



CITY OF HERCULES
Preliminary Application
Pursuant to Section 65941.1

Pre-App. No. _____

111 Civic Drive, Hercules, CA 94547
Phone: 510-799-8200 Fax: 510-245-6530
www.ci.hercules.ca.us

Before an application for an SB 35 or SB 330 housing project can be submitted, the applicant must submit a preliminary application that includes all of the information described in [Government Code Section 65941.1](#) and described below.

GENERAL DATA REQUIRED

Property Address or Location: _____

Applicant Name: _____

Applicant Address: _____

Applicant Phone: _____

Email Address: _____

Assessor's Parcel Number: _____

Site Area (Acers/SQ.FT.): _____

General Plan Land Use: _____

Zoning District: _____

Description of proposed project: _____

WHAT TO SUBMIT.

- PRELIMINARY APPLICATION PURSUANT TO SECTION 65941.1. (this form)
- FEE. [Planning Staff Services Pre-Submittal Review Fee](#).
- SITE PLAN. Draw to scale and show building footprints/location of the proposed building(s) and approximate square footage of each building that is to be occupied.
- ELEVATIONS. For each building that is to be occupied, provide elevations showing the design, color, material, massing, and height of each building.

HOW TO SUBMIT. Please email the application package to smatinpour@herculesca.gov

LAND USE

Briefly describe the existing uses on the site. Identify any planned major physical alterations to the site:

EXISTING RESIDENTIAL UNITS. Enter the number of existing residential units that will be demolished and the existing units that are occupied or unoccupied. Provide an attachment to further describe, if needed.

	# of Occupied Residential Units	# of Unoccupied Residential Units	# of Total Residential Units
Existing:			
To be Demolished:			

DESCRIPTION. Describe the square footage of all proposed residential and nonresidential land uses using the categories in the applicable zoning ordinance:

	Number of Units	Square Feet
Residential		
Nonresidential		

PARKING. Number of proposed parking spaces:

AFFORDABILITY

PROPOSED DWELLING UNIT COUNT. Enter the proposed number of dwelling units by levels by affordability:

	# of Units	<i>Enter any notes about the units:</i>
Market Rate		
Managers Unit/s - Market Rate		
Extremely Low Income		
Very Low Income		
Low Income		
Moderate Income		
Total Units		
Total Affordable Units		
Total Density Bonus Units		

FLOOR AREA

	Residential	Nonresidential	Total
Floor Area (Zoning):			
Square Footage of Construction:			

PROJECT QUESTIONS

	YES	NO
1 Affordable housing incentives, waivers, concessions and parking reductions: Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915?	<input type="checkbox"/>	<input type="checkbox"/>

If yes, please describe:

2 **Subdivision:** Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

If yes, please describe:

3 **Pollutants:** Are there any proposed point sources of air or water pollutants?

If yes, please describe:

4 **Historic/Cultural Resources:** Are there any historic and/or cultural resources at the site?

If yes, please describe:

5 **Species:** Does the project site contain any species of special concern?

If yes, please describe:

6 **Easements:** Does the project site contain any recorded public easements, such as easements for storm drains, water lines, and other public rights of way?

If yes, please describe:

7 **Streams:** Does the project site contain a stream, creek or wetlands or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code?

If yes, please describe:

8 Additional Site Conditions:

A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178?

Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?

A hazardous waste site that is listed pursuant to Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?

A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency?

A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2?

If yes to any, please describe:

PROPERTY OWNER OR AUTHORIZED AGENT

Name of Business: _____

Address: _____

Phone Number: _____

Property Owner or Authorized Agent Name: _____

Property Owner or Authorized Agent Signature: _____

APPLICANT CERTIFICATION

I understand that submission of this application does not constitute approval for any administrative review, conditional use, variance, map approval or exception for any other City regulations, which are not specifically the subject of this application. I understand further that I remain responsible for satisfying requirements of any private restrictions or covenants appurtenant to the property.

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of planning permits as determined by the Community Development Director. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission.

I certify that statements made to me about the time it takes to review and process this application are general. The City has attempted to request everything necessary for an accurate and complete review of your proposal; however, after the City has taken in your application and reviewed it further, it may be necessary to request additional information and clarification.

Signature of Owner or Authorized Agent

Date



City of Hercules

COPYRIGHT RELEASE FORM

Building Department/Permit Services, 111 Civic Drive, Hercules CA 94547

Telephone: (510) 799-8244 Fax: (510) 799-8244

Web: www.ci.hercules.ca.us/government/building/

I certify by signing below that I own the copyright on or have a license (or other express legal authority) to use all text, drawings, photographs, graphics, plans, or other copyrightable material (the "Project Plans") submitted to the City of Hercules by me, my agents, or representatives in connection with:

PROJECT INFORMATION

PROJECT NAME:

STREET ADDRESS/LOCATION:

ASSESSOR'S PARCEL NUMBER(S):

COPYRIGHT AUTHORIZATION

I hereby grant permission to the City of Hercules to use, modify, or reproduce, in whole or in part, Project Plans and all other materials submitted by me, my agents, or representatives. This grant of permission extends to all copies needed for administration of the City's regulatory, administrative and legal functions, including sharing of information with other governmental entities; copies for the general public shall be subject to California Public Records laws and any applicable exemptions in state or federal law.

COPYRIGHT OWNER/ AUTHORIZED AGENT SIGNATURE :

DATE:

COPYRIGHT OWNER/AGENT NAME:

STREET ADDRESS:

CITY / STATE / ZIP:

COPYRIGHT OWNER/AGENT TITLE:

BUSINESS PHONE:

EMAIL:

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FOR CITY USE ONLY

RECEIVED BY:

DATE RECEIVED:

ASSOCIATED PROJECT NOS.

PLANNER ASSIGNED:



City of Hercules

COPYRIGHT RELEASE FORM (CONT.)

FREQUENTLY ASKED QUESTIONS

The City of Hercules maintains a record of approved architectural drawings as a reference. The architectural drawings are available for review; however, copyright law protects the duplication of these drawings without the owner's consent.

Q: What is a copyright?

A: Copyright is a form of protection provided by federal law to the authors of "original works of authorship," including literary, dramatic, musical, artistic, and certain other intellectual works; including architectural works. This protection is available to both published and unpublished works. Copyright protection affords the creator the right to control the display, publication, reproduction and creation of derivative works.

Q: Why is the City treating architectural works (plans and drawings) differently than other types of documentation?

A: While many types of work may be eligible for copyright protection, architectural works are given specific protection under U.S. Copyright law. (An architectural work is "the design of a building as embodied in any tangible medium of expression, including a building, architectural plans or drawings. The work includes the overall form as well as the arrangement and composition of spaces and elements in the design, but does not include individual standard features.")

Q: Why is the City saying architectural plans are copyrighted if I don't see the © symbol on it?

A: There are a few reasons. Federal law no longer requires copyright holders to place the symbol on a work for it to have copyright protection. Also, architectural works are given specific protection under U.S. Copyright law.

Q: Doesn't California Public Records Law mean the City has to give copies to the public?

A: No. Federal copyright law supersedes California Public Records law. Requestors still do have the right to view copyrighted material under the Public Records law, but may not make copies of the material without the copyright owner's consent.

Q: Who is the "owner" of a copyright?

A: The "owner" is the party that holds the copyright and has the exclusive right to allow copies of the work. For architectural works such as plans and drawings, this may be either the architectural firm that drew the plans, or the party that hired the architectural firm as "work for hire," such as a builder or individual homeowner.

Q: How can a customer determine who holds the copyright on plans or drawings?

A: The customer should view the plans/drawings and investigate who owns the plans/drawings by contacting the architect or owner represented on the plans. The City accepts that the customer has done their due diligence in investigating ownership and obtaining the proper release or making a determination that their use qualifies as "fair use." (See, e.g. Title 17 U.S.C. Section 107.)

Q: How do I know if I'm qualified to copy under fair use?

A: This is not an easy question to answer, but in general, it is acceptable to copy if it is for purposes such as criticism, comment, news reporting, teaching, scholarship, or research. It is also generally acceptable to copy small portions of a plan for limited, non-commercial use, such as a copy of a particular section in order to locate electrical or a support wall, etc. It is not acceptable to copy a full set of plans or drawings to avoid having to pay the owner for copies of those plans. It is not fair use if the purpose is to gain commercial advantage. IF THERE IS ANY DOUBT, IT IS ADVISABLE TO CONSULT AN ATTORNEY. OUR STAFF CAN NEITHER DETERMINE NOR ADVISE YOU ON IF A CERTAIN USE MAY BE CONSIDERED FAIR USE.