

## X. GROWTH MANAGEMENT ELEMENT

### I. INTRODUCTION

#### A. Purpose and Intent

The City of Hercules strives to sustain a desirable life-style by, in part, providing well designed and maintained local streets and public facilities and the services that they support. City economic development planning has shown that maintaining this life-style will require both developing the non-residential sector of the community and continuing to provide high quality public facilities and services. In fact, additional non-residential revenue will provide the revenue to maintain these facilities. This Element integrates performance standards for these facilities into the development review process so that new development helps to maintain and improve the quality of life in Hercules.

This element is also intended to comply with the requirements of the Measure J Growth Management Program (GMP). 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 promote efficient use of existing and future infrastructure and restrict the extension of infrastructure into areas where urban development is not planned.

#### B. Background

**Measure J:** 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. The Growth Management component is intended to assure that future residential, business, and commercial growth pays for the facilities required to meet the demands resulting from that growth. Measure J requires that tax revenues be dedicated to transportation projects in Contra Costa County and to the implementation of a Growth Management Program by all the cities and the County. Specifically, Measure J provides funding for three categories of transportation projects:

1. Transportation projects identified in Measure J;
2. Paratransit programs; and
3. Transportation projects funded by Local Street Maintenance and Improvement or “Return-to-Source” funds.

Return-to-Source funds are revenues derived from the additional sales tax that are distributed to participating general purpose governments in Contra Costa County. The system of distribution is based on a formula which includes the jurisdiction’s population and the miles of streets and highways within the jurisdiction. To qualify for its share of the

Measure J Return-to-Source funds, as well as Transportation for Livable Community Funds from the Transportation Authority, the City of Hercules is required to:

1. Adopt a Growth Management Element as part of the General Plan;
2. Adopt a development mitigation program (adopted by Resolution 09-136 on September 8, 2009, and Resolution 11-132 on November 8, 2011);
3. Provide diverse housing options for people who live and work in Hercules (refer to Chapter 5 of the City of Hercules Housing Element Update 2009–2014, adopted by Resolution 13-075 on July 9, 2013);
4. Participate in cooperative multi-jurisdictional planning (Hercules continues to be an active participant on the West Contra Costa Transportation Advisory Committee);
5. Maintain the adopted Urban Limit Line (ULL) (adopted by Resolution 09-007 on January 13, 2009);
6. Implement a five-year Capital Improvement Program (the 5-year CIP is updated annually); and
7. Adopt a Transportation Systems Management Ordinance or Resolution (adopted by Ordinance 334 on December 9, 1997).

This element satisfies the requirement for the City of Hercules and is consistent with the standards established by Measure J and the Contra Costa County General Plan.

**Economic Development:** This Element expands upon the fundamental goals in this General Plan for new development. The Introduction of the General Plan calls for the City to develop as a balanced community, with a mixture of residential, commercial, office, industrial, and public uses. The City’s Economic Development Strategy Plan (adopted in June 1990) points out that the quality of life in Hercules is dependent on the adequate provision of economic opportunities and City services.

At present, achieving this vision of a balanced community means promoting the development of non-residential areas. The City now provides a variety of housing opportunities and residentially-oriented series, but employment and shopping opportunities are severely limited. Therefore, the intent of this Element is not to limit new development, but to manage new development in order to maintain, and enhance, the quality of life in Hercules.

### C. Authority

California law authorizes cities and counties to adopt general plan elements in addition to the seven required elements. Section 65303 of the California Government Code states,

“The General Plan may include any other elements or address any other subjects which, in the judgment of the legislative body, relate to the physical development of the county or city.”

As discussed above, this Element is included in the General Plan to establish city goals and policies to accommodate new development consistent with traffic service standards and the performance standards for public facilities.

This Element also is consistent with the requirements of Contra Costa's Transportation Sales Tax Expenditure Plan (Measure J), approved by Contra Costa County voters in 2004, and as amended by the Contra Costa Transportation Authority.

#### **D. Relation to Other Plan Elements**

As one of the adopted Elements of the City's General Plan, this Element will help achieve the fundamental City goals of providing a desirable quality of life. In addition, the policies in this Element help to define the goals in other Elements by providing quantified standards for public facilities. New development will be evaluated for conformance with these standards, as well as the goals and policies in the other Elements.

#### **E. Organization**

The structure of this Element is based on the model element published by the Contra Costa Transportation Authority. Section II provides the goals, objectives, and policies for the traffic standards. Section III presents the goals, objectives, and policies for the six other types of public facilities.

### **II. TRAFFIC SERVICE STANDARDS AND PROGRAMS**

#### **A. Introduction**

Unlike the preceding Measure C that it replaced, Measure J does not require a qualifying Growth Management Element to include traffic level-of-services (LOS) standards for local streets (those streets not designated as "regional routes"). However, local jurisdictions can elect to maintain performance standards and LOS standards for non-regional routes and policies and programs to achieve and maintain those standards. This section presents those standards for the City of Hercules, as implemented under Measure C and continued by the City under Measure J. These standards will allow the City to evaluate the traffic impacts of new development (through project traffic studies) and to verify adequate traffic operations (through annual review of key City intersections).

Traffic service standards apply to signalized intersections because current traffic engineering analysis methods do not provide an estimate of overall LOS for unsignalized intersections.

#### **B. Definitions**

Measure C established two separate programs for managing traffic operations: one for "Routes of Regional Significance" and the other for "Basic Routes." Routes of Regional Significance are designated by the Contra Costa Transportation Authority (CCTA) in consultation with affected cities, the County, and the regional transportation planning committees. In general, these routes connect two or more regions of the county, or connect the county to other counties. As with Measure C, Measure J assigns planning responsibility

for Routes of Regional Significance to regional transportation planning committees, including the West Contra Costa Transportation Advisory Committee (WCCTAC) in West County. WCCTAC includes the five West County cities (Hercules, Pinole, San Pablo, El Cerrito, and Richmond), plus Contra Costa County, and is responsible for developing an Action Plan (including traffic service standards and impact mitigation measures) for these routes. Each West County city and the county must participate in WCCTAC and implement the Action Plan in order to remain in compliance with Measure J. CCTA has designated three Routes of Regional Significance in Hercules: I-80, SR 4, and San Pablo Avenue.

Streets not designated as Routes of Regional Significance are considered “Basic Routes,” for which each individual agency has responsibility for traffic operations on these streets in its jurisdiction.

In recognition that different streets serve different functions, LOS standards for Basic Routes vary for different land use types. Two of these types are found in Hercules, and are defined as follows:

- Suburban – Areas designated in the General Plan for low- and medium-density single-family homes, low-density multi-family residences, low-density neighborhood and community-oriented commercial/industrial uses, and other accompanying uses. This land use type encompasses most of the residential areas in Hercules (except where residential development adjoins commercial or industrial development).
- Urban – Areas designated in the General Plan primarily for multi-family housing, with smaller areas designated for high-density single family homes; low to moderate density commercial/industrial uses, and many other accompanying uses. This land use type encompasses the commercial and industrial areas of Hercules.

In addition, segments of Willow Avenue and Sycamore Avenue function more like streets in a “Major Commercial Center,” because these street segments serve as the only connection between the east and west sides of the City, and the I-80 on- and off-ramps.

### **C. Goals**

The following goals are adopted for traffic operations in the City of Hercules:

1. The City shall maintain traffic operations on streets that are designated as “Basic Routes” at the standard described below. These goals replace the Level-of-Service policy in the Circulation Element (page 11, policy 2a).
2. The City shall participate in the West Contra Costa Transportation Advisory Committee regarding traffic operations on Routes of Regional Significance and objectives for multi-modal transit service, and shall help meet the goals and multi-modal service standards for these routes by implementing the Action Plans for those routes, as adopted by the City and Contra Costa Transportation Authority.

3. New development shall be required to pay its fair share of the cost of improving existing City streets so that compliance with the designated LOS is maintained.
4. New development shall be required to pay its fair share of the cost of improving regional routes so that compliance with the service standard specified in the Action Plan (when adopted) is maintained.

Additional goals regarding the City circulation system are contained in the Circulation and Scenic Highway Element.

**D. Traffic Service Standards for Basic Routes (Local Streets)**

1. Traffic operations on City Basic Routes shall meet the following standards.

LOS High-D to Low-E (maximum v/c ratio is 0.94)

- Sycamore Avenue (from Willow Avenue to San Pablo Avenue)
- Willow Avenue (from I-80 ramps to Sycamore)

LOS High-D – (maximum v/c ratio is 0.89)

- Sycamore Avenue (SR-4 – Willow)
- Refugio Valley Road (Sycamore – Redwood/Falcon)
- Alfred Nobel Drive
- Linus Pauling Drive
- James Watson Drive
- John Muir Parkway

LOS “Low” D – (maximum v/c ratio is 0.84)

- All other Basic Routes (except Routes of Regional Significance)

Compliance with these standards shall be determined through preparation of a traffic study for each proposed project that would generate 100 or more peak hour trips (morning or evening). This study would estimate the existing LOS and project the future LOS (seven years after scheduled project occupancy) at all signalized intersections that would be affected by the proposed project. (Arterial streets are shown on the Circulation Plan in the Circulation Element.) The calculation of the future LOS will take into account all existing, approved, and proposed projects (for which entitlement applications are complete when the traffic study is begun) and all existing and programmed street and highway improvements.

At the intersection of Willow Avenue and Sycamore Avenue, a LOS range is established to require careful consideration of the benefits of a project that would cause the LOS to each Low-E. Projects that would not cause an exceedence of LOS High-D would be reviewed through the normal process. Projects that could result in Low-E would require approval by the City Council. The City Council could approve such projects if it finds that the project provides substantial benefit to the City or the community through either the creation of substantial jobs, creation of a substantial long-term revenue potential to support City services, or the provision of a substantial amount of affordable housing.

Projects for which this finding could not be made would not be approved through this process.

2. Objectives and Standards for Regional Routes in Hercules will be included in the Action Plan for those routes, and will be incorporated into this Element upon completion and adoption.
3. At intersections on Basic Routes where physical or environmental conditions make further improvements to the intersection infeasible or inappropriate, the City may make a "Finding of Special Circumstances." Approval of a finding for a particular intersection will include alternative mitigation; projects that will generate traffic that will impact such an intersection shall be required to implement or participate in the alternative mitigation.

#### **E. Implementing Policies and Programs**

1. The LOS standards in this Element will be used to evaluate the traffic impacts of new developments, and no application shall be approved which may cause a violation of these standards unless either:
  - a. Improvements that will mitigate the projected LOS impact are programmed in the City's Capital Improvement Program; or,
  - b. A Finding of Special Circumstances has been made for the intersection; or,
  - c. Improvements will be made by a project sponsor as part of a project.
2. The City shall develop and implement a mitigation program to insure that new development pays its fair share of the cost of maintaining adequate operations on the Basic Routes and the Routes of Regional Significance. The revenue provided from Measure J will not be used to replace developer funding that has or would have been committed to any transportation project.
3. As mentioned above, a traffic study shall be performed for any proposed project that may generate 100 or more vehicle trips during the morning or afternoon peak hour. This traffic study shall be prepared in compliance with the technical guidelines issued by the Contra Cost Transportation Authority, and shall be funded by the project sponsor under the direction of City staff.
4. Mitigation measures and conditions of project approval may include payment of fees to fund improvements on Basic Routes or Routes of Regional Significance. Fees for improvements to Basic Routes shall be deposited in a separate City Traffic Mitigation Fund. Fees for improvements to a regional route shall be handled in accordance with the Action Plan for the affect regional route.
5. Improvements to Basic Routes shall be programmed through the City's Capital Improvement Program.

6. Improvements to a Route of Regional Significance which are sponsored by the City of Hercules shall also be programmed through the City’s Capital Improvement Program.
7. Improvements to a Route of Regional Significance that are not sponsored by the City of Hercules shall be programmed by the sponsoring agency, and may be acknowledged in the City’s Capital Improvement Program.
8. The City shall require new development to incorporate transit, bicycle, and pedestrian access where feasible and appropriate, consistent with the Land Use Element, the Circulation Element, and the Countywide Bicycle and Pedestrian Master Plan.
9. The City shall continue to participate actively (at both the staff and the policy level) in the West Contra Costa Transportation Advisory Committee and the Contra Costa Transportation Authority. Participation in these agencies shall include, but may not be limited to, full implementation of adopted Action Plans for Routes of Regional Significance in order to promote acceptable traffic movement on these routes. In the event that problems/issues cannot be resolved through discussion among the affected parties, the City will participate in CCTA’s conflict resolution process.
10. The City shall report annually regarding compliance with the Measure J Growth Management Program, or as may be requested by the Contra Costa Transportation Authority.
11. The City shall adopt and implement a Transportation Demand Management Program, including the required policies adopted by the Contra Costa Transportation Authority. Such a program may be jointly implemented in Western Contra Costa County by the five cities and the County through the West Contra Costa Transportation Advisory Committee.
12. The City shall assist the Contra Costa Transportation Authority in maintaining its travel demand modeling system by providing information on proposed transportation improvements, including those adopted as part of the City’s Capital Improvement Program, planned and approved development within the City, and long-range plans relative to the Association of Bay Area Governments projections for households and jobs within the City of Hercules.

### **III. PERFORMANCE STANDARDS FOR CAPITAL FACILITIES**

#### **A. Introduction**

The Introduction to the City’s General Plan calls for development of a balanced community. This section of the GME states specific performance standards to define and achieve that “balance” with regard to capital facilities, which are the physical basis for public services provided by the City, the Rodeo–Hercules Fire Protection District, and the East Bay Municipal Utility District (water). These performance standards take into account fiscal constraints and the City’s development review process, with the intent of more fully integrating facility planning into the City’s development review process and ensuring that

new development does not exceed the capacity of capital facilities for the cited services without providing funding for improvements to accommodate the new demand. Improvements or expansions to these facilities will be programmed through the City's Capital Improvement Program and budget, or the budgets of the service-providing agencies, as appropriate.

The City has determined performance standards, maintained through capital projects, for the following services:

1. Fire
2. Police
3. Parks
4. Sanitary Facilities (sewer)
5. Water
6. Flood Control

This element also includes a performance standard for stormwater drainage facilities to respond to federal requirements to control pollution in stormwater run-off.

## **B. Goals**

The Introduction to this General Plan states a primary objective of all the General Plan Elements is to "provide a functional and compatible arrangement of residential, commercial, industrial, public uses, and open spaces." The performance standards in this Element are intended to help achieve this goal and the following goals:

1. Provide adequate service capacity in public facilities to support the provision of public services to existing and new development.
2. Develop facilities that meet specific identified needs, while placing strong emphasis on facilities that can adapt to the needs of changing activities and programs.
3. Coordinate City projects with plans of other agencies that could contribute to the success of projects in Hercules and surrounding areas.

## **C. Existing Facilities**

1. Fire District Service: The Rodeo/Hercules Fire Protection District provides fire, emergency medical, and related services in the City. The District provides primary response in the City from the station at 1680 Refugio Valley Road. This 3-bay station provides garage space for up to six fire engines/trucks. It also provides living and sleeping areas for three-person fire crews operating 24-hours-per-day. Facilities are provided for both male and female fire fighters. Back-up response is provided from the Rodeo station, which includes two equipment bays and living/sleeping accommodations for three-person crews.

The Hercules station was opened in 1991 and also serves as the headquarters for the District. It was designed and built by the City on City-owned land, and paid for with



City and developer funds. The station is owned by the City and is leased to the District for \$1.00/year.

2. Police: Police service is provided by the Hercules Police Department. The Department operates out of the Hercules City Hall. Existing facilities include investigative and administrative offices, evidence storage, detention area, and related facilities. Police dispatch is provided jointly with the City of Pinole through the Pinole Police Department.
3. Parks: The City maintains one community and ten neighborhood parks, and plans to develop a second community park. The community parks include Refugio Valley Park, and the planned Waterfront Park. Refugio Valley Park encompasses Refugio Lake and surrounding facilities (near the intersection of Refugio Valley Road and Pheasant Drive), the Linear Park along Refugio Creek (on the north side of Refugio Valley Road), and the Community and Swim Center (near the intersection of Refugio Valley Road and Redwood Road). These facilities encompass a total of 66.26 acres. The planned Waterfront Park is located along San Pablo Bay near the intersection of Railroad Avenue and Santa Fe. At present, it encompasses 7.14 acres, most of which is owned by the State of California and is leased to the East Bay Regional Parks District. The Land Use Element and Waterfront District Master Plan call for expansion of this park along the Bay front, including Hercules Point.

The ten neighborhood parks dispersed throughout the city encompass about 38 acres. The City also maintains systems of trails and open space areas, distributed throughout the City. These open space areas encompass a total of approximately 950 acres. The open space areas and the City parks together account for approximately ½ of the total land area within the existing City limits. In addition, the homeowners' association for the Refugio Valley Ranch development also owns about 320 acres of permanent open space.

4. Sanitary Facilities (Sewer): Sewer treatment capacity is provided at the Pinole/Hercules Plant, which the City jointly owns with the City of Pinole. In 1983, the City established an assessment district to fund an expansion of the Pinole/Hercules Plant. Through that assessment district, properties in Hercules are allocated approximately 2.0 million gallons per day (mgd) of treatment capacity. The City of Pinole also owns about 2.0 mgd of capacity, and operates the plant through a contract with the City of Hercules. The plant provides secondary treatment, as required by State regulations. Treated effluent is pumped through a force-main and gravity flow system to the site of the Rodeo Sanitary District Treatment Plant, where it is combined with effluent from the Rodeo Treatment Plant, and then discharged through a deep-water outfall into San Pablo Bay.
5. Stormwater Drainage: The City maintains stormwater drainage facilities in the incorporated area. Stormwater is collected and conveyed to existing creek channels or San Pablo Bay. In 2005, the City adopted Ordinance 404 to implement federal National Pollution Discharge Elimination Systems (NPDES) requirements.

6. Water: The East Bay Municipal Utility District (EBMUD) provides water services in the City of Hercules. EBMUD's Maloney pressure zone provides services to properties up to an elevation of 200 feet above sea level. Water mains are extended, and new connections provided, when properties are developed. Water service above the 200-foot elevation cannot be provided from the Maloney pressure zone. In these areas, water service is generally provided by constructing water reservoirs to serve specific areas. Sufficient storage capacity is provided to accommodate both normal use and emergency water requirements.
7. Flood Control: Existing City ordinance requires new development to provide on-site flood protection (see Hercules Municipal Code Title 10, Chapter 7, "Flood Damage Prevention"). Flood Hazard areas are defined in this ordinance according to designations on the federal Flood Insurance Rate Map, which is generally based on the 100-year flood.

#### **D. Proposed New Facilities Improvements**

1. Park: A new community park (about 10 acres) is planned at Hercules Point as part of development of the Waterfront District. Additional neighborhood parks may be located in new developments, if needed, to serve new residences at those properties.
2. Franklin Canyon includes about 483 acres of open space that the Muir Heritage Land Trust will open to the public. On-site trails will connect to the regional trail system.
3. Sanitary Facilities (Sewer): The City of Hercules shares with the City of Pinole a wastewater treatment facility located at 11 Tennant Avenue in Pinole. The dry weather permitted flows are currently 3.52 mgd (million gallons per day) with a current wet weather flow capacity of approximately 10.3 mgd. The two cities are currently under design to increase the capacity of the plant. The new dry weather flow capacity will be 4.06 mgd, and the wet weather flows capacity will be approximately 20mgd. In addition, the City of Hercules will be rehabilitating approximately one mile of 24-inch gravity line.
4. Stormwater Drainage: Existing stormwater facilities will be upgraded to meet NPDES requirements. At the Sphere of Influence properties, facilities will be incorporated into construction plans, and will be installed as part of property development.
5. Water: Facilities to provide adequate water service to undeveloped properties in the City and the Sphere of Influence (including mains, service pipes, and reservoirs) will be installed as part of property development. Water service infrastructure will be designed to conform with EBMUD requirements and will be funded by project sponsors.
6. Flood Control: Flooding hazards in the area west of San Pablo Avenue will be resolved by installing flood control improvements along Refugio Creek and Chelsea Wetlands adjacent to Pinole Creek. These improvements will be installed prior to or as part of development of the affected or neighboring properties. On-site retention will be incorporated into development plans, as needed, to avoid causing down-stream flooding

during a 100-year storm. The Chelsea wetland restoration is scheduled to begin in spring of 2014.

#### **E. Performance Standards for Capital Facilities**

The following standards for the City of Hercules are intended to reflect the ability of the City or the responsible agency to provide and maintain capital facilities, consistent with other uses of scarce revenues. Changes in the City's fiscal situation may require adjusting or reducing these standards in order to maintain a balance between funding for these capital facilities and funding for other facilities and services. The City would consider such revision through an amendment to this Element.

1. Fire District Services: Fire Station(s) shall be located in the City so that five minutes emergency response time may be achieved by first response units for 90% of all emergency calls. Fire stations shall be sized to accommodate a minimum of two (2) engines/trucks and three-person, 24-hour crews.
2. Police: Office and supporting facilities shall be provided in a central headquarters facility. Communication equipment (including repeater stations) shall be provided to allow communication between dispatch and police units throughout the service area.
3. Parks:
  - Neighborhood Parks: A minimum of 1.75 acres of neighborhood parks shall be provided for each 1,000 residents.
  - Community Parks: A minimum of 3.25 acres of community park space shall be provided for each 1,000 residents.
  - Open Space: A minimum of 34 acres of open space (public and private combined) shall be provided for each 1,000 residents.
4. Sanitary Facilities (Sewer): Capability to transmit and treat waste water from all residential and non-residential developments to standards set by the Regional Water Quality Control Board.
5. Stormwater Drainage: Meet federal NPDES requirements for stormwater run-off.
6. Water: Capability to provide potable water supply to all residential and non-residential developments.
7. Flood Control: All new structures shall be located outside the Flood Zones A & B as designated by the Flood Insurance Rate Map (prepared by the Federal Emergency Management Agency (FEMA)); or, insure that the finished floor elevation is at least 1 foot above the flood elevation as determined by FEMA. Development of any property shall not significantly increase the flooding potential at downstream areas, or otherwise significantly impact or aggravate a flooding problem at downstream properties.

## **F. Implementing Policies and Programs**

1. The City shall review all development plans for conformance with the performance standards in this Element. The City will approve a development application only after making findings that one or more of the following conditions are met:
  - a. Assuming participation in adopted mitigation programs, performance standards will be maintained following the project occupancy; or
  - b. Because of the characteristic of the development project, project-specific mitigation measures are needed in order to insure maintenance of standards, and such measures will be required of the project sponsor; or
  - c. Capital projects in the Capital Improvements Program (or planned by service-providing special districts) will result in maintenance of a performance standards.
2. The City will establish and implement a development mitigation program to insure that new growth is paying its share of the cost associated with the maintenance of these standards. The revenue provided from Measure J will not be used to replace developer funding that has or would have been committed to any transportation project.
3. The City shall require all new development to contribute to or participate in the improvement of the above-mentioned facilities and systems in proportion to the demand generated by project occupants and users.
4. Fees collected pursuant to these policies shall be deposited in special funds, and shall be used to support construction of improvements to the above-mentioned facilities/improvements, as programmed through the City's Capital Improvement Program and budget.
5. The City will:
  - a. Demonstrate reasonable progress in implementation of the adopted Housing Element and subsequent Housing Plan.
  - b. Consider impacts of land use and development policies on the transportation system.
  - c. Document how policies that support bicycle and pedestrian access in new development have been incorporated into the City's planning and regulatory documents.
6. The City will abide by and use the "Principles of Agreement" described in Attachment A of Measure J, as amended by the Contra Costa Transportation Authority, for the maintenance of and any future amendments to its adopted Urban Limit Line (ULL).