

## **ORDINANCE NO. 544**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HERCULES AMENDING PROVISIONS OF HERCULES MUNICIPAL CODE (TABLE 13-6.1, 13-7.1, 13-12.1 AND 13-15.1 AND DELETION OF SEC. 13-35.260) PURSUANT TO SENATE BILL 234 THE KEEPING KIDS CLOSE TO HOME ACT AND AMENDMENTS TO HERCULES MUNICIPAL CODE (TABLE 13-6.1, 13-12.1, 13-15.1, AND 13-18.1) PURSUANT TO ASSEMBLY BILL NO. 2162 AND FINDING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, on September 05, 2019, Senate Bill 234 was approved by the Governor of State of California and filed with the Secretary of State, amending Sections 1596.72, 1596.73, 1596.78, 1597.30, 1597.45, and 1597.54 of, to add Sections 1597.41, 1597.42, and 1597.455 to, to repeal Section 1597.47 of, and to repeal and add Sections 1597.40, 1597.46, and 1597.543 of, the Health and Safety Code, relating to family daycare homes; and

**WHEREAS**, the Act prohibits local jurisdictions from requiring small or large family daycare home licensed by the Department of Social Services, Community Care Licensing Division, from having obtain a land use/zoning permit and/or business license for operation; and

**WHEREAS**, September 26, 2018, Assembly Bill 2162 was approved by the Governor of State of California and filed with the Secretary of State, amending Government Code Section 65583 and adding Code Section 65650 requiring local entities to streamline the approval of housing projects containing a minimum amount of Supportive Housing by providing a ministerial approval process, removing the requirement for CEQA analysis and removing the requirement for Conditional Use Authorization or other similar discretionary entitlements.

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

**SECTION 1. RECITALS.** The City Council hereby incorporates the above recitals into this Ordinance by this reference.

**SECTION 2. ENVIRONMENTAL REVIEW** Under Public Resources Code Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this ordinance is exempt from CEQA in that this ordinance is not a “project” within the meaning of Section 15378 of the CEQA Guidelines, because it is an administrative activity has no potential for resulting in physical change in the environment, as the amendments address the process by how development applications are processed and reviewed and does not itself encourage physical development; and this ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, as such the adoption of the ordinance is exempt from CEQA.

**SECTION 3. AMENDMENTS**

# Chapter 13-6. Residential Districts

## Sec. 13-6.100 Specific Purposes.

1. In addition to the general purposes listed in Section [13-5.100](#), the specific purposes of the residential districts are to:

- A. Reserve appropriately located areas for family living at a reasonable range of population densities consistent with the General Plan and sound standards of public health and safety.
- B. Ensure adequate light, air, privacy, and yard/open space for each dwelling unit and protect residents from public safety hazards and other harmful environmental effects.
- C. Preserve as many of the desirable characteristics of single-family residential districts as possible while allowing for associated residential uses such as daycare, rooming and boarding, home occupations, second residential units to the extent that substantial adverse impacts are not caused to adjacent residences.
- D. Promote safe and well-designed neighborhoods and encourage new residential development to have an internal circulation system, including pedestrian walkways, bikeways, and access to transit facilities. Ensure provision of public services and facilities to support existing and planned residential densities.
- E. Reserve appropriate areas for multifamily dwellings that may be located and designed to be compatible with adjacent land uses and residences.
- F. 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.
- G. Encourage provision of affordable housing units, especially for single persons, single parents, elderly and young families. Provide well-designed, well-built housing units for low- and moderate-income households in mixed-density developments, including planned developments (PDs), avoiding a concentration in any limited area.
- H. Provide additional affordable senior citizen housing. Encourage provision of senior housing by considering density bonuses up to General Plan maximum where senior projects are desirable and compatible with special senior needs.

I. Allow for public and quasi-public land uses to complement residential development within close access such as schools, churches and daycare facilities; provided, that substantial adverse impacts such as traffic congestion, increased noise (ambient or episodic) or full use of available on-street parking, or other similar impacts are not caused on nearby residences.

2. The additional purposes of each residential zoning district are:

A. RS-E Residential Single-Family Estate. To provide sites for estate homes on larger lots to be developed with custom built and individually designed homes with a gross density of 1 or 2 units per acre and a minimum parcel size of one-half acre. Specific densities are assigned on the Zoning Map.

B. RS-L Residential Single-Family Low Density. To provide areas for single-family housing on smaller lots that will generally be developed as part of a larger planned subdivision where a limited number of models of varied exterior designs are built in a random pattern on individual lots with a gross density of 2 to 7 units per acre and a minimum parcel size of 6,000 square feet unless a smaller lot size is allowed by an approved planned development (PD).

C. RM-L Residential Multifamily Low Density. To provide sites for low density multifamily housing such as townhouses, condominiums and apartments, and medium density single-family housing that incorporate good design and amenities with a gross density up to 12 units per acre (midrange density of 9 units per acre). The minimum parcel size for multifamily housing is 3 acres. The minimum lot size for single-family housing is 4,000 square feet unless a smaller lot size is allowed by an approved planned development (PD).

D. RM-M Residential Multifamily Medium Density. To provide sites for medium density multifamily housing such as townhouses, condominiums and apartments that incorporate good design and amenities with a gross density of 12 to 30 units per acre (midrange density of 20 units per acre) and a minimum parcel size of 5 acres.

E. RM-H Residential Multifamily High Density. To provide sites for high density multifamily housing, typically located near public transit centers, adequate streets, shopping centers or other high activity areas and that incorporate good design and amenities with a gross density of 30 to 55 units per acre (midrange density of 42 units per acre) and a minimum parcel size of 15 acres. [Ord. 515 § 2, 2018; ZO § 6.100.]

### **Sec. 13-6.200 Review of Plans and General Conditions.**

Plans for all new and expanded development and uses shall be submitted to the Community Development Director as per Section [13-40.300](#). The following general conditions shall apply to all areas designated for residential use within this Chapter.

1. All new and expanded residential development shall apply for an administrative or conditional use permit. Administrative use permit review of new single-family homes, additions and remodels shall be limited to conformance with development regulations specified or referenced within this Chapter.
2. All new and expanded development except for additions and remodels shall also be subject to Chapter [13-42](#), Design Review.
3. Major residential subdivisions and multifamily projects of 10 units or more shall require a planned development plan as per Chapter [13-48](#). [Ord. 515 § 2, 2018; ZO § 6.200.]

#### **Sec. 13-6.300 Performance Standards.**

The standard performance standards for development specified in Chapter [13-31](#) shall be met. In addition, the following specific performance standards shall be met:

1. Residential streets shall be designed in relation to the needed capacity and the adjoining housing patterns while discouraging through traffic on local streets.
2. Existing residential structures of architectural or historic significance are to be restored and maintained.
3. New residential areas shall be designed to avoid conflict with major streets or thoroughfares, and should provide access to transit facilities to encourage safe and convenient alternatives to the private auto.
4. Multifamily residential land shall be developed with a balance of open space, landscaping, and recreational amenities and should be easily accessible to commercial and recreational areas and public transportation.
5. Upon reinstatement of the inclusionary housing ordinance, new residential development shall include a minimum 10 percent of the total number of units for affordable housing. No in-lieu fees will be accepted by the City unless the developer can establish extraordinary circumstances for not providing affordable housing or unless an agreement predating the adoption of the 1996 General Plan Amendment provides otherwise.

A density bonus up to 35 percent over the maximum General Plan designation may be provided, along with the waiver of fees and the relaxation of development standards, in exchange for low income or senior housing provided, as per Section [65915](#) of the California Government Code and Sections [13-30.420](#) through [13-30.470](#) (Residential Density Bonus). In order to encourage the development of lower income housing units, the waiver of fees and the relaxation of development standards may be considered by the City in return for commitments to provide lower income housing.

6. Affordable senior housing projects with density bonuses up to General Plan maximum are allowed where desirable and compatible with special senior needs. Such projects shall only be allowed where the size of the structure and style of architecture are compatible with the surrounding neighborhood.

7. The use of solar systems, both active and passive designs, is encouraged in new residential development. [Ord. 515 § 2, 2018; Ord. 484 § 13, 2015; ZO § 6.300.]

#### **Sec. 13-6.400 Land Use Regulations.**

All new and expanded development and uses that are allowed in the residential zoning districts are identified in Table 13-6.1. The following uses may be permitted in the designated residential zoning districts subject to compliance with Chapter [13-49](#) and approval by the Community Development Director. Use permits, administrative or conditional, are required for all new and expanded residential development.

Single story detached accessory structures under 8 feet tall and 120 square feet total area for the site are exempt from use permit requirements in the (RS-E, RS-L and RM-L) districts. Minor utilities such as public street lighting and traffic signals, electrical distribution lines, telephone lines, cable lines, and underground water, sewer and drainage mains and pipes that are necessary to support legally established uses are exempt from use permit requirements in all residential districts. [Ord. 515 § 2, 2018; ZO § 6.400.]

#### **Sec. 13-6.500 Property Development Regulations.**

The development regulations presented in Table 13-6.2 establish basic site and design requirements for residential zoning districts. All regulation standards are minimum amounts unless otherwise stated.

**Table 13-6.1 Land Use Regulations: Residential District**

	RS-E	RS-L	RM-L	RM-M	RM-H	See Also
<b>Residential</b>						
Single-Family Home	A	A	C	C	—	
Duet (Single-Family Attached)	—	—	A	A	—	
Duplex	—	—	A	A	—	
Multifamily Dwelling	—	—	C	C	C	
Townhouse/Condominium	—	—	C	C	C	
Two-Unit Development	P	P	—	—	—	Section 13-36
Mobile Home	A	A	A	A	—	
Accessory Uses and Structures	A <sup>(1)</sup>	A <sup>(1)</sup>	A <sup>(1)</sup>	A	A	Section <u>13-35.210</u>
Rooming and Boarding Houses (4 or less people)	A	A	A	C	—	
Rooming and Boarding Houses (5 or more people)	—	—	C	C	—	
<del>Small Family Daycare Homes (6 or less children)</del> <b>14 or fewer children</b>	<del>A P</del>	<del>A P</del>	<del>A P</del>	<del>A P</del>	<del>A P</del>	<del>Section 13-35.260</del>
<del>Large Family Daycare Homes (7 to 14 children)</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>A</del>	<del>Section 13-35.260</del>
Accessory Dwelling Unit	P	P	P	P	P	Section <u>13-35.320</u>
Senior Housing	C	C	C	C	C	
Emergency Shelter	—	—	—	—	—	
Single-Room Occupancy Units	—	—	—	—	—	
Supportive Housing (Apartment Type)	—	—	€ P	€ P	€ P	

**Table 13-6.1 Land Use Regulations: Residential District**

	<b>RS-E</b>	<b>RS-L</b>	<b>RM-L</b>	<b>RM-M</b>	<b>RM-H</b>	<b>See Also</b>
Supportive Housing (Residential Care Facility Small Type)	A	A	<u>A P</u>	<u>A P</u>	<u>P</u>	
Supportive Housing (Residential Care Facility Large Type)	—	—	<u>P</u>	€ <u>P</u>	€ <u>P</u>	
Residential Care Facility (6 or fewer residents)	A	A	A	A	—	
Residential Care Facility (7+ residents)	—	—	—	C	C	
Transitional Housing (Apartment Type)	—	—	A	A	C	
Transitional Housing (Residential Care Facility Small Type)	A	A	C	C	—	
Transitional Housing (Residential Care Facility Large Type)	A	A	C	C	C	
<b>Commercial Uses</b>						
Home Occupation	A	A	A	A	A	
Bed and Breakfast Inns	C	C	C	C	—	
<b>Public and Quasi-Public Uses</b>						
Clubs and Lodges	—	—	C	C	C	
Libraries, Museums and Galleries	—	—	C	C	C	
Park and Recreation Facilities	A	A	A	A	A	
Public Safety Facilities	A	A	A	A	A	
Religious Assembly	C	C	C	C	C	
Schools, Public or Private	C	C	C	C	—	

**Table 13-6.1 Land Use Regulations: Residential District**

	RS-E	RS-L	RM-L	RM-M	RM-H	See Also
Utility Facilities	C	C	C	C	—	
<b>Key to Land Use Regulations</b>						
P	Permitted Use					
A	Administrative Use Permit Required					
C	Conditional Use Permit Required					
DR	Design Review Required					
—	Use Not Allowed					
<sup>(1)</sup> Single story detached accessory structures under 120 square feet total on site are exempt from use permit requirements.						

**Table 13-6.2 Property Development Regulations: Residential District**

	RS-E	RS-L	RM-L	RM-M	RM-H	See Also
Site Area (acres)	—	—	3	5	15	
Density (Units/Acre)						
Range	1 to 2 <sup>(1)</sup>	2 to 7	up to 12	12 to 30	30 to 55	
Midrange	—	—	9	20	42	
Lot Size (sq ft)	1/2 acre <sup>(1)</sup>	6,000 <sup>(2)</sup>	3,000 <sup>(2, 3)</sup>	3,000 <sup>(2)</sup>	3,000 <sup>(2)</sup>	
Lot Frontage (ft)	45	30	[200 for multifamily, 30 for other]			
Lot Depth (ft)	200 <sup>(4)</sup>	100	[200 for multifamily, 80 for other]			
Lot Width (ft)	100	60 <sup>(5)</sup>	[200 for multifamily, 35 <sup>(5)</sup> for other]			



**Table 13-6.2 Property Development Regulations: Residential District**

	<b>RS-E</b>	<b>RS-L</b>	<b>RM-L</b>	<b>RM-M</b>	<b>RM-H</b>	<b>See Also</b>
Setbacks						
Front (ft)	20	20	15	15	15	
Rear (ft)	25	15	15	15	15	
Side (ft)	15	5	15 <sup>(6)</sup>	15 <sup>(6)</sup>	15 <sup>(6)</sup>	
Corner Side (ft)	20	15	15	15	15	
Maximum Site Coverage	20%	50%	60%	60%	60%	
Usable Open Space Per Dwelling Unit (sq ft)	—	—	1,000	300	300	Section <a href="#">13-30.800</a>
Building Height (ft)	35	35	45 <sup>(7)</sup>	60	90	
Parking						Chapter <a href="#">13-32</a>
<b>Key to Land Use Regulations</b>						
(1) Maximum density and minimum lot size as designated on zoning map for 1 or 2 units per acre density and corresponding 1 acre or 0.5 acre minimum lot size.						
(2) Minimum lot size unless a smaller lot size is allowed by an approved planned development plan.						
(3) Minimum lot size for single-family housing is 4,000 square feet unless a smaller lot size is allowed by an approved planned development plan.						
(4) Minimum lot depth unless area is designated for 2 units per acre, then 150-foot minimum depth applies.						
(5) Minimum lot width for corner lots, add 10 feet.						
(6) Minimum side setback unless smaller setback is allowed by an approved planned development plan.						
(7) Maximum height for single-family housing and duets/duplexes is 35 feet.						

# Chapter 13-7. P-M-H Mobile Home Park District

## Sec. 13-7.100 Specific Purposes.

In addition to the general purposes listed in Section [13-5.100](#), the specific purposes of the mobile home park district are to:

1. Reserve appropriately located areas for mobile home parks.
2. Provide for reasonable densities consistent with sound standards of public health and safety.
3. Assure adequate light, air, privacy and open space for each mobile home coach.
4. Provide for adequate open space, landscaped areas, and community recreation.
5. Establish standards for mobile home park traffic circulation and parking facilities. [Ord. 515 § 2, 2018; ZO § 7.100.]

## Sec. 13-7.200 Review of Plans and General Conditions.

Plans for all new and expanded development and uses shall be submitted to the Community Development Director as per Section [13-40.300](#). The following general conditions shall apply to all areas designated for mobile home park use within this Chapter.

1. All new and expanded residential development shall apply for an administrative or conditional use permit. Administrative use permit review of new mobile homes, additions and remodels shall be limited to conformance with development regulations specified or referenced within this Chapter.
2. All new and expanded development except for additions and remodels shall also be subject to Chapter [13-42](#), Design Review.
3. Mobile home parks shall require a planned development plan as per Chapter [13-48](#). [Ord. 515 § 2, 2018; ZO § 7.200.]

## Sec. 13-7.300 Performance Standards.

The standard performance standards for development specified in Chapter [13-31](#) shall be met. In addition, the following specific performance standards shall be met:

1. Residential streets shall be designed in relation to the needed capacity and the adjoining housing patterns while discouraging through traffic on local streets.
2. New residential areas shall be designed to avoid conflict with major streets or thoroughfares, and should provide access to transit facilities to encourage safe and convenient alternatives to the private auto.
3. Mobile home parks shall be developed with a balance of open space, landscaping, and recreational amenities and should be easily accessible to commercial and recreational areas and public transportation.

4. Each mobile home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the mobile home being located on grade.
5. A common recreation area which should include a recreation building shall be provided within the park for the use of all residents and their guests. A total of 200 square feet of common recreation area shall be provided for each mobile home space.
6. Landscaping and Screening.
  - A. The exterior boundaries of the mobile home park shall appear similar to planned residential developments and shall be compatible in design with any neighboring residential areas, and shall be screened by a decorative wall or fence with a minimum 5-foot-wide landscaped area provided along the interior of the wall or fence.
  - B. A 10-foot landscaped area between any adjoining public street or property and the screening wall or fence shall be provided.
  - C. One tree shall be provided for each mobile home coach in addition to landscaping in common recreation areas or landscaped buffers.
  - D. All areas not used for access, parking, circulation, structures, and services shall be completely and permanently landscaped and the entire site shall be maintained in good condition.
7. No sign, outdoor advertising structure, or display of any character shall be permitted except as prescribed in the provisions regulating signs. [Ord. 515 § 2, 2018; ZO § 7.300.]

**Sec. 13-7.400 Land Use Regulations.**

All new and expanded development and uses that are allowed in the mobile home park district are identified in Table 13-7.1. The following uses may be allowed subject to compliance with Chapter [13-49](#) and approval by the Community Development Director. Use permits, administrative or conditional, are required for all new and expanded mobile home park development.

Single story detached accessory structures under 100 square feet and 10 feet tall are exempt from use permit requirements in the mobile home park district. Minor utilities such as public street lighting and traffic signals, electrical distribution lines, telephone lines, cable lines, and underground water, sewer and drainage mains and pipes that are necessary to support legally established uses are exempt from use permit requirements.

**Table 13-7.1 Land Use Regulations: P-M-H Mobile Home Park District**

	<b>P-M-H</b>	<b>See Also</b>
<b>Residential Uses</b>		
Mobile Home Park	C	
Mobile/Manufactured Home	A	

**Table 13-7.1 Land Use Regulations: P-M-H Mobile Home Park District**

	P-M-H	See Also
<del>Small Family Daycare Home (8 or less children <b>14</b> or fewer children)</del>	<del>A P</del>	<del>Section <a href="#">13-35.260</a></del>
<del>Large Family Daycare Home (7 to 14 children)</del>	<del>A</del>	<del>Section <a href="#">13-35.260</a></del>
Caretaker and Employee Units	A	
<b>Accessory Uses and Structures</b>	A <sup>(1)</sup>	
<b>Key to Land Use Regulations</b>		
<b><u>P Permitted Use</u></b>		
A Administrative Use Permit Required		
C Conditional Use Permit Required		
— Use Not Allowed		
<sup>(1)</sup> Facility or use is directly related to the primary use of site.		

[Ord. 515 § 2, 2018; ZO § 7.400.]K

**Sec. 13-7.500 Property Development Regulations.**

The development regulations presented in Table 13-7.2 establish basic site and design requirements for residential zoning districts. All regulation standards are minimum amounts unless otherwise stated.

**Table 13-7.2 Property Development Regulations: P-M-H Mobile Home Park District**

	P-M-H	See Also
Site Area (ac)	20	
Density (Units/Acre)	7	

**Table 13-7.2 Property Development Regulations: P-M-H Mobile Home Park District**

	<b>P-M-H</b>	<b>See Also</b>
Lot Size (sq ft)	(PDP)	
Lot Frontage (ft)	(PDP)	
Lot Depth (ft)	(PDP)	
Setbacks <sup>(1)</sup>		
Front (ft)	15	
Rear (ft)	15	
Side (ft)	15	
Corner Side (ft)	15	
Distance Between Units	10	
Maximum Site Coverage	70%	
Landscaping Minimum	(PDP)	
Building Height	30 feet	
Parking		Chapter <a href="#">13-32</a>
Common recreational area/Usable open space	200 sq ft per unit	
<b>Key to Land Use Regulations</b>		
(1)	Minimum setbacks unless lesser setbacks are approved as part of a planned development plan.	
(PDP)	As per an approved planned development plan.	

# Chapter 13-12. HTC Historic Town Center District

## Sec. 13-12.100 Specific Purposes.

1. In addition to the general purposes listed in Section [13-5.100](#), the specific purposes of the HTC historic town center district are to:

A. Preserve the historic design and character of the area's buildings and allow the reuse of existing structures, where appropriate, such as the Clubhouse which is to be retained as a community center.

B. Allow the addition of new buildings while maintaining the architectural quality of the area.

C. Promote the development of Railroad Avenue into the "Main Street" of the historic town center district.

D. Provide for a variety of professional, administrative and personal service offices as well as retail businesses that support the offices and provide services and goods to visitors of the adjacent waterfront area.

E. Allow for multifamily dwellings in areas separated from Railroad Avenue by existing or planned buildings if compatible with adjacent existing and planned development.

F. Incorporate visual and physical access to the Bay shoreline within project designs.

G. Establish view corridors and viewpoints to protect and promote views to the Bay.

2. The additional purposes of the historic town center zoning district are:

A. HTC Historic Town Center. To permit a wide range of office and administrative uses along with supporting retail commercial uses while retaining the historic character of the area. To also allow for multifamily residential uses if compatible with existing and planned development. New development is typically to be 1 to 3 stories in height, with a FAR of 0.15 to 0.40 (typical FAR of 0.20) and a residential density of up to 17 units per acre with no more than 40 units to be developed within the district. [Ord. 515 § 2, 2018; ZO § 12.100.]

## Sec. 13-12.200 Review of Plans and General Conditions.

Plans for all new and expanded development and uses shall be submitted to the Community Development Director as per Section [13-40.300](#). The following general conditions shall apply to all areas designated HTC Historic Town Center.

1. All new and expanded commercial and office development shall be subject to Chapter [13-42](#), Design Review, and if over 1 acre shall be subject to Chapter [13-48](#), Planned Development.

2. All new and expanded uses shall be consistent with an adopted planned development plan for the property and shall require an administrative or conditional use permit. Open space areas with natural areas and passive use on lawn areas and trails are permitted without being subject to use permit approval.

3. All new and expanded residential development shall be subject to Chapter [13-42](#), Design Review, and to Chapter [13-48](#), Planned Development. [Ord. 515 § 2, 2018; ZO § 12.200.]

**Sec. 13-12.300 Performance Standards.**

The standard performance standards for development specified in Chapter [13-31](#) shall be met. In addition, the following specific performance standards shall be met:

1. Design guidelines addressing building architecture, historic design styles and elevations, and compatible fencing, landscaping, lighting, and accessory structures shall be prepared prior to approval of new and expanded development within this district. All new and expanded development shall comply with the adopted design guidelines for the site.
2. Light and Glare. Structures should use nonreflective surfaces, and night lighting is to be designed to minimize glare within the historic district.
3. Pedestrian Trail. Public access along the existing pedestrian trail shall be maintained.
4. Soils and Geology. Where possible, development of buildings over areas of Bay Mud should be avoided. Development shall meet all requirements of geology and soils reports.
5. Noise. Predrilling shall be required for driving piles in the historic area. [Ord. 515 § 2, 2018; ZO § 12.300.]

**Sec. 13-12.400 Land Use Regulations.**

All new and expanded development and uses that are allowed in the HTC historic town center zoning district are identified in Table 13-12.1. These uses may be permitted in the HTC historic town center zoning district subject to compliance with Chapter [13-49](#) and approval by the Community Development Director. [Ord. 515 § 2, 2018; ZO § 12.400.]

**Sec. 13-12.500 Property Development Regulations.**

The property development regulations presented in Table 13-12.2 establish basic site and design requirements for the HTC historic town center zoning district. All regulation standards are minimum amounts unless otherwise stated.

**Table 13-12.1 Land Use Regulations: HTC Historic Town Center**

	HTC	See Also
<b>Commercial Uses</b>		
Retail Stores		
2,000 sq ft or less	A	
More than 2,000 sq ft	C	

**Table 13-12.1 Land Use Regulations: HTC Historic Town Center**

	<b>HTC</b>	<b>See Also</b>
Grocery and/or Liquor	C	
Home Occupation	A	
Bed and Breakfast Inn/Hotel	C	
Outdoor Retail Sales and Services		
Permanent	C	
Temporary	A	
Recreation and Entertainment	C	
Restaurants, Delicatessens and Bars	A	
With Liquor Service	C	
Services and Offices		
Banks and Other Financial Services	A	
Business and Personal Services	A	
Business and Professional Offices	A	
<b>Residential Uses</b>		
Caretaker, Guest and Employee Housing	A	
Multifamily Dwelling	A	
Townhouse/Condominium	A	
Planned Unit Development	A	
Rooming and Boarding Houses	C	



**Table 13-12.1 Land Use Regulations: HTC Historic Town Center**

	<b>HTC</b>	<b>See Also</b>
<del>Small Family Daycare Home (8 or less children <b>14 or fewer children</b>)</del>	<del>A <b>P</b></del>	<del>Section <a href="#">13-35.260</a></del>
<del>Large Family Daycare Home (7 to 14 children)</del>	<del>A</del>	<del>Section <a href="#">13-35.260</a></del>
Senior Housing	C	
Single-Room Occupancy Units	C	
Supportive Housing (Apartment Type)	<b>A <b>P</b></b>	
Transitional Housing (Apartment Type)	A	
<b>Public and Quasi-Public Uses</b>		
Daycare Facilities (for employees, visitors and passengers)	A	
Government Offices	A	
Libraries, Museums and Galleries	A	
Park and Recreation Facilities	A	
Public Safety Facilities	C	
<b>Accessory Uses and Structures</b>	A <sup>(1)</sup>	
<hr/>		
<b>Key to Land Use Regulations</b>		
<b><u>P</u> Permitted Use</b>		
A Administrative Use Permit Required		

**Table 13-12.1 Land Use Regulations: HTC Historic Town Center**

	HTC	See Also
C	Conditional Use Permit Required	
(1)	Facility or use is directly related to the primary use of site.	

**Table 13-12.2 Property Development Regulations: HTC Historic Town Center**

	HTC	See Also
Site Area (sf)	—	
Density (FAR) <sup>(1)</sup>		
Range	0.15 to 0.40	
Typical	0.20	
Density (du/ac)	17 <sup>(1)</sup>	
Lot Size (sq ft)	5,000 <sup>(2)</sup>	
Lot Frontage (ft)	50 <sup>(2)</sup>	
Lot Depth (ft)	100 <sup>(2)</sup>	
Setbacks		
Front (ft)	10 <sup>(3)</sup>	
Rear (ft)	20 <sup>(3)</sup>	
Side (ft)	5 <sup>(3)</sup>	
Corner Side (ft)	10 <sup>(3)</sup>	
Maximum Site Coverage	40%	
Landscaping Minimum	10%	

**Table 13-12.2 Property Development Regulations: HTC Historic Town Center**

	<b>HTC</b>	<b>See Also</b>
Building Height (ft)	35	
Parking	(PDP)	Chapter <a href="#">13-32</a>
Signage	(PDP)	Chapter <a href="#">13-34</a>
<b>Key to Land Use Regulations</b>		
(1)	FAR does not apply to residential development, density subject to 40 unit maximum within HTC district.	
(2)	Lesser lot size and dimensions may be accepted in an approved planned development plan.	
(3)	Lesser setbacks may be accepted in an approved planned development plan.	
(PDP)	Or as per an approved planned development plan.	

[Ord. 515 § 2, 2018; Ord. 484 § 5, 2015; ZO § 12.500.]

## **Chapter 13-15. PC-R Planned Commercial Residential Mixed-Use District**

### **Sec. 13-15.100 Specific Purposes.**

In addition to the general purposes listed in Section [13-5.100](#), the specific purposes of the PC-R planned commercial residential mixed-use district are to:

1. Provide the opportunity to accommodate both residential and commercial uses in a well planned mixed-use development.
2. Provide the opportunity for an integrated mixture of residential and commercial employment generating uses within the same structure or site.
3. 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.

4. Provide the opportunity for upper floor residential over ground floor commercial uses.
5. Encourage mixed-use development that could minimize vehicle use. [Ord. 515 § 2, 2018; Ord. 451 § 2 (Exh. B), 2009; ZO § 15.100.]

### **Sec. 13-15.200 Review of Plans and General Conditions.**

Plans for all new and expanded development and uses shall be submitted to the Community Development Director as per Section [13-40.300](#). The following general conditions shall apply to all areas designated PC-R Planned Commercial Residential.

1. All new and expanded development shall be subject to Chapter [13-42](#), Design Review and Chapter [13-48](#), Planned Development.
2. All new and expanded uses shall be consistent with an adopted planned development plan for the property and shall require an administrative or conditional use permit. Subdivision or partial development of any properties within this district shall not be approved until a planned development plan for full development of the property has been reviewed and approved.
3. Commercial structures and uses are to be located and designed as a unified development, which may resemble a shopping center, a shopping mall, or a traditional downtown shopping street ("Main Street").
4. Development is to be carefully planned to insure that benefits of mixed-use development are fully realized and the potential negative impacts of one use on another are minimized.
5. As an incentive to develop commercial and residential uses within the same building or site, the allowed residential development density of 40 units per acre may be added to the allowed nonresidential density of 0.20 to 4.0 FAR.
6. A mixed-use commercial and residential development is to provide a balance of open space, landscaping, recreation, and transit access.
7. Adequate parking shall be provided on site that takes into account the different peak parking demand periods of residential and employment activities.
8. The facility should be designed to use parking areas, garages and landscaping as buffers for noise, light and glare. [Ord. 515 § 2, 2018; Ord. 451 § 2 (Exh. B), 2009; ZO § 15.200.]

### **Sec. 13-15.300 Performance Standards.**

The standard performance standards for development specified in Chapter [13-31](#) shall be met. In addition, the following specific performance standards shall be met:

1. Live-Work Area. A minimum of 600 square feet of living area including bathroom, kitchen and sleeping area is to be provided within each live-work unit.
2. Usable Open Space. A minimum of 50 square feet of private or common usable open space shall be provided for every live-work unit. A minimum of 100 square feet of private or common usable open space shall be provided for every residential unit. This may be provided on outdoor

landscaped areas open to private or common access, or as decks, balconies, porches, recreation facilities, or rooftop open space. The open spaces shall be designed and oriented to minimize wind exposure and maximize sun exposure.

3. Ventilation. Live-work units are to have an adequate ventilation system to serve the range of uses that could be allowed. Each live-work unit is to have at least 1 standard size window that can be opened to the outside.

4. Noise Insulation. Residential and live-work units are to have adequate noise insulation and are to attenuate noise levels to 50 dBA or better within the living area of the unit from the noise levels generated by the range of uses that could be allowed in adjacent units and buildings.

5. Light and Glare. Night lighting shall be located and designed to minimize glare on the residential uses within and adjacent to the site. [Ord. 515 § 2, 2018; Ord. 451 § 2 (Exh. B), 2009; ZO § 15.300.]

**Sec. 13-15.400 Land Use Regulations.**

All new and expanded development and uses that are allowed in PC-R planned commercial residential mixed-use district are identified in Table 13-15.1. These uses may be subject to compliance with Chapter [13-49](#) and approval by the Community Development Director.

Other uses of a commercial nature that can benefit from a live-work arrangement, or that can be shown to be compatible with the commercial and residential uses, and commercial uses that provide needed goods and services to nearby residential uses and that can be shown to be compatible with the residential uses in close proximity, or contribute to creating a functional residential neighborhood that has convenient access to commercial facilities, may be allowed pending approval of a conditional use permit. [Ord. 515 § 2, 2018; Ord. 451 § 2 (Exh. B), 2009; ZO § 15.400.]

**Sec. 13-15.500 Property Development Regulations.**

The property development regulations presented in Table 13-15.2 establish basic site and design requirements for the in PC-R planned commercial residential mixed-use district. All regulation standards are minimum amounts unless otherwise stated.

**Table 13-15.1 Land Use Regulations: PC-R Planned Commercial Residential Mixed-Use District**

	PC-R	See Also
<b>Commercial Uses</b>		
Home Occupation	A	
Recreation and Entertainment	C	
Retail Sales		

**Table 13-15.1 Land Use Regulations: PC-R Planned Commercial Residential Mixed-Use District**

	<b>PC-R</b>	<b>See Also</b>
Outdoor Sales	C	
Retail Stores		
2,000 sq ft or less	A	
More than 2,000 sq ft	C	
Restaurants and Delicatessens	A	
With Liquor Service	C	
Shopping Centers	C	
Services and Offices		
Athletic Clubs	C	
Business Services	A	
Hotel	C	
Offices and Banks	A	
Personal Services	A	
<b>Residential Uses</b>		
Accessory Dwelling Unit	A	Section <a href="#">13-35.320</a>
Caretaker, Manager and Employee Housing	A	
<del>Small Family Daycare Home (8 or less children)</del> <b>14</b> <b>or fewer children)</b>	<b>A P</b>	Section <a href="#">13-35.260</a>

**Table 13-15.1 Land Use Regulations: PC-R Planned Commercial Residential Mixed-Use District**

	<b>PC-R</b>	<b>See Also</b>
Large Family Daycare Homes (7 to 14 children)	A	Section <a href="#">13-35.260</a>
Live-Work Units	A	
Multifamily Dwellings	A	
Townhouse/Condominiums	A	
Planned Unit Development	A	
Supportive Housing (Apartment Type)	<b>A <u>P</u></b>	
Transitional Housing (Apartment Type)	A	
<b>Public and Quasi-Public Uses</b>		
Daycare Facilities (for employees and visitors)	A	
Government Offices	A	
Libraries, Museums and Galleries	A	
Public Safety Facilities	A	
Urgent Medical Care	C	
Utility Facilities	C	
<b>Accessory Uses and Structures</b>	A <sup>(1)</sup>	
<b>Key to Land Use Regulations</b>		

**Table 13-15.1 Land Use Regulations: PC-R Planned Commercial Residential Mixed-Use District**

	PC-R	See Also
<b>P Permitted Use</b>		
A	Administrative Use Permit Required	
C	Conditional Use Permit Required	
<sup>(1)</sup> Facility or use is directly related to the primary use of site.		

**Table 13-15.2 Property Development Regulations: PC-R Planned Commercial Residential Mixed-Use District**

	PC-R	See Also
Site Area (sf)	—	
Density (FAR) <sup>(1)</sup>		
Range	0.20 to 4.0	
Typical	2.0	
Density (du/ac)	40 <sup>(5)</sup>	
Lot Size (sq ft)	(PDP)	
Lot Frontage (ft)	(PDP)	
Lot Depth (ft)	(PDP)	
Setbacks		
Front (ft)	10 <sup>(2)</sup>	
Rear (ft)	10 <sup>(2)</sup>	



**Table 13-15.2 Property Development Regulations: PC-R Planned Commercial Residential Mixed-Use District**

	<b>PC-R</b>	<b>See Also</b>
Side (ft)	0 <sup>(2)</sup>	
Corner Side (ft)	10 <sup>(2)</sup>	
Maximum Site Coverage	(PDP)	
Landscaping Minimum	10%	
Usable Open Space (sq ft/unit)	50/100 <sup>(3)</sup>	Section <a href="#">13-15.300</a>
Building Height (ft)	40/50/65 <sup>(4)</sup>	
Parking	(PDP)	Chapter <a href="#">13-32</a>
Signage	(PDP)	Chapter <a href="#">13-34</a>
<b>Key to Land Use Regulations</b>		
(1)	FAR does not apply to residential development.	
(2)	Lesser setbacks may be accepted in an approved planned development plan.	
(3)	50 square feet/unit for live-work, 100 square feet/unit for residential.	
(4)	50 feet height allowed for combined commercial and residential uses within a structure; for major frontages along Sycamore Avenue and San Pablo Avenue, a maximum height of 65 feet is allowed only if approved in a PDP adopted pursuant to Chapter <a href="#">13-48</a> .	
(5)	A maximum density of 80 units per acre is permitted for the Town Centrale project on Sycamore Avenue as an approved planned development plan.	
(PDP)	As per an approved planned development plan.	

[Ord. 515 § 2, 2018; Ord. 506 § 5, 2018; Ord. 484 § 6, 2015; Ord. 472 § 1 (Att. 1), 2012; Ord. 451 § 2 (Exh. B), 2009; ZO § 15.500.]

## **Chapter 13-18. NTC New Town Center District**

### **Sec. 13-18.100 Specific Purposes.**

The specific purposes of the proposed NTC zone are listed as follows:

1. Create a transit-oriented town center consisting of a relatively dense pattern of building in the center of town and a mix of residential, commercial, office, and public and quasi-public uses.
2. Create an interconnected network of pedestrian-oriented streets, blocks, and publicly accessible open spaces.
3. Establish commercial and retail development in the area around Sycamore and San Pablo Avenues and along SR 4.
4. Create a vibrant, urbanized place for shopping, working, and living at the core of Hercules.
5. Create a mix of neighborhood-serving retail and commercial uses around 1 or more new town squares.
6. Develop according to principles of transit-oriented development and urban design identified in the Central Hercules Plan Regulating Code (see Chapter [13-28](#)).
7. Encourage development that promotes walking, biking, and transit use.
8. Provide transit users with opportunities to reduce vehicular travel by creating opportunities to purchase goods and services at or near transit stations.
9. Promote transit by providing attractive and convenient multiple-use transit stations or centers.
10. Promote regional employment opportunities based on access to regional transit facilities.
11. Work with transit agencies to develop both short-term and long-term transit facility uses in Hercules.
12. Create central gathering places where residents of Hercules can meet, shop, and socialize. [Ord. 515 § 2, 2018; Ord. 445, 2009; ZO § 18.100.]

### **Sec. 13-18.200 Review of Plans and General Conditions.**

General conditions would apply to all new and expanded development in the NTC zone, subject to sections of the Zoning Ordinance, including: Chapter [13-42](#), Design Review; Chapter [13-48](#), Planned Development Plans; and Chapter [13-49](#), Specific Plans, or another process approved by the Community Development Director. Additionally, as stated above, new and expanded development must have a finding of consistency with the general planning and design intent of the Central Hercules Plan (CHP) Regulating Code (Chapter [13-28](#)) and complement its character.

Furthermore, all development proposals within the NTC zone would be reviewed for:

1. Careful planning to avoid potential negative impacts of one use on another;
2. Easy and convenient access by foot and bike to transit facilities;
3. A balance of open space, landscaping, recreation, and transit access;
4. Adequate parking while also allowing for parking reductions for shared parking arrangements;
5. Buffers for noise, light, and glare;
6. Unified development with an emphasis on pedestrian access to and from transit component(s) of the development; and
7. Attractive frontages along public highways and street rights-of-way. [Ord. 515 § 2, 2018; Ord. 445, 2009; ZO § 18.200.]

### **Sec. 13-18.300 Performance Standards.**

In addition to the general conditions described above, all new and expanded development would be subject to general performance standards specified in Chapter [13-31](#) in addition to the following specific performance standards, including:

1. Design/architectural theme;
2. Street connectivity for vehicles and pedestrians;
3. Maximum block length;
4. Light and glare prevention/reduction;
5. Landscaping;
6. Usable open space minimums;
7. Integrated open space network;
8. Noise insulation/attenuation; and
9. Design and location of parking facilities. [Ord. 515 § 2, 2018; Ord. 445, 2009; ZO § 18.300.]

### **Sec. 13-18.400 Land Use Regulations.**

Because the NTC is intended to be a mixed-use district, any proposed use would require a land use permit as identified in Table 13-18.1 (Land Use Regulations: NTC District). These uses may be allowed/permitted subject to approval of: either an administrative use permit (A), or a conditional use permit (C) and demonstration of compliance with Chapter [13-48](#).

Other uses may be allowed within the NTC zone subject to approval of a CUP that can be shown to support mass transit, benefit from the availability of mass transit, provide goods and services to transit users, or contribute to creating a full service transit-oriented commercial public facility. Because the emphasis of the NTC zone is on mixed use, multiple combinations of uses would be allowed as identified in Table 13-18.1.

**Table 13-18.1 Land Use Regulations: NTC District**

<b>NTC</b>	
<b>Commercial Uses</b>	
Recreational Facilities	
Athletic Clubs	A
Other Commercial Athletic Facilities	C
Retail Sales	
Convenience Stores	C
Dry Cleaners and Laundries	C
Furniture, Furnishings, and Hardware Stores	C
Grocery and Liquor	C
Outdoor Retail Sales and Services	
Permanent	C
Temporary	A
Recreation and Entertainment	C
Restaurant, Delicatessen, and Bar	A
With Liquor Service	C
Retail Stores	
2,000 sq ft or less	A
More than 2,000 sq ft	C
Services and Offices	

**Table 13-18.1 Land Use Regulations: NTC District**

	<b>NTC</b>
Business Support Services	A
Hotels, Motels, Inns	C
Medical	
Medical and Dental Clinics and Services	A
Offices and Banks	
2,000 sq ft or less	A
More than 2,000 sq ft	C
Personal Services	A
Video/Media Rentals	C
 <b>Public and Quasi-Public Uses</b>	
Daycare Facilities (for employees, residents and passengers)	A
General Daycare	C
Government Offices	A
Libraries, Museums and Galleries	C
Park and Recreational Facilities	A
Public Safety Facilities	A
Transit Facilities	
BART Stations	C

**Table 13-18.1 Land Use Regulations: NTC District**

	<b>NTC</b>
Transit Transfer Stations	C
Transit Malls	C
Transit Offices and Support Facilities	C
Utility Facilities	C
<b>Residential Uses</b>	
Caretaker, Guest, and Employee Housing	A
Multifamily Dwelling	A
Townhouse/Condominium	A
Planned Unit Development	A
<b><u>Family Daycare Home (14 or fewer children)</u></b>	<b><u>P</u></b>
Supportive Housing (Apartment Type)	<b>A <u>P</u></b>
Transitional Housing (Apartment Type)	A
<b>Accessory Uses and Structures</b>	A <sup>(1)</sup>
<b>Key to Land Use Regulations</b>	
<b><u>P</u></b>	<b><u>Permitted Use</u></b>
A	Administrative Use Permit Required

**Table 13-18.1 Land Use Regulations: NTC District**

NTC	
C	Conditional Use Permit Required
(1)	Facility or use is directly related to the primary use of site.

[Ord. 515 § 2, 2018; Ord. 484 § 8, 2015; Ord. 445, 2009; ZO § 18.400.]

**Sec. 13-18.500 Property Development Regulations in the NTC District.**

Table 13-18.2 (Property Development Regulations: NTC District) identifies the property development regulations for the NTC zone. These regulations establish the basic site and design requirements.

**Table 13-18.2 Property Development Regulations: NTC New Town Center District**

	NTC	See Also
Site Area	—	
Residential Density (units/acre)		
Range	30—75 DUA	
Midrange	60 DUA	
Commercial Density (FAR)		
Range	0.10 to 2.00	
Typical	1.00	
Lot Size	—	
Lot Frontage	(PDP)	
Lot Depth	(PDP)	
Setbacks		
Front (ft)	0	
Rear (ft)	15 adjacent to residential	
	10 adjacent to any other use	

**Table 13-18.2 Property Development Regulations: NTC New Town Center District**

	<b>NTC</b>	<b>See Also</b>
Side (ft)	0	
Corner Side (ft)	0	
Maximum Site Coverage	(PDP)	
Landscaping Minimum	(PDP)	
Building Height		
Minimum	20 ft or 2 stories, whichever is greater	
Maximum	85 ft	
Parking	(PDP)	Chapter <a href="#">13-32</a>
Signage	(PDP)	Chapter <a href="#">13-34</a>
<b>Key to Land Use Regulations</b>		
(PDP) Or as per an approved planned development plan.		

[Ord. 515 § 2, 2018; Ord. 445, 2009; ZO § 18.500.]

**Sec. 13-18.600 Relationship of the NTC Zone to the Central Hercules Plan Regulating Code.**

The CHP Regulating Code includes a section regarding the “mandatory” or “permissive” application of the standards. This flexible option allows properties to be developed in strict accord with the underlying zoning or follow the design standards and provisions of the CHP. The proposed NTC land use designation and zone establish land use and development standards that will be applied to the development of properties in that area, and by adoption of the proposed ordinance would supersede the “permissive” option of the CHP for those properties within the NTC area. Therefore, all development in the NTC would be subject to the standards in the NTC zone, including:

1. Administrative or conditional use permits established in the land use regulations; and
2. The property development standards/regulations described in this Chapter that generally would be subject to the planned development plan review and approval established in Chapter [13-48](#).



Additional findings still would be required that the proposed plan: (A) is consistent with the general planning and design intent of the CHP Regulating Code, and (B) complements the character of the planning and design in the balance of the area covered by the CHP Regulating Code. [Ord. 515 § 2, 2018; Ord. 445, 2009; ZO § 18.600.]

**SECTION 4. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be deleted.

**SECTION 5. EFFECTIVE DATE AND PUBLICATION.** The City Clerk shall certify to the adoption of this Ordinance and shall publish or post the Ordinance as required by law. This Ordinance shall be effective thirty (30) days from date of final adoption.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the Hercules City Council on the 10<sup>th</sup> day of January 2023, and was passed and adopted at a regular meeting of the Hercules City Council on the 24<sup>th</sup> day of January 2023, by the following vote:

**AYES: COUNCIL MEMBERS:** T. Grimsley, C. Kelley, D. Bailey, Vice-Mayor Romero and Mayor Walker-Griffin

**NOES: NONE**

**ABSENT: NONE**

**ABSTAIN: NONE**



ATTEST

Eibleis Melendez, Acting City Clerk

A handwritten signature in black ink, appearing to be "AWG", is written over a horizontal line.

Alexander Walker-Griffin, Mayor