartments project are aesthetically attractive, incorporate the desirable design qualities for development within the scenic corridor, and avoid or minimize undesirable design elements, as required by HMC Section 13-25.400.*

Architecture and Design – Desirable Elements (Section 13-25.400(1)(A)): The six apartment buildings and clubhouse are arranged in a clustered configuration around internal driveways and shared open space, with the 4,340-square-foot clubhouse and adjacent outdoor amenity space serving as the common open-space entry feature along Willow Avenue. Building elevations are articulated through varied wall planes, projecting balconies, board-and-batten siding accents, expression lines, decorative trim, and a coordinated multi-color material palette that collectively reduces the visual impact of building mass. Windows are vertically oriented, white vinyl single-hung units that provide a consistent rhythm and visual interest across all facades, with non-reflective glass throughout. All apartment buildings feature hipped composition shingle roofs rising to 44 feet with overhangs and multiple gable elements; the clubhouse features intersecting gabled roof planes. The exterior material palette, combining smooth cement plaster in multiple colors, dark grey board-and-batten, cedar-texture deck trim, and decorative trim, provides texture across all structures. The primary driveway is a 26-foot-wide two-way entry off Willow Avenue marked by a monument sign and drop-off area adjacent to the clubhouse.

Architecture and Design – Elements Avoided or Minimized (Section 13-25.400(1)(B)): The project avoids all identified undesirable design elements. Wall surfaces are broken up by material changes, balconies, and window patterns, with no large blank stucco or concrete-block walls on any facade visible from the scenic corridor. Varied rooflines, stepped footprints, and projecting balconies prevent any building from presenting a square or boxy profile. Metal siding is confined to the solid waste enclosure, an accessory structure located in the site interior, not visible from Willow Avenue. No plastic or vertical wood siding is used on any building.

The gravity block retaining wall (Mechanically Stabilized Earth [MSE] wall) along the north edge of the project site is constructed of precast concrete panels or segmental blocks with geogrid reinforcement; although it is made of concrete, it is not a typical CMU block and is designed with a slight slope to minimize visual impact. All building exteriors are finished with painted cement plaster, board-and-batten, or engineered wood siding. A unified Craftsman-influenced architectural style with a consistent material palette, roofline character, and color scheme is maintained across all structures, avoiding any mix of unrelated styles. Accessory structures, including the solid waste enclosure and carports, are sited in the interior of the development, screened by buildings and landscaping, and conditions of approval require mechanical equipment and above-ground utilities to be screened from public streets.

Landscaping – Desirable Elements (Section 13-25.400(2)(A)): The Project provides landscaped front and side yards along the Willow Avenue frontage with 181 trees, including ornamental and native species, along with shrubs and groundcover that soften building edges and complement the scenic corridor landscape. All landscaping complies with MWELo standards. Internal parking areas are integrated under solar carport canopies and surrounded by the clustered apartment buildings, substantially screening them from State Route 4, with additional landscape strips softening internal drive aisles. Landscaped common areas, including the clubhouse outdoor amenity space, covered patio along Willow Avenue, and a dog run with synthetic turf and benches, provide attractive open space features visible from the street.

Landscaping – Elements Avoided or Minimized (Section 13-25.400(2)(B)): Parking areas are organized into a cohesive internal layout under unified solar carport canopies and screened from State Route 4 by the surrounding buildings, avoiding a disjointed or unscreened appearance. Street-fronting landscaping is scaled to soften and frame building facades, and no tall plantings are proposed in locations that would obstruct views along the scenic corridor.

### Vesting Tentative Map

Subdivision of land is governed by the California Subdivision Map Act (SMA) and by Title 10, Chapter 2 of the Hercules Municipal Code. The SMA (Government Code section 66474) requires the approval authority to make the following findings:

1. The vesting tentative map is consistent with the General Plan
2. The vesting tentative map is consistent with the NTC zoning and Central Hercules Plan, which allows the proposed uses.
3. The design and improvements of the vesting tentative map are consistent as they relate to the Project Site.
4. The vesting tentative map is consistent with the PDP #25-02 for the Emblem Hercules Apartment project site and, therefore, consistent with the Zoning Ordinance.
5. Project design, architecture, and concept are suitable for the Project site created by vesting a tentative map, and therefore, the proposed subdivision is physically suitable for the type and intensity of development proposed.
6. The certified HNTC EIR Mitigation Measures and the Mitigation Monitoring program are appropriate for addressing any potential environmental impacts identified.
7. The design of the vesting tentative map will not conflict with easements or access through or use of property within the proposed subdivision.
8. The vesting tentative map is consistent with the intent of applicable subdivision regulations and related ordinances in Title 10, Chapter 2 (Subdivisions) of the Hercules Municipal Code.

#### Planned Development Permit

Section 48.600 of the Zoning Ordinance requires the following findings in order to approve a Planned Development Plan Permit.

1. *That the proposed use and densities are consistent with the General Plan.*

Facts in Support of Finding: The Project site is designated NTC in the Hercules General Plan, a land use designation that expressly allows residential multifamily uses, commercial uses, or a combination of both, in a well-planned, mixed-use development. The proposed 180-unit multi-family residential development is a permitted use within the NTC designation and does not require a General Plan amendment. The Project's gross density of 26.8 du/ac and net density of 35.4 du/ac are consistent with applicable density standards as modified by State law. The Project qualifies as a Builder's Remedy 2.0 project under the Housing Accountability Act and SB 330, with 10 percent of units restricted to very low-income households, and State law establishes a minimum density of 15 du/ac (one-half of the City's 30 du/ac standard). The Project's proposed density exceeds

that minimum and is well within the development potential analyzed in the Hercules New Town Center EIR, which evaluated up to 375 residential units on the Loop/Parcel 3 site.

2. *That 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 in Support of Finding: The Transportation Study prepared by Hexagon Transportation Consultants (October 7, 2025) estimates the project will generate approximately 1,229 daily vehicle trips, which is 13 percent of the 9,577 daily trips projected for the Loop site under the HNTC EIR, and approximately 60 outbound peak morning trips and 62 inbound peak evening trips at the Project driveway. The Project includes a dedicated eastbound left-turn lane at the Project driveway on Willow Avenue. The Project is also subject to the City's Traffic Impact Fee (Hercules Municipal Code Section 10-18.601) to fund its fair-share contribution toward cumulative transportation improvements.

3. *That any exceptions from standard ordinance requirements are warranted by the design and amenities incorporated in the final planned development plan.*

Facts in Support of Finding: The Project requests development standard waivers pursuant to the State Density Bonus Law (Gov. Code §65915) from four development standards of the NTC Zoning District and the Central Hercules Plan Regulating Code, where strict compliance would physically preclude or reduce the residential density of the Builder's Remedy project. Specifically: (1) the CHP Town Center Street type standard, compliance with which is infeasible because the freeway interchange physically surrounds the site and the Project could not be constructed at the proposed density with the street types required by the Plan; (2) location of air conditioning condensers between certain building facades and the street (outside the front setback), compliance with which is infeasible because the Project could not be constructed at the proposed density with the required locations; (3) surface parking set back less than 50 feet along the secondary EVA access, compliance with which would preclude the Project from being constructed at the proposed density because it would reduce the parking and available Project footprint necessary to accommodate the residential units; and (4) parking lot landscape islands spaced greater than 6 consecutive spaces, compliance with which would preclude the Project from being constructed at the proposed density because it would reduce the Project footprint necessary to accommodate the residential units and carports. Each waiver is directly tied to achieving the Project's residential density and is the minimum deviation from the standard necessary to do so. The Project incorporates compensating amenities and design measures, including landscaped buffers throughout the site.

4. *That the area surrounding the project site can be planned and zoned in coordination and substantial compatibility with the proposed development.*

Facts in Support of Finding: The Project site is located within the New Town Center area of the Central Hercules Plan, a planning area specifically designated and zoned to accommodate transit-oriented, higher-density residential and mixed-use development. The parcel to the east of the project site is also designated and zoned NTC, providing a consistent planning framework for coordinated development across the planning area. To the south, across Willow Avenue, parcels are designated Community Commercial and Public/Quasi-Public—City, uses compatible with a residential development that does not generate significant commercial traffic or demand for commercial services beyond those already present at the adjacent Creekside Shopping Center. The site is substantially bounded by Interstate 80, State Route 4, and their associated ramps on three sides, major transportation corridors that physically separate the project from the General Commercial designation to the west and the Public Open Space and Residential Single-Family Low-Density designations to the north, eliminating any incompatibility with those land uses. The proposed 180-unit residential development does not introduce a land use incompatible with the surrounding area and is consistent with the type, scale, and density of development contemplated for the HNTC EIR.

5. *That existing or proposed utility services are adequate for the development densities proposed.*

Facts in Support of Finding: The Project's proposed density and associated utility demands are well within the development potential previously analyzed in the Hercules New Town Center EIR, and all utility services have been demonstrated to be available and adequate to serve the Project. All utility infrastructure improvements are incorporated as conditions of approval and subject to review and approval by the City Engineer and applicable service providers prior to issuance of building permits.

#### General Plan and Zoning Consistency

The Project is consistent with the City of Hercules General Plan and NTC land use designation in that multifamily dwellings are permitted use on the Project site. The Project supports the General Plan and its policies as follows:

1. Policy H1.1 states, "Facilitate development of housing affordable to lower-income households by providing technical assistance, regulatory incentives and concessions, and financial resources as funding permits." The Project dedicates 18 of its 180 units (10 percent) to very low-income households, thereby directly facilitating the creation of income-restricted rental housing. The Project has been processed pursuant to the Housing Accountability Act and Builder's

Remedy provisions of State Planning & Zoning Law, consistent with the City's commitment to remove regulatory barriers and provide incentives for affordable housing production.

2. Policy H2.5 states, "Support the provision of high-quality rental housing for large families, students, and senior households." The Project provides 180 rental apartments in a range of sizes, including 12 three-bedroom units large enough to accommodate large families. The Project includes amenity spaces such as a clubhouse and dog park that support a high quality of life for residents. As a purpose-built, professionally managed rental community, the Project directly responds to this policy's objective of expanding the supply of quality rental housing in Hercules.
3. Policy H2.7 states, "Encourage infill development and recycling of land to provide adequate residential sites and support the assembly of small vacant or underutilized parcels to enhance the feasibility of infill development." The Project site at 1601 Willow Avenue is currently vacant land within the New Town Center zoning district, a designated infill development area identified in the Housing Element's sites inventory. Development of this vacant parcel with 180 residential units directly implements the City's strategy of directing growth to underutilized, transit-proximate infill sites and avoiding greenfield or sprawl development.

#### No Net Loss (Government Code Section 65863)

The City finds that approval of the Project, which results in a change in the income-category distribution of units from what was previously credited in the Housing Element sites inventory for the Loop Site, does not create a net loss of residential unit capacity adequate to meet the City's remaining RHNA obligations, as required by Government Code Section 65863.

1. Facts in Support of Finding: As documented in the No Net Loss Memorandum prepared by Raimi + Associates (November 14, 2025), the City has identified additional sites sufficient to replace and exceed the previously anticipated unit counts. The underutilized NTC sites (Singh, APN 406-160-002-1, and West Coast Drilling, APN 406-160-006-2) together provide capacity for 277 very low-income units, directly addressing the remaining very low-income RHNA deficit. The pending projects at Bayfront ABCDJ (Ledcor) and Bayfront EH (CHW) provide an additional 285 units across income categories. The updated sites inventory results in a total surplus of 1,129 units beyond the City's remaining RHNA obligations (22 very low, 147 low, 94 moderate, and 866 above moderate). The identified sites have no known constraints that would prevent development during the Housing Element planning period and are consistent with the adopted Housing Element, as confirmed by the California Department of Housing and Community Development (HCD). Therefore, the City finds that the No Net Loss requirements of Government Code Section 65863 are satisfied.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The proposed Project is subject to the California Environmental Quality Act (CEQA). The City of Hercules, as Lead Agency, has prepared an Addendum to the previously certified Hercules New Town Center Environmental Impact Report (HNTC EIR; SCH #2007062002), which was certified by the City of Hercules on February 10, 2009. Pursuant to CEQA Guidelines Sections 15162 and 15164, an Addendum is the appropriate environmental document when a project does not require preparation of a subsequent EIR or Negative Declaration.

The HNTC EIR analyzed the environmental impacts associated with the General Plan and Zoning Ordinance Amendment to create the New Town Center (NTC) land use designation and zoning district encompassing approximately 35 acres in the City of Hercules. The proposed Project site was specifically identified in the HNTC EIR as Parcel 3, which was anticipated for residential and mixed-use development, and analyzed for up to 375 dwelling units, 31,250 square feet of office space, and 156,250 square feet of retail space. The proposed Project, consisting of 180 multi-family residential units and supporting amenities, represents a substantially reduced development intensity compared to what was evaluated in the HNTC EIR.

As documented in the Addendum to the HNTC EIR (March 4, 2026), the City has determined that the Project does not require preparation of a subsequent or supplemental EIR because:

1. There are no substantial changes proposed in the Project which will require major revisions of the program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. There are no substantial changes that will occur with respect to the circumstances under which the Project is undertaken which will require major revisions of the program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the program EIR was certified.
4. The Project will not have one or more significant effects not discussed in the program EIR. Significant effects previously examined will not be substantially more severe than shown in the program EIR.
5. The Project proponent has agreed to all mitigation measures, including those that were previously found not to be feasible but that would in fact be feasible and would substantially reduce one or more significant effects of the project, and those which may be considerably different from those analyzed in the program EIR.
6. In light of the whole record and based on substantial evidence, a subsequent EIR is not required, and the proposed project activities are adequately analyzed and mitigated in the HNTC Program EIR with implementation of the revised mitigation

measures identified herein and the revised Mitigation and Monitoring and Reporting Plan.

7. Therefore, no further analysis under the California Environmental Quality Act is required, and the relevant Mitigation Measures have been carried forward and apply to the Project.

The Addendum concludes that the Project's potentially significant effects have been adequately analyzed in the HNTC EIR, and that all impacts are avoided or mitigated to less than significant levels through implementation of the HNTC EIR Mitigation Measures as revised and applied to the Project. The City of Hercules finds that the Addendum, together with the HNTC EIR and its associated Mitigation Monitoring and Reporting Program (MMRP), constitutes the complete environmental record for the Project pursuant to CEQA.

## **REGULATORY AGENCY COORDINATION**

The Project involves work in proximity to sensitive biological resources and state highway right-of-way, requiring consultation and permits from multiple regulatory agencies. The City identified the following responsible and trustee agencies in the Addendum to the HNTC EIR: Caltrans, the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (USFWS), and the Bay Area Regional Water Quality Control Board (RWQCB). The Project's Conditions of Approval reflect the requirements established through this coordination and ensure compliance with applicable state and federal environmental regulations prior to the commencement of any construction activity.

The nature of the required agency approvals and the conditions that reflect coordination with each agency are described below. Exhibit A – Conditions of Approval contains the complete list of conditions.

### Caltrans Encroachment Permit

The Project site is located at the intersection of Willow Avenue and the I-80 Willow Avenue off-ramp, and proposed frontage improvements and site access improvements may encroach within State highway rights-of-way administered by the California Department of Transportation (Caltrans). Any temporary or permanent work, including traffic control that encroaches on, under, or over any portion of the State highway right-of-way, requires a Caltrans-issued Encroachment Permit.

The Encroachment Permit requirement ensures that Caltrans reviews and approves all work affecting the I-80 corridor and associated off-ramp infrastructure, consistent with the Project's proximity to the freeway system and Caltrans' jurisdiction over the State highway right-of-way.

### California Department of Fish and Wildlife (CDFW) — Lake and Streambed Alteration Agreement

The Project site contains a tributary of Refugio Creek that runs through the northern portion of the parcel, along with associated emergent wetland and riparian habitat. The California Department of Fish and Wildlife (CDFW) has jurisdiction over any activities that

could substantially affect the bank, bed, or channel of any river, stream, or lake under Fish and Game Code Section 1602. Although the Project is designed to avoid direct impacts to the creek and wetland through a 50-foot development and construction exclusion buffer, construction activities in proximity to the waterway may require a Lake and Streambed Alteration Agreement (LSAA) from CDFW.

Coordination with CDFW is extensively reflected in both the Addendum and the Conditions of Approval. Mitigation Measure BIO-3, which addresses exclusion fencing design and construction, was revised based on CDFW input to incorporate project-specific requirements. The Conditions of Approval require that temporary construction fencing be designed and installed to exclude special-status species from the construction area, be monitored by a qualified biologist throughout construction, and be fully removed upon completion.

The Lake and Streambed Alteration Agreement, if triggered by final project design, will further establish site-specific CDFW requirements and may contain additional or modified measures. The Conditions of Approval require the Applicant to incorporate all conditions from outside agencies into the project's final improvement plans.

#### U.S. Fish and Wildlife Service (USFWS)

The California Red-legged Frog (CRLF, *Rana Draytonii*) is listed as a threatened species under the federal Endangered Species Act (ESA). However, no CRLF was observed during biological surveys in 2020 and 2025. Accordingly, there is currently no federal nexus for the project because no federal permit or authorization (such as a Clean Water Act Section 404 permit from the U.S. Army Corps of Engineers) is being sought. Section 7 applies only to actions authorized, funded, or carried out by a federal agency, so, without a federal nexus, consultation under Section 7 is not required.

#### **RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the City Council: (1) approve the Addendum to the Hercules New Town Center Environmental Impact Report, and (2) approve the Design Review Permit (DRP) #25-04, Vesting Tentative Map (VTM) #25-02, and a combined Initial and Final Planned Development Plan (PDP) #22-02.

## ATTACHMENTS

- Attachment 1 – Draft Resolution 26-XX approving Design Review Permit #25-04 VTM # 25-02, and PDP #25-02.
  - Exhibit A – Emblem Hercules Project Conditions of Approval
  - Exhibit B – Development Plans dated Feb. 13, 2026 (includes General Information, Architectural, Civil, and Landscape Plans)
  - Exhibit C – Addendum to the Hercules New Town Center EIR (State Clearing House No. 2007062002)
    - o Appendix A – Mitigation Monitoring and Reporting Program Applicability Matrix
    - o Appendix B – Biological Reports
      - o Appendix B1 – Biological Survey
      - o Appendix B2 – Biological Assessment Report
      - o Appendix B3 - Wetland Delineation
    - o Appendix C – Phase 1 Environmental Site Assessment
    - o Appendix D – Preliminary Geotechnical Investigation
    - o Appendix E – Preliminary Environmental Noise Study
    - o Appendix F – Transportation Study
- Attachment 2 – Staff Presentation
- Attachment 3 – Applicant's Presentation