

General Plan Annual Progress Report 2022

City of Hercules



May 2023

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Introduction

California state law requires each city and county to adopt a general plan “for the physical development of the county or city, and any land outside its boundaries which in the planning agency’s judgment bears relation to its planning” (Gov. Code § 65300). The general plan expresses the community’s development goals and embodies public policy relative to the distribution of future public and private land uses. The California Supreme Court has described general plans as the “charter to which [zoning] ordinance[s] must conform.” Still, the general plan extends far beyond zoning and land use (Leshar Communications, Inc. v. City of Walnut Creek (1990) 52 Cal.3d 531, 540). A general plan is more than the legal underpinning for land use decisions; it is a vision of how a community will grow, reflecting community priorities and values while shaping the future.

Government Code Sections 65400 and 65700 mandate that all cities and counties submit an annual report on the status of the General Plan and progress in implementing its Goals, Objectives, and Policies. The General Plan Annual Progress Report (APR) is submitted along with the Housing Element Annual Progress Report (APR) to Housing and Community Development (HCD) and the Governor’s Office of Planning and Research (OPR) by April 1st of each year. The General Plan APR allows OPR to identify statewide trends and how local planning and development activities relating to statewide planning goals and policies. The APR may inform future updates to OPRs General Plan Guidelines and help track local jurisdictions’ progress in updating General Plans.

Effective January 1, 2019, the City of Hercules must submit both the Housing Element APR and a General Plan APR. This General Plan APR is the first report produced by the City of Hercules.

The City of Hercules has submitted an annual report on the Housing Element of the General Plan each year since 2014. The Housing Element APR was compiled separately and includes more detailed reporting on housing production and Housing Element progress. Housing Element APRs from 2014 through 2021 are on the [City of Hercules Planning website](#).

General Plan Elements

The State of California requires General Plans to include a minimum of seven mandated “Elements”: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. Cities and counties in the San Joaquin Air Pollution Control District must also address air quality in their general plans. Cities and counties that have identified disadvantaged communities must also address environmental justice in their general plans. The City of Hercules is not located in the San Joaquin Air Pollution Control District, nor does it have an identified disadvantaged community.

The City of Hercules last adopted a comprehensive General Plan update in 1998. Since then, elements of the General Plan have been updated on a rotating schedule and per state law. By statute, the general plan is required to be updated “periodically.” While there is no requirement for how often to update the general plan, the planning period has traditionally been 15-20 years. The Housing Element is the only element required to be updated regularly. There have been five previous housing element update “cycles” to date. Hercules is currently preparing its [sixth cycle housing element update](#).

Table 1 - General Plan Elements

| Element | Adopted | Amended | Related Plans |
|---------------------------------|---------|---------------|--|
| Land Use* | 1998 | 2008 | <ul style="list-style-type: none"> • Waterfront District Master Plan • New Pacific Properties Specific Plan • Regulating Code for the Central Hercules Plan |
| Circulation* | 2018 | | |
| Housing* | 2015 | | <ul style="list-style-type: none"> • Housing Element 2023 - 2031 |
| Open Space* & Conservation* | 1998 | 2015 (AB 162) | <ul style="list-style-type: none"> • Refugio Creek Watershed Vision Plan |
| Safety* | 2021 | | <ul style="list-style-type: none"> • Local Hazard Mitigation Plan |
| Noise* | 1998 | | |
| Hazardous Waste Management Plan | 1990 | 2008 | |
| Economic Development | 1991 | | |
| Growth Management | 2013 | | <ul style="list-style-type: none"> • Contra Costa County Measure J |

*Required Element

Amendments to the General Plan

The Hercules General Plan has been amended over time, including amendments made as development projects were approved.

General Plan Amendment 09-02 (Resolution 11-141) amended the city's General Plan by rezoning approximately 2.6 acres of the Waterfront District from Residential Single-Family Low-Density (RS-L) to Historic Town Center (HTC) as part of the Hercules Bayfront Project.

On November 12, 2013, the City Council adopted Resolution #13-118 approving a General Plan Amendment (GPA 13-02) to revise the Growth Management Element for Compliance with Measure J.

On April 14, 2015, the City Council adopted Resolution #15-025 approving General Plan Amendment #15-01, which amended the full Housing Element and portions of the Safety and the Open Space/Conservation Elements of the General Plan. The State Department of Housing and Community Development (HCD) certified the adopted housing element on April 22, 2015.

General Plan Amendment No. 17-01 (Resolution 17-070) changed the land use designation for the 6.75-acre site (Assessor's Parcel Number 404-040-040) located at the northeast corner of Sycamore Avenue and San Pablo Avenue to allow construction of a Safeway grocery and fuel center. The GPA changed the land use designation from New Town Center (NTC) to General Commercial (GC) and modified the Circulation Element policy regarding future traffic studies for development in the New Town Center area.

On September 10, 2019, as part of the mixed-use Sycamore Crossing project, the City Council adopted General Plan Amendment No. 17-02 (Resolution 19-050), which changed the Land Use designation on approximately 8.88 acres of the 12.88-acre project site from General Commercial (GC) to 6.86 acres of Planned Commercial-Residential (P-CR) and 2.02 acres of Public/Semi-Public Open Space (P/SP-OS). The city prepared an Addendum to prior Environmental Impact Reports for the project site.

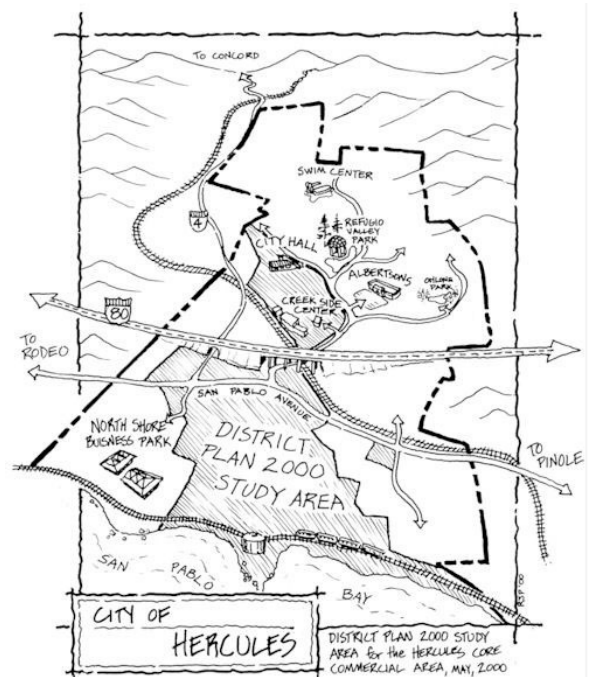
Specific Plans and Planned Developments

New Pacific Properties Specific Plan

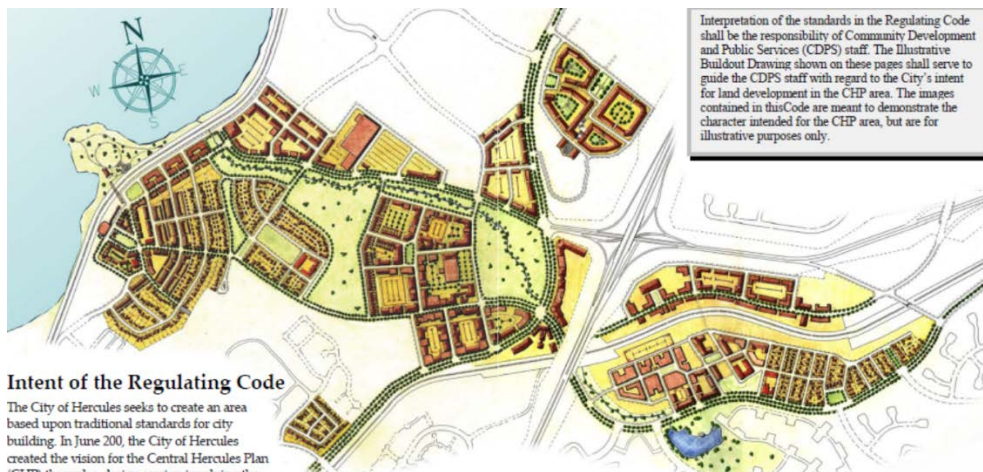
The neighborhood now known as Victoria By the Bay is built on a former refinery site. The Pacific Refinery Company operated in Hercules from 1966 to 1995 and dedicated the land to the City in 2000. In April 2000, the City adopted the New Pacific Properties Specific Plan, which was intended to provide for the orderly and efficient development of the Specific Plan area in accordance with the provisions of the City's General Plan. The plan contains development standards and design guidelines that apply only to properties within the Specific Plan area and are intended to implement the goals, objectives, and policies of the City's General Plan. The plan area included 206.3 acres of land, flanked by San Pablo Bay to the west, the community of Rodeo to the north, Interstate 80 to the east, and North Shore Business Park and the future Hilltown project to the south.

Central Hercules Plan

In July 2001, the City of Hercules created the vision for the Central Hercules Plan (CHP) through a design session involving the community and a team of design professionals. Traditional urban design conventions were applied to create a palette of street types that form the Central Hercules Plan area's four districts: the Waterfront District, the Central Quarter, the Civic Center/Hospitality Corridor, and the Hilltown. The Regulating Code is further divided into eight distinct street types: Four-Lane Avenue; Two-Lane Avenue; Main Street; Town Center Street; Neighborhood Street; Neighborhood Land; Two-Way Edge Drive; and One-Way Edge Drive. The Central Hercules Plan was codified by adopting the New Town Center Zoning district, which still applies to the area between Willow Avenue and State Route 4. Since its adoption, development within the CHP area has been of a conventional suburban character, and portions of the CHP area were rezoned to General Commercial or Community Commercial as shopping centers were developed.



Central Hercules Plan



Intent of the Regulating Code

The City of Hercules seeks to create an area based upon traditional standards for city building. In June 2001, the City of Hercules created the vision for the Central Hercules Plan (CHP) through a design session involving the

Interpretation of the standards in the Regulating Code shall be the responsibility of Community Development and Public Services (CDPS) staff. The Illustrative Buildout Drawing shown on these pages shall serve to guide the CDPS staff with regard to the City's intent for land development in the CHP area. The images contained in this Code are meant to demonstrate the character intended for the CHP area, but are for illustrative purposes only.

Central Hercules Plan Regulating Code Diagram

Waterfront District Master Plan

The Hercules Bayfront is envisioned as a transit-oriented, traditional neighborhood mixed-use project within the Hercules Waterfront District. The Hercules Bayfront has been initiated as the final stages of the Hercules Waterfront District Master Plan (HWDMP), a Planned Development plan prepared in 1999-2000 and unanimously adopted on July 25, 2000. To implement the mixed-use district concept called for by the General Plan and Zoning Ordinance, the Waterfront District Master Plan organizes development within its boundaries as a traditional neighborhood and several distinct mixed-use sub-districts.

In 2008 the city amended the Waterfront District Master Plan by voter initiative, establishing a form-based code to regulate and provide detailed development and design standards for the undeveloped portions of the Historic Town Center, Transit Village, and Hercules Point sub-districts. The 2008 Initiative facilitates the completion of the Hercules Waterfront as a transit-oriented neighborhood mixed-use project by:

- Amending the General Plan Diagrams, Land Use Element, Open Space/Conservation Element, Growth Management Element and Hazardous Waste Management Element, and the Zoning Ordinance to:
 - designate the Hercules Point as Open Space and allow both active and passive uses subject to any needed remediation;
 - allow mixed-use neighborhood and residential uses within the Historic Town Center planning area;
 - add the Administration Building of the former Hercules Powder Company to the buildings to be retained for public or private use or access;
 - add marina use, including boat slips and docks, to the permissible uses for submerged and tidal land to the north and south of Hercules Point and permit the inclusion of public restroom facilities within areas designated as Waterfront Commercial (WC);



Waterfront District Master Plan build-out illustration

- increase allowable residential density to 40 units per acre and permissible building height to no more than eight stories within areas designated as Planned Commercial-Residential (PC-R); and
- rezone property within various designated sub-districts, including bringing the Civic Arts building property and the Masonic building property within the Central Hercules Plan area.

Major Projects

Hercules approved two significant projects in 2022, Franklyn Canyon and Owl Ranch. As this is the first General Plan Annual Progress Report developed by the City, it also discusses major projects accomplished prior to 2022. Each project was consistent with the goals and policies of the General Plan.

Bayfront (Waterfront)

In September 2011, the City Council certified the Hercules Bayfront Project EIR. On March 13, 2012, the City Council approved the Hercules Bayfront Project, including a Vesting Development Agreement, Vesting Tentative Map 9290, General Plan Amendment No. 09-02, Zoning Designation Change No. 09-01, and amendments to the Hercules Waterfront District Master Plan (Zoning Text Amendment) No. 09-03.

The Exchange - On May 1, 2017, the Planning Commission approved Bayfront Block N (“The Exchange”), a mixed-use 4-story transit-oriented development for 172 multi-family residential units and 12,000 square feet of retail space with underground parking (10% of which is required to be shared parking in the future) within the Waterfront Priority Development Area (PDA), one block from the future Hercules Hub project and adjacent to the Bay Trail. The Exchange received Certificates of Occupancy for 172 multi-family units in 2020.

In 2021, the City became an Additional Member of the California Community Housing Agency (CalCHA), a joint powers authority focused on middle-income housing, to support and facilitate the purchase and sale of The Exchange to Catalyst Housing Group. Catalyst Housing Group added The Exchange to its partnership with CalCHA to provide additional middle-income rental housing in Hercules.

The Grand - On May 2018, the Planning Commission approved Bayfront Blocks Q & R (“The Grand at Bayfront”), a mixed-use 4-story transit-oriented development of 232 multi-family residential units (including 24 affordable units), 12,000 square feet of amenity space, and structured parking garage (10% of which is required to be shared parking in the future) within the Waterfront Priority Development Area (PDA), one block from the future Hercules Hub project and adjacent to the Bay Trail. The Grand received Certificates of Occupancy in 2021.

The Mint - On May 6, 2019, the Hercules Planning Commission approved Bayfront Blocks M & P (“The Mint”) and O (“The Harbor House”), a 4-6 story transit-oriented development of 387 multi-family residential units (including 23 affordable units), which together make up the third phase of growth in The Village area of the Bayfront project. As of spring 2023, building permit review is underway.

Hill Town

On April 14, 2020, the City Council approved the Hill Town project, including a Final Planned Development Plan #19-01, Vesting Tentative Map #9533, Conditional Use Permit #19-91, and Design Review Permit #19-02, subject to certain conditions, for a mixed-use commercial and residential development consisting of up to 598 attached multi-family residential units and 4,200 square feet of neighborhood commercial uses, to be developed in four construction phases, on a 44.2-acre site adjacent to and west of Interstate 80, adjacent to and east of San Pablo Avenue, and adjacent to and north of John Muir Parkway. After a delay due to Covid-19, the



Hill Town Project Rendering

City approved a Minor Subdivision Map for the project in 2021 to facilitate Project financing and construction.

Sycamore Crossing

Sycamore Crossing is an approved project consisting of approximately 29,511 square feet of retail/commercial uses, including a major drug store/pharmacy (13,111 square feet), with the remaining retail, uses in three additional buildings with parking and landscaping located on the eastern portion of the site east of Ohlone Creek; a four-story, 105-room hotel (approx. 63,163 square feet) with parking and landscaping in the approximate center of the site adjacent to the west side of Ohlone Creek; and up to 120 attached residential dwellings units on the western portion of the site (east of Tsushima Street).



Sycamore Crossing Site Map

On September 10, 2019, the City Council approved an Initial Study (#12-02), General Plan Amendment (#17-02), Zoning Amendment (#17-02), Vesting Tentative Map (#9477), Initial/Final Planned Development Plan (#17-02), Conditional Use Permit (#17-04), Minor Exception (#19-02) and Master Sign Program.

On February 28, 2023, the City Council approved Lot Line Adjustment (#22-02) to facilitate the development of the proposed hotel by adjusting the boundaries of the existing Lot 1, the hotel site, consistent with the approved Sycamore Crossing Initial/Final Planned Development Plan FPDP #14-01

The Sycamore Crossing site is currently constrained by utility lines that cross the property above and below ground; City staff is working with the developer to remove those constraints and to grade the site to facilitate development.

Franklin Canyon

The Franklin Canyon Area refers to areas of rolling hills in the easternmost portion of the City of Hercules and its Sphere of Influence. Historically used for grazing, Franklin Canyon provides watershed, plant and animal habitat, recreation, views proximity to nature, and a rural contrast to the built-up parts of the city. In 2004, the City of Hercules voters passed Measure M, which stopped proposed development (including housing development) and preserved the land for primarily agricultural, recreational, and open space purposes. The Franklin Canyon Area includes:

- 162-acre Franklin Canyon Golf Course within City limits; approved in 2022 for redevelopment as a destination RV resort;
- 484 acres of open space, trails, and grazing (referred to as Franklin Canyon) within City limits immediately south of the golf course; acquired by the John Muir Land Trust in 2010 and open to the public; and
- 327 acres of land outside the City Limits within the City's Sphere of Influence and owned by multiple property owners.

The Franklin Canyon RV Resort Project includes the redevelopment of the existing 161.5-acre 18-hole Franklin Canyon Golf Course with a recreation vehicle resort/campground with 158 spaces for recreation vehicles, 22 walk-in tent bungalow campsites, a new 10,500-square foot-clubhouse, and putting course, with approximately 70 acres to be deeded as open space to John Muir Land Trust. On February 8, 2022, the City Council gave final approval of the Franklin Canyon RV Resort, including the Initial Study & Mitigated Negative Declaration (#20-01), Lot Line Adjustment (#20-01), Vesting Tentative Map (#20-01) with Parcel Subdivision; and Design Review (#20-01).

The project was found to be consistent with Ordinance No. 401, an Ordinance of the People of the City of Hercules – Hercules General Plan Amendment and Land Use Designation for the Franklin Canyon Area, in that;

1. The proposed use is a low-intensity outdoor recreation and pastimes predominantly for active participants that are compatible with preserving the natural qualities of the area;
2. The proposed use is for nature observation, study, or enjoyment;
3. The proposed use accommodations for short-term occupancy and 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. The proposed use facilitates outdoor recreation that does not interfere substantially with the use of land for agriculture or cause lasting environmental harm or adverse visual effects,

Owl Ranch

Owl Ranch (Skelly Residential Project) is an approved residential subdivision consisting of 40 single-family residential lots on an approximately 7.44-acre former ranch property in the Residential Single-Family Low Density (RS-L) land use designation and zoned RS-L. The project use and densities are consistent with the General Plan. The project will be built at 5.4 dwelling units per acre (40 units), well within the 2-7 dwelling units per acre allowed in the Residential Single-Family General Plan designation. The project includes one deed restricted low-income and one deed restricted median-income inclusionary residence. The project will advance the goals, objectives, policies, and programs of the General Plan by expanding residential opportunities within the city.



Owl Ranch Site Plan

On September 27, 2022, the City Council approved an Initial Study & Mitigated Negative Declaration, Final Planned Development Plan (#22-01), Design Review Permit (#22-01), Lot Line Adjustment (#22-01), Vesting Tentative Map (#22-01) with Parcel Subdivision; and Design Review (#20-01).

The project applicant applied for building permits in 2023, and the project will be constructed in accordance with the city's 2022 All-Electric Ordinance.

The Hercules Hub

The Hercules Hub is a regional, state-of-the-art housing and transportation development on the Hercules Waterfront. It will connect thousands of housing units with a new train stop along the Capitol Corridor, bicycle and pedestrian pathways, bus routes, carpool options, and a future ferry service.

Since the Hub will be within walking distance of the Bayfront transit-oriented development, it will generate new transit ridership without putting more cars on the street. It will expand commute options for a nearby Community of Concern, with easy access to carpool, bus, ferry, and rail services. It will provide direct access to retail and other services close to home and reduce overall trip demand, contributing to social, environmental, economic, and health benefits.

The City has been working to secure funding and build the necessary infrastructure for the Hub for over two decades, and three phases have already been completed – Bay Trail East, Path to Transit, and Bay Trail West. These improvements enabled direct access from highways to the Hub site through the extension of John Muir Parkway, created a new Bayfront Boulevard crossing and bridge over Refugio Creek, provided 4,000 feet of the multi-purpose path connecting the Bay Trail to the north and south, and cleared the way for 3,000 new feet of passenger station track to serve the new station.

General Plan Overview

This section provides an overview of the current City of Hercules General Plan and major long-range planning initiatives undertaken by various City departments.

Land Use Element

The Land Use Element's central role is correlating all land use issues into coherent and consistent development visions and implementing policies. Its goals, objectives, policies, and programs relate directly to all other Elements. The Land Use Element designates the proposed general distribution, location, and extent of land uses for housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other public and private land uses.

The 1998 Land Use Element was written when Hercules' population was approximately 18,900, residing in 6,345 housing units. According to the 2020 Census, Hercules's population has increased to 26,016, living in 9,165 housing units.

The Land Use Element was developed at a time when much of Central Hercules was still awaiting development, and the Hercules Redevelopment Agency had the power to assemble land, use Tax Increment Financing, and generally facilitate project development in ways that the dissolution of redevelopment agencies in 2011 has made no longer possible. While the Land Use Element and corresponding Land Use Map have been amended to change land use designations related to specific projects, a comprehensive update of the Element would provide an opportunity to envision the future of the community's land use in a holistic and internally consistent manner, update goals and objectives as needed to reflect today's situation, identify necessary infrastructure upgrades, and consider updated or additional policies and programs.

Reasons to Update Land Use Element

- Population/employment based on 1990 Census.
- Missing subsequent major developments
 - Safeway
 - Hilltown
 - Central Hercules Plan
 - Waterfront initiative
- References to redevelopment agency.
- City reached 2010 housing projection as of 2020 but has 5,000 fewer jobs than 2010 projection.

FEMA Floodplain Review

California Government Code Section 65302(a) requires the Land Use Element to identify areas covered by the General Plan subject to flooding and mandates that the General Plan shall be reviewed annually concerning those areas.

As development occurred during the proceeding years, flood control improvements were constructed to eliminate flood hazards in each neighborhood and subdivision. The 1998 Land Use Element identified Refugio Creek, which traverses the City from southeast to northwest, as a source of flooding hazards. However, in 1998 the portion of the Refugio Creek basin west of San Pablo Avenue had not been developed. Before approval of the Bayfront development, flood control improvements were made to eliminate flood hazards which are reflected in Letters of Map Revision from the Federal Emergency Management Agencies.

A Letter of Map Revision (LOMR) is the Federal Emergency Management Agency's (FEMA) modification to an effective Flood Insurance Rate Map (FIRM), Flood Boundary and Floodway Map (FBFM), or both. LOMRs are

generally based on implementing physical measures that affect a flooding source's hydrologic or hydraulic characteristics.

- In 2005 (FEMA) issued a Letter of Map Revision (LOMR) for the west branch of Refugio Creek from approximately 100 feet downstream of Sycamore Avenue to just downstream of Union Pacific Railroad and Refugio Creek approximately 150 downstream of San Pablo Avenue.
- In 2009, FEMA issued a (LOMR) for Refugio Creek just downstream of Coronado Street to approximately 3,500 feet upstream of Refugio Valley Road.
- In 2011, FEMA issued a (LOMR) for Refugio Creek just downstream of Coronado Street to just downstream of Refugio Valley Road.
- In 2017, FEMA updated Hercules Flood Insurance Rate Maps (FIRM) to incorporate new information and changed conditions.
- In 2019, FEMA issued a (LOMR) for the west branch of Refugio Creek from approximately 750 feet downstream of Sycamore Avenue to just downstream of Sycamore Avenue and Refugio Creek upstream of Tsushima Street bridge to just downstream of San Pablo Avenue. This LOMR was to reissue a portion of a previously approved LOMR that was inadvertently not incorporated into the 2017 FIRM panel update.

Circulation Element

On February 27, 2018, the City of Hercules adopted a comprehensive update to the Circulation Element, which updated the city's previous Circulation Element adopted in 1998. The update was needed given the land use and regulatory changes over the last 20 years within Hercules and the region. The updated Circulation Element includes policies that promote the development of "Complete Streets" in accordance with Assembly Bill 1358, the California Complete Streets Act.

The Circulation Element is consistent with and helps to implement other regional plans, including Plan Bay Area, Regional Transportation Improvement Program, Countywide Comprehensive Transportation Plan, Countywide Congestion Management Program, Countywide Bicycle and Pedestrian Plan, and Measure J Transportation and Growth Management Program.

As discussed in the Growth Management Element section, the Measure J Growth Management Program (GMP) requires local jurisdictions within Contra Costa County to adopt a Growth Management Element and participate in a cooperative, multi-jurisdictional planning process, among other requirements. As part of the multi-jurisdictional planning process, jurisdictions work with Regional Transportation Planning Committees (RTPCs) to develop Action Plans for routes of regional significance. The RTPC that Hercules participates in is the West Contra Costa Transportation Advisory Committee (WCCTAC). The intent is that jurisdictions work together to ensure that the transportation impacts of local land use decisions are planned for and mitigated countywide.

Housing Element

The Housing Element identifies ways in which the housing needs of existing and future residents can be met and responds specifically to conditions and policy directives unique to Hercules. Every eight years, future housing needs are determined for each region of the state, based on growth over a specified period (projection period), through the regional housing needs allocation (RHNA) process. The RHNA process uses projected population growth to determine housing and affordability needs relative to household incomes and estimates how many new units are needed to meet those needs.

Government Code §65400 requires that each city, county, or city and county, including charter cities, prepare an annual progress report (APR) on the status of the housing element, using forms (Excel tables) and definitions adopted by HCD. The APR is submitted to HCD and the Office of Planning and Research (OPR) by April 1. The Housing Element Annual Progress Report provides a detailed analysis of the progress toward each individual Housing Element program. The City Council approved the City’s Housing Element APR for 2022 on March 14, 2023. During 2022 the primary focus of the housing effort was on the update of the city’s 2015-2023 Housing Element; however, the implementation of the Housing Element did continue during the update.

Housing Unit Production

The 2015-2023 Regional Housing Needs Allocation (RHNA) and Housing Element period is referred to as the “fifth cycle” since it is the fifth required update since the housing element law was revised by the state legislature in 1980. The City’s progress toward its Regional Housing Needs Allocation (RHNA) targets is measured by reporting the total number of units that received a building permit. Table 2 shows the progress made toward the city’s RHNA allocation for the planning period of 2015-2022.

Table 2 - Regional Housing Needs Allocation Progress

| Income Level | | RHNA Allocation | 2015-2021 Progress | 2022 Progress | Total Progress | Remaining Allocation |
|-----------------------|---------------------|-----------------|--------------------|---------------|----------------|----------------------|
| Very Low | Deed Restricted | 220 | 0 | 0 | 0 | 220 |
| | Non-Deed Restricted | | 0 | | | |
| Low | Deed Restricted | 118 | 0 | 0 | 16 | 102 |
| | Non-Deed Restricted | | 16 | | | |
| Moderate | Deed Restricted | 100 | 0 | 0 | 217 | 0 |
| | Non-Deed Restricted | | 217 | | | |
| Above Moderate | | 244 | 513 | 3 | 760 | 0 |
| Total | | 682 | 746 | 3 | 993 | 322 |

In addition to tracking building permits issued, the City also monitors the number of housing entitlements approved. Since 2020, the City of Hercules has approved two housing projects that have yet to obtain a building permit and thus were not counted toward the RHNA target in the 2022 annual report.

Accessory Dwelling Units

In February 2021, the City Council adopted an updated Accessory Dwelling Unit (ADU) ordinance to align with prior changes to state law. State legislation was passed in late 2019 that streamlined and clarified the state’s evolving ADU requirements, expanded opportunities for new ADUs, and limited the applicability of local zoning controls and requirements for certain ADUs. The City approved planning and building permits for three accessory dwelling units in 2022. In January 2023, the City Council amended the ADU ordinance in response to comments from HCD and recent state legislation.

Senate Bill 9

Senate Bill (SB) 9 (Atkins) was signed into law by Governor Newsom on September 16, 2021, and became effective January 1, 2022. It allows a single-family zoned parcel (including single-family Planned Unit Developments) to be subdivided into two parcels and two residences to be constructed on each parcel and to be approved ministerially if certain requirements are met. On June 6, 2022, the City Council adopted Ordinance

No. 543, implementing SB 9 to provide guidance and procedures for the city's second units and urban lot splits. The City developed objective design standards for SB 9 Two-Unit Developments and Urban Lot Splits and created applications, handouts, and a website to explain the new law. To date, There is minimal interest in such projects, and staff has fielded fewer than five inquiries.

Open Space & Conservation Element

The Open Space and Conservation Element provides direction for land use decisions regarding recreation, open space, and natural resource-oriented uses, consistent with the goals, objectives, and policies of the Land Use Element. In addition, the element addresses the management of these open space uses and natural resources. The Open Space and Conservation Element was last amended in 2015 with the 5th Cycle Housing Element in accordance with Assembly Bill (AB) 162, which revised California Government Code Section 65302. AB 162 requires Conservation and Safety Elements to consider the extent to which those elements address the flooding and hydrology issues within the jurisdiction.

Hercules is a semi-urban, largely built-out community with several natural resources, including upland open space hills, waterfront, creeks, and wetlands. The city has approximately 800 acres of open space with trails, predominately located along Refugio Creek and the hills on the city's east side. Sensitive habitats exist in the wetlands along the San Francisco Bay shoreline, along Refugio Creek, and in the open space hills.

The 55-acre Refugio Valley Park consists of Refugio Lake, which acts as a water collection and filtering body for the upper watershed of Refugio Creek and adjacent neighborhoods. The 26-acre San Pablo Bay waterfront park is a buffer for sea-level rise, and the East Bay State Regional Park District lands pond acts as a rainwater capture and filter for upland road and property run-off before exiting to the Bay. A 1986 Shoreline Feasibility Study identified future trail alignments for pedestrian, bicycle, and equestrian trails linking the shoreline and Historic Hercules to San Pablo Avenue, many of which have been constructed. Boardwalks are planned over the marsh/wetlands inland and parallel to the shoreline. These conservation areas are important for climate change resiliency and reducing vehicle miles traveled by single occupancy vehicles.

Parks and Recreation Facilities Master Plan

In 2022, the City of Hercules began creating its first-ever Parks and Recreation Facilities Master Plan to identify needs and priorities for its parks and recreation facilities. The plan will help the City strategically allocate resources and leverage grant opportunities to ensure community needs can be met. The Master Plan will assess the existing park system and identify new parks and recreation facilities. The project team is currently identifying needs and opportunities through open houses, workshops, online surveys, and pop-up events. The plan is anticipated to be completed and adopted in 2023 and will help to inform future updates of the Open Space and Conservation Element.

Conservation Projects

Several existing and proposed open space conservation projects in various stages of development should also be reflected in any future update of the Open Space and Conservation Element. These include the John Muir

Reasons to Update Open Space & Conservation Element

- Ideal time to update following approval of the Parks & Recreation Facilities Master Plan.
- Should be updated along with Land Use Element for consistency.
- Based on a 1996 population of 19,400.
- Standards for parks and open space acreage may need reconsideration.

Land Trust's acquisition of 484 acres of open space, trails, and grazing in Franklin Canyon and the City's November 2022 agreement with the John Muir Land Trust for evaluation of the Refugio Creek Conservation Easement prior to the potential transfer of the easement and its mitigation obligation. The City invested time and resources toward the potential restoration of the 12-acre Chelsea wetlands, which received nearly \$2 million in grants for planning and environmental work and has a certified Final Initial Study/Mitigated Negative Declaration. The 2008 Waterfront Now! The initiative amended the General Plan to designate as open space Hercules Point, a roughly 11-acre peninsula of City-owned land that is currently cut off by railroad tracks from the rest of the waterfront. A future update of the Open Space and Conservation Element could include goals, objectives, and policies to further the objective of providing safe public access to the Point via a grade-separated crossing of the railroad.

Safety Element

On May 25, 2021, the City of Hercules adopted a comprehensive update to the Safety Element. An update of the Safety Element was needed given the land use and regulatory changes that took place over the last 20 years and in response to the ongoing technological evolution. The Safety Element is the primary document linking land use and conservation decisions to local safety planning. The goal of the element is to reduce the potential short- and long-term unreasonable risk of death, injuries, property damage, and economic impacts resulting from the effects of natural and non-natural hazards. In addition to legally mandated content, other issues included in the Safety Element are at the discretion of the local government. This element includes general hazard, risk reduction, and avoidance strategies; climate change vulnerability and measures to address those vulnerabilities; emergency response priorities; and comprehensive hazard mitigation to minimize disruption and expedite recovery following disasters.

The element responds to state legislation that requires cities to update their safety elements:

Senate Bill 379 – Climate Change

The impacts of climate change pose an increasing and growing challenge to the safety and well-being of the residents of Hercules. California will continue to experience the effects of climate change in different ways, including increased likelihood of drought, flooding, wildfires, heat waves, severe weather, and sea-level rise. In addition to climate change planning becoming necessary on its own merits, SB 379 requires cities to update their safety element to address adaptation and resiliency strategies applicable to that city.

Senate Bill 535 – Disadvantaged Communities

Disadvantaged communities in California are specifically targeted for the investment of proceeds from the State's greenhouse gas cap-and-trade program. These investments aim to improve public health, quality of life, and economic opportunity in California's most burdened communities while reducing pollution that causes climate change. Hercules does not have disadvantaged communities defined within the city limits and would not qualify for targeted investments.

Senate Bill 1000 – Environmental Justice

As part of updating the Safety Element, the planning team reviewed the requirements for adding a stand-alone Environmental Justice (EJ) Element to the General Plan or integrating EJ goals and policies into the Safety Element Update. Local jurisdictions must incorporate EJ in their general plan if they have a disadvantaged community and are concurrently adopting or revising two or more elements of their general plan. CalEPA's Office of Environmental Health Hazard Assessment developed CalEnviroScreen to provide statewide data that

can be used to identify communities disproportionately impacted by environmental pollution and identify disadvantaged communities. CalEnviroScreen identifies 20 indicators measuring exposure, Environmental Effects, Sensitive Populations, and Socioeconomic Factors. After reviewing the cumulative score for the city, the steering committee concluded that an Environmental Justice Element would not be relevant to the community's needs at this time.

The Safety Element links by attachment to the City of Hercules Local Hazard Mitigation Plan.

Local Hazard Mitigation Plan

Coordination with members of the public, stakeholders, the steering committee, and agencies was essential to developing the City's first Local Hazard Mitigation Plan and Safety Element update in 2021. Opportunities for the public to comment on the plan during the drafting and for neighboring communities, local and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia, and other private and non-profit interests to be involved in the planning process, was accomplished through the following actions. The public identified the following areas of concern and generally incorporated into the plan.

- Earthquake — The risk associated with earthquakes was identified as the top concern for the residents of Hercules, with 68% of respondents to the community online survey stating they were extremely or very concerned about the risk. Earthquakes also ranked high in the city's risk assessment on page 24 of this plan.
- Wildfire Hazard — The wildfire risk ranking was modified to reflect the community's concerns regarding wildfire hazards and the increased risks to the city due to climate change. The planning team incorporated comments received during the workshops and from the community survey, showing that 52% of respondents were extremely or very concerned about the city's wildfire risk.
- Drought and Severe Weather Hazard — While drought was one of the top public concerns expressed in the survey, the probability and impact on the city remain low. However, this plan addresses the risk of severe weather in the form of heavy rain, atmospheric rivers, thunderstorms, hail, extreme heat, and damaging winds. Severe weather and drought are certainly connected, as an increase in extreme heat and fewer periods of heavy rain would likely lead to drought conditions in the future. The planning team will continue examining drought risk as new data and tools become available.
- Community Education — Comments received during the workshops and nearly 80% of respondents to the community survey expressed the need for additional education and programs that promote citizen actions to reduce exposure to the risks associated with natural hazards. Many of the objectives and actions beginning on page 80 of this plan focus on educating the public on the risk from natural hazards and increasing awareness, preparation, mitigation, response, and recovery activities.

While the 2021 Local Hazard Mitigation Plan is in effect through 2026, to efficiently leverage City resources, the City of Hercules plans to participate in the 2023 Countywide LHMP update, which will be at no cost to the City, rather than continue to prepare its own LHMP updates on a different cycle.

All-Electric Ordinance

The primary component of natural gas is methane. Methane is a short-lived pollutant whose contribution to climate change ("global warming potential") is, pound for pound, 25 times greater than carbon dioxide over a 100-year period. In addition to being a source of greenhouse gas emissions, natural gas has other attributes negatively affecting public health and safety. Indoor natural gas use, particularly for cooking, worsens indoor

air quality, which disproportionately harms children, who are 42% more likely to develop asthma as a result of exposure. Ruptures in natural gas lines caused by earthquakes pose a secondary hazard to fires (half of the fires in San Francisco after the 1989 Loma Prieta earthquake were due to ruptured gas lines). Reducing a community's reliance on the natural gas system improves its physical resilience, reduces fire risk, simplifies building systems and maintenance, and reduces greenhouse gas emissions. On May 24, 2022, the City of Hercules City Council adopted Ordinance No. 539, amending the building code to require certain newly constructed buildings to be all-electric buildings.

Noise Element

California Government Code Section 65302(f) requires that general plans contain a Noise Element to identify and quantify potential noise problems and provide effective noise control and mitigation policies. The city's Noise Element, adopted in 1998, remains compliant with OPR's Guidelines for the Preparation and Content of the Noise Element of the General Plan. However, a comprehensive update to the General Plan, including the Noise Element, would likely identify changed noise conditions in the community due to increased development and traffic in Hercules.

To the extent practicable, the element analyzes and quantifies current and projected noise levels in the community. Information provided by noise exposure contours for both near and long-term levels of growth and traffic activity becomes a guideline for use in the development of the land use element to achieve noise-compatible land use. The noise exposure contours also provide baseline noise levels and noise source identification for local noise ordinance enforcement. The noise element includes policies that address existing and foreseeable noise problems. The adopted noise element is a guideline for compliance with the state's noise insulation standards.

Reasons to Update Noise Element

- Outdated noise contour maps.
- New technologies and mitigation measures.
- Increased development and changed noise sources.

Hazardous Waste Management

In the 1900s, the City of Hercules began as a company town known for producing dynamite and gunpowder. In 1964, the production of fertilizer replaced the production of dynamite and black powder. Hazardous materials, utility production, and distribution have historically existed in the community side-by-side with residential and commercial uses. Pacific Gas and Electric (PG&E) maintains an electric substation along Willow (formerly Bayberry) Avenue, east of the I-80 off-ramp. Underground oil and gas pipelines traverse the city, and a gas pipeline pumping station in a PG&E easement on City-owned land. In addition, a waterfront railway distributes goods and hazardous materials through the city to Chevron and waterfront shipyards in Richmond.

In September 1986, Assembly Bill 2948 was passed, authorizing counties and cities in California to prepare Hazardous Waste Management Plans (HWMPs). Subsequently, Hercules prepared a plan to conform with federal, state, and county hazardous waste laws, policies, and regulations. The City intended to develop an integrated approach to hazardous waste management at the local level and enhance cooperation between the City and other affected jurisdictions. The Hazardous Waste Management Plan is not a required Element of the General Plan and therefore has not been updated regularly.

The Hazardous Waste Management Plan recognizes that the safe and effective management of hazardous waste will protect public health and the environment in the City of Hercules. The Element focuses on land uses and facility siting criteria, inventory of existing waste facilities, hazardous material transportation, and effective management.

Since 1990, industrial production and storage of hazardous materials have ceased, and large areas of legacy contamination have been cleaned up. A comprehensive update to the Hazardous Waste Management Plan, or review of the continued need for such a plan, would be beneficial in prioritizing the use of City resources.

Economic Development

The Economic Development Element of the General Plan provided the policy basis and conceptual framework for pursuing economic development in Hercules. In August 1989, the City Council initiated a process for establishing an economic development program for the city following a period of rapid growth and anticipated continued growth in residential, retail, commercial, and industrial development. The first step of developing an economic plan was to appoint a twenty-one-member Economic Development Strategy Planning Task Force. The Task Force developed a series of development goals, strategies, and objectives, which the City Council adopted as the Economic Development Strategy Plan (Element).

Since the Economic Development Element was prepared and adopted in the near quarter-century, significant developments have significantly altered the City's economic situation. These include external economic cycles such as the 2001 "Dot-Bomb" recession, the 2007-2009 Great Recession, and the 2020 Covid-19 Recession, as well as the state's 2011 elimination of redevelopment agencies and the City's own financial and governance crisis in approximately 2007-2011. The industry-wide contraction in retail space demand due to the rapid growth in online shopping, combined with retail developers' reliance on suburban formats with ample onsite parking, have made it challenging to lease the ground-floor retail spaces in new urban mixed-use developments across the United States, and Hercules is no exception.

Beginning in 2022, Covid-19 relief funding helped the City develop and implement new economic development programs, including a popular "Shop Local" bonus gift card redeemable at local merchants. The City is participating in regional economic development forums along Contra Costa County's Northern Waterfront, prepared a community profile and retail "leakage" analysis in 2022, and is considering new City programs to help attract new restaurants by assisting with move-in costs for vacant retail spaces. An updated Economic Development Element would present a possibility to take a fresh look at the potential for employment and retail growth in Hercules, the types of spaces needed to attract new businesses to Hercules, and the policies, goals, and objectives for economic development.

Reasons to Update Economic Development

- References to redevelopment agency should be removed.
- Not a required element but related to many required elements and must be consistent.
- New mixed-use and commercial developments should be analyzed and included in the element.
- Changed economic climate with growth of online shopping and remote work.

Growth Management

The Measure J Growth Management Program, adopted by voters of Contra Costa County in November 2004, requires each local jurisdiction to meet the following six requirements:

- Adopt a development mitigation program;
- Address housing options;
- Participate in an ongoing cooperative, multi-jurisdictional planning process;
- Adopt an Urban Limit Line (ULL);
- Develop a five-year capital improvement program; and
- Adopt a Transportation Systems Management (TSM) Ordinance or Resolution.

The 2013 Growth Management Element was updated to comply with the Measure J Growth Management Program (GMP) requirements. By adopting and implementing this Element, the city intends to establish a comprehensive, long-range program that will match the demands for multi-modal transportation facilities and services generated by new development with plans, capital improvement programs, and development mitigation programs. The Urban Limit Line is intended to promote compact urban development patterns that encourage efficient use of existing and future infrastructure and restrict infrastructure extension into areas where urban development is not planned.

The Measure J GMP, adopted by voters of Contra Costa County in November 2004, is a 25-year extension of the previous Measure C Contra Costa Transportation Improvement and Growth Management Program approved by voters in 1988. Both programs include a ½ percent transportation and retail transactions and use tax intended to address existing major regional transportation problems; Measure J extended the countywide sales tax through the year 2034. Measure J requires that tax revenues be dedicated to transportation projects in Contra Costa County and to implementing a Growth Management Program by all the cities and the County. The Growth Management component is intended to ensure that future residential, business and commercial growth pays for the facilities required to meet the demands resulting from that growth.

General Plan Compliance with OPR's General Plan Guidelines and State Legislation

The Governor's Office of Planning and Research (OPR) adopts and periodically revises General Plan Guidelines for preparing and content general plans, including detailed information on statutory requirements for the mandated general plan elements. This report found that the City's General Plan elements mostly comply with OPR's 2017 General Plan Guidelines. Some elements and topics could be updated to further the community's vision, improve usability, and remain relevant.

| Element | Recommendation | Update Timeline |
|--|--|----------------------------------|
| Land Use* (1998) | <ul style="list-style-type: none"> • Comprehensive update to remain relevant given changed conditions • Reflect on recent plans/projects • Consider development feasibility absent redevelopment power | Not programmed |
| Circulation* (2018) | <ul style="list-style-type: none"> • Element is compliant | Not programmed |
| Housing* (2015) | <ul style="list-style-type: none"> • Element will be compliant when adopted | Currently being updated for 2023 |
| Open Space* & Conservation* (1998) | <ul style="list-style-type: none"> • Comprehensive update to remain relevant given changed conditions • Reflect Parks & Recreation Facilities Master Plan recommendations • Climate change policies | Not programmed |
| Safety* (2021) | <ul style="list-style-type: none"> • Element is compliant • Climate Change | Not programmed |
| Noise* (1998) | <ul style="list-style-type: none"> • Comprehensive update to remain relevant given changed conditions | Not programmed |
| Hazardous Waste Management Plan (1990) | <ul style="list-style-type: none"> • Comprehensive update to remain relevant given changed conditions | Not programmed |
| Economic Development (1991) | <ul style="list-style-type: none"> • Comprehensive update to remain relevant given changed conditions | Not programmed |
| Growth Management (2013) | <ul style="list-style-type: none"> • Periodic updates in accordance with Measure J | Not programmed |

*Required Element

Comprehensive General Plan Update

The Community Development Department continues to evaluate the process and budget to undertake a comprehensive update to the current General Plan. Considerable funding has accumulated from the General Plan Update fee collected on permits, but staffing limitations and competing priorities have limited the Department's ability to take on this work. The City Council's 2023 decision to reauthorize a Senior Planner position that had previously been eliminated will provide the opportunity to adequately manage such a major new initiative.

Several of the oldest elements – land use, open space and conservation, and economic development – are highly interrelated and would benefit from a comprehensive look at current development, economic and environmental trends, and initiatives. During outreach and engagement for the Safety Element, there was considerable public advocacy to enhance climate change policies in the General Plan.

A comprehensive update could identify priorities for optimizing City codes and policies to attract the desired types of development on sites that have long remained vacant or underutilized. The update would provide the opportunity to make the entire General Plan current, consistent, and compliant with state laws and guidelines. It would also provide Hercules and the City with a valuable and relevant guiding document for their community's future over the coming decades.