

# General Plan Annual Progress Report 2023

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City of Hercules



March 2024

# Table of Contents

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|   |    |
|---|----|
| Introduction .....  | 3  |
| General Plan Elements.....  | 3  |
| Amendments to the General Plan.....   | 4  |
| 2023 Key Accomplishments.....   | 4  |
| General Plan Elements.....  | 5  |
| Land Use Element.....   | 5  |
| FEMA Floodplain Review .....  | 5  |
| Circulation Element.....  | 5  |
| Housing Element.....  | 6  |
| Housing Unit Production.....  | 6  |
| Accessory Dwelling Units.....   | 7  |
| Senate Bill 9 .....   | 7  |
| Open Space & Conservation Element .....   | 7  |
| Conservation Projects.....  | 8  |
| Safety Element .....  | 8  |
| Local Hazard Mitigation Plan .....  | 8  |
| Noise Element .....   | 8  |
| Hazardous Waste Management.....   | 8  |
| Economic Development .....  | 9  |
| Growth Management .....   | 9  |
| General Plan Compliance with OPR’s General Plan Guidelines and State Legislation..... | 10 |
| Comprehensive General Plan Update .....   | 11 |

# Introduction

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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.” However, 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 1<sup>st</sup> of each year. The General Plan APR allows OPR to identify statewide trends and how local planning and development activities relate 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 second report produced by the City of Hercules. General Plan APRs are available on the [City of Hercules Planning website](#).

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 2022 are on the [City of Hercules Planning website](#).

## General Plan Overview

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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"> <li>• Waterfront District Master Plan</li> <li>• New Pacific Properties Specific Plan</li> <li>• Regulating Code for the Central Hercules Plan</li> </ul> |
| Circulation*                    | 2018    |               |  |
| Housing*                        | 2015    |               | <ul style="list-style-type: none"> <li>• Housing Element 2023-31</li> </ul>  |
| Open Space* & Conservation*     | 1998    | 2015 (AB 162) | <ul style="list-style-type: none"> <li>• Refugio Creek Watershed Vision Plan</li> </ul>  |
| Safety*                         | 2021    |               | <ul style="list-style-type: none"> <li>• Local Hazard Mitigation Plan (update underway with Contra Costa County)</li> </ul>  |
| Noise*                          | 1998    |               |  |
| Hazardous Waste Management Plan | 1990    | 2008          |  |
| Economic Development            | 1991    |               |  |
| Growth Management               | 2013    |               | <ul style="list-style-type: none"> <li>• Contra Costa County Measure J</li> </ul>  |

\*Required Element

## Amendments to the General Plan

The Hercules General Plan has been amended over time, including amendments made as development projects were approved. The Hercules General Plan was not amended in 2023.

## 2023 Key Accomplishments

The City has demonstrated notable advancements in the implementation of objectives outlined in both the 2015-2023 Housing Element and the forthcoming 2023-2031 Housing Element. A significant aspect of this progress lies in the enhancements made to the city's online platform. Notably, the city website has been updated to include project-specific checklists and dedicated webpages focusing on Accessory Dwelling Units (ADUs), as well as Senate Bills 9, 35, and 330, providing residents with accessible resources and information pertaining to these housing initiatives.

The City has taken proactive steps to align its Development Code with evolving state legislation. In 2023, the Council approved several zoning code amendments ensuring compliance with state law. These include updates required by Assembly Bill 2162, which pertains to Supportive/Transitional Housing; Assembly Bill 2339, addressing standards for Emergency Shelters; and Assembly Bill 101, which focuses on establishing Low Barrier Navigation Centers. These proactive updates not only reflect the City's commitment to meeting the diverse housing needs of its residents but also signify a proactive approach in aligning local regulations with statewide housing objectives. Through these concerted efforts, the City of Hercules continues to pave the way for inclusive and sustainable housing solutions in the community.

# General Plan Elements

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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 Land Use Element was developed in 1998, 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 are no longer possible. When the Land Use Element was written, 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.

While the Land Use Element and corresponding Land Use Map have been amended to reflect adopted Housing Elements and 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.

The Land Use Element was not amended in 2023, but staff did prepare a citywide buildout projection for use in the City's ongoing Development Impact Fee update. This buildout projection will be useful as a baseline if the Land Use Element is amended in the future as part of a comprehensive update.

## 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.

No Land Use Element amendments related to flooding were made in 2023.

## 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.

No amendments to the Circulation Element were made in 2023.

## 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.

State law requires the City to prepare an annual progress report (APR) on the status of the housing element, using forms 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.

During 2023, the primary focus of the housing effort was on the update of the city’s 2015-2023 Housing Element, which as of the preparation of this report is still being revised in response to comments from HCD. However, work in 2023 included implementation of the current Housing Element as well as some programs of the draft Housing Element update, such as zoning amendments, applications, and public information.

## Housing Unit Production

The 2023-2031 Regional Housing Needs Allocation (RHNA) and Housing Element period is referred to as the “sixth cycle” since it is the sixth 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 2023-2031. Full details are in the separate Housing Element APR.

Table 2 - Regional Housing Needs Allocation Progress

| Income Level          |                     | RHNA Allocation | 2023 Progress | Total Progress | Remaining Allocation |
|-----------------------|---------------------|-----------------|---------------|----------------|----------------------|
| <b>Very Low</b>       | Deed Restricted     | 334             | 0             | 0              | 334                  |
|                       | Non-Deed Restricted |                 | 0             |                |                      |
| <b>Low</b>            | Deed Restricted     | 198             | 0             | 0              | 198                  |
|                       | Non-Deed Restricted |                 | 0             |                |                      |
| <b>Moderate</b>       | Deed Restricted     | 126             | 0             | 0              | 126                  |
|                       | Non-Deed Restricted |                 | 0             |                |                      |
| <b>Above Moderate</b> |                     | 347             | 3             | 3              | 344                  |
| <b>Total</b>          |                     | 995             | 3             | 3              | 992                  |

In addition to tracking building permits issued, the City also monitors the number of housing entitlements approved.

### Accessory Dwelling Units

The city approved planning and building permits for two accessory dwelling units (ADUs) in 2023. 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. In January 2023, the City Council amended its SB 9 ordinance to be consistent with state law. 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 has been 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 5<sup>th</sup> Cycle Housing Element in accordance with Assembly Bill (AB) 162, which requires Conservation and Safety Elements to consider the extent to which those elements address the flooding and hydrology issues within the jurisdiction.

Throughout 2023, the City of Hercules engaged community members and organizations in preparing its first-ever Parks and Recreation Facilities Master Plan to identify needs and priorities for its parks and recreation facilities. The final plan was adopted in early 2024 and will help to inform future updates of the Open Space and Conservation Element.

The Hercules Parks and Recreation Facilities Master Plan represents a major accomplishment for the City of Hercules. As the City's first long-range parks plan, the Master Plan provides a thorough assessment of parks, trails, and recreation facilities to identify community needs and priorities for Hercules' park system. This will help the City strategically allocate resources to maintain, improve, enhance, and selectively expand the park system over the next 10 plus years, and focus on the highest priority projects that are summarized in a 5-year action plan.

The Master Plan engagement process collected and evaluated community, stakeholder, and advisory level input in all phases of the planning process to deliver a product that reflects the desires, needs, and capacities of the City of Hercules. The action plan will focus the City's investment on improving six existing parks and addressing gaps in the trail system to provide visible results to the community. Investments in active recreation and other improvements that serve the wider community, such as restrooms and park safety, are key elements. Adoption of the Master Plan positions the City of Hercules to pursue a variety of local, state, and national grant and other funding opportunities in coming years, which will be critical for future implementation.

## 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 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

In 2021, the City of Hercules adopted a comprehensive update to the Safety Element. 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. 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 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 as part of the Safety Element update in 2021. The plan addresses the key areas of concern, including earthquakes, wildfire hazard, drought and severe weather hazard, and community education.

Although the 2021 Local Hazard Mitigation Plan is in effect through 2026, in order to efficiently leverage City resources, the City of Hercules is participating in the 2023 Countywide LHMP update, which will align the City with future update cycles.

## 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, was not amended in 2023 and 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.

## Hazardous Waste Management

In the 1900s, the City of Hercules began as a company town known for producing dynamite and gunpowder. Hazardous materials, utility production, and distribution facilities have historically existed in the community



side-by-side with residential and commercial uses. In September 1986, Assembly Bill 2948 authorized counties and cities in California to prepare Hazardous Waste Management Plans (HWMPs). Hercules subsequently prepared a plan to conform with federal, state, and county hazardous waste laws, policies, and regulations.

The Hazardous Waste Management Plan is not a required Element of the General Plan and therefore has not been updated regularly. 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. The element implemented a series of development goals, strategies, and objectives, which were developed by a Council-appointed Economic Development Strategy Planning Task Force.

Since the Economic Development Element was adopted in 1991, many significant developments have significantly altered the City's economic situation. 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.

## Growth Management

The 2013 Growth Management Element was updated to comply with the requirements of the Measure J Growth Management Program (GMP) adopted by voters of Contra Costa County in 2004. The GMP 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 Measure J GMP is a 25-year extension through 2034 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 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"> <li>• Comprehensive update to remain relevant given changed conditions</li> <li>• Reflect on recent plans/projects</li> <li>• Consider development feasibility absent redevelopment power</li> </ul>  | Not programmed                            |
| Circulation* (2018)                    | <ul style="list-style-type: none"> <li>• Element is compliant</li> </ul>   | Not programmed                            |
| Housing* (2015)                        | <ul style="list-style-type: none"> <li>• Element will be compliant when adopted</li> </ul>   | Currently being updated for 2023-31 cycle |
| Open Space* & Conservation* (1998)     | <ul style="list-style-type: none"> <li>• Comprehensive update to remain relevant given changed conditions</li> <li>• Reflect Parks &amp; Recreation Facilities Master Plan recommendations</li> <li>• Climate change policies</li> </ul> | Not programmed                            |
| Safety* (2021)                         | <ul style="list-style-type: none"> <li>• Element is compliant</li> <li>• Climate Change</li> </ul>   | LHMP update underway                      |
| Noise* (1998)                          | <ul style="list-style-type: none"> <li>• Comprehensive update to remain relevant given changed conditions</li> </ul>   | Not programmed                            |
| Hazardous Waste Management Plan (1990) | <ul style="list-style-type: none"> <li>• Comprehensive update to remain relevant given changed conditions</li> </ul>   | Not programmed                            |
| Economic Development (1991)            | <ul style="list-style-type: none"> <li>• Comprehensive update to remain relevant given changed conditions</li> </ul>   | Not programmed                            |
| Growth Management (2013)               | <ul style="list-style-type: none"> <li>• Periodic updates in accordance with Measure J</li> </ul>  | Not programmed                            |

\*Required Element

# Comprehensive General Plan Update

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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.

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 as well as the Parks and Recreation Facilities Master Plan, 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.