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Paid

April 1, 2019

VIA HAND DELIVERY AND EMAIL

Ms. Holly Smyth
Community Development Director
City of Hercules
111 Civic Drive
Hercules, CA 94547

Re: Application for Zoning Clearance Development Permit
Franklin Canyon RV Resort and Golf Course Project

Dear Ms. Smyth:

As you are aware, Wendel Rosen Black & Dean, LLP represents Madison MRH-1 Franklin Canyon LLP ("Client") in connection with its proposed 9-hole golf course and recreational vehicle resort project on the 161.5 acre site currently operated as the Franklin Canyon Golf Course in Hercules (the "Project"). The Project is proposed to create a destination RV resort which will feature 160 spaces for RV parking, a newly constructed club house with a restaurant and meeting rooms, and a remodeled 9-hole golf course and related amenities[1].

Please accept this correspondence, made on behalf of our Client, as an application for a Zoning Clearance Development Permit to confirm that the Project conforms with the voter-adopted "Measure M – Hercules General Plan Amendment and Land Use Designations for the Franklin Canyon Area" ("Measure M"). A Site Plan which reflects the Project and its improvements is attached as **Attachment "A"**. Planning staff and the City Attorney's office have confirmed that a Zoning Clearance, authorized by City of Hercules Zoning Ordinance Section 5.700, is the appropriate method for confirming the Project's consistency with Measure M.

[1] Note the Project has been revised in response to the comments received at the three community meetings the applicant conducted on the Project. For example, the Project has been reduced from 257 spaces to 160 spaces and provides a greater buffer between the proposed development and the creek. The Project also includes 22 walk-in campsites with tent bungalows provided in response to public input and comment.

Project Background and Project Description

The existing 18-hole Franklin Canyon Golf Course was constructed in 1967 and has been operating at a substantial financial deficit for the last several years. A development application submitted to the City in the early 2000's proposed up to 500 homes on areas around the Project site (the Project site was not part of this development proposal and no development was proposed on the Project site) prompting Hercules residents to circulate an initiative petition to limit development within the entire Franklin Canyon, including the Project site. This initiative petition resulted in the adoption of Measure M which now regulates the types of land uses in Franklin Canyon, including the Project site.

This Project will redesign and downsize the existing 18-hole golf course to an upgraded 9-hole golf course. The proposed redesigned golf course will be constructed entirely within areas previously disturbed and occupied by the current 18-hole golf course. In addition, the Project will create a destination RV Resort to complement the remodeled 9-hole golf course.

The Project will also include amenities such as a clubhouse featuring dining and lounge facilities and meeting rooms, as well as a fitness and wellness center, an outdoor swimming pool with a poolside shower and changing room, and a golf pro-shop and grill/snack shop. In total, the Project proposes to construct a combined 20,000 square feet of permanent structures excluding the covered RV parking spaces. The Project will also include associated infrastructure improvements, including replacing an existing septic tank with an on-site treatment facility featuring an on-site subsurface disposal system. In total, the Project will result in a total net increase of approximately 8,800-square feet of structures on the Project site.

A full and complete Project Description is attached hereto as **Attachment "B".**

Purpose of Measure M

In our previous discussions with staff and the City Attorney's office, we have already confirmed that Measure M constitutes both the General Plan and zoning designations and zoning requirements on the site. A copy of Ordinance No. 401, also referred to as "Measure M" is attached hereto as **Attachment "C"**. Before Measure M was adopted, the General Plan and zoning designation for the site was "Franklin Canyon Area". This designation was replaced with the land use/zoning designation and zoning standards in Measure M.

We also confirmed with staff and the City Attorney's office, that the uses enumerated in Section 9 of Measure M are uses allowed by right without a use permit. We are now seeking confirmation the Project is consistent with the uses enumerated in Measure M.

Project Consistency with Measure M

We believe the Project is fully consistent with both the spirit and intent of Measure M which included both a general plan amendment and zoning change for the Franklin Canyon Area for the Project site. The stated purpose of Measure M is to "maintain [the] existing use of the Canyon for agriculture, outdoor recreation, very low-density residential and open space uses. The objectives are to preserve and protect natural resources, watersheds and water quality,

wildlife habitat, beauty and tranquility, and scenic hill views, while permitting proximity to nature and outdoor recreation...." Indeed, Finding 2(b) contained within Measure M specifically states "[a]t present, there are few public facilities in Franklin Canyon except ranch roads and the Franklin Canyon Golf Course. Franklin Canyon is a unique natural area of the City and is deserved of lasting and special protection." As detailed below, the Project will accomplish these objectives by maintaining and enhancing the existing golf course, albeit in a smaller and more environmentally-sensitive configuration.

Specifically, Section 9(c) of Measure M allows the following commercial uses (among other uses):

(1) Low-intensity outdoor recreation and pastimes predominantly for active participants that is compatible with preserving the natural qualities of the area (this category of permitted uses does not include, among other things, amusement or theme parks and motor vehicle tracks, courses or recreational activities);

(2) Nature observation, study or enjoyment;

(3) Accommodations for short term occupancy and for provision of food and drink/ (including low-intensity campgrounds and picnic facilities), predominantly for persons engaged in outdoor recreation or nature observation, study or enjoyment.

The Project is consistent with Measure M in that it includes a recreational vehicle resort and continued golfing operations, both which are outdoor recreation and pastime uses. The proposed accommodations for short-term occupancy and the provision of food and drink are predominately for persons engaged in outdoor recreation and pastime uses. Therefore, these uses are consistent with Measure M.

As reflected in the attached Transportation Impact Analysis prepared by Abrams Associates, the Project would not cause any intersections in the study area to exceed County or CalTrans' standards and, therefore, not require any off-site traffic mitigation measures. A copy of the Transportation Impact Analysis, dated March 21, 2019 is attached hereto as **Attachment "D"**.

Moreover, the Project complies with the further safeguards, building envelope and FAR requirements in Sections 10, 11 and 12 of Measure M. Specifically, the aggregate floor area of the new building construction will not exceed 20,000 square feet. The Project will not impair critical wildlife habitat or the quantity or biological quality of wetlands and adjacent creek and is not located on ridgelines, hilltops or steep slopes. In fact, the Project will enhance the riparian corridor by considerably reducing the amount of irrigated turf and run-off associated with that irrigation. The Project will eliminate non-native and ornamental plant species from half of the existing golf course, which will facilitate the reintroduction of native plant species and will eradicate non-native aquatic species in the onsite man-made ponds.

A Biological Assessment prepared by ESR, Inc., also concludes the Project's compliance with Section 10 ("Areas of Special Environmental Concern—Further Safeguards") of Measure M, citing the 100 foot setback area from "top of bank" as a way to allow the riparian corridor to

be less impacted by foot traffic than the current land use. Currently, golfing and golf course maintenance activities occur immediately adjacent to the creek corridor or to the "top of bank". See an aerial photograph reflecting the existing golf course configuration relative to the creek corridors attached as **Attachment "E".**

Conversely, the Project proposes to eliminate those uses from at least 100' back from the top of the creek bank which will be an improvement over the current use of the property. The ESR Assessment concludes that "increasing the setback along the creek corridor will not impair the quantity or biological quality of water or habitat in the riparian corridor and is very likely to enhance the quality of water and habitat within the creek." The Assessment also concludes that such a change in the setback is likely to enhance the corridor for migratory species. A copy of the Biological Assessment letter, dated March 8, 2019, is attached hereto as **Attachment "F"**.

Finally, and while not specifically addressed in Measure M, the fiscal impacts associated with the Project far outweigh the current golf course land use. In a report prepared by RV Park Consulting, Inc., it is estimated that a 200-space RV resort will generate approximately $53 million in potential economic impact to the local economy in the first year of operation alone. While the Project is slightly smaller than the 200-space project evaluated, the report makes a conservative estimate of nearly $3 million to be paid to the City in transient occupancy tax ("TOT") in the first ten years assuming the current TOT rate of 10%. The current golf course operation does not generate any TOT. A copy of the Fiscal Analysis, dated December 5, 2017 is attached hereto as **Attachment "G"**.

Conclusion

This Zoning Clearance application will also confirm that, because the uses are consistent with allowed uses enumerated in Measure M, they are allowed by right and thus, allowed without a use permit. Enclosed herewith is a $500 deposit for planning staff services; if a larger deposit is required, please advise and we will remit the full amount for the application processing immediately. We look forward to your confirmation of receipt of this application and a determination on our Zoning Clearance Development Project application as soon as possible.

Please do not hesitate to contact me should you have any questions or wish to discuss. Thank you so much.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN LLP

Patricia E. Curtin

PEC/ALM

Attachments:

A: Project Plan Set
B. Revised Project Description, dated March 14, 2019
C. Measure M
D. Traffic Analysis, dated March 21, 2019
E. Aerial Photograph
F. Biological Assessment, dated March 8, 2019
G. Fiscal Analysis, dated December 5, 2017

cc: Client

EXHIBIT A

PROJECT PLAN SET

triad/holmes assoc
civil engineering
land surveying
MAMMOTH LAKES
BISHOP
REDWOOD CITY

Site Plan Franklin Canyon RV Resort and Golf Course

159 Total RV Spaces

52 Class B/C
107 Class A
22 Tent Bungalows

EXHIBIT 1
PROPOSED RV RESORT LAYOUT

JOHN MUIR PARKWAY

100' Setback from Top of Creek Bank

9 Hole Golf Course

Centerline of stream or intermittent stream

Driving Range

Reconfigured DG Trailhead Parking Lot

Community Garden

Protential Pedestrian Bridge

Park

Maintenance Building

Existing Pond

Pickle Ball

Possible Land Swap

Connection to Muir OS Trail

Class A Sites

Tent Bungalow Sites

Class B/C Sites

Emergency Exit

RV Wash Area

Covered RV Storage (38 Spaces)

Pipeline Easement

Powerline Easement

89 Class A Space

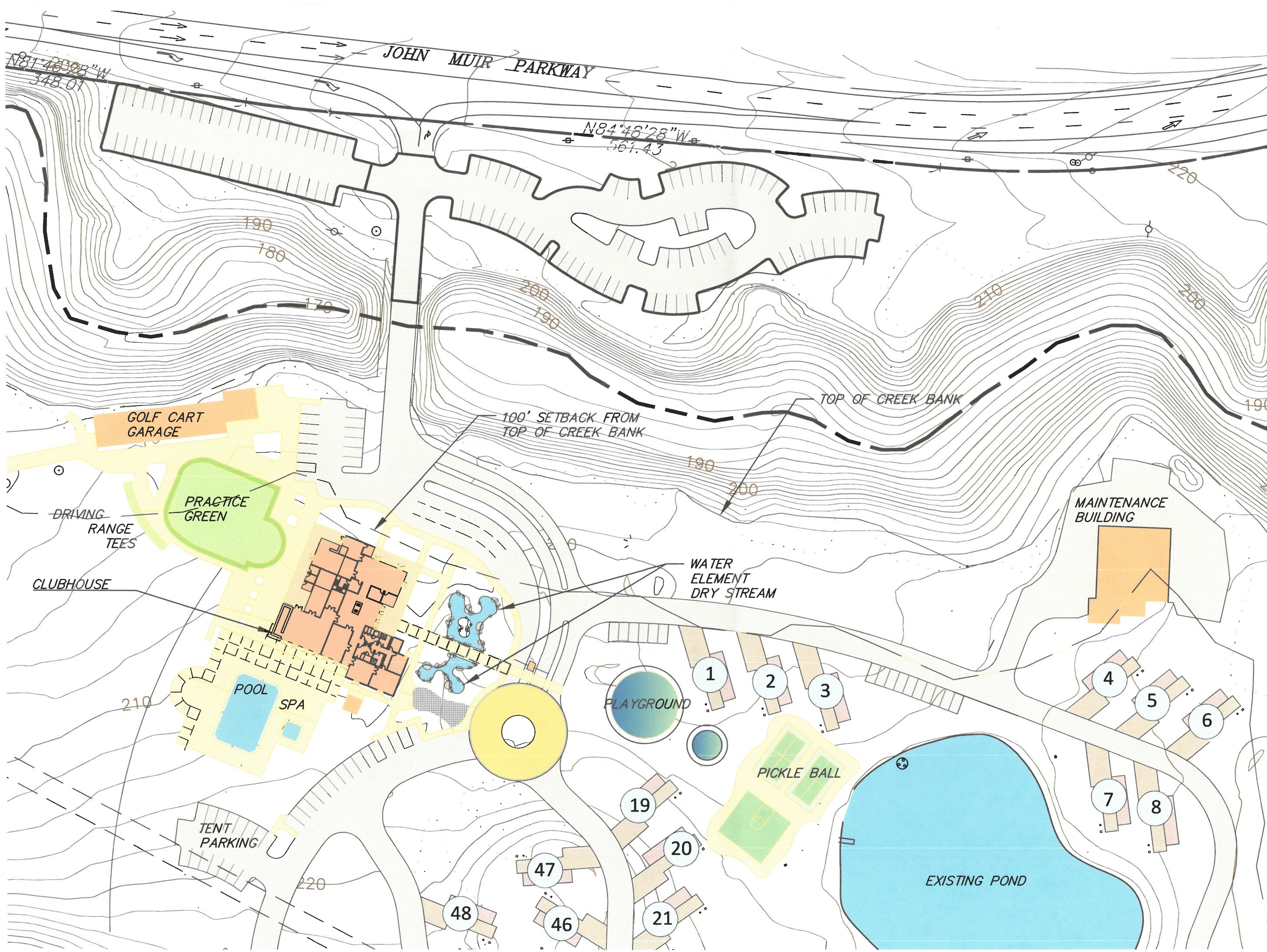
2 Class B/C Space

10 Tent Bungalow Sites

CONTOUR INTERVAL: 2'

GRAPHIC SCALE

(IN FEET)
1 inch = 250 ft.



triad/holmes assoc.
civil engineering
land surveying
MAMMOTH LAKES
BISHOP
REDWOOD CITY

EXHIBIT 2
ENTRY AREA ENLARGEMENT

CONTOUR INTERVAL: 2'

GRAPHIC SCALE

(IN FEET)
1 inch = 80 ft.

EXHIBIT B

PROJECT DESCRIPTION, DATED MARCH 20, 2019

PROPOSED FRANKLIN CANYON RV RESORT AND 9-HOLE GOLF COURSE PROJECT

(MARCH 20, 2019)

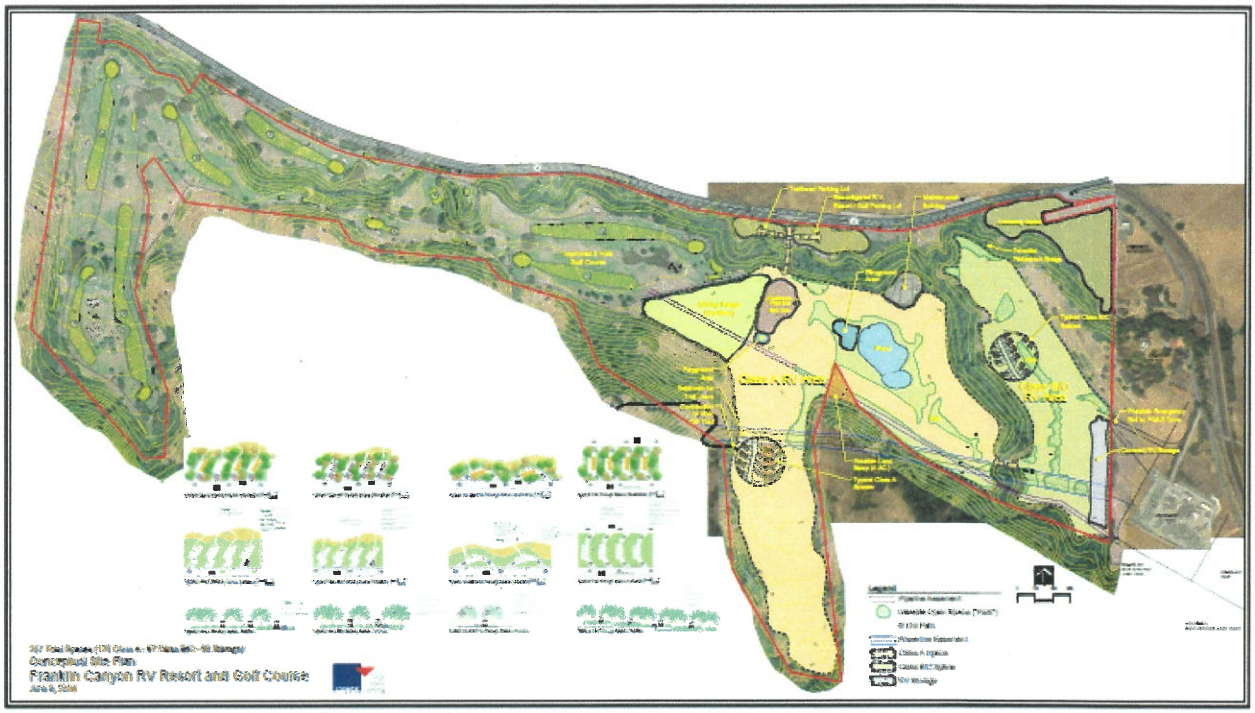
PROJECT DESCRIPTION

The Project would create a destination RV Resort to complement a remodeled 9-hole golf course on a 161.5- acre Project site currently operated as the Franklin Canyon Golf Course in the City of Hercules, Contra Costa County, California. In addition to providing a remodeled 9-hole public access golf course, the Project would include development of a 160-space visitor-serving RV Resort. Other facilities to be provided for guests would include a clubhouse featuring dining and lounge facilities as well as a fitness and wellness center, an outdoor swimming pool with a poolside shower and changing room, and a golf pro-shop and grill/snack shop. Twenty-two walk-in campsites with tent bungalows will also be provided. The dining facility and golf-related amenities would be available to the visiting public as well as those staying at the RV Resort with their recreational vehicles. The Project also would develop associated support facilities including a covered storage facility for approximately 50 recreational vehicles on the eastern boundary of the site adjacent to the power substation and other necessary facilities for upkeep of the Project, including a golf maintenance building, a golf cart storage barn, and a security/information building. In total, the Project proposes to construct a combined 20,000 square feet of permanent structures excluding the covered RV parking spaces. The Project would also include associated infrastructure improvements, including replacing an existing septic tank with an on-site treatment facility featuring an on-site subsurface disposal system. The applicant would propose that the facility be operated by the City of Hercules Sanitation District, installing domestic use water supply and electricity to the RV resort sites. An existing 7,200-square foot clubhouse would be demolished, and the existing 4,000-square foot maintenance building would be upgraded and reduced in size. At completion, the Project would result in a total net increase of approximately 8,800-square feet of structures on the Project site.

The existing 18-hole golf course, which was constructed in 1967, would be redesigned and downsized to an upgraded 9-hole golf course using the acreage of the existing back-nine holes of the golf course, allowing the proposed redesigned golf course to be constructed entirely within previously disturbed areas. The 9-hole golf facility would be available to the public as well as the RV Resort guests. The redesigned golf course would incorporate features to minimize demand for water resources and maximize efficiency. The Project's water conservation features would include utilizing golf tolerant turf and state-of-the-art irrigation systems. The proposed RV resort improvements would be constructed completely within the previously disturbed area of the existing front-nine of the Franklin Canyon golf course. The Project would require minimal grading, which would be balanced onsite. The Project would avoid and preserve the Rodeo Creek and the riparian habitat which traverses the site in addition to the northeastern corner of the Project site which encompasses agricultural operations. In addition, all existing seasonal wetlands and habitat areas would be protected.

The Project proposes to provide up to 50 dedicated parking spaces in the existing parking lot along Hwy 4 for the John Muir Land Trust (JMLT) open space trails located on the southern boundary of the property. The access would provide a dedicated trail for patrons which could include a staging area with a restroom, drinking fountain and picnic tables. Campsites with tent bungalows will also be provided as a part of the Project. The Project will work with JMLT to provide a secondary emergency access over JMLT land on the southern boundary of the Project with access onto Christie Road. Additionally, the Project proposes to donate approximately 5 acres on the northeastern boundary of the Project to JMLT to allow JMLT to develop and operate a community garden on land that is currently zoned AG.

PROPOSED PROJECT SITE PLAN



OPERATIONAL SUMMARY

The Project would provide 160 spaces designated for the RV Resort which will limit the stay for individual RV units to 30 days or less. A Deed Restriction will be recorded which will prohibit long-term RV occupancy. The rental of the space will be subject to the City of Hercules Transitory Occupancy Tax (TOT) which is currently at 10% of the total rental rate. The proposed facilities would be operated year-round, and, by providing overnight accommodations onsite to recreational vehicles participants, the overall Project would operate 24 hours per day, although the hours of operation for the clubhouse, restaurant and lounge would likely conclude by 10:00 p.m. The golf course would operate under the current operational hours of 7:00 AM to 6:00 PM in the winter months and 7:00 AM to 7:30 PM in the summer months.

A clubhouse would be constructed in a building consisting of approximately 17,000-square feet providing a dining facility, lounge, fitness and wellness center, and locker rooms. While the clubhouse dining room and lounge would be open to the public like the existing dining facility of the Franklin Canyon Golf Course, the fitness/wellness center would be provided as an amenity for use by overnight guests only. The clubhouse facilities would allow overnight guests to remain on-site for dining and fitness activities that would otherwise require leaving the site. The dining facility would be permitted to serve guests and visitors until 11:00 p.m. for outdoor banquet or reception events, and indoor events, dining, and lounge service would be concluded by midnight.

A golf pro-shop and grill/snack shop would be incorporated into the building to provide retail space for golf-related merchandise, a snack bar. This facility would serve golfers that are day-use visitors of the

site as well as overnight guests of the RV Resort facility.

As an amenity for overnight guests, the Project would include an outdoor swimming pool with an associated poolside shower/changing room located adjacent to the clubhouse facility.

Other proposed facilities would be provided to support the RV Resort and golf course operations. These would include a 2,500-square foot golf cart storage and maintenance building and a 120-square foot security/information building. On the eastern portion of the property adjacent to an existing PGE substation, the project would include approximately 50 covered RV storage spaces to act as an aesthetic buffer for the substation and an amenity to returning guests that wish to store their unoccupied vehicle on site.

The remodeled 9-hole golf course would continue to offer access to the public, which would be available to day-use visitors of the site as well as overnight guests of the Project. The golf course would include an outdoor driving range and short game area. All outdoor golf activities would be prohibited at night as under existing conditions and no outdoor lighting would be provided for golf activities. The golf course also would continue to provide a venue for charitable organizations and corporations to hold tournaments for fundraising or team-building purposes. Such tournaments would be participatory in nature by invited guests and would not involve on-course spectator access or grandstand facilities. Tournament participants may include guests of the on-site overnight accommodations and players arriving from off-site.

PROJECT GREEN FEATURES

The Project would incorporate many "green" features. The buildings would incorporate sustainable and green design with the goal of achieving LEED™ certification (or equivalent) for all buildings on the Project site. As a sustainability strategy, the Project design features also would include green roofs on many of the Project buildings, the use of color and shade structures to reduce the heat island effect, charging stations for electric vehicles, the use of highly efficient geothermal HVAC equipment, and the use of native, drought-tolerant landscaping. The Project would attempt to use pervious material to allow infiltration of storm water and improve water quality. The Project also would provide a shuttle van service for individuals or groups of overnight guests to BART or other public transportation in the region to eliminate the need for the guests to drive their RV vehicle into the congested downtown areas of San Francisco or Oakland. The shuttle service would be provided at times and locations as requested on a reservation basis. Water conservation and design features would include low flow/ultra-low-flow fixtures, and the use of drip irrigation systems with features such as moisture sensors, drought-resistant turf and landscaping. The Project would remove an existing septic tank and install a connection to the municipal wastewater treatment facility. The Project would use photovoltaic panels over shade structures in the expanded surface parking area and on some proposed rooftops to generate some of the energy needs for the Project. The reduction of 9-holes of the existing golf course will reduce the current water consumption of the Project by nearly 50% or more, considering the reduction of the irrigated turf acreage and the use of drought tolerant grasses and high-tech irrigation systems. The Project would incorporate a recycling program by providing separate collection bins for recyclable materials generated by guests and employees to divert those materials from landfill disposal and by composting green waste generated by and used by onsite landscaping maintenance. Finally, as part of its operations, the Project would incorporate sustainability features from Contra Costa County's Green Building Program.

PROJECT LOCATION

The Project site is located at 3100 Franklin Canyon Road, immediately adjacent to Hwy 4, also known as

the John Muir Parkway within the City limits of Hercules, Contra Costa County, California. Regionally, the site is located northwest of the City of Oakland and Richmond and between the City of Hercules and Martinez off Hwy 4. Locally, the Project site is situated directly west of the City of Hercules, and south of the Cities of Crocket and Rodeo. The property is surrounded by undeveloped private and public lands, much of which is open space, with some commercial development on the north and northwestern boundary of the site. The Project features easy access off Hwy 4 and features a westbound exit off Hwy 4 called Franklin Canyon Road.

PROJECT SITE

The Project site is comprised of an irregularly shaped parcel totaling approximately 161.95 acres of which approximately 116.8 acres is utilized for the existing 18-hole Franklin Canyon Golf Course. The remaining 45.15 acres is comprised of foothills and the Rodeo Creek which runs along the northern boundary of the Project. The Assessor Parcel Number (APN) 362-020-021-6.

The Project site is subject to Measure M, a voter approved initiative which passed on November 2, 2004 as a General Plan Amendment and Land Use Designation for the Franklin Canyon Area in which the Project is located. The ordinance maintains existing use of the Franklin Canyon and surrounding areas for agriculture, outdoor recreation, very low-density residential, and open space uses. Specifically, Measure M in Section 9(c) allows the following commercial uses (among other uses):

(1) Low-intensity outdoor recreation and pastimes predominantly for active participants that is compatible with preserving the natural qualities of the area (this category of permitted uses does not include, among other things, amusement or theme parks and motor vehicle tracks, courses or recreational activities);

(2) Nature observation, study or enjoyment;

(3) Accommodations for short term occupancy and for provision of food and drink/ (including low-intensity campgrounds and picnic facilities), predominantly for persons engaged in outdoor recreation or nature observation, study or enjoyment;

The Project is consistent with these provisions in Measure M by proposing an RV park and continued golfing operations which are outdoor recreation and pastime uses and by proposing accommodations for short-term occupancy and provision of food and drink predominately for persons engaged in outdoor recreation or nature observation, study or enjoyment.

The topography of the site is gently rolling to flat with a backdrop of rolling hills of managed open space typical of the East Bay with native and non-native vegetation. Drainage and runoff originate in the higher hills of the south flowing north and west via creeks, tributaries, and riparian corridors into Rodeo Creek and Refugio Creek which ultimately drain into San Pablo Bay. The Project site is dominated by the steep Franklin Ridge which rises on the southern boundary. There are numerous public access trails that surround the Project managed by East Bay Regional Parks and the John Muir Open Space Trust.

Regional Map

Vicinity Map

Existing Conditions

Existing development on the site consists of the Franklin Canyon Golf Course, constructed in the mid-1960s, consisting of an 18-hole public golf course with supporting amenities, two surface parking lots, and associated driveways, all located in the central and southern regions of the Project site. The aerial photo below depicts the existing conditions of the site including onsite structures, parking lots, and driveways.

Structural facilities that exist on the Project site as part of the Franklin Canyon Golf Course include a 7,200-square foot golf clubhouse with a restaurant and lounge. An associated maintenance structure and shed provide an additional 4,000 square feet of onsite development. The water service consists of potable water from East Bay Municipal Utility District (EBMUD) for domestic use and for irrigation of the golf course. The golf course irrigation is supplemented by an existing onsite well. Wastewater treatment for the existing development is provided by an onsite septic tank.

Much of the golf course area is planted with non-native and ornamental plant species. The remainder of the Project site consists of lands with native vegetation on generally steeply sloped terrain to the south, east, and west.

Existing Site Photos

Existing Clubhouse

PROPOSED PROJECT BENEFITS

- Provide visitor-serving overnight accommodations with a golf component via 160 RV spaces which is in high demand in the Bay Area market and will create badly needed revenue for the City of Hercules through an existing 10% TOT.
- Introduce a pattern of land uses compatible with existing environmental resources and community character, while improving the social, environmental and economic well-being of overnight guests, visitors, and the community.
- Create approximately 50 dedicated parking spaces for the general public to access the JMLT open space trail located on the southern boundary of the property along with a dedicated restroom and drinking fountain.
- Donate approximately 5 acres of land to JMLT to allow JMLT to operate a community garden.
- Incorporate sustainable and green design features with the goal of achieving LEED™ certification (or equivalent) for all new buildings on the Project site.
- Protect environmentally sensitive native plant and animal species by dedicating open space areas on the Project site that contain sensitive and native habitat.
- Protect and expand access to open space recreational opportunities and resources, including incorporation of sustainable visitor-serving accommodations, which would be available for visitors of the Regional Parks and the John Muir Open Space to the south of the Project.
- Protect a public recreational resource by creating an upgraded environmental superior 9-hole golf course where an existing outdated and economically obsolescent 18-hole golf course exists today.
- Design and construct a state-of-the-art 9-hole golf course and 17,000 square foot clubhouse using features and standards that will minimize impacts to the existing environment for sustainable coexistence between golf and nature.
- Recognize and avoid natural hazards, and protect paleontological, archaeological and historic resources.
- Eradicate non-native aquatic species in the man-made ponds onsite.
- Implement goals of Measure M by providing low intensity outdoor recreation and pastime uses predominately for active participants that are compatible with the natural qualities of the area. and providing accommodations for short-term occupancy and provision of food and drink predominately for persons engaged in outdoor recreation or nature observation, study or enjoyment.

EXHIBIT C

MEASURE M

ORDINANCE NO. 401

AN ORDINANCE OF THE PEOPLE OF THE CITY OF HERCULES - HERCULES GENERAL PLAN AMENDMENT AND LAND USE DESIGNATIONS FOR THE FRANKLIN CANYON AREA"

WHEREAS, on June 22, 2004. certification of the Initiative was presented to the Hercules City Council; and

WHEREAS, on June 22, 2004, in accordance with Elections Code Section 9215, the Hercules City Council ordered the preparation of a report pursuant to Elections Code Section 9212; and

WHEREAS, the report pursuant to Elections Code Section 9212 has been duly presented to the City Council; and

WHEREAS, the Hercules City Council determines that it is in the best interests of the City of Hercules to submit the Initiative to the voters of the City of Hercules; and

WHEREAS, at the General Municipal Election held in the City of Hercules on November 2, 2004, Measure M - Hercules General Plan Amendment And Land Use Designations For The Franklin Canyon Area passed as determined by a majority of the votes cast.

Measure M	General Plan Amendment Franklin Canyon	Yes No	5,214 3,054

NOW, THEREFORE, THE PEOPLE OF THE CITY OF HERCULES DO HEREBY ORDAIN AS DESCRIBED IN EXHIBIT A ATTACHED HERETO.

THE FOREGOING ORDINANCE was passed by a majority of the votes cast at the General Municipal Election held in the City of Hercules on November 2, 2005. The results of said election were declared at a special meeting of the Hercules City Council on the 14th day of December 2004, by the following vote:

AYES: Balico, Batara, Evans-Young, Valstad, Ward

NOES: None

ABSENT: None

Joanne Ward, Mayor

ATTEST:

SEAL

Doreen Mathews, City Clerk

Protect Franklin Canyon Area Initiative

The people of the City of Hercules do ordain as follows:

Section 1. Purpose

The purpose of this ordinance is to protect Franklin Canyon and nearby open space lands from harmful and unnecessary development. The ordinance maintains existing use of the Canyon and surrounding areas for agriculture, outdoor recreation, very low-density residential, and open space uses. The objectives are to preserve and protect natural resources, watersheds and water quality, wildlife habitat, beauty and tranquility, and scenic hill views, while permitting proximity to nature and outdoor recreation for the residents of Hercules. It is designed to prevent urban-type sprawl on steep and frequently unstable terrain, thereby avoiding high costs to taxpayers for public facilities and services, as well as loss to the environment. The ordinance will help limit traffic congestion and air and water pollution. By providing a needed balance between urban development and rural, natural qualities, the measure helps preserve and protect the special character and identity of Hercules and the high quality of life in the City.

Section 2. Findings

The citizens of Hercules do deliberately find and declare the following:

(a) Development in Hercules: There has been extensive urban development in Hercules. Many of the valuable natural qualities of the City have been impaired by this development. Much of what remains is in jeopardy. Growth in Hercules has been explosive. In 1974, the City had only 150 residents; by 2003, the population had risen to 20,500. According to current projections, the City will add nearly 6,000 more residents in the next two decades. There is mounting pressure to develop the remaining open space and environmentally sensitive lands in the City.

(b) Franklin Canyon: Franklin Canyon is an important and unique part of Hercules' identity and its historic and valued characteristics. Historically used for grazing, Franklin Canyon now provides the City with watershed, wild animal and plant habitat, recreation, beautiful views, proximity to nature, and a striking peaceful, rural contrast to the heavily built-up parts of the City. At present, there are few public facilities in Franklin Canyon except ranch roads and the Franklin Canyon Golf Course. Franklin Canyon is a unique natural area of the City and is deserving of lasting and special protection.

(c) Current Development Regulation: Existing Hercules General Plan policies do not provide adequate, secure protection for the Franklin Canyon area against unnecessary and harmful development. That part of the area now within the city limits was not included in the General Plan revision process and is subject to high residential density whenever government decides to apply a zoning designation to the area. That portion beyond the city boundary, under County jurisdiction, could be annexed and developed at high densities. Several property owners in the area have expressed a desire to be incorporated into the City. Residents have repeatedly opposed development in Franklin Canyon, including a successful referendum in 1992 overturning General Plan amendments that would have permitted development.

(d) Effects of Franklin Canyon Development: Intensive development in Franklin Canyon would eliminate or harm wildlife, watersheds, scenic views and other valuable environmental qualities. It would prevent the reintroduction of agriculture, which has been its historic use. It would add to air and water pollution, and exacerbate already intolerable levels of traffic and congestion in Hercules. It would impair the ability of the City to provide public facilities and services at a reasonable cost to taxpayers and residents. Substantial development would eliminate variety and change the esteemed character of the City.

(e) Agriculture: A combination of soils and climate make Franklin Canyon and the nearby hill areas highly productive rangelands. The existing pattern of relatively large parcels under consolidated ownership is necessary for successful range practices. Residential development interferes with agriculture in various significant ways. Lands in the Franklin Canyon area and surrounding hills have been covered by agricultural preserve contracts, which permit assessment for property tax purposes at agricultural rather than development values. Many of these contracts have not been renewed, however, presaging conversion to nonagricultural uses if protections are not established. To forestall development, Hercules entered into an agreement with other cities and Contra Costa County creating the Briones Hills Agricultural Preservation Area adjacent to the City for the purpose of protecting regional agriculture and other open space uses.

(f) Wildlife Habitats: A number of special-status plant and animal species occur in Franklin Canyon. Substantial parts of the Franklin Canyon area have been designated by the United States Fish and Wildlife Service as critical habitat for wildlife threatened with extinction. Land use must be carefully controlled to avoid extirpating these species, ruining their habitats, or obstructing the corridors that connect habitats. Franklin Canyon area habitats are vital for biological diversity.

(g) Watercourses: Streams that flow through Hercules into San Pablo Bay arise in the hills and flow through the canyons. Excessive development can have an adverse effect on the quantity of water in those streams, including flooding, and on the quality of the water. Development generally exacerbates erosion and siltation, as well as pollution. Problems are created in trying to prevent flooding and erosion, yet preserving the natural beauty and other values (wildlife habitats, vegetation) of streams.

(h) Traffic: Traffic congestion and long commutes are becoming increasingly intolerable, adversely affecting the quality of our lives in countless ways. The Hercules General Plan cites several intersections at which the delays range from substantial to severe, and predicts that by 2010, even with all recommended improvements two intersections will operate at levels of service F during commute hours. Proposed development in Franklin Canyon would add another 7000 car trips per day to already crowded City streets, exacerbating delays and inconvenience.

(i) Housing: This ordinance will support properly planned, compact development in and near existing urban development where infrastructure is available. This is much more economical to users and taxpayers than sprawl in the outlying areas, where there are now no sewer or water lines, roads are nonexistent, and construction is often difficult and costly. There are extensive areas of slope instability in the hill areas; much of the development there would occur on parcels with geologic constraints. Franklin

Canyon is vulnerable to wildfires because of its rugged terrain, flammable non-native brush and grasses, and remoteness. Hercules has provided more than its share of housing for the region; there is a large surplus of housing over jobs in the City.

(j) Burden of Proof: Within the meaning of California Evidence Code Section 669.5(c)(3), this ordinance is designed to protect agricultural use as defined in Government Code Section 51201(b), and open space land as defined in Government Code Section 65560(b).

(k) Federal and State Law

This ordinance is subject to Federal and State law. Because that law is not always clear or settled, and because of frequent changes in the law, this ordinance contains provisions that it does not apply if and when the application would be inconsistent with Federal or State law. These provisions are designed to prevent the ordinance, over time, from being in conflict with law.

Section 3. Additions to the General Plan

(a) Sections 4 through 20 of this ordinance are additions to the Hercules General Plan They shall be located as appropriate in Chapter II, Land Use Element, Chapter V, Open Space/Conservation Element, and Chapter VI, Safety Element, subject to relocation or further location in the Plan by City officials.

(b) The provisions of this ordinance added to the Plan are to be deemed as part of the Plan's Open Space Element.

Section 4. Protection of Legal Rights

Notwithstanding their literal terms, the provisions of the ordinance do not apply to the extent that courts determine that if they were to be applied they would deprive any person of constitutional or statutory rights or privileges, or otherwise would be contrary to the United States or State constitutions or law. The purpose of this limitation is to make certain that the ordinance does not infringe any person's constitutional or legal rights or violate the law in any way, or subject the City of Hercules to any legal liability. To the extent that a provision or provisions of the ordinance are not applicable because of this section, the City may permit only that parcel creation, development or use required by law which is most consistent with the provisions and purposes of the ordinance, and that complies with other General Plan provisions.

Section 5. Area Covered by Ordinance

(a) Unless otherwise specified the ordinance applies to the Franklin Canyon Area. For the purposes of the ordinance, the Franklin Canyon Area consists of land within the city limits designated on January 1, 2004, Franklin Canyon Area on the City of Hercules General Plan Land Use Designations diagram (Page II-28 of the General Plan), and land south of State Route 4 within the City of Hercules Sphere of Influence (SOI) on January 1, 2004. (The diagram in Appendix 1 depicts approximately the boundary of the Franklin Canyon Area, the existing Hercules city limits and the Hercules Sphere of Influence. The diagram is for purposes of illustration only and is not adopted by the ordinance.)

(b) Part of the Franklin Canyon Area is not within the city limits of Hercules and is under the jurisdiction of the County. The ordinance will be operative in those areas if and when they are annexed to the City.

Section 6. State Housing Requirements

(a) Nothing in the ordinance, including in this section, shall be applied to preclude City compliance with obligations to provide for housing that are mandated by State law.

(b) To the maximum extent practicable, the City shall meet any State legal requirements outside the Franklin Canyon Area in accordance with this Plan.

(c) If the City must use the Franklin Canyon Area to comply with State housing requirements, the voters of the City may redesignate a portion of the Area for this purpose. If necessary, the City Council also may approve housing in the Franklin Canyon Area, provided:

(1) there is no land outside the Franklin Canyon Area to meet a State requirement through new development, more intensive development, or redevelopment;

(2) no more land is used in the Franklin Canyon Area than is necessary for the housing required by State law;

(3) there will be adequate public facilities and services for the housing.

(d) If the City must provide housing in the Franklin Canyon Area, minimum parcel size, residential density limits, maximum development envelopes and floor areas, and height restrictions in the ordinance shall not apply to the extent necessary to confine the housing to the minimum area needed to comply with State legal requirements. Required housing shall not be built on or protrude over hilltops or ridgelines, on slopes of more than 20%, wetlands, critical wildlife habitat, or within a riparian corridor.

Section 7. Non-Withdrawal from the Briones Hills Agricultural Preservation Area

Unless approved by the voters of Hercules, the City may not withdraw from the Briones Hills Agricultural Preservation Area agreement executed in 1988. Should such withdrawal take place, any land subsequently annexed to the City within the Briones Hills Agricultural Preservation Area when the ordinance becomes effective shall be subject to the same restrictions with respect to minimum parcel size, amount and nature of development, development envelopes, maximum floor areas, permissible uses, visual safeguards, and protections of areas of special environmental concern, as are imposed by the ordinance in the Franklin Canyon Area.

Section 8. Minimum Parcel Size

The minimum new parcel size shall be at least forty (40) acres in the Franklin Canyon Area.

Section 9. Uses

The following uses and their normal and appropriate accessory uses and non-residential structures (as well as uses preemptively authorized by Federal and State law) are permitted in the Franklin Canyon Area, if they comply with all of the provisions of the Plan and with other City prohibitions, restrictions, regulations, conditions and requirements that further the Plan:

(a) One single family residence on each legal parcel, secondary units to the extent required by State law, and dwelling units for persons employed on the parcel, or on a ranch or farm that includes the parcel.

(b) Rental of rooms, including with board, not exceeding two units in a residence.

(c) Agriculture including grazing, horticulture, floraculture and arboriculture, but not including (1) commercial feedlots, except for livestock that primarily receive their sustenance in the Franklin Canyon Area from grazing on a ranch or farm that includes the

parcel, (2) large or medium-size pig farms, poultry ranches or commercial vineyards, or (3) Christmas tree farms.

(d) Small-scale, low-intensity rearing, custodianship, training or care of animals, other than ruminants which shall be governed as agriculture by subsection (c), that does not cause material environmental harm.

(e) Commercial uses, limited to the following:

(1) Low-intensity outdoor recreation and pastimes predominantly for active participants that is compatible with preserving the natural qualities of the area (this category of permitted uses does not include, among other things, amusement or theme parks and motor vehicle tracks, courses or recreational activities);

(2) Nature observation, study or enjoyment;

(3) Accommodations for short term occupancy and for provision of food and drink (including low-intensity campgrounds and picnic facilities), predominantly for persons engaged in outdoor recreation or nature observation, study or enjoyment;

(4) Uses in historic structures, incidental to preserving the structures and their historic qualities and setting, provided there are no deleterious effects on the natural environment;

(5) Home occupations and offices, subordinate to residential use and conducted primarily by occupants of the property, that will have no deleterious effects on the environment or visual qualities or materially increase local traffic;

(6) Neighborhood stores and services, predominantly to serve the unmet agricultural and other needs of the population of the Franklin Canyon Area, that cannot practicably be met outside the Area;

(7) Healthcare;

(8) Packaging, processing, storage or sale of agricultural produce or plants, a substantial portion of which were grown in the Franklin Canyon Area, that will have no significant deleterious effects on the environment;

(9) Special, occasional short-term events related to agriculture, animals or outdoor recreation, that do not interfere substantially with the use of land for agriculture or cause lasting environmental harm or adverse visual effects, provided access for vehicles and emergency equipment and for parking meet generally applicable City standards.

(f) Institutional and other non-profit uses that primarily serve Franklin Canyon Area residents, or whenever and to the same extent like for-profit uses would be permitted.

(g) City and other government facilities and uses, and public utility facilities, that are limited to meeting the needs created by uses permitted in the Franklin Canyon Area unless the City Council reasonably finds more extensive public need, that cannot practicably be met outside the Franklin Canyon Area. However, this exception for more extensive public need shall not apply to waste treatment and disposal or commercial electrical power generating facilities. Publicly provided outdoor recreation and nature observation and enjoyment and ancillary accommodations are permitted whenever like for-profit uses would be allowed.

Section 10. Areas of Special Environmental Concern – Further Safeguards

In addition to the other provisions of the ordinance, the following restrictions apply in the Franklin Canyon Area:

(a) Wetlands and Riparian Corridors

No development or use is permitted if the quantity or biological quality of wetlands will be reduced measurably. "Wetlands" are areas permanently or periodically covered by water, where hydrophytic vegetation is present under normal conditions, or that have soils primarily hydric in nature.

No development is permitted that appreciably impairs the quantity or biological quality of water or habitat in a riparian corridor, except for flood control purposes necessary to protect human health and safety. "Riparian corridors" are the areas within 250 feet from the center of a permanent or intermittent stream bed.

(b) Critical Wildlife Habitat

No development or use may be permitted that would impair a habitat or migratory corridor for special-status or other protected species so as to reduce the number, or prevent the recovery in number, of one or more species.

(c) Steep Slopes

No building site, in whole or in part, may be located on a slope of twenty percent (20%) or more. No building may be located on a site that cumulatively has access of more than fifty (50) feet over a slope of twenty percent (20%) or more. No grading may take place on a slope of twenty percent (20%) or more unless necessary to maintain fire trails. No greenhouses, in whole or in part, may be located on a slope of fifteen percent (15%) or more. Cultivated agriculture may not be conducted on a slope of twenty percent (20%) or more.

Percentages are based on the steepness of slopes in their natural, unaltered state, and are calculated by dividing altitude increase by twenty over each twenty feet of surface distance.

(d) Ridgelines and Hilltops

Structures may not be located on ridgelines or hilltops, or where they will project into the visual plane of a ridgeline or hilltop, as viewed from public roads, trails, or other public places, unless there is no other building site on the parcel.

Unless there is no other possible configuration, new parcels may not be created that have no building sites other than a ridgeline or hilltop, or that would entail a building projecting into the visual plane of a ridgeline or hilltop, as viewed from a public place.

Section 11. Development Envelopes

All buildings on a parcel shall be placed within a contiguous "development envelope," as compact as reasonably practicable, not to exceed two acres, except for buildings that the City Council finds reasonably must be located outside the envelope for agricultural or recreational uses, security needs, or for government or public utility facilities.

Section 12. Maximum Floor Areas

The maximum aggregate floor area for all floors (regardless of composition) in buildings on a parcel may not exceed one percent (1%) of the parcel's area, or 20,000 square feet, whichever is less, but for any parcel a minimum of 10,000 square feet shall be permitted. Greenhouses are subject to a maximum aggregate floor area of one percent (1%) or 40,000 square feet, whichever is less. Government facilities are not subject to the aggregate limit to the extent that the City Council finds reasonably that they are necessary to serve important public needs, that they cannot practicably be located outside the Franklin Canyon Area, and that they

must exceed the floor area maximum. The City Council may also authorize up to an additional 20,000 square feet if needed for housing for bona fide agricultural workers employed full-time on a farm or ranch that includes the parcel, or for processing, packaging or storage of agricultural produce or plants, a substantial portion of which were grown in the Franklin Canyon Area, or for other agricultural purpose.

Section 13. Visual Safeguards

(a) New or reconfigured parcels, including those resulting from lot line adjustments, must be created or drawn to minimize visibility of development from public places.

(b) To the extent practicable, structures shall be located, including by setbacks from parcel boundaries, on that part of a parcel that minimizes visibility from public places, except agricultural structures essential for agricultural purposes may be located in more visible areas if necessary.

(c) Development shall be subordinate to and blend with the natural and open space qualities of the area where located, so as to be as unobtrusive as possible, and not to impair those qualities. Consistent with that end, alteration of topography by grading, excavating, filling or other development activity shall be minimized. In all cases, appropriate landscaping, preservation of vegetation, screening, and building materials shall be required by the City to minimize the visual impact of development. To the maximum extent practicable, exterior lighting must be located, designed and shielded so as to confine direct rays to the parcel where the lighting is located and to protect the darkness of the night sky.

(d) The height of buildings shall not exceed 35 feet.

Section 14. Lot Line Adjustments

Apart from the regular subdivision process, the City may not permit lot line adjustments, except as required by State law, if the adjusted parcels for any reason would not comply with the General Plan and all city zoning and building ordinances including minimum parcel sizes, or adjustments between more than four (4) parcels, or part of a plan or series of adjustments between more than four (4) parcels.

Section 15. Certificates of Compliance

The City shall not grant certificates of compliance or conditional certificates of compliance except as required by State law. The City shall impose all conditions permissible under State law on conditional certificates of compliance, and shall hold the owner or subsequent transferee to strict compliance with these conditions. A certificate of compliance, by itself, creates no right to develop, nor diminishes in any respect the City's authority to control development.

Section 16. Deed Restrictions

A deed restriction, to the benefit of the City or the City's appropriate designee and duly recorded, shall be required for each parcel with respect to which development is permitted. The deed restriction shall bar any further development or use that would not be permitted under the ordinance. The deed restriction shall be negative only; it shall convey no possessory interest to the City or its designee, nor confer any right of public access. The City has no responsibility or liability because of the deed restriction for acts or omissions on the parcel, except in good faith

and effectually to remedy or prevent violations of the deed restriction. The restrictions may not be waived, rescinded or canceled, except for exigent reasons of public health or safety.

Section 17. Definitions

For purposes of the ordinance, unless the text or context clearly indicates otherwise:

"Development" includes the placement or construction of any building or structure, including mobile dwelling units, and grading, excavation or fill of land.

"Building" is any structure having a roof supported by walls or columns, or both, except for greenhouses, and intended for the shelter, housing or enclosure of any person, animal or property.

"Ordinance" means the Protect Franklin Canyon Area Initiative.

"Practicable" means capable of being done.

"Special-status species" are plants and animals that are legally protected under the State and/or federal Endangered Species Acts or other regulations, and species that are considered sufficiently rare by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, breeding locations, communal roosts, and other essential habitat. Special-status plants and animals include but are not limited to species in the following categories:

(a) species listed, proposed for listing or candidates for possible future listing as threatened or endangered under the federal Endangered Species Act;
(b) species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act;
(c) species that meet the definitions of rare or endangered or at their range limit under the California Environmental Quality Act;
(d) plants listed as rare under the California Native Plant Protection Act;
(e) animal species, plant species or plant communities of special concern to the California Department of Fish and Game; and
(f) animals protected in California under California Fish and Game Code, Sections 3511 (birds), 4700 (mammals), and 5050 (amphibians and reptiles).

"Structure" includes but is not limited to any building, greenhouse, tower, antenna, utility line, retaining wall, dam, pumping facility, water tank or anything constructed or erected, the use of which requires location on the ground or attachment to something located on the ground.

"State law" means State Constitutional provisions, valid statutes and regulations, and court declared common law.

Section 18. Application

(a) The ordinance does not affect the validity of existing parcels, development, structures, and uses that are legal at the time it becomes effective unless their authorized time limit expires or they are voluntarily eliminated or abandoned. However, parcels, development, structures and uses may not be expanded or changed in ways that are inconsistent with the prohibitions, limits or requirements of the ordinance, except as authorized by State law.
(b) The restrictions and requirements imposed by the ordinance shall apply to proposed development, parcels and uses that have not received all necessary discretionary City and other authorizations and approvals prior to the ordinance's effective date, except to the extent precluded by State law.

(c) The provisions of the ordinance apply to the City and other governmental entities and to their properties in the Franklin Canyon Area.

Section 19. Inconsistent City Plans, Ordinances and Actions

(a) Except as provided in Section 24, if there is any inconsistency between provisions of the ordinance and other provisions of this Plan, despite efforts in Section 25 to avoid all inconsistencies, those other provisions to the extent they are inconsistent are superseded and the ordinance governs, unless the voters approved the other provisions subsequent to approval of the ordinance.

(b) Any provision of any existing or subsequently adopted specific or area plan, that is not part of the General Plan, and any provision of any zoning ordinance or any other ordinance, resolution, regulation or policy of the City, not part of the General Plan, is ineffective to the extent that the provision is inconsistent with the ordinance, except as State law may mandate otherwise.

(c) No subdivision map, development agreement, development plan, special or use permit, variance or other action inconsistent with the ordinance may be permitted, approved or taken by the City, or its agencies or officials, including approval or permission by operation of law because of inaction, except as required by State law.

(d) General Plan provisions and other City plans, ordinances, regulations, and actions are not to be deemed inconsistent with and are not affected by the ordinance to the extent that they impose additional prohibitions, restrictions, conditions, regulations or requirements beyond or in addition to those imposed by the ordinance on the division, development or use of land in the Franklin Canyon Area. In that respect, the ordinance shall be deemed to establish only minimum standards, which the City may augment or extend without creating inconsistency with its provisions.

Section 20. Compliance and Enforcement

The City Council and other agencies, officials and employees of Hercules shall implement and enforce the provisions of the ordinance diligently and effectually. They are hereby mandated by the voters of Hercules to use the most effective means available, subject to any official discretion required by State law, to prevent, abate and remedy violations. Residents of the City may also enforce the ordinance by legal proceedings against the City or any person or entity in violation, or to prevent impending violations, to the extent not precluded by State law. The City shall be notified prior to any private legal proceedings to enforce the ordinance.

Section 21. Effective Date

This ordinance shall become effective as provided by statute, except if all the General Plan amendments permitted by law in the year in which the ordinance is approved by the voters have been made, the ordinance shall become effective and amend the Plan on January 1 of the following year.

Section 22. Amendments

This ordinance may be repealed or amended only by vote of the people of Hercules, except the City Council may amend the ordinance to impose further prohibitions, restrictions, conditions and requirements on division, development and use of land. The Council may also make or provide for technical or non-substantive modifications to the terms of the ordinance, for

purpose of clarification, consistency, coherence, or organization of the General Plan. Any modifications must be consistent with the substantive provisions and purposes of this ordinance.

Section 23. Severability

If any portion, section, subsection, paragraph, subparagraph, sentence, clause, or application of this ordinance is held unconstitutional or otherwise invalid, the invalidity of that part or application shall not affect the validity of any other part or application unless the effect clearly would be to defeat overall the purposes of the ordinance. Consistent with that, the provisions and applications of this ordinance shall be deemed severable, and the voters of Hercules expressly and deliberately declare that each portion, section, subsection, paragraph, subparagraph, sentence, clause and application would have been enacted as it was irrespective of the fact that one or more other parts or applications is declared invalid unless the effect clearly would be to defeat overall the purposes of the ordinance.

Section 24. Conflicting Measures

If there are other General Plan amendments on the same election ballot as this measure that are approved by the voters, this ordinance shall nevertheless be effective, except to the extent that its provisions are in actual, irreconcilable conflict with specific General Plan amendments of one or more other measures and that measure or those measures received more votes. Provisions in another measure otherwise purporting to nullify the provisions of this ordinance shall be ineffective.

Section 25. General Plan Consistency

(a) The General Plan is amended as follows to eliminate or revise material that is or may be deemed to be inconsistent with this ordinance or no longer appropriate Material deleted is in strikeout type. Material added is underlined (except some subsection headings are underlined in the existing Plan). Material unchanged is omitted, even within paragraphs, unless deemed necessary to make sense of an amendment.

(b) Provisions in this section may be amended by the City Council, provided the amendment is consistent with the other sections of this ordinance including Section 22

Chapter II. LAND USE ELEMENT

Page II-6, under 4. Agricultural and Natural Resource Lands

The incorporated area of Hercules includes no land used for agricultural purposes ~~or containing significant natural resources~~.

Page II-16, under Policy 5B

State law requires the City to consider ~~allow~~ development of new residential areas and units as part of meeting the regional need for housing.

Page II-23, under Policy 14B

Preserve the existing natural topography, ridgelines and valleys where feasible and desirable, and in accordance with the ordinance.

Page II-28, City of Hercules Land Use Designations September 1998 diagram

~~(Land Uses to Be Determined)~~

Page II-36, under Franklin Canyon Golf Course Area

The Franklin Canyon Golf Course area is located in the City of Hercules, consists of 633 acres with a public golf course, parking and clubhouse facilities. The Franklin Canyon Golf Course was not included in the General Plan revision process. It is subject to an initiative passed by the voters of Hercules in 2004. The initiative limits development in the Franklin Canyon Area to protect natural resources and permits only very low density residential and open space compatible uses. ~~The golf course property has a settlement agreement approved by the Contra Costa Board of Supervisors, City of Hercules and the property owner. The settlement agreement conditions the golf course property to postpone residential development until Highway 4 is improved.~~

~~The development applications and process for the Franklin Canyon Golf Course property will require:~~

~~a. A specific plan with design guidelines.~~
~~b. A Planned Development Plan.~~
~~c. A design review permit.~~
~~d. An EIR analyzing the impacts of the proposed development.~~
~~e. A subdivision tract map.~~

Page II-37, last paragraph

Several of the property owners within the Sphere of Influence Area have expressed a desire to be incorporated into the City of Hercules. This will require annexation approvals from the Local Agency Formation Commission, pre-zoning approvals, and an EIR analyzing the impacts of the proposed land uses. That portion of the Sphere south of Highway 4 is subject to an initiative passed by the voters of Hercules in 2004. Should that portion be annexed to the City only very low density residential and open space compatible uses will be permitted.

Chapter IV. HOUSING ELEMENT

Page 5, second paragraph under Progress Towards Meeting the Need

...As shown in Table 2.3, Hercules is currently experiencing extensive residential construction activity, with 401 new units built or approved since January 1999, and another ~~2,872~~ 2,303 new units in the pipeline. The total of ~~3,273~~ 2,704 units far exceeds the City's total regional housing need of 792 units.

Page 6, Table 2.2 Anticipated Ability to Meet the Regional Housing Need

	Very Low and Low Income	Moderate Income	Above Moderate Income	Total
Pipeline Projects	197*	~~194*~~ 224*	~~2,480**~~ 1,882**	~~2,871~~ 2,303
Anticipated Ability to Meet Need*** (Remaining Need less Pipeline Projects)	(84)	~~(5)~~ (35)	~~(2,381)~~ (1,783)	~~(2,470)~~ (1,902)

***Numbers in parentheses indicate units in excess of the regional housing need.

Page 7, Table 2.3 Built, Approved and Pipeline Projects Since January 1999

~~Franklin Canyon 570 10% 57 57 Mod-Rental In planning Hillside development area~~

Pipeline Projects Subtotal	2,303 ~~2,873~~	334 ~~391~~	338 ~~395~~	

Page 9, Figure 2.1 Map of Built, Approved and Pipeline Projects
Delete the numeral "10" and shading from the Franklin Canyon Area of the map. Delete "10 Franklin Canyon" from the map legend.

Page 39
second paragraph
~~The only exception, where significant infrastructure development will be required as a condition of development approval, is the Franklin Canyon site~~

third paragraph
~~Excluding the Franklin Canyon properties, for which planning and development approvals may not be achieved within the current planning period (by 2006), t~~The City's inventory of sites for residential development will accommodate more than 2,700 units.

Page 40, Table 4.1 Inventory of Sites with Residential Development Potential
~~Longer Term Pipeline Projects~~
~~Franklin Canyon 570 57 Mod Rental In planning~~

Chapter V. THE OPEN SPACE/CONSERVATION ELEMENT
Page V-6, first paragraph under 1. Parks
~~It is anticipated that there will also be a new park in the Franklin Canyon/sphere of influence area to serve the anticipated population within this area.~~

Page V-7, under 2. Open Space
third paragraph, last sentence
~~It is anticipated the~~ Franklin Canyon ~~site will~~ provides approximately 633 ~~220~~ acres of additional open space.

Page V-20, City of Hercules Open Space and Conservation Plan diagram
~~(Land Uses to be Determined)~~

Page V-26, under Policy 2a
In the Franklin Canyon Area, no development or use is permitted if the quantity or biological quality of wetlands will be reduced measurably.

Page V-28, under Program 6b.1
In the Franklin Canyon Area, no development or use may be permitted that would impair a habitat or migratory corridor for special-status or other protected species so as to reduce the number, or prevent the recovery in number, of one or more species.

Page V-35, under SCENIC RESOURCES, Policy 13d
Additional restrictions apply in the Franklin Canyon Area to protect that area's unique scenic resources.

Chapter VI. SAFETY ELEMENT

Page VI-8, City of Hercules, Figure 1: Baymud.
~~(Land Uses to be Determined)~~

Page VI-13, City of Hercules, Figure 2: Floodprone Areas
~~(Land Uses to be Determined)~~

Page VI-18
17) Minimize amount of grading when building on hillsides. No grading shall occur on slopes steeper than 30 percent, and cut slope angles no greater than 33 percent shall be maintained. In the Franklin Canyon Area, no grading shall occur on slopes equal to or steeper than 20 percent unless necessary to maintain fire trails.

Chapter X, Growth Management Element
Page X-9, under D. Proposed New Facilities Improvements
3. Parks: Two new neighborhood parks are planned, Forest Run Park and the School Park, which would add about 11 acres of parkland within the City. ~~In addition, a new neighborhood park will be planned for the Franklin Canyon Golf Course property; on site trails will connect to the regional trail system.~~

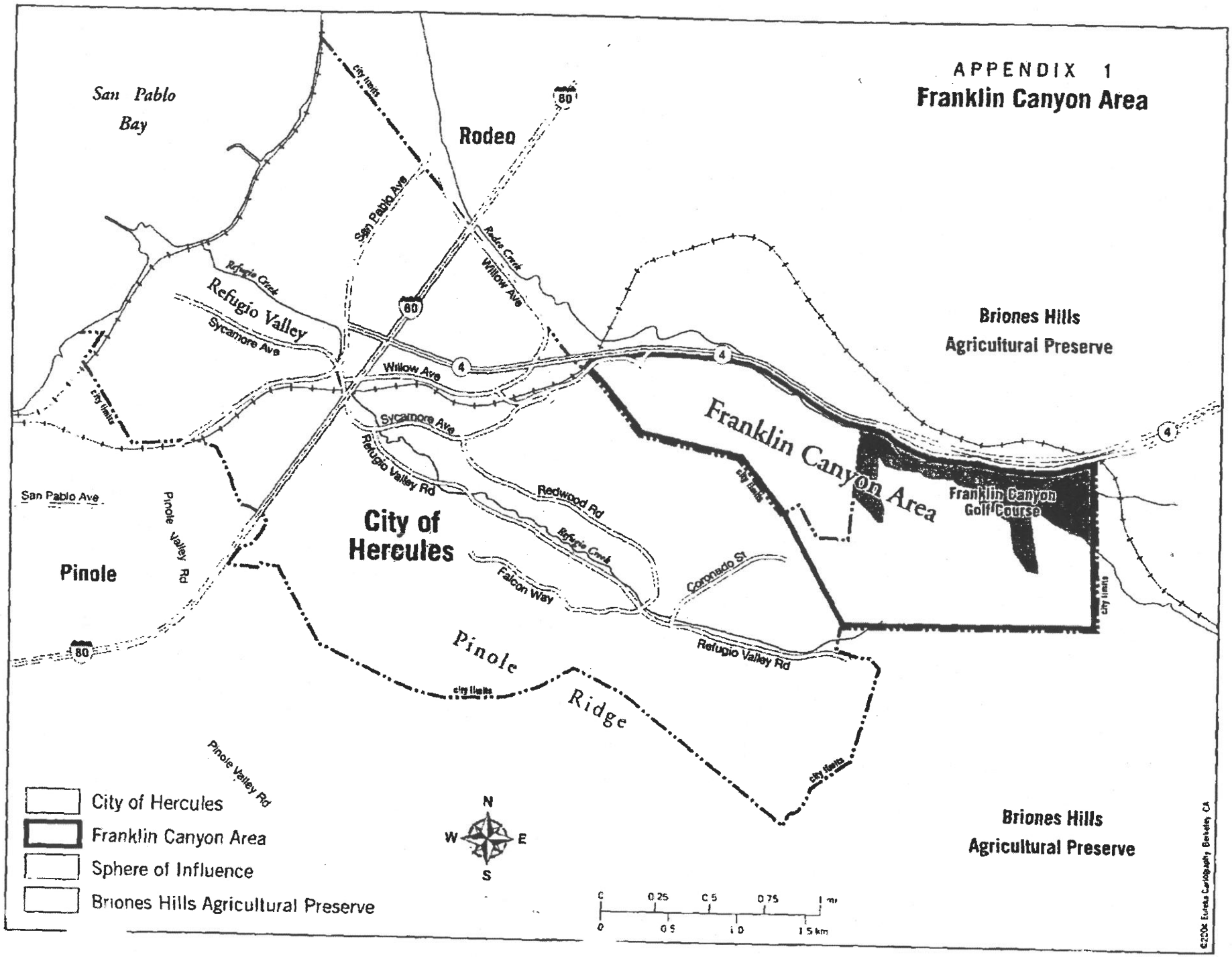

APPENDIX 1
Franklin Canyon Area
San Pablo Bay
Rodeo
City limits
San Pablo Ave
Refugio Creek
Refugio Valley
Sycamore Ave
Willow Ave
Rodeo Creek
80
4
Briones Hills
Agricultural Preserve
Franklin Canyon Area
Franklin Canyon
Golf Course
Redwood Rd
Refugio Valley Rd
City of
Hercules
Pinole
Pinole Valley Rd
Falcon Way
Coronado St
Pinole
Ridge
City of Hercules
Franklin Canyon Area
Sphere of Influence
Briones Hills Agricultural Preserve
N
W
E
S
0 0.25 0.5 0.75 1 mi
0 0.5 1.0 1.5 km
©2004 Eureka Cartography Berkeley, CA

EXHIBIT D

TRAFFIC ANALYSIS, DATED MARCH 21, 2019

Transportation Impact Analysis

Franklin Canyon RV Resort and Golf Course

Contra Costa County

Prepared by:
Abrams Associates
1875 Olympic Boulevard, Suite 210
Walnut Creek CA 94596

Abrams Associates
TRAFFIC ENGINEERING, INC.

March 20, 2019

Franklin Canyon RV Resort and Golf Course
Contra Costa County

TRANSPORTATION IMPACT ANALYSIS

1) EXECUTIVE SUMMARY

This traffic impact study describes the existing and future conditions for transportation with and without the proposed RV resort development. The study presents information on the regional and local roadway networks, pedestrian and transit conditions, and provides an analysis of the effects on transportation facilities associated with the project.

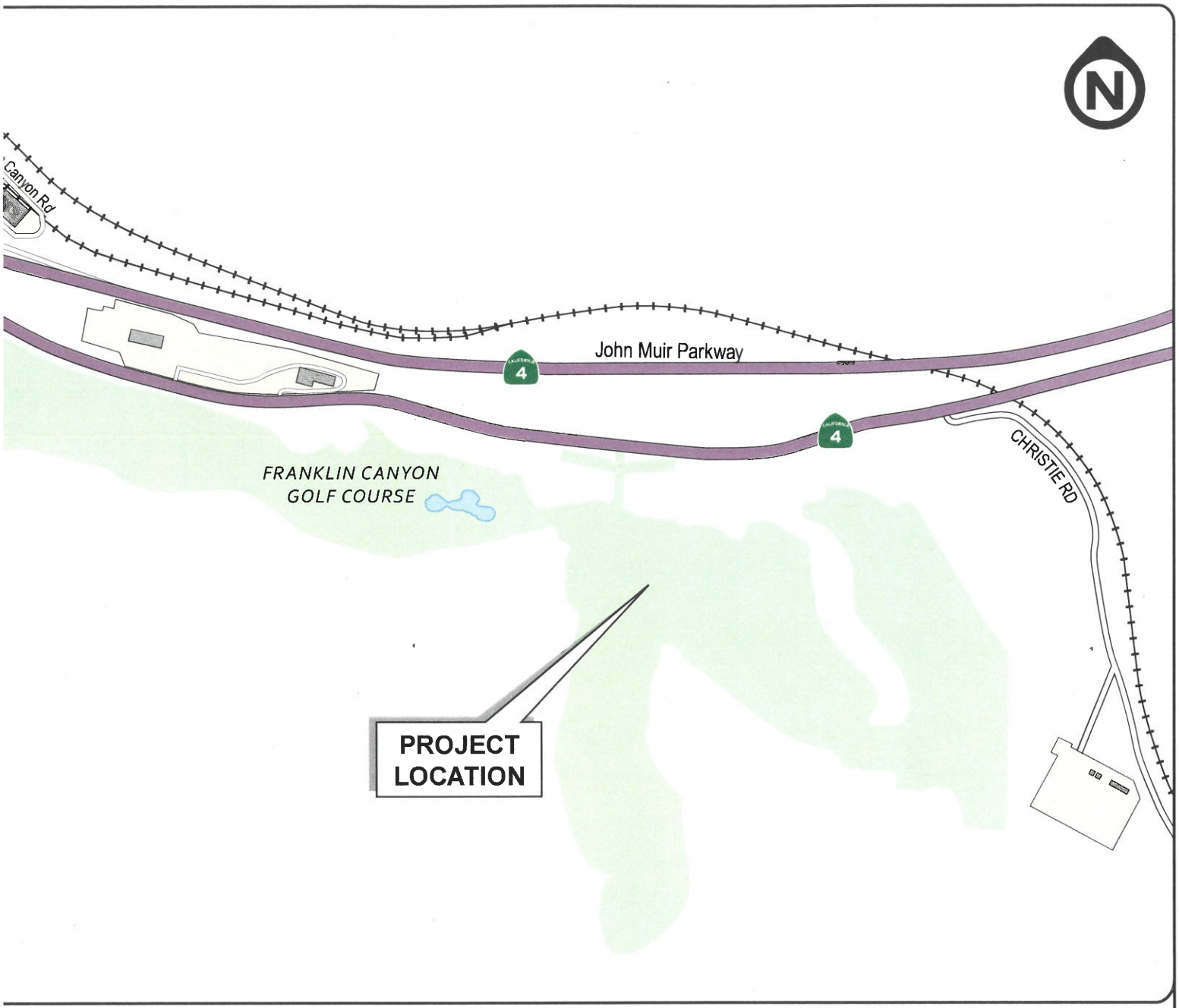
This study also describes the regulatory setting; the criterion used for determining the significance of environmental impacts; and summarizes potential environmental impacts and appropriate mitigation measures. This study has been conducted in accordance with the requirements and methodologies set forth by Contra Costa County, the Contra Costa County Transportation Authority (CCTA), Caltrans, and the applicable provisions of CEQA. Based on this analysis the project would not cause significant impacts in the study area and no off-site vehicular traffic mitigations would be required.

2) PROJECT DESCRIPTION

The proposed project involves construction of an RV resort with 160 RV spaces and 22 walk-in campsites with tent bungalows provided. The RV resort portion of the project would be constructed on the eastern half of the existing 18-hole golf course with the remaining portion proposed to be a remodeled 9-hole course. The project would also include a 50 space RV storage facility and is proposing to include provide a staging area for the John Muir Land Trust with a restroom, drinking fountain, picnic tables and 50 parking spaces. The project is located south of State Highway 4 at the existing Franklin Canyon Golf Course in unincorporated Contra Costa County. All access to the site will be from the existing access to the golf course on State Highway 4. A secondary access onto Christie Road is proposed for emergency vehicles only. **Figure 1** shows the location of the project and the surrounding roadway network. **Figure 2** shows the proposed site plan for the project.

3) ENVIRONMENTAL SETTING

This section of the report describes the roadways, traffic conditions and other existing transportation characteristics in the vicinity of the project. The primary basis of the analysis is the peak hour level of service for the key intersections. The hours identified as the "peak" hours are generally between 7:00 a.m. and 8:00 a.m. and from 4:30 p.m. to 5:30 p.m. for the majority of the transportation facilities described. Throughout this report, these peak hours will be identified as the AM and PM peak hours, respectively.



CATION
ALYSIS
Resort and Golf Course

Abrams Associates
TRAFFIC ENGINEERING, INC.

FIGURE 2 | SITE PLAN
TRANSPORTATION IMPACT ANALYSIS
Franklin Canyon RV Resort and Golf Course
Contra Costa County

Abrams Associates
TRAFFIC ENGINEERING, INC.

3.1 Project Study Intersections

Based on the project's trip generation and the potential for traffic impacts the only intersection analyzed was the main project entrance onto State Route 4, which is subject to approval by County staff. **Figure 1** shows the location of the project study intersection. As mentioned above, all access to the site will be from this existing access to the Franklin Canyon Golf Course, which is currently controlled with a stop sign on the side street approach. Please note there were no intersections identified where over 50 peak hour trips could potentially be added, requiring analysis in accordance with the Contra Costa Transportation Authority's Technical Procedures (January, 2013) and Caltrans' Guidelines for the Preparation of Traffic Impact Studies (December 2002).

3.2 Traffic Analysis Scenarios

The study intersections were evaluated for the following six scenarios:

- Scenario 1: *Existing Conditions* – Level of Service (LOS) based on existing peak hour volumes and existing intersection configurations.
- Scenario 2: *Existing Plus Project* – Existing traffic volumes plus trips from the proposed project.
- Scenario 3: *Baseline (No Project) Conditions* – The Baseline scenario is based on the existing volumes plus growth in background traffic (for three years) and accounts for traffic from all reasonably foreseeable developments that could substantially affect the volumes at the project study intersections.
- Scenario 4: *Baseline Plus Project Conditions* – This scenario is based on the Baseline traffic volumes plus the trips from the proposed project.
- Scenario 5: *Cumulative Conditions* – This scenario includes year 2040 cumulative volumes based on planned and approved projects and the most recent release of the Countywide Travel Demand Model.
- Scenario 6: *Cumulative Plus Project Conditions* – This scenario includes year 2040 cumulative volumes based on the most recent release of the Countywide Travel Demand Model plus the trips from the proposed project.

3.3 Existing Roadway Network

As discussed previously, the project location and the surrounding roadway network are illustrated in **Figure 1**. The following is a more detailed description of the roadways that could be affected by the project:

- **State Route 4** – SR 4 is the primary east-west corridor in northern Contra Costa County. It connects Interstate 80 in the city of Hercules to the west with the cities of Oakley and Brentwood to the east. SR 4 is currently a four-lane highway with limited access in the vicinity of the proposed project and a speed limit of 55 mph
- **Christie Road** – Christie Road is a two lane dead end local road that extends south from SR 4 just east of the proposed project and has a prima facie speed limit of 25 mph.

3.4 Ramp Merge Analysis Methodology

Highway Capacity Software was used to analyze the ramp merge area at the existing access to the Franklin Canyon Golf Course. Ramp area operating conditions are dependent upon traffic volumes and the ramp characteristics. These characteristics include the length and type of acceleration/deceleration lanes, free-flow speed of the ramps, number of freeway and acceleration/deceleration lanes, grade along the facility, and the types of facilities that a ramp connects to. **Table 1** summarizes the density thresholds for level of service A to F for ramp merge/diverge areas. The HCM ramp merge/diverge methodology does have certain limitations. It does not apply when the traffic along a segment is influenced by downstream blockages or queuing, nor does it apply when free-flow speeds are below 55 miles per hour (mph). Also, the Highway Capacity Manual requires that several criteria be considered in addition to density so that LOS F is assumed to be automatically attained for a ramp if:

At an on-ramp, volume exceeds capacity in:

- The segment of a freeway downstream, or
- The merge-area defined by the on-ramp and the two adjacent freeway lanes,

Or at an off-ramp volume exceeds capacity in:

- The segment of a freeway upstream OR downstream,
- The off-ramp itself, or
- The diverge-area defined by the two adjacent freeway lanes approaching the ramp.

TABLE 1
LEVEL OF SERVICE AND DENSITY FOR RAMP MERGE / DIVERGE AREAS

LEVEL OF SERVICE	MAXIMUM DENSITY (pc/mi/ln)
A	10
B	20
C	28
D	35
E	>35
F	Demand Exceeds Capacity

SOURCE: Highway Capacity Manual, Sixth Edition.
NOTES: Density is presented in terms of passenger cars per mile per lane.

3.5 State Route 4 Delay Index Methodology - The delay index measures travel congestion and is expressed as the ratio of the time required to travel between two points during the peak hour (the congested travel time) and the time required during un-congested off-peak times.[1] A delay index of 2.0 means that congested travel time is twice as long as during an off-peak travel time. The following shows the formula for calculating delay indices:

Delay Index = Free Flow Travel Time / Measured Peak Hour Travel Time

[1] *Technical Procedures*, Contra Costa Transportation Authority, Walnut Creek, CA, January 16, 2013.

3.6 Existing Capacity Conditions (Scenario 1)

Traffic counts at the existing access to the Franklin Canyon Golf Course and on the adjacent segment of State Route 4 were conducted in September of 2018 at times when local schools were in session. The existing intersection geometry at the project entrance and the existing traffic volumes are shown in **Figure 3**. **Table 2** summarizes the associated LOS computation results for the existing weekday AM and PM peak hour conditions. Please note that the corresponding LOS analysis calculation sheets are presented in the technical appendix to this report. As shown in **Table 2**, the ramp merge at the existing golf course entrance on State Route 4 currently has acceptable conditions (LOS D or better) during the weekday AM and PM peak hours.

TABLE 2
EXISTING RAMP MERGE AREA LEVEL OF SERVICE CONDITIONS

LOCATION	PEAK HOUR	EXISTING	
		Density	LOS
Franklin Canyon Golf Course On-Ramp Merge With Eastbound SR 4	AM	24.5	C
	PM	22.4	C

SOURCE: Abrams Associates, 2019
NOTES: Density is presented in terms of passenger cars per mile per lane.

3.7 Pedestrian and Bicycle Facilities

Bicycle paths, lanes and routes are typical examples of bicycle transportation facilities, which are defined by Caltrans as being in one of the following three classes:

Class I – Provides a completely separated facility designed for the exclusive use of bicyclists and pedestrians with crossing points minimized.

Class II – Provides a restricted right-of-way designated lane for the exclusive or semi-exclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and cross-flows by pedestrians and motorists permitted.

Class III – Provides a route designated by signs or permanent markings and shared with pedestrians and motorists.

There are no sidewalks or bicycle lanes along State Route 4 in the project study area.

3.8 Transit Service

Transit service in Western Contra Costa County is provided by Westcat. Bus Route 30Z to Martinez operates on the adjacent segment of State Route 4 but there are no bus stops near the project site. The nearest bus stops are located about 3 miles away in the City of Hercules. From the Hercules Transit Center there are connections to BART which provides regional transportation connections to much of the Bay Area. It runs from the North Bay Area in Richmond to the South Bay Area in Fremont and in the east-west direction it runs from Antioch to the San Francisco Airport.

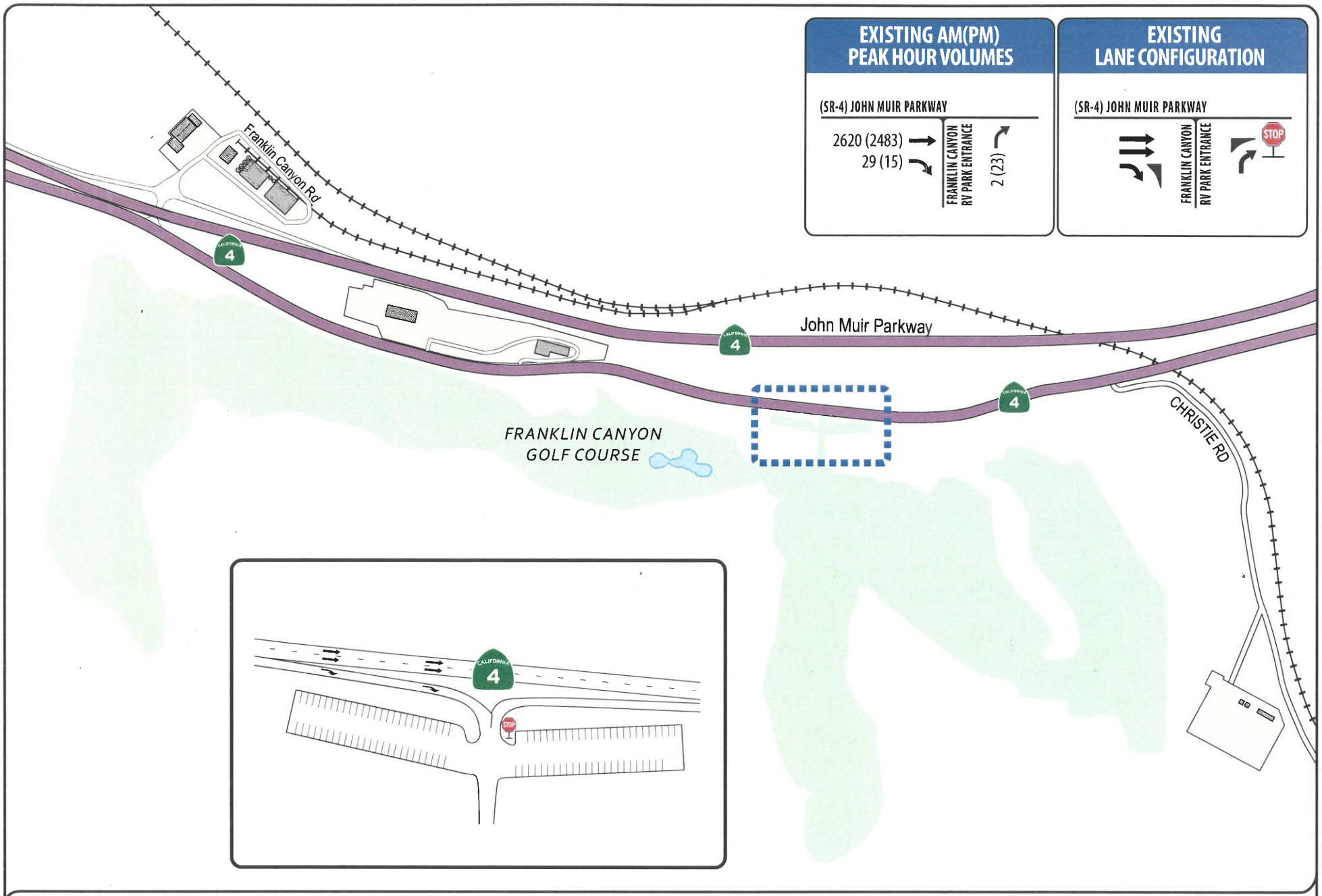


FIGURE 3 | EXISTING AM(PM) PEAK HOUR TRAFFIC VOLUMES & LANE CONFIGURATIONS
TRANSPORTATION IMPACT ANALYSIS
Franklin Canyon RV Resort and Golf Course
Contra Costa County

Abrams Associates
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4) REGULATORY CONTEXT

Existing policies, laws and regulations that apply to the proposed project are summarized below.

4.1 State

The California Department of Transportation (Caltrans) has jurisdiction over State highways. The Guide for the Preparation of Traffic Impact Studies provides consistent guidance for Caltrans staff reviewing development/land use change proposals. The Guide also informs local agencies about information needed for Caltrans to analyze the traffic impacts to state highway facilities which include freeway segments, on- or off-ramps, and signalized intersections.

4.2 Local

Contra Costa Countywide Transportation Plan Update (2014) - The transportation policies that are currently applicable within Contra Costa County are based on the Contra Costa County Transportation Plan. This document identifies standards and procedures for analyzing transportation impacts in the county.

Contra Costa County General Plan - The Transportation and Circulation Element included in the Contra Costa County General Plan was prepared pursuant to Section 65302(b) of the California Government Code. The Transportation and Circulation Element addresses existing and planned transportation routes, terminals, and other local public utilities and facilities. The General Plan identifies roadway and transit goals and policies that have been adopted to ensure that the transportation system of the County will have adequate capacity to serve planned growth. These goals and policies are intended to provide a plan and implementation measures for an integrated, multi-modal transportation system that will safely and efficiently meet the transportation needs of all economic and social segments of the County.

4.3 Significance Criteria

The goal of Contra Costa County is to maintain LOS D or better at all intersections and the West County Action Plan also establishes a maximum delay index of 2.0.[2] Please note that for the Caltrans freeway facilities in the area the operational standards and significance criteria are established by the CCTA acting as the designated Congestion Management Agency (CMA) representing the jurisdictions of Contra Costa County. As the acting CMA the CCTA establishes the traffic LOS standards for all state highway facilities in Contra Costa County, which supersede the general Caltrans operational standard for all state highways. As the designated Congestion Management Agency (CMA) representing the jurisdictions of Contra Costa County, the Contra Costa Transportation Authority (the Authority) is responsible for preparing and adopting a Congestion Management Program (CMP). Consistent with the CMP legislation, the Authority establishes the level-of-service standards for the CMP network.

State Route 4 Delay Index - For State Route 4 freeway the West County Action Plan specifies a maximum delay index of 2.0. It is important to note that achievement of the MTSO delay index and average speed for the segment adjacent to the proposed project is measured from Interstate 80 to the Cummings Skyway.

According to CEQA guidelines, a project would have a significant impact if it would:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit.
- Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Result in inadequate emergency vehicle access.
- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

5) IMPACTS AND MITIGATION MEASURES

5.1 Project Trip Generation

The proposed project would involve construction of 160 RV spaces and 22 walk-in campsites with tent bungalows provided. The RV resort portion of the project would be constructed on the eastern half of the existing 18-hole golf course. Therefore, the trip generation accounts for removal of the traffic associated with the 9 holes that would be displaced by the RV Resort portion of the project. The project would also include a 50 space RV storage facility and is proposing to include provide a staging area for the John Muir Land Trust with a restroom, drinking fountain, picnic tables and 50 parking spaces. Please note the campground trip generation is based on the number of occupied campsites and for the purposes of these calculations it is assumed the average peak campground occupancy (on weekends) would be 80%. The trip generation calculations are shown in **Table 3**. They are based on rates from the Institute of Transportation Engineer's (ITE) Trip Generation Manual, 10th Edition.

TABLE 3
TRIP GENERATION CALCULATIONS

Land Use	*Size*	*ADT*	*AM Peak Hour*			*PM Peak Hour*		
			In	*Out*	*Total*	*In*	*Out*	*Total*
Campground/RV Park Trip Rates (ITE Land Use Code 416)		0.95	0.08	0.13	0.21	0.18	0.19	0.27
Unadjusted Campground/RV Park Trip Generation	182 sites	173	14	24	38	32	17	49
Reduction for Occupancy (20%)		35	3	5	8	6	4	10
Net New Campground/RV Park Trip Generation		138	11	19	30	26	13	39
RV/Self-Storage Trip Rates (ITE Land Use Code 151)		17.96	0.71	0.68	1.39	0.977	0.98	1.95
RV Storage Facility Trip Generation	50 units	9	1	0	1	0	1	1
Subtotals for the Proposed Project		*147*	*12*	*19*	*31*	*26*	*14*	*40*
Golf Course Trip Rates (ITE Land Use Code 430)		30.38	1.39	0.37	1.76	1.54	1.37	2.91
Existing Portion of the Golf Course Being Removed	9 holes	273	13	3	16	14	12	26
Net New Project Trip Generation		***-126***	***-1***	***16***	***15***	***12***	***2***	***14***

The total trip generation reflects all vehicle trips that would be counted at the project driveways, both inbound and outbound. As shown in **Table 3**, the project is forecast to generate approximately 15 net new vehicle trips during the AM and PM peak hours. To determine the worst-case impacts, the trips generated are estimated for the peak commute hours of 7:00 a.m. and 8:00 a.m. and 4:30 p.m. and 5:30 p.m., which represent the peak of "*adjacent street traffic*". This is when the project traffic would contribute to the greatest amount of congestion.

5.2 Project Trip Distribution

The trip distribution assumptions are based on the project's proximity to regional roadways, the directional split at nearby intersections, and the land use patterns in the area. **Figure 4** shows the project traffic that is forecast to be added at the entrance to the Franklin Canyon Golf Course.

5.3 Existing Plus Project Traffic Capacity Conditions (Scenario 2)

This scenario evaluates the existing conditions with the addition of traffic from the proposed

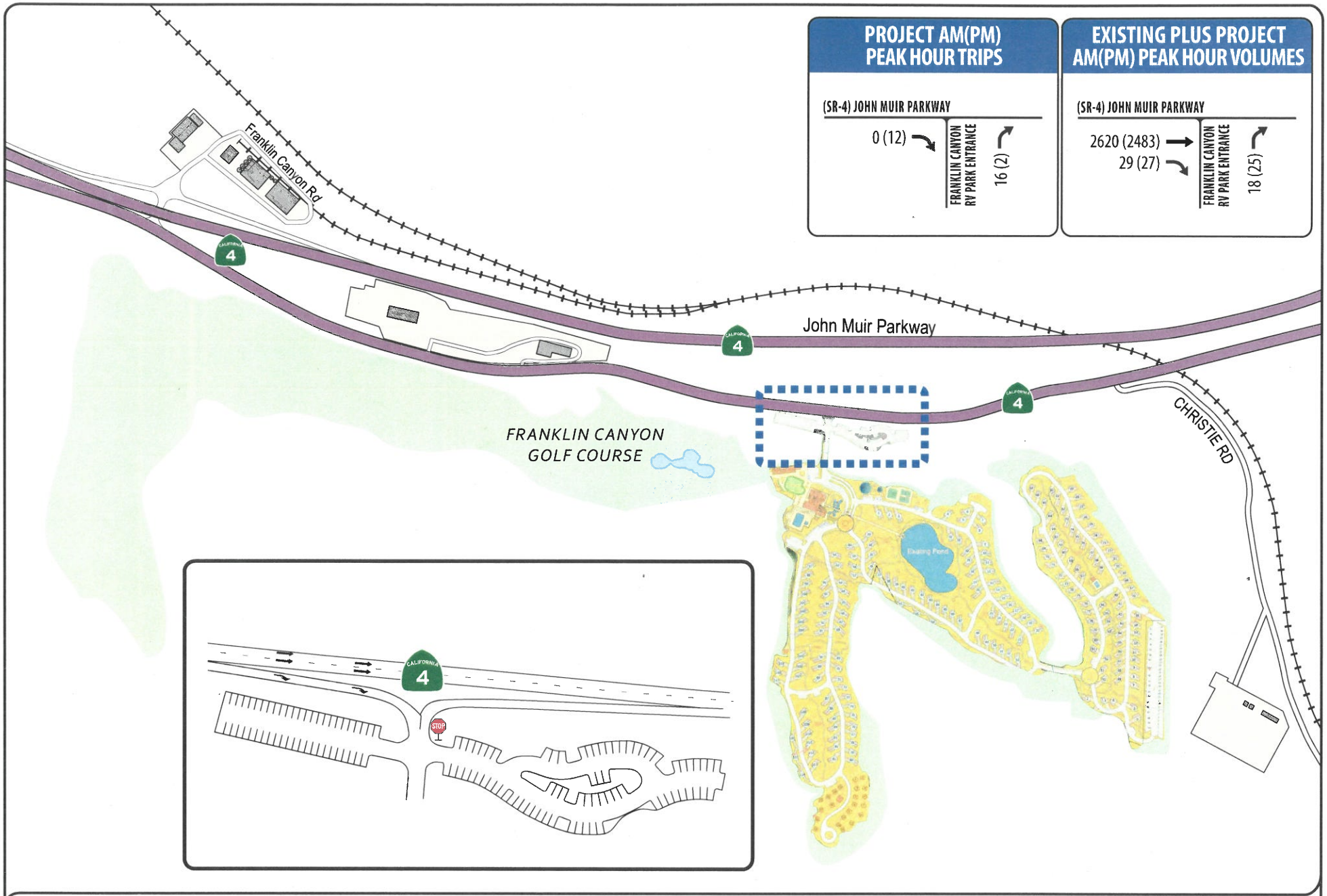

FIGURE 4 | EXISTING PLUS PROJECT AM(PM) PEAK HOUR TRAFFIC VOLUMES
TRANSPORTATION IMPACT ANALYSIS
Franklin Canyon RV Resort and Golf Course
Contra Costa County

Abrams Associates
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TABLE 4
EXISTING PLUS PROJECT RAMP MERGE AREA LEVEL OF SERVICE CONDITIONS

	INTERSECTION	CONTROL	PEAK HOUR	EXISTING		EXISTING PLUS PROJECT	
				Density	LOS	Density	LOS
1	SOMERSVILLE ROAD & JAMES DONLON BOULEVARD	Highway Ramps	AM	24.5	C	24.7	C
			PM	22.4	C	22.4	C

SOURCE: Abrams Associates, 2019
NOTES: Density is presented in terms of passenger cars per mile per lane.

5.4 Baseline Traffic Capacity Conditions (Scenario 3)

The Baseline scenario evaluates the existing conditions with the addition of traffic from reasonably foreseeable projects in the area. As a worst case assumption the general baseline growth in traffic was developed based on the assumption that the project completion date would be 2021. This scenario includes one percent per year growth in background traffic for three years. No other approved projects were identified that would significantly alter the traffic volumes at the project study intersections. **Figure 5** presents the resulting baseline volumes at each of the project study intersections. **Table 5** summarizes the associated LOS computation results for the Baseline weekday AM and PM peak hour conditions. The corresponding LOS analysis calculation sheets are presented in the Technical Appendix to this report. As shown in **Table 5**, the ramp merge at the golf course entrance on State Route 4 is forecast to continue to have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours.

TABLE 5
BASELINE AND BASELINE PLUS PROJECT RAMP MERGE AREA LEVEL OF SERVICE CONDITIONS

INTERSECTION	PEAK HOUR	BASELINE		BASELINE PLUS PROJECT	
		Density	LOS	Density	LOS
Franklin Canyon Golf Course On-Ramp Merge With Eastbound SR 4	AM	25.3	C	25.4	C
	PM	23.1	C	23.1	C

SOURCE: Abrams Associates, 2019
NOTES: Density is presented in terms of passenger cars per mile per lane.

5.5 Baseline Plus Project Traffic Capacity Conditions (Scenario 4)

The Baseline plus proposed project traffic forecasts were developed by adding project-related

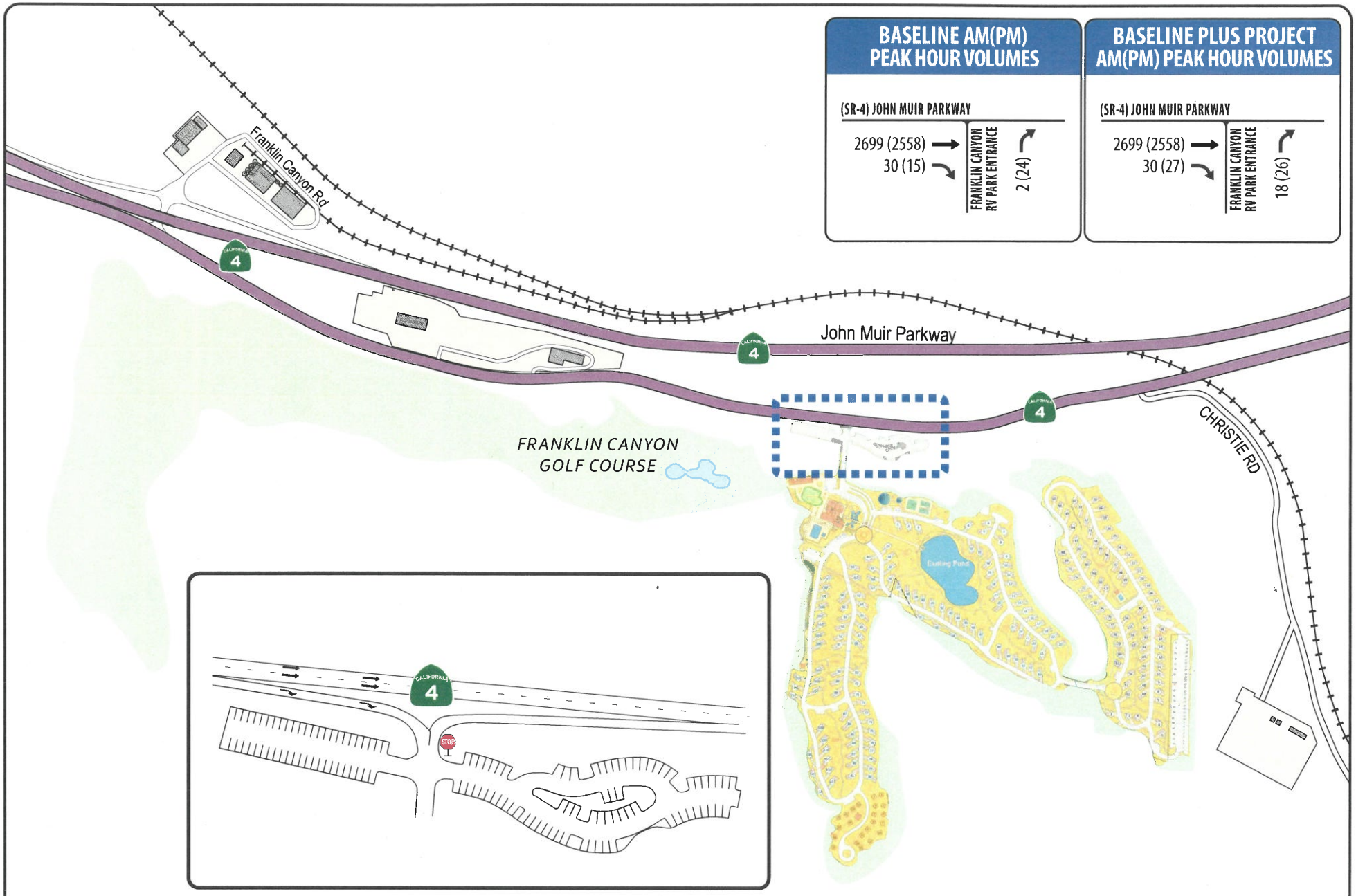

FIGURE 5 | BASELINE AND BASELINE PLUS PROJECT AM(PM) PEAK HOUR TRAFFIC VOLUMES
TRANSPORTATION IMPACT ANALYSIS
Franklin Canyon RV Resort and Golf Course
Contra Costa County

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5.6 Cumulative Traffic Capacity Conditions (Scenario 5)

For the cumulative conditions, the intersection traffic volumes were based on the existing turning movements with the addition of traffic from all planned projects plus the addition of incremental growth in background traffic estimated by the County's traffic model for the area, which equates to one half percent per year to the year 2040. **Figure 6** presents the cumulative build-out traffic volumes for the project study intersections. **Table 6** summarizes the LOS results for the Cumulative (Year 2040) traffic conditions at each of the project study intersections. No other cumulative roadway improvements were assumed for the area. As shown on **Table 6**, the ramp merge at the golf course entrance on State Route 4 is forecast to continue to have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours.

TABLE 6
CUMULATIVE AND CUMULATIVE PLUS PROJECT RAMP MERGE AREA
LEVEL OF SERVICE CONDITIONS

INTERSECTION	PEAK HOUR	CUMULATIVE		CUMULATIVE PLUS PROJECT	
		Density	LOS	Density	LOS
Franklin Canyon Golf Course On-Ramp Merge With Eastbound SR 4	AM	27.7	C	27.9	C
	PM	25.3	C	25.4	C

SOURCE: Abrams Associates, 2019
NOTES: Density is presented in terms of passenger cars per mile per lane.

5.7 Cumulative Plus Project Traffic Capacity Conditions (Scenario 6)

Figure 6 presents the cumulative build-out traffic volumes including the traffic from the proposed commercial project. **Table 7** summarizes the LOS results for the Cumulative Plus Project (Year 2040) traffic conditions at each of the project study intersections. As shown on this table, the ramp merge at the existing golf course entrance on State Route 4 is forecast to continue to have acceptable conditions (LOS D or better) during the weekday AM and PM peak hours with the addition of traffic from the proposed project.

5.8 Internal Circulation and Access

No internal site circulation or access issues have been identified that would cause a traffic safety problem or any unusual traffic congestion or delay. At the project entrance there were no sight distance issues and no capacity problems were identified with the use of the existing golf course access. However, it should be noted that access to and from the site can be rather circuitous for motorists leaving the site and heading west on State Route 4. The nearest shopping is located to the west in Hercules but because there is no access to westbound State Route 4 at the site and motorists must first travel east. From the project site it is about 6.5 miles

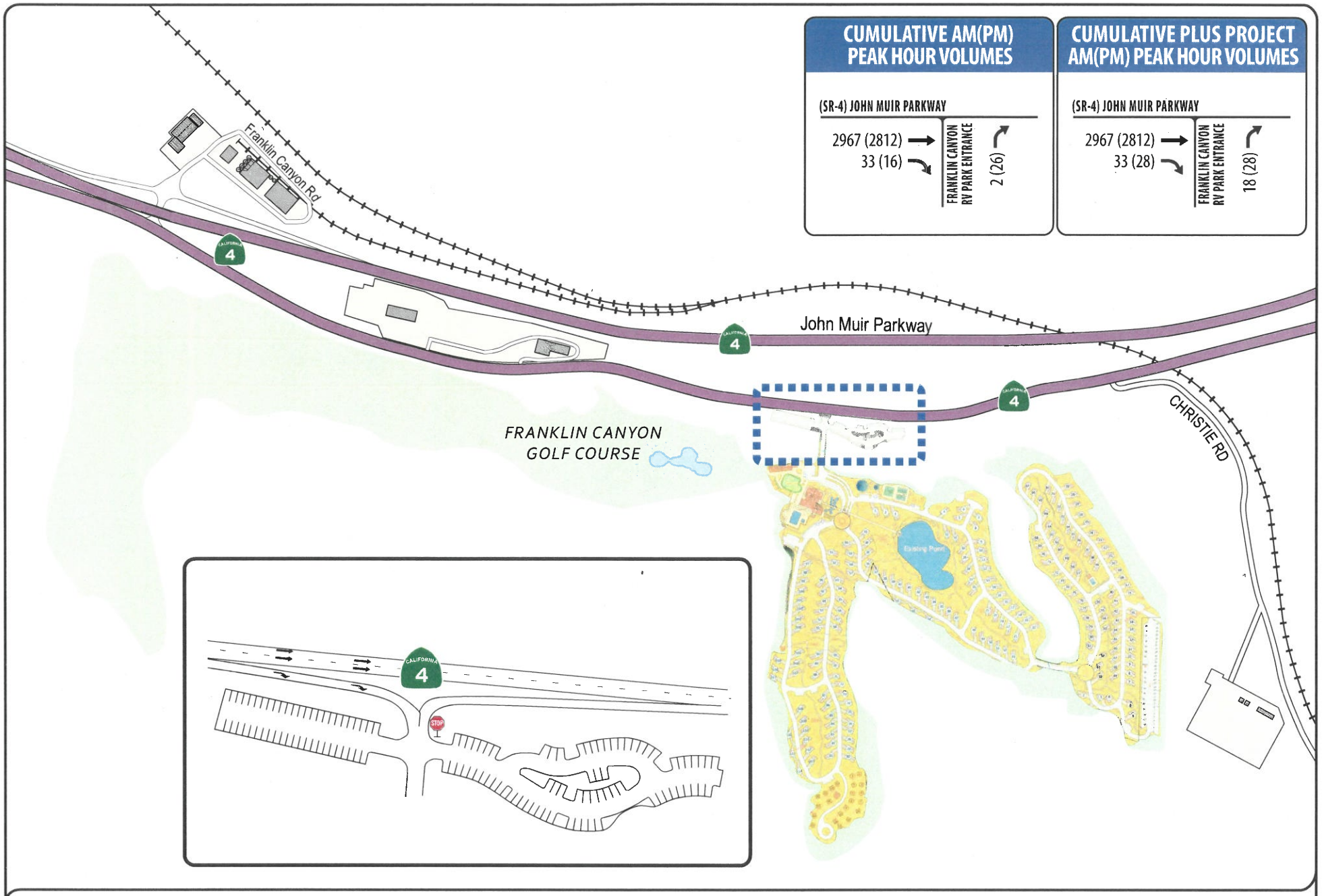

FIGURE 6 | CUMULATIVE AND CUMULATIVE PLUS PROJECT AM(PM) PEAK HOUR TRAFFIC VOLUMES
TRANSPORTATION IMPACT ANALYSIS
Franklin Canyon RV Resort and Golf Course
Contra Costa County

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westbound State Route 4 to access the eastbound direction of the highway and the project entrance. It should also be noted there is a substantial uphill grade on eastbound State Route 4 between the site and the Cummings Skyway. However, vehicles exiting the site onto State Route 4 have an acceleration lane to safely merge with traffic before the hill. Because the speed limit is only 55 mph in this area any vehicles merging onto State Route 4 in this area typically have a minimal impact on the regular flow of traffic.

One potential safety benefit of the project would be through the potential to direct more park users to the trailhead proposed at the entrance to the project. Currently the main access and trailhead for the Fernandez Ranch Open Space is accessed via Christie Road. Christie Road appears to be a less desirable access point for the public to reach the open space, from a traffic safety perspective. This is because the intersection of Christie Road with State Route 4 has no acceleration or deceleration lanes provided and it is located right before the steepest part of the grade in this area where it can be difficult to find a gap to merge with traffic on State Route 4 during peak hours. It can also take a little longer for motorists to get up to the speed of traffic on State Route 4 before the adjacent uphill grade.

5.9 Parking Impacts

The proposed project would provide an adequate supply of off-street parking based on the County's requirements. The project is currently proposing to meet the County's parking requirements. Subject to final County approval of the proposed parking plan there would be no significant parking impacts expected to the surrounding properties.

5.10 Pedestrian and Bicycle Impacts

Employees and guests of the project could potentially generate a limited amount of additional pedestrian and bicycle traffic in the area, thereby potentially increasing conflicts between vehicles, bicycles, and pedestrians. However, the project would not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks) or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by transit, bicycle, or pedestrian facilities and plans. Based on our review there would be no significant impacts to bicycle or pedestrian safety in the area and no mitigations or improvements are recommended at this time.

5.11 Transit Impacts

The proposed project would not interfere with any existing bus routes and would not remove or relocate any existing bus stops. The proposed Project could also potentially help support existing bus services with additional transit ridership and would not conflict with any transit plans or goals of the County or Westcat. Although the proposed project does have the potential to

5.12 Impacts to the State Route 4 Freeway

As noted previously, the delay index measures travel congestion and is expressed as the ratio of the time required to travel between two points during the peak hour (the congested travel time) and the time required during un-congested off-peak times. The denominator of the delay index formula, the measured peak hour travel time, was determined from speed runs conducted along State Route 4 during the AM and PM peak hours in the spring of 2017 as part of the Contra Costa Transportation Authority's Congestion Management Program (CMP) 2017 Monitoring Report.[3]

The numerator of the delay index formula, the free flow travel time is defined as "*the time it takes to traverse a roadway segment at the speed limit including the average uncongested delay experienced at traffic signals.*" It is important to note that achievement of the MTSO delay index and average speed for the segment adjacent to the proposed project is measured from Interstate 80 to the Cummings Skyway. For this segment of State Route 4 the 2017 CMP Monitoring Report reported a delay index of 1.1 for both directions. Under cumulative (2040) conditions the West County Action Plan for Routes of Regional Significance indicates that the delay index on State Route 4 is forecast be 1.2 for both directions, which is within the 2.0 delay index standard established for this segment. It should also be noted the development of the proposed project would increase the total traffic on SR 4 during both AM and PM peak hours but the increase to any one segment is forecast to be less than one half of a percent and well under 50 trips per hour.

5.13 Recommended Mitigation Measures

The project would not cause any intersections in the study area to exceed County or Caltrans standards and no vehicular traffic mitigations would be required.

Project-Specific Impacts and Mitigation Measures

The following is a list of potential transportation impacts of the project. With the implementation of the proposed measures described in this section, all project transportation impacts would be reduced to a less than significant level.

TR-1 Impacts related to pedestrian facilities.

The proposed project would generate additional pedestrian and bicycle traffic in the area, thereby potentially increasing conflicts between vehicles, bicycles, and pedestrians. Based on the County's significance criteria the project's impacts on pedestrian travel would be considered less than significant and no mitigations would be required.

TR-2 Impacts related to bicycle facilities.

Although the proposed project would increase vehicle and pedestrian traffic in the project vicinity it is not expected to significantly impact or change the design of any existing bicycle facilities or create any new safety problems for bicyclists in the area.

Mitigation Measure(s)
None required.

TR-3 Impacts related to transit facilities.

The proposed project has the potential to increase patronage on bus lines in the area. However, based on this analysis the project would not result in degradation of the level of service (or a significant increase in delay) on any roadway segments currently being utilized by bus transit in the area and, as such, no significant impacts to transit are expected. The project contribution to key roadway segments in the area would not result in any significant changes to travel speeds. As a result, the project would not be expected to result in any significant impacts to transit service in the area.

Mitigation Measure(s)
None required.

TR-4 Construction activities associated with the proposed project would result in an increase in traffic to and from the site and could lead to unsafe conditions near the project site.

The increase in traffic as a result of construction activities associated with the proposed project has been quantified assuming a worst-case single phase construction period of 24 months.

Heavy Equipment

Approximately eight pieces of heavy equipment are estimated to be transported on and off the site each month throughout the construction of the proposed project. Heavy equipment transport to and from the site could cause traffic impacts in the vicinity of the project site during construction. However, each load would be required to obtain all necessary permits, which would include conditions. Prior to issuance of grading and building permits, the project applicant would be required to submit a Traffic Control Plan.

The requirements within the Traffic Control Plan include, but are not limited to, the following: truck drivers would be notified of and required to use the most direct route between the site and the freeway, as determined by the County Engineering Department; all site ingress and egress would occur only at the main driveways to the project site and construction activities may require installation of temporary (or ultimate) traffic signals as determined by the County Engineer; specifically designated travel routes for large vehicles would be monitored and controlled by flaggers for large

Employees

The weekday work is expected to begin around 7:00 AM and end around 4:00 PM. The construction worker arrival peak would occur between 6:30 AM and 7:30 AM, and the departure peak would occur between 4:00 PM and 5:00 PM. It should be noted that the number of trips generated during construction would not only be temporary, but should also be less than the proposed project trip generation at buildout. Based on past construction of similar projects, construction workers could require parking for up to 40 vehicles during the peak construction period. Additionally, deliveries, visits, and other activities may generate peak non-worker parking demand of 10 to 20 trucks and automobiles per day. Therefore, up to 60 vehicle parking spaces may be required during the peak construction period just for the construction employees. Furthermore, the Traffic Control Plan will require construction employee parking be provided on the project site or in off-site parking lots to eliminate conflicts with nearby residential areas. The construction of the project can also be staggered so that employee parking demand can be met by using on-site parking. Therefore, the impacts of construction-related employee traffic and parking are considered less-than-significant.

Construction Material Import

The project would also require the importation of construction material, including raw materials for the building pads, the buildings, the parking areas, and landscaping. Under the provisions of the Traffic Control Plan, if importation and exportation of material becomes a traffic nuisance, then the County Engineer may limit the hours the activities can take place.

Traffic Control Plan

The Traffic Control Plan would indicate how parking for construction workers would be provided during construction and ensure a safe flow of traffic in the project area during construction. This analysis assumed construction of the entire project in one phase to identify the potential worst-case traffic effects. If the project is built in phases over time, the effects of each phase will be the same or less. Each phase will be subject to a Traffic Control Plan and oversight by the County Engineer. The last phase may require added worker parking measures, depending on the circumstances, as there will not be any remaining vacant land for parking. Therefore, the construction activities associated with the proposed project or its individual phases would not lead to noticeable congestion in the vicinity of the site or the perception of decreased traffic safety resulting in a ***less-than-significant*** impact.

Mitigation Measure(s)
None required.

TR-5 Impacts to freeway operations.

The development of the proposed project would increase the total traffic on SR 4 during

TR-6 Impacts related to site access and circulation.

The proposed project would have one unsignalized driveway and one secondary access for emergency vehicles only. Based on a review of the proposed site plan it was determined that the site circulation should function well and would not cause any safety or operational problems. The project site design has been required to conform to County design standards and the plan is not expected to create any significant impacts to pedestrians, bicyclists or traffic operations. Therefore, impacts related to site access and circulation to the proposed project would be ***less-than-significant***.

Mitigation Measure(s)
None required.

TR-7 Impacts regarding emergency vehicle access on and surrounding the proposed project site.

Sufficient emergency access is determined by factors such as number of access points, roadway width, and proximity to fire stations. The land use plan for the proposed project includes a primary entrance onto State Route 4 along with secondary entrance onto Christie Road for emergency vehicles only. All lane widths within the project should meet the minimum width that can accommodate emergency vehicles and the final emergency vehicle access plan would be subject to final approval from the Fire Department. Therefore, the development of the proposed project is expected to have ***less-than-significant*** impacts regarding emergency vehicle access.

Mitigation Measure(s)
None required.

Transportation Impact Analysis Technical Appendix

Franklin Canyon RV Resort and Golf Course

Contra Costa County

Franklin Canyon RV Resort and Golf Course

CASE ID	COLLISION DATE	COLLISION TIME	PRIMARY RD	SECONDARY RD	DISTANCE	DIRECTION	INTERSECTION	WEATHER 1	TYPE OF COLLISION	COLLISION SEVERITY	NUMBER KILLED	NUMBER INJURED	PCF VIOLATION CATEGORY	MOTOR VEHICLE INVOLVED WITH	ALCOHOL INVOLVED
6448543	20140329	1105	RT 4	CHRISTIE RD	2640	W	N	Cloudy	Hit Object	Property Damage Only	0	0	Unsafe Speed	Fixed Object	No
6723865	20141119	1515	RT 4	FRANKLIN CANYON	2500	E	N	Cloudy	Hit Object	Injury (Other Visible)	0	1	Unsafe Speed	Fixed Object	No
6723875	20141119	1825	RT 4	FRANKLIN CANYON	2500	E	N	Cloudy	Hit Object	Property Damage Only	0	0	Unsafe Speed	Fixed Object	No
6928968	20150514	25	RT 4	FRANKLIN CANYON	3907	E	N	Clear	Hit Object	Injury (Complaint of Pain)	0	1	Improper Turning	Fixed Object	No
90196146	20160522	430	SR-4 E/B	FRANKLIN CANYON	4224	E	N	Clear	Overturned	Property Damage Only	0	0	Improper Turning	Non-Collision	No
90251581	20160814	1445	SR-4 W/B	FRANKLIN CANYON	2640	E	N	Clear	Hit Object	Injury (Other Visible)	0	1	Improper Turning	Fixed Object	No
90296010	20161014	1415	SR-4 E/B	FRANKLIN CANYON	2640	E	N	Raining	Hit Object	Injury (Complaint of Pain)	0	1	Unsafe Speed	Fixed Object	No
90318619	20161110	2040	STATE ROUTE 4 W/E	FRANKLIN CANYON	3942	E	N	Cloudy	Hit Object	Property Damage Only	0	0	Improper Turning	Fixed Object	No
90318674	20161110	2049	STATE ROUTE 4 W/E	FRANKLIN CANYON	3480	E	N	Cloudy	Vehicle/Ped	Injury (Severe)	0	1	Pedestrian Violation	Pedestrian	No
90344401	20161210	1410	SR-4 E/B	FRANKLIN CANYON	2650	E	N	Raining	Hit Object	Injury (Complaint of Pain)	0	1	Improper Turning	Fixed Object	No
90124576	20160219	1600	STATE ROUTE 4 EAS	CHRISTIE RD	2640	W	N	Raining	Hit Object	Property Damage Only	0	0	Unsafe Speed	Fixed Object	No
90160020	20160409	1917	SR-4 E/B	CHRISTIE ROAD	1500	W	N	Cloudy	Rear End	Property Damage Only	0	0	Improper Turning	Parked Motor Vehicle	No
90295999	20161014	1250	SR-4 E/B	CHRISTIE RD.	2600	W	N	Raining	Hit Object	Injury (Severe)	0	1	Improper Turning	Fixed Object	No
90300484	20161015	2145	SR-4 E/B	CHRISTIE RD	2640	W	N	Cloudy	Hit Object	Property Damage Only	0	0	Improper Turning	Fixed Object	No
90325448	20161119	2200	SR-4 E/B	CHRISTIE ROAD	1056	W	N	Raining	Hit Object	Property Damage Only	0	0	Improper Turning	Fixed Object	No
90326237	20161119	2205	SR-4 E/B	CHRISTIE ROAD	1056	W	N	Cloudy	Rear End	Property Damage Only	0	0	Improper Turning	Other Motor Vehicle	No
90438708	20170417	550	SR-4 E/B	FRANKLIN CANYON	4752	E	N	Raining	Hit Object	Property Damage Only	0	0	Unsafe Speed	Fixed Object	No
90473692	20170603	200	SR-4 W/B	FRANKLIN CANYON	3960	E	N	Clear	Head On	Injury (Severe)	0	1	Unsafe Speed	Fixed Object	No
90416356	20170313	2040	STATE ROUTE 4 E/B	CHRISTIE ROAD	450	E	N	Clear	Sideswipe	Property Damage Only	0	0	Unsafe Lane Change	Other Motor Vehicle	No
90423339	20170324	1630	SR-4 E/B	CHRISTIE RD.	2640	W	N	Cloudy	Sideswipe	Property Damage Only	0	0	Improper Turning	Other Motor Vehicle	No
90442727	20170412	709	SR-4 E/B	CHRISTIE RD.	2800	W	N	Cloudy	Head On	Property Damage Only	0	0	Improper Turning	Other Motor Vehicle	No
90551519	20170907	900	SR-4 (E/B)	CHRISTIE RD.	2640	W	N	Cloudy	Sideswipe	Property Damage Only	0	0	Unsafe Lane Change	Other Motor Vehicle	No
90556079	20170917	2040	SR-4 E/B	CHRISTIE ROAD	500	W	N	Clear	Hit Object	Property Damage Only	0	0	Wrong Side of Road	Fixed Object	No
90718713	20180425	650	SR-4 E/B	CHRISTIE RD	2640	W	N	Cloudy	Hit Object	Injury (Other Visible)	0	1	Improper Turning	Fixed Object	No

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	AM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Existing Scenario
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2620	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	2	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	29	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	3123	2	35	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 3123 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	3125	4500	No
v_3 or v_{av34}	0 pc/h	(Equation 25-4 or 25-5)	
Is v_3 or v_{av34}	> 2700 pc/h?	No	
Is v_3 or v_{av34}	> 1.5 v_{12} /2	No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?
v_{12}	3123	4400	No

!

Level of Service Determination (if not F)

Density, $D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A$ = 24.5 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable,	M_S = 0.350	
Space mean speed in ramp influence area,	S_R = 50.4	mph
Space mean speed in outer lanes,	S_O = N/A	mph
Space mean speed for all vehicles,	S = 50.4	mph

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	PM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Existing Scenario
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2483	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	23	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	15	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	2828	26	17	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 2828 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	2854	4500	No
$v_{3 \text{ or } av34}$	0 pc/h	(Equation 25-4 or 25-5)	
Is $v_{3 \text{ or } av34}$ > 2700 pc/h?		No	
Is $v_{3 \text{ or } av34}$ > 1.5 v_{12} /2		No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?	
v_{12}	2828	4400	No	!

Level of Service Determination (if not F)

Density, $D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A$ = 22.4 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable,	M_S = 0.329	
Space mean speed in ramp influence area,	S_R = 50.7	mph
Space mean speed in outer lanes,	S_O = N/A	mph
Space mean speed for all vehicles,	S = 50.7	mph

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	AM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Existing +Project
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2620	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	18	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	29	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	3123	21	35	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 3123 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	3144	4500	No
v_{3} or v_{av34}	0 pc/h	(Equation 25-4 or 25-5)	
Is v_{3} or v_{av34}	> 2700 pc/h?	No	
Is v_{3} or v_{av34}	> 1.5 v_{12} /2	No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?
v_{12}	3123	4400	No

!

Level of Service Determination (if not F)

$D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A$ = 24.7 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable,	M_S = 0.352	
Space mean speed in ramp influence area,	S_R = 50.4	mph
Space mean speed in outer lanes,	S_O = N/A	mph
Space mean speed for all vehicles,	S = 50.4	mph

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	PM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Existing +Project
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2483	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	25	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	27	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	2828	28	31	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 2828 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	2856	4500	No
v_3 or v_{av34}	0 pc/h	(Equation 25-4 or 25-5)	
Is v_3 or v_{av34}	> 2700 pc/h?	No	
Is v_3 or v_{av34}	> 1.5 v_{12} /2	No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?	
v_{12}	2828	4400	No	!

Level of Service Determination (if not F)

Density, $D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A$ = 22.4 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable,	M_S = 0.329	
Space mean speed in ramp influence area,	S_R = 50.7	mph
Space mean speed in outer lanes,	S_O = N/A	mph
Space mean speed for all vehicles,	S = 50.7	mph

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Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	AM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Baseline
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2699	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	2	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	30	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	3217	2	36	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 3217 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	3219	4500	No
$v_{3 \text{ or } av34}$	0 pc/h	(Equation 25-4 or 25-5)	
Is $v_{3 \text{ or } av34}$	> 2700 pc/h?	No	
Is $v_{3 \text{ or } av34}$	> 1.5 v_{12} /2	No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?	
v_{12}	3217	4400	No	!

Level of Service Determination (if not F)

$D_R = 5.475 + 0.00734\, v_R + 0.0078\, v_{12} - 0.00627\, L_A$ = 25.3 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable, M_S = 0.359

Space mean speed in ramp influence area, S_R = 50.3 mph

Space mean speed in outer lanes, S_O = N/A mph

Space mean speed for all vehicles, S = 50.3 mph

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	PM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Baseline
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2558	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	24	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	15	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	2913	27	17	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 2913 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	2940	4500	No
v_3 or v_{av34}	0 pc/h	(Equation 25-4 or 25-5)	
Is v_3 or v_{av34} > 2700 pc/h?		No	
Is v_3 or v_{av34} > 1.5 v_{12} /2		No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?
v_{12}	2913	4400	No

!

Level of Service Determination (if not F)

Density, $D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A$ = 23.1 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable, M_S = 0.335

Space mean speed in ramp influence area, S_R = 50.6 mph

Space mean speed in outer lanes, S_O = N/A mph

Space mean speed for all vehicles, S = 50.6 mph

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	AM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Baseline +Project
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2699	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	18	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	30	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	3217	21	36	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM}) =$ 3217 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	3238	4500	No
v_3 or v_{av34}	0 pc/h	(Equation 25-4 or 25-5)	
Is v_3 or v_{av34}	> 2700 pc/h?	No	
Is v_3 or v_{av34}	> 1.5 v_{12} /2	No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?	
v_{12}	3217	4400	No	!

Level of Service Determination (if not F)

Density, $D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A$ = 25.4 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable,	M_S = 0.361	
Space mean speed in ramp influence area,	S_R = 50.3	mph
Space mean speed in outer lanes,	S_O = N/A	mph
Space mean speed for all vehicles,	S = 50.3	mph

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Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	PM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Baseline +Project
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2558	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	26	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	27	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	2913	30	31	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 2913 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	2943	4500	No
v_3 or v_{av34}	0 pc/h	(Equation 25-4 or 25-5)	
Is v_3 or v_{av34} > 2700 pc/h?		No	
Is v_3 or v_{av34} > 1.5 v_{12} /2		No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?	
v_{12}	2913	4400	No	!

Level of Service Determination (if not F)

Density, $D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A$ = 23.1 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable,	M_S = 0.335	
Space mean speed in ramp influence area,	S_R = 50.6	mph
Space mean speed in outer lanes,	S_O = N/A	mph
Space mean speed for all vehicles,	S = 50.6	mph

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	AM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Cumulative
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2967	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	2	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	33	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	3536	2	39	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 3536 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	3538	4500	No
v_3 or v_{av34}	0 pc/h	(Equation 25-4 or 25-5)	
Is v_3 or v_{av34}	> 2700 pc/h?	No	
Is v_3 or v_{av34}	> 1.5 v_{12} /2	No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?
v_{12}	3536	4400	No

!

Level of Service Determination (if not F)

$D_R = 5.475 + 0.00734\, v_R + 0.0078\, v_{12} - 0.00627\, L_A$ = 27.7 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable,	M_S = 0.396	
Space mean speed in ramp influence area,	S_R = 49.9	mph
Space mean speed in outer lanes,	S_O = N/A	mph
Space mean speed for all vehicles,	S = 49.9	mph

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	PM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Cumulative
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2812	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	26	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	16	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	3203	30	18	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 3203 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	3233	4500	No

$v_{3 \text{ or } av34}$ = 0 pc/h (Equation 25-4 or 25-5)

Is $v_{3 \text{ or } av34}$ > 2700 pc/h? No

Is $v_{3 \text{ or } av34}$ > 1.5 v_{12} /2 No

If yes, v_{12A} = (Equation 25-8)

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?
v_{12}	3203	4400	No

!

Level of Service Determination (if not F)

Density, $D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A$ = 25.3 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable, M_S = 0.360

Space mean speed in ramp influence area, S_R = 50.3 mph

Space mean speed in outer lanes, S_O = N/A mph

Space mean speed for all vehicles, S = 50.3 mph

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	AM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Cumulative +Project
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2967	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	18	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	33	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	3536	21	39	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM})$ = 3536 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	3557	4500	No
v_3 or v_{av34}	0 pc/h	(Equation 25-4 or 25-5)	
Is v_3 or v_{av34}	> 2700 pc/h?	No	
Is v_3 or v_{av34}	> 1.5 v_{12} /2	No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?	
v_{12}	3536	4400	No	!

Level of Service Determination (if not F)

Density, $D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A$ = 27.9 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable,	M_S = 0.398	
Space mean speed in ramp influence area,	S_R = 49.8	mph
Space mean speed in outer lanes,	S_O = N/A	mph
Space mean speed for all vehicles,	S = 49.8	mph

HCS+: Ramps and Ramp Junctions Release 5.21

Phone: Fax:
E-mail:

Merge Analysis

Analyst:	Steve Abrams
Agency/Co.:	Abrams Associates
Date performed:	3/20/2019
Analysis time period:	PM
Freeway/Dir of Travel:	SR-4 John Muir Pkwy Eastbound
Junction:	
Jurisdiction:	Contra Costa County
Analysis Year:	Cumulative +Project
Description:	Franklin Canyon RV Park

Freeway Data

Type of analysis	Merge	
Number of lanes in freeway	2	
Free-flow speed on freeway	55.0	mph
Volume on freeway	2812	vph

On Ramp Data

Side of freeway	Right	
Number of lanes in ramp	1	
Free-flow speed on ramp	35.0	mph
Volume on ramp	28	vph
Length of first accel/decel lane	850	ft
Length of second accel/decel lane		ft

Adjacent Ramp Data (if one exists)

Does adjacent ramp exist?	Yes	
Volume on adjacent Ramp	28	vph
Position of adjacent Ramp	Upstream	
Type of adjacent Ramp	Off	
Distance to adjacent Ramp	0	ft

Conversion to pc/h Under Base Conditions

Junction Components	Freeway	Ramp	Adjacent Ramp

Heavy vehicle adjustment, fHV	0.976	0.976	0.976	
Driver population factor, fP	1.00	1.00	1.00	
Flow rate, vp	3203	32	32	pcph

Estimation of V12 Merge Areas

L_{EQ} = (Equation 25-2 or 25-3)

P_{FM} = 1.000 Using Equation 0

$v_{12} = v_F (P_{FM}) =$ 3203 pc/h

Capacity Checks

	Actual	Maximum	LOS F?
v_{FO}	3235	4500	No
v_3 or v_{av34}	0 pc/h	(Equation 25-4 or 25-5)	
Is v_3 or v_{av34}	> 2700 pc/h?	No	
Is v_3 or v_{av34}	> 1.5 v_{12} /2	No	
If yes, v_{12A} =		(Equation 25-8)	

Flow Entering Merge Influence Area

	Actual	Max Desirable	Violation?	
v_{12}	3203	4400	No	!

Level of Service Determination (if not F)

Density, $D_R = 5.475 + 0.00734\ v_R + 0.0078\ v_{12} - 0.00627\ L_A =$ 25.4 pc/mi/ln

Level of service for ramp-freeway junction areas of influence C

Speed Estimation

Intermediate speed variable,	M_S = 0.361	
Space mean speed in ramp influence area,	S_R = 50.3	mph
Space mean speed in outer lanes,	S_O = N/A	mph
Space mean speed for all vehicles,	S = 50.3	mph

EXHIBIT E

AERIAL PHOTOGRAPH

JOHN MUIR PARKWAY

MAINTENANCE BUILDING TO REMAIN

EXISTING CLUBHOUSE
TO BE DEMOLISHED

TOP OF CREEK BANK

100' SETBACK FROM
EDGE OF TOP OF CREEK BANK

triad/holmes assoc
civil engineering
land surveying
MAMMOTH LAKES
BISHOP
REDWOOD CITY

EXHIBIT 3
EXISTING GOLF COURSE AND RV RESORT
DISTURBANCE LIMITS

CONTOUR INTERVAL: 2'

GRAPHIC SCALE

(IN FEET)
1 inch = 250 ft.

EXHIBIT F

BIOLOGICAL ASSESSMENT, DATED MARCH 8, 2019

ESR, Inc.
Environmental Site Restoration, Inc.

P.O. Box 4086
Oakhurst, CA 93644
(5590683-5335 Office
scott@esrinc.us

March 8, 2019

Mr. Tom Hix
Integrated Development Strategies, LLC
2351 Sunset Blvd., Ste 170 #739
Rocklin, CA 95765

RE: Franklin Canyon Development
RV Resort and Remodeled Golf Course Project
Potential Environmental Impacts

Dear Mr. Hix,

ESR, Inc is writing this letter in response to your request to provide an opinion on the proposed repurposing of the existing 18-hole Franklin Canyon Golf Course in the City of Hercules, Contra Costa County, California into a destination RV Resort and a remodeled 9-hole golf course. ESR has completed the wetland delineation and tree evaluation of the project site as well as provided peer review comments for the biological assessment. ESR has been on-site numerous times over the course of this last year to observe current conditions. As requested, ESR has completed a review of the City of Hercules' Measure M (Ordinance No. 401) and in our opinion, the proposed project aligns with the intent of the Measure to protect the natural resources and biotic communities currently found within Franklin Canyon.

It is Measure M's stated purpose to limit future (as of the Measure's November 2, 2005 enactment) development in and "to protect Franklin Canyon and nearby open space lands from harmful and unnecessary development. The ordinance maintains existing use of the Canyon and surrounding areas for agriculture, outdoor recreation, very low-density residential, and open space uses. The objectives are to preserve and protect natural resources, watersheds and water quality, wildlife habitat, beauty and tranquility, and scenic hill views, while permitting proximity to nature and outdoor recreation for the residents of Hercules. It is designed to prevent urban type sprawl on steep and frequently unstable terrain, thereby avoiding high costs to all payers for public facilities and services, as well as loss to the environment."

In addition, the Measure defines the approved and appropriate uses for the area. Specifically, Section 9 (e) states:

> (e) Commercial uses, limited to the following:
> (1) Low-intensity outdoor recreation and pastimes predominantly for active participants that is compatible with preserving the natural qualities of the area (this category of permitted uses does not include, among other things, amusement or theme parks and motor vehicle tracks, courses or recreational activities);
> (2) Nature observation, study or enjoyment;
> (3) Accommodations for short term occupancy and for provision of food and drink (including low-intensity campgrounds and picnic facilities), predominantly for persons engaged in outdoor recreation or nature observation, study or enjoyment;

Furthermore, in Section 10. Areas of Special Environmental Concern – Further Safeguards, the Measure states:

> (a) Wetlands and Riparian Corridors
> No development or use is permitted if the quantity or biological quality of wetlands will be reduced measurably. "Wetlands" are areas permanently or periodically covered by water, where hydrophytic vegetation is present under normal conditions, or that have soils primarily hydric in nature.
> No development is permitted that appreciably impairs the quantity or biological quality of water or habitat in a riparian corridor, except for flood control purposes necessary to protect human health and safety. "Riparian corridors" are the areas within 250 feet from the center of a permanent or intermittent stream bed.
> (b) Critical Wildlife Habitat
> No development or use may be permitted that would impair a habitat or migratory corridor for special-status or other protected species so as to reduce the number, or prevent the recovery in number, of one or more species.

It is the opinion of ESR that the proposed project complies with each of these standards, and some cases, exceeds them. The proposed 160 space RV Resort is repurposing an existing development that has been in place for over 50 years and is providing a low density, short term occupancy outdoor recreation opportunity for active participants. The location will provide guests the opportunity to engage in nature observation and enjoyment. By incorporating an average 100-foot open space zone from the "top of bank" of Franklin Creek to an RV parking site, it will minimize foot traffic in the open space area that is currently extended to the "top of bank." This increase in the setback area will allow for the riparian corridor to be less impacted

than the current land use, thereby encouraging more use by the native flora and fauna. Increasing the setback along the creek corridor will not impair the quantity or biological quality of water or habitat in the riparian corridor and is very likely to enhance the quality of water and habitat within the creek. Further, increasing the setback along the creek corridor will not impair habitat or the migratory corridor and is very likely to enhance the corridor for migratory species due to the increased separation between the creek corridor and human interference.

A landscape management plan will be incorporated into final design plans that will provide for fire safety in this area; that landscape management plan will be less intrusive than the current golf management plan which involves intensive mowing, herbicide, pesticide, and irrigation practices which contributes to irrigation/treated run-off into the riparian corridor. Because the project is reshaping an existing development and incorporating a less intense land use, the quality of the onsite wetlands and riparian corridors will be maintained and probably be enhanced because of the new land use.

If you have any further questions or additional clarifications, please let me know.

Sincerely,

Scott Larson

Scott Larson
ESR, Inc.
Senior Biologist

EXHIBIT G

FISCAL ANALYSIS, DATED DECEMBER 5, 2017

RV PARK CONSULTING INC
812 Shoshone Drive, La Conner, WA 98257
360.466.3322 ~ rvparkconsultant@gmail.com

December 5, 2017

Tom Hix, Integrated Development Strategies, Inc.
C/o Madison MRH-Franklin, LLC
30423 Canwood Street, Suite 126
Agoura Hills, CA 91301

Re: The Franklin Canyon Proposed RV Park Impacts

Dear Tom,

Below you will find the report you requested regarding the potential economic impact statement for the City of Hercules and the local economy.

I understand that there will be potentially 50 acres of the Franklin Canyon Golf Course devoted to a new RV Resort project. The development will also include a revised and remodeled nine-hole golf course, driving range and short-game area.

In addition as we discussed, the project will include other amenities including a clubhouse that will be shared with the golf course, restaurant, bar, meeting space and small spa component. However, our operational model does not assume any revenue from the golf, or associated food & beverage since we feel that is best operated by the golf component. Those amenities will create a unique upscale niche for the RV market in the Northern California/Bay Area.

We discussed the possibility of some or all of the sites being sold to individuals. However, this analysis only assumes a daily and weekly rental operation. In that regard, you have shared with me your projected costs for the entitlement processing in the City of Hercules. Additionally, we increased the cost of construction to be more consistent with the costs in Northern California and included an allowance for the hook-up fees for sanitary sewer and water. Although I believe the cost estimates are reasonable, they are just estimates at this time and we do not have the benefit of specific design criteria that may impact the costs nor have we verified all of the local fees and costs.

With modern RVs needing larger sites, the overall density is typically calculated at approximately seven large RV sites per acre. This average allows for adequate larger RV site sizes, room for all buildings including clubhouse, bathroom/shower/laundry buildings, amenities, and community open space. As you directed, we have used a much lower number per acre so that we can design sites to have more privacy and allow for other outdoor amenities such as tennis courts, pickle-ball courts, bocce ball, and outdoor pool/hot tub areas.

In reviewing the Northern California market, there does not appear to be anything that would directly compete with the project that you envision. The Coyote Valley Resort which is not comparable to what is proposed has rents in the Upper scale Resorts rent sites for $70 to $85 per night range.

The higher-end RV resorts in the Southern California desert have rents as high as $146 per night with a resort $20.00 fee on top of that rental. Since it is a destination resort market, I do not feel that range is a reasonable comparable. Based on the spacing and total number of sites at approximately 200, I have used a rate of $80.00 as an average with escalations in both rate and occupancy over the 10 year period. I believe both rate and occupancy are lower than what you will achieve, but I wanted to make the analysis very conservative. Here is what I see for financial benefits to the City and regional economy:

Economic Impact to the City and Local Economy

$53,018,700.20 represents the potential to the local economy in the first year alone.

This figure is derived from the total of the contributions listed below multiplied by the normal economic multiplier of seven. This multiplier shows the effect of money as it is spent repeatedly in the local economy.

$962,500.00 State and local sales tax on the cost of construction @8.75%.

$166,975.20 City 10% TOT on RV rental income year one.

$ 70,000.00 Estimated annual property tax paid on RV project.

$221,000.00 Fully loaded wages paid to RV resort employees annually.

$7,371,175.00 Based on the first year occupancy of 35% and 200 sites equals 25,550 RV site rentals during the first year, at an average spend of $288.50 per night on shopping, fuel, and local dinning.* Based on KPPF 2015 Study.

$2,953,975 Estimated TOT paid to the City in the first 10 years.

The economic forecast above is based on conservative number for both overnight rental and occupancy. As we have discussed, we believe the project is well positioned to be the leader in the Northern California/Bay Area market. With the projects close proximity to San Francisco, Oakland, and Napa Valley. In our view, this places the project in a unique position to capitalize on RV travelers wishing to visit the region with limited or no RV resorts available.

All the best,

Richard Stockwell, President

THIS CHECK HAS A COLORED BACKGROUND AND CONTAINS MULTIPLE SECURITY FEATURES - SEE BACK FOR DETAILS

WENDEL, ROSEN, BLACK & DEAN LLP
1111 BROADWAY, 24TH FLOOR
OAKLAND, CA 94607

CALIFORNIA BANK OF COMMERCE
3595 MT DIABLO BLVD., 2ND FLOOR
LAFAYETTE, CA 94549

90-4469/1211

130292

~~04-01-19~~

PAY TO THE ORDER OF City of Hercules $*******500.00

~~FIVE HUNDRED AND 00/100 DOLLARS~~ DOLLARS

City of Hercules
111 Civic Drive
Hercules, CA 94547

MEMO

HEAT SENSITIVE RUB AREA TO VERIFY

AUTHORIZED SIGNATURE

⑈130292⑈ ⑆121144696⑆ 1014158⑈

WENDEL, ROSEN, BLACK & DEAN LLP

130292

Payee: City of Hercules
Vendor ID: 2003
Request Number: 1341288
Check #: 130292
Check Date: Apr 01/19

Invoice Num	Inv Date	Reference	Payment Amt
010119	04/01/2019		$500.00

Disb Date	Disb ID	Disbursement Description	Client	Matter	Amount
04/01/2019	M	PAYEE: City of Hercules; REQUEST#: 1341288; DATE: 04/01/2019. - Zoning Clearance Deposit Fee regarding Franklin Canyon	022113	0001	$500.00

Invoice Totals: $500.00