

**ORDINANCE NO. 482**

**ZONE AMENDMENT #RZ 14-02 AND  
ZONING TEXT AMENDMENT #ZTA 14-01  
SYCAMORE CROSSING**

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING ZONE AMENDMENT #RZ 14-02 TO REZONE THE 12.85-ACRE PROJECT SITE KNOWN AS SYCAMORE CROSSING FROM PLANNED COMMERCIAL-RESIDENTIAL (PC-R) TO GENERAL COMMERCIAL (CG) LOCATED ALONG THE SOUTH SIDE OF SYCAMORE AVENUE AND NORTHWEST SIDE OF SAN PABLO AVENUE, EAST OF TSUSHIMA STREET, AND APPROVING ZONING TEXT AMENDMENT ZTA #14-01 REPEALING CHAPTER 29 OF THE ZONING ORDINANCE (EXISTING APNs 404-020-057 and 404-020-058)**

**WHEREAS**, in accordance with Chapter 52 (Zoning Amendments) of the City of Hercules Zoning Ordinance, the City Council has received and considered an application from Property Development Centers LLC ("Applicant") for Zone Amendment #RZ 14-02 for the Project known as Sycamore Crossing located along the south side of Sycamore Avenue and northwest side of San Pablo Avenue, east of Tsushima Street; and

**WHEREAS**, the application for Zone Amendment #RZ 14-02 requests a change in the zoning district of the Project Site from Planned Commercial-Residential (PC-R) to General Commercial (CG); and

**WHEREAS**, the application for Zoning Text Amendment #ZTA 14-01 requests the repeal of Ordinance #459, which would remove Chapter 29 of the Zoning Ordinance from the Zoning Regulations and repeal IPDP #10-01, which was incorporated into the Zoning Ordinance therein by reference; and

**WHEREAS**, the Project Site includes two separate Assessor parcel numbers totaling approximately 11.44 acres, and a combination of right-of-way dedications and vacations that will bring the total area of the Project Site to approximately 12.85 acres ("Project Site"); and

**WHEREAS**, the Project Site in its current state generally is vacant/undeveloped, although it also contains remnant foundations, building pads, and retaining walls from past industrial uses, as well as utility improvements associated with a utility right-of-way along the site's southern boundary; and

**WHEREAS**, the proposed Sycamore Crossing project is located within the Central Quarter of the Plan for Central Hercules; and

**WHEREAS**, the two Assessor parcels are currently owned by the City of Hercules, as Successor Agency to the Hercules Redevelopment Agency for non-housing assets; and

**WHEREAS**, the Project Site is currently subject to a purchase and sale agreement (PSA) between the City of Hercules, as Successor Agency to the Hercules Redevelopment Agency for non-housing Assets, and Property Development Centers LLC, approved on January 24, 2012, by City Council Resolution 12-009, and any amendments thereafter; and

**WHEREAS**, in addition to the applications referenced above, the following applications related to the Sycamore Crossing project also have been filed concurrently and collectively define the "Project":

- General Plan Amendment #GPA 14-02 to change the land use designation of the Project Site from Planned Commercial-Residential (PC-R) to General Commercial (GC);
- Vesting Tentative Map #9373 to subdivide the site into thirteen (13) smaller lots and incorporating the abandonment of small portions of existing roadways, dedication of additional roadways, and removal of existing on-site easements (equating to approximately 12.85 acres) with a .14-acre remainder parcel to be retained by the City;
- Initial/Final Planned Development Plan #FPDP 14-01 and Design Review Permit DRP #14-04 for approximately 136,250 square feet of commercial space within ten structures including approximately 55,000 square feet, two-story grocery supermarket, eighteen (18) pump fuel center with related kiosk, 37,000 square foot fitness center, and other neighborhood-serving retail and restaurant uses in buildings ranging from 2,500 square feet to 10,000 square feet, with common areas for parking, landscaping, and pedestrian access and preservation of a natural drainage way;
- Conditional Use Permit #CUP 14-01 for an auto fuel facility, shopping center, 24-hour grocery market including liquor sales, two fast casual drive-thrus, retail stores more than 2,000 square feet, two large footprint buildings greater than 20,000 square feet, and outdoor retail sales in the General Commercial (CG) zoning district and Central Quarter of the Plan for Central Hercules, as applicable; and
- Master Sign Program in accordance with Chapter 34.400(R) of the Zoning Ordinance; and

**WHEREAS**, the Project Site was within the development area evaluated in the 1995 City of Hercules General Plan Land Use and Circulation Element Update and Redevelopment Plan Amendments Environmental Impact Report (State Clearinghouse (SCH) #1995033027) (the "1995 EIR"), which evaluated, among other things, the potential environmental effects from development of up to 167,925 square feet of commercial uses on the Project Site; and

**WHEREAS**, the Project Site was also the subject of the 2009 Updated Redevelopment Plan Draft EIR (Redevelopment Plan EIR) (SCH #200112049) certified by the City Council on April 20, 2009 which, among other things, identified and analyzed the potential environmental effects from development of approximately 58 acres, including the Project Site; and

**WHEREAS**, in accordance with the California Environmental Quality Act (CEQA), a CEQA Addendum, dated November 2014, was prepared for the proposed Project; and

**WHEREAS**, on December 15, 2014, the Planning Commission adopted Resolution 14-011 recommending that the City Council approve CEQA Addendum #IS 14-02, dated November 2014, based on the determination, pursuant to Sections 15063, 15162, 15164, and 15168 of the CEQA Guidelines, that the proposed Sycamore Crossing Project is within the scope of the development program evaluated previously and would not require further environmental review as no new or more severe impacts would occur as a result of the Project; and

**WHEREAS**, on December 15, 2014, the Planning Commission adopted Resolution 14-012 recommending that the City Council approve Zone Amendment #RZ 14-02 and Zoning Text Amendment #ZTA 14-01; and

**WHEREAS**, on January 13, 2013, the City Council held a properly noticed public hearing on the Project at which time all interested parties had the opportunity to be heard; and

**WHEREAS**, on January 13, 2015, the City Council adopted a Resolution approving CEQA Addendum #IS 14-02, dated November 2014, based on the determination, pursuant to Sections 15063, 15162, 15164, and 15168 of the CEQA Guidelines, that the proposed Sycamore Crossing Project is within the scope of the development program evaluated previously and would not require further environmental review as no new or more severe impacts would occur as a result of the proposed project; and

**WHEREAS**, on January 13, 2015 the City Council adopted a Resolution approving General Plan Amendment #GPA 14-02 changing the land use designation of the Project Site from Planned Commercial-Residential (PC-R) to General Commercial (GC); and

**WHEREAS**, a Staff Report for the City Council, dated January 13, 2015 and incorporated herein by reference described and analyzed the application for Zone Amendment #RZ 14-02, Zoning Text Amendment ZTA #14-01, and the related applications listed above, including the CEQA Addendum #IS 14-02, and recommended that the City Council approve the application and related Project applications; and

**WHEREAS**, the Project Site currently is subject to Chapter 29 of the Zoning Ordinance entitled "Zoning Regulations and Development Standards for Sycamore Crossing" adopted on June 22, 2010 by Ordinance #459, which anticipated mixed-use development in accordance with the existing PC-R land use designation; and

**WHEREAS**, the proposed General Plan Amendment #GPA 14-02 and Zone Amendment #RZ 14-02, if approved, would create inconsistencies and conflicts with the potential mixed-use development addressed by Chapter 29 of the Zoning Ordinance; and

**WHEREAS**, the City Council has received oral and written comments from the general public, property owners, and interested parties, and has thoroughly considered all above referenced information, reports, recommendations, and testimony before taking any action on the Project; and

**WHEREAS**, approval of the Project would amend corresponding maps, text, tables, and figures related to the Zone Amendment #RZ 14-02 and Zoning Text Amendment #ZTA 14-01; and

**WHEREAS**, the City Council heard and used its independent judgment and considered all such information, reports, recommendations, and testimony described herein.

**WHEREAS**, the City Council finds, after due study, deliberation, and public hearing for the proposed Zone Amendment #RZ 14-02 and Zoning Text Amendment #ZTA 14-01, that:

- a. Zone Amendment #RZ 14-02 and Zoning Text Amendment #ZTA 14-01 are consistent with the General Commercial (CG) General Plan designation contingent upon its adoption.
- b. Potential uses for the Project Site allowed by the proposed Zone Amendment #RZ 14-02 and Zoning Text Amendment #ZTA 14-01 are compatible with the objectives, policies, general land uses, and programs specified and allowed by the General Commercial (GC) General Plan land use designation.
- c. Zone Amendment #RZ 14-02 and Zoning Text Amendment #ZTA 14-01, as proposed, would not be detrimental to the health, safety, welfare, and public interest of the City.
- d. Zone Amendment #RZ 14-02 and Zoning Text Amendment #ZTA 14-01, as proposed, are internally consistent and do not conflict with the purposes, regulations, and required findings of the Zoning Ordinance.
- e. All elements, requirements, and conditions of Zone Amendment #RZ 14-02 and Zoning Text Amendment #ZTA 14-01 are a reasonable and appropriate manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit, or live in this development in particular.
- f. Chapter 29 of the Zoning Ordinance pertaining to mixed-use and a previously approved IPDP #10-01 would no longer be consistent with and/or applicable to General Plan Amendment GPA #14-02, if approved, and therefore would be unnecessary.

**WHEREAS**, attached hereto and by this reference incorporated herein sets forth findings with facts for this project.

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

**SECTION 1.** Zone Amendment #RZ 14-02 changing the zoning district for the 12.85-acre project site known as Sycamore Crossing from Planned Commercial-Residential (PC-R) to General Commercial (CG) is hereby approved based on the attached Findings with Facts for the and various exhibits, contingent upon the adoption of the aforementioned CEQA Addendum #IS 14-02, General Plan Amendment #GPA 14-02, and related project applications, including Vesting Tentative Map #9373, Design Review Permit #DRP 14-04, and Planned Development Plan #FPDP 14-01, Conditional Use Permit #CUP 14-01, and Master Sign Program

**SECTION 2. Publication and Effective Date.**

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

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

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

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the Hercules City Council on the thirteenth day of January, 2015, and was passed and adopted at a regular meeting of the Hercules City Council on the twenty-seventh day of January 2015, by the following vote:

AYES: M. de Vera, C. Kelley, B. Kelly, S. McCoy, D. Romero

NOES: None

ABSTAIN: None

ABSENT: None

Sherry McCoy  
Sherry McCoy, Mayor

ATTEST

Margaret Roberts  
Margaret Roberts, MMC  
Administrative Services Director & City Clerk



APPROVED AS TO FORM:

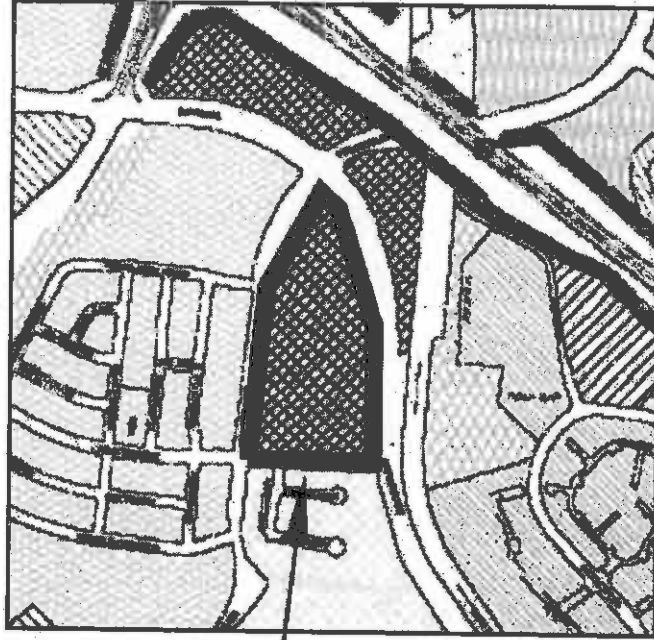
Patrick Tang  
Patrick Tang, City Attorney

EXISTING ZONING DESIGNATION: PC-R



PROJECT AREA

**SYCAMORE  
CROSSING  
PROPOSED ZONING  
DESIGNATION: GC**



PROJECT AREA

**LEGEND:  
ZONING DESIGNATION**

[Pattern]	PLANNED DEVELOPMENT AREA
[Pattern]	UNIMPL. COMM. TRUCK
[Pattern]	RESIDENTIAL
[Pattern]	PLANNED COMMERCIAL/RECREATIONAL
[Pattern]	SINGLE FAMILY RESID.
[Pattern]	RESIDENTIAL MEDIUM DENSITY
[Pattern]	COMMERCIAL CONSUMER
[Pattern]	MIXED USE/RESIDENTIAL/COMMERCIAL
[Pattern]	COMMERCIAL
[Pattern]	PLANNED OFFICE/RESIDENTIAL AND DEVELOPMENT
[Pattern]	RESIDENTIAL, MEDIUM DENSITY LOW DENSITY
[Pattern]	WORK/PROFIT COMMERCIAL
[Pattern]	COMMERCIAL OFFICE
[Pattern]	MUNICIPALITY
[Pattern]	INDUSTRIAL
[Pattern]	RECREATIONAL/AGRICULTURE/RECREATIONAL DENSITY
[Pattern]	RECREATIONAL/INDUSTRIAL
[Pattern]	RECREATIONAL/INDUSTRIAL

ZONING DIAGRAM 11-20-14

**FINDINGS WITH FACTS**  
**SYCAMORE CROSSING**  
**ZONE AMENDMENT #RZ 14-02 and**  
**ZONING TEXT AMENDMENT #ZTA 14-01**

Section 52.400 of the City of Hercules Zoning Ordinance requires all of the following findings to be made for granting an amendment to the Zoning Map or Zoning Ordinance:

**FINDING NO 1:** The proposed amendment is consistent with the General Plan.

**FACT:** The proposed General Commercial (GC) land use designation allows for the development of commercial uses with consistent zoning of General Commercial (CG) provided that applicable development regulations are satisfied and certain performance standards are met. The GC land use designation of the General Plan and CG zoning allow for a wide variety of commercial uses to serve the market area within an FAR of .20 to 1.00. The proposed project would be developed at an FAR of approximately .24.

The proposed Zone Amendment #RZ 14-02 to General Commercial (CG) is consistent with the General Plan and includes a Planned Development Plan as required by Chapter 8.200 the Zoning Ordinance for shopping center in excess of 10 acres.

**FINDING NO 2:** The proposed Zone Amendment #RZ 14-01 would not be detrimental to the health, safety, welfare, and public interest of the City.

**FACT:** Development of the Project will result in a public benefit, including the provision of a locally-serving shopping center that will provide commercial services, including a grocery supermarket, in addition to attracting clientele from the adjacent communities and/or those using 1-80 and Highway 4.

The project will be properly drained and will preserve the Ohlone Creek channel and contribute to City's policies, goals, and vision for the Plan for Central Hercules area and community base of the Central Quarter district in terms of increasing the City's sales and property tax revenues.

Surrounding circulation and other public improvements will be completed, and the buildings will be constructed to current building safety and fire codes, which promote development concepts of the General Plan and the Plan for Central Hercules.

**FINDING NO. 3:** The proposed Zone Amendment #RZ 14-02, including Zoning Text Amendment #ZTA 14-01, is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance.



**FACT:**

The proposed Zone Amendment #RZ 14-02 is consistent with General Plan Amendment #GPA 14-02 and would allow for the development of the proposed project as a locally-serving commercial shopping center of approximately 136,250 square feet of commercial space within ten structures, including an approximately 55,000 square foot two-story grocery supermarket, eighteen (18) pump fuel center with related kiosk, 37,000 square foot two-story fitness center and other neighborhood-serving retail and restaurant uses in buildings ranging from 2,500 square feet to 10,000 square feet with common areas for parking, landscaping, and pedestrian access, and preservation of a natural drainage way.

The proposed Zone Amendment, along with Zoning Text Amendment #ZTA 14-01, is internally consistent and does not conflict with the purposes, regulations, and required findings of the Zoning Ordinance for the General Commercial (CG) zoning district in that approvals are being considered under the Planned Development Plan. The accompanying Planned Development Plan pursuant to Chapter 48 of the Zoning Ordinance would establish the Development Regulations applicable to the proposed project.

Additionally, #ZTA 14-01 repealing Chapter 29 of the Zoning Ordinance would eliminate any inconsistencies created by #RZ 14-02 and the new FPDP #14-01 by changing the zoning district to General Commercial (CG). Chapter 29, as adopted, established development regulations for the Sycamore Crossing site consistent with mixed-use for the previous land use designation of Planned Commercial-Residential (PC-R). Repealing this chapter would eliminate any potential conflicts resulting from the Zone Amendment #RZ 14-02.