
17. PROJECT CONSISTENCY WITH LOCAL AND REGIONAL PLANS

Section 15125(d) of the California Environmental Quality Act (CEQA) Guidelines requires EIRs to "...discuss any inconsistencies between the proposed project and applicable general plans and regional plans." The Guidelines indicate that the objective of this discussion is to identify possible modifications to the project to reduce any inconsistencies with relevant plans and policies.

17.1 CITY OF HERCULES GENERAL PLAN

The EIR concludes in chapter 12 (Land Use and Planning) that the proposed Hercules Bayfront Project is substantially consistent with the Hercules General Plan *Land Use Element* and *Growth Management Element*. As shown in Table 12.3 in EIR chapter 12, the proposed project would not conflict with an applicable land use or growth management goal, objective, policy, program, or performance standard of the Hercules General Plan adopted for the purpose of avoiding or mitigating an environmental effect, except for two land use policies associated with the proposed amendment to the General Plan Land Use diagram necessary to approve the project.

Those objectives, policies, programs, and performance standards from the Hercules General Plan that are pertinent to consideration of the proposed project and its potential environmental impacts have been listed throughout this EIR in the corresponding environmental chapters (aesthetics, air quality, biological resources, cultural and historic resources, etc.). Where any proposed project component or action has been found in these EIR chapters to be potentially inconsistent with one or more of these City-adopted objectives, policies, programs, or performance standards, a potentially significant environmental impact and one or more associated mitigations has been identified for incorporation into the project to reduce the impact and better implement the General Plan.

17.2 WATERFRONT DISTRICT MASTER PLAN

17.2.1 Waterfront District Master Plan

Pursuant to the Hercules General Plan, a Waterfront District Master Plan (WDMP) for a 167-acre planning area encompassing all of the Hercules Properties, Inc., property including the Historic Town Center and adjoining bayshore area properties, was formulated. The WDMP was initially adopted by the City and incorporated into the City's General Plan and Zoning Ordinance by corresponding amendments on July 25, 2000 "to guide development of the property, and ensure that the goals and objectives of the General Plan are realized."¹ Amendments to the

¹The Bixby Company, Hercules Waterfront District Master Plan, incorporating Amendment 02-01; page 1.

2000 WDMP and associated additional amendments to the General Plan and Zoning Ordinance have been adopted over time.

The project site is comprised of two of the three northernmost Planning Sub-Districts of the adopted WDMP: almost all of the Historic Town Center and all of the Transit Village. The other northern sub-district, Hercules Point, is located on the opposite (northern) side of the UPRR tracks.

The described overall intent of the WDMP is to facilitate development of the entire 167-acre Waterfront District "as a fully master planned and integrated community" (WDMP, section 1.2, p. 3). As paraphrased below, the stated specific land use purposes of the WDMP include:

- Recognize, preserve, and re-use the historic structures of the Hercules Powder Company town site;
- Provide a network of public spaces that have access to views of Hercules Point and San Pablo Bay;
- Provide access along the Bay shoreline while preserving its natural resources;
- Provide a location for a commuter rail station with adjacent mixed-use development;
- Provide a variety of complementary office and retail uses;
- Accommodate both residential and commercial uses in a well-planned, mixed-use development;
- Provide a balanced mix of public spaces and facilities;
- Allow lower cost live-work opportunities for start-up businesses that are compatible with the District's residential and commercial uses;
- Provide the opportunity for upper floor residential over ground-floor commercial uses;
- Provide careful design review to maximize the benefits of mixed-use development while minimizing its negative impacts; and
- Provide housing opportunities to moderate- and low-income households.

17.2.2 Waterfront District Master Plan Initiative

Since the original adoption of the WDMP in 2000, the Central (Promenade) Neighborhood and Refugio (Baywood) Neighborhood sub-districts of the WDMP planning area have been completely built out. On July 22, 2008, the Hercules City Council adopted a Waterfront Now Initiative (WDMP Initiative) which amended the General Plan, Zoning Ordinance, and WDMP as necessary to reflect updated City objectives for the three remaining undeveloped WDMP sub-districts, and included an associated Hercules Bayfront Project Development Agreement. These latest amendments are intended to further guide and facilitate build-out of these sub-districts, including the Historic Town Center sub-district and Transit Village sub-district which include the 42.36-acre Hercules Bayfront Project site and adjacent Intermodal Transit Center

site, and the Hercules Point sub-district. The adopted WDMP Initiative (section 2, Purpose and Findings) lists the following objectives for these three remaining undeveloped sub-districts:

- Promote and enhance the unique waterfront character and scenic resources of the Waterfront District through development of a transit-oriented neighborhood that includes walkable streets, a variety of dwelling types and businesses, and public plazas with views of San Francisco and San Pablo Bays;
- Implement the final stages of the WDMP through adoption of design and development guidelines for the Historic Town Center, Transit Village, and Hercules Point sub-districts that encourage a transit-oriented and pedestrian-oriented mix of uses along the bayfront in the City of Hercules;
- Implement the goals and objectives of the WDMP by providing for the location of a Multi-Modal Transit System linking together rail service, a connection to downtown San Francisco via a ferry terminal, and bus service via WestCAT, making Hercules home to the first train, ferry, and bus center in California;
- Preserve and reuse existing historic structures within the Historic Town Center Sub-District--the Clubhouse and Administration buildings of the old Hercules Powder Company--and weave these historic buildings into the fabric of an architecturally cohesive and harmonized downtown bayfront area;
- Assist the City of Hercules in meeting its housing needs for all economic segments of the population, while promoting the planning principles of New Urbanism and Smart Growth, by adopting detailed design and development standards for those areas within the Waterfront District that have not yet been developed;
- Amend the City of Hercules General Plan as necessary to provide for establishment of a transit-oriented, traditional neighborhood project that includes residential, commercial, retail, and public uses of unique architectural character within the Hercules Waterfront District;
- Enter into a Development Agreement, consistent with California law, providing for the long-term planning and development of the Hercules Waterfront District; and
- Ensure that prior to further development of the Hercules Waterfront District, the City of Hercules, at the developer's expense, evaluates the environmental impacts associated with such development, as required by the California Environmental Quality Act ("CEQA").

The adopted WDMP Initiative also includes a revised Form-Based Code (a new section 4 of the WDMP) which adds detailed development standards and design guidelines regulating development of the Hercules Bayfront Project site as well as the Hercules Point sub-district.

The current build-out estimate for the 167-acre WDMP planning area under current plan provisions, including the adopted WDMP Initiative amendments, and without the project-proposed additional amendments, is shown in Table 3.1 (in chapter 3, Project Description).

17.3 PERTINENT REGIONAL PLANS

17.3.1 ABAG's Regional Land Use Policy Framework

The Association of Bay Area Governments (ABAG) has been established as the regional planning agency and council of governments for the nine-county San Francisco Bay Area responsible for addressing in a regional context such intraregional issues as land use, housing, environmental quality, and economic development. The primary regional land use policy document adopted by the Association of Bay Area Governments (ABAG) is entitled A Proposed Land Use Policy Framework for the San Francisco Bay Area, and was adopted by the ABAG Executive Board in July 1990. The document is described as a regional policy framework for future land use decisions in the Bay Area that respects the need for strong local control, but that also recognizes the importance of regional comprehensive planning for issues of regional significance. The document contains policies that (1) direct growth where regional infrastructure (e.g., freeways, transit, water, solid waste disposal, sewage treatment) is available and natural resources will not be overburdened; (2) encourage development that discourages long-distance commuting; (3) establish firm growth boundaries; and (4) encourage provision of housing at all levels.

The proposed Hercules Bayfront Project is considered substantially consistent with this ABAG policy framework, as discussed in chapters 12 (Land Use and Planning), 14 (Population and Housing), 15 (Public Services and Utilities), and 16 (Transportation and Circulation) of this EIR.

17.3.2 ABAG's Regional Housing Needs Allocation

As discussed in chapter 14 (Population and Housing) of this EIR, the State of California requires every city and county to accommodate its fair share of regional growth through a process called the Regional Housing Needs Allocation (RHNA). ABAG administers the RHNA process in the San Francisco Bay Area. ABAG allocates housing needs to each of the nine counties and 100+ cities in the region, identifying the number of units that must be accommodated in each of four income categories. Although cities and counties are not actually required to build the allocated number of units, they must show that their communities contain the capacity to build these units, i.e., that land is zoned to accommodate the new units.

Table 14.2 in chapter 14 shows the current RHNA assignment for Hercules for the period from 2007 to 2014. The RHNA assignment calls for Hercules to provide for development of a total of 453 housing units during the 2007-2014 period, consisting of 143 units for very low-income households, 74 units for low-income households, 73 units for moderate-income households, and 163 units for above moderate-income households. The project's contribution to the ABAG-identified need for each income category ("very low," "low," "moderate," and "above moderate") has not been established; however, as proposed, the project would not result in any inconsistencies with the RHNA.

17.3.3 ABAG's FOCUS Program

The ABAG-led FOCUS program is a regional development and conservation strategy, in partnership with the Metropolitan Transportation Commission (MTC) and with support from the Bay Area Air Quality Management District (BAAQMD) and the Bay Conservation and Development Commission (BCDC), that promotes a more compact land use pattern for the Bay Area. The FOCUS program unites the efforts of these four regional agencies into a single

program. The FOCUS program seeks to link land use and transportation and to reduce greenhouse gas emissions by encouraging development of complete, livable communities in areas served by transit and promoting conservation of the region's most significant resource lands. Through the FOCUS program, regional agencies support local government commitment to these goals by working to direct existing and future incentives to Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs).

The project site is located within the Hercules Waterfront District PDA. The FOCUS program identification of this PDA makes the area eligible for a variety of capital funds, planning grants, and technical assistance.¹

By facilitating General Plan-designated development and public improvements in the Hercules Waterfront District PDA, the project would be expected to complement and implement the FOCUS program identification of this PDA, with the beneficial environmental effects promoted by the program. The project fully supports the FOCUS program provisions.

17.3.4 ABAG's San Francisco Bay Trail Plan

The San Francisco Bay Trail is a designated 400-plus-mile shared-use path system proposed by the Association of Bay Area Governments (ABAG). The ABAG Bay Trail Plan is intended to eventually provide for continuous travel around the Bay for walkers, bicyclists, and other outdoor enthusiasts. Existing and planned local segments of the Bay Trail include a segment along Railroad Avenue immediately southwest of the project site² and a planned one-mile segment (the so-called Bay Trail/Promenade) along the Hercules Bayfront Project and ITC project frontages adjacent and parallel to the UPRR tracks. This segment is proposed for construction as part of the ITC project to complete a gap in the Bay Trail from Pinole to Victoria by the Bay. The proposed Hercules Bayfront Project includes a connection to this planned Bay Trail/Promenade to provide the neighborhood and community with improved shoreline access. If the ITC project does not proceed, the Hercules Bayfront Project, as the first development at this location, would become responsible for construction of this Bay Trail segment along the project north boundary, from Block B on the west to Block M on the east.

The Hercules Bayfront Project would need to comply with ABAG requirements regarding implementation and protection of this Bay Trail system. In particular, future project development increments would be encouraged to accommodate compatible implementation of proposed trail extensions.

17.3.5 BCDC's San Francisco Bay Plan

The San Francisco Bay Conservation and Development Commission (BCDC) has state-authorized "Bay jurisdiction" over San Francisco Bay and all territory located between the bay shoreline and a line 100 feet inland of and parallel with the shoreline, in order to protect the Bay and enhance its shoreline. Within its area of jurisdiction, BCDC is authorized to control both (1) Bay filling and dredging, and (2) bay-related shoreline development. BCDC is authorized to

¹ FOCUS program information available at <http://www.bayareavision.org/initiatives/index.html>, viewed May 29, 2009.

² Association of Bay Area Governments, "San Francisco Bay Trail" map, Carquinez Strait – Vallejo to Richmond section, http://baytrail.abag.ca.gov/maps/Carquinez_Strait.pdf, viewed January 8, 2010.

issue or deny permits for any development activity within its bay jurisdiction. Any project-facilitated work or development within the 100-foot shoreline band may require a new, or renewal of an existing, BCDC permit.

BCDC permit eligibility and conditions of permit issuance are largely governed by the San Francisco Bay Plan, completed and adopted by BCDC in 1968 and amended regularly since then. The plan was most recently amended in January 2008. The Bay Plan contains findings and policies related to fish and wildlife, water quality, fill, recreation, public access, and the appearance and design of shorelines, as well as procedures for BCDC control of filling, dredging, and shoreline development. The Bay Plan also identifies "Priority Use Areas," i.e., shoreline areas designated for uses that must be located on the waterfront, such as ports and waterfront parks.

In Hercules, BCDC has "Bay jurisdiction" over all project lands within 100 feet of the San Pablo Bay shoreline and portions of the project site along Refugio Creek.

17.3.6 BAAQMD Plans and Policies

In 1991, the BAAQMD, Metropolitan Transportation Commission (MTC), and Association of Bay Area Governments (ABAG) prepared the first Bay Area 1991 Clean Air Plan, or CAP. This air quality plan addresses the California Clean Air Act. Updates are developed approximately every three years. The plans were initially intended to demonstrate progress toward meeting the more stringent 1-hour ozone CAAQS. The latest update to the plan, which was adopted on September 15, 2010, is called the *Bay Area 2010 Clean Air Plan*. This plan includes a comprehensive strategy to reduce emissions from stationary, area, and mobile sources. The plan objective is to indicate how the region would make progress toward attaining the stricter state air quality standards, as mandated by the California Clean Air Act. The plan is designed to achieve a region-wide reduction of ozone precursor pollutants through the expeditious implementation of all feasible measures. The plan includes expanded implementation of transportation control measures (TCMs) and programs such as "Spare the Air." The 2010 update addresses not only ozone, but also include controls for particulate matter and greenhouse gases (GHGs) that lead to climate change.

A key element in air quality planning is to make reasonably accurate projections of future human activities that are related to air pollutant emissions. Most important is vehicle activity. The BAAQMD uses population projections formulated by ABAG (see chapter 14, Population and Housing, of this EIR) and vehicle use trends made by the MTC to formulate future air pollutant emission inventories. The basis for these projections comes from cities and counties.

In order to provide the best plan to reduce air pollution in the Bay Area, accurate projections from local governments are necessary. When General Plans are not consistent with these projections, they cumulatively reduce the effectiveness of air quality planning in the region.

As discussed in chapter 5 (Air Quality) of this EIR, the amount of growth anticipated under the proposed project would be substantially consistent with growth assumptions used in the latest regional clean air plan (i.e., 2010 CAP).

17.3.7 Regional Transportation Agencies

(a) West Contra Costa County Transportation Advisory Committee. The Contra Costa Transportation Authority (CCTA) has appointed a West Contra Costa Transportation Advisory Committee (WCCTAC) with CCTA-assigned responsibility for developing operating standards (traffic service objectives) and significance thresholds for CCTA routes and intersections within the West County.

The WCCTAC has prepared and periodically updates an Action Plan for Routes of Regional Significance (the WCCTAC Action Plan), which was last updated in 2008. The Action Plan assesses current transportation issues within the West County and outlines a recommended package of goals, objectives, and actions for addressing those issues. The Action Plan goals include decreasing vehicle congestion, supporting multi-modal projects, maintaining transit quality, improving emergency access to major arteries and freeways, and implementing Hercules and Richmond ferries.

The Hercules Bayfront Project would be subject to the Action Plan, as described in chapter 16 (Transportation and Circulation) of this EIR.

(b) 511 Contra Costa Comprehensive Transportation Demand Management Program. 511 Contra Costa is a comprehensive transportation demand management (TDM) program, that promotes alternatives to the single occupant vehicle. 511 Contra Costa is sponsored by all 20 jurisdictions in Contra Costa County through four regional transportation planning committees--SWAT (southwest county), TRANSPAC (central county), TRANSPLAN (east county), and WCCTAC (west county). Funding for 511 Contra Costa programs and projects is provided primarily by the Bay Area Air Quality Management District's Transportation Fund for Clean Air, and the ½ cent sales tax approved by voters in the County in 2004 and administered by the Contra Costa Transportation Authority (CCTA). A portion of the program's Employer Outreach activity is funded by the Metropolitan Transportation Committee's Congestion Mitigation Air Quality funds.

The program operates offices in the cities of Pleasant Hill, San Ramon, and San Pablo. The San Pablo office is operated by WCCTAC and covers the cities of El Cerrito, El Sobrante, Hercules, Kensington, Pinole, Richmond, Rodeo, San Pablo, and other unincorporated areas of the West County. Project oversight services provided by the San Pablo office include:

- the Guaranteed Ride Home program,
- an employer network (for employers located in El Cerrito, Pinole, Hercules, Richmond, San Pablo, and unincorporated areas of West County), and
- an I-80 outreach program (includes transit incentives and information distribution).

The Hercules Bayfront Project would participate in 511 Contra Costa as part of the TDM program described in chapter 16 (Transportation and Circulation, *Mitigation 16-3*) of this EIR.

17.3.8 Regional Water Quality Control Board Plans and Policies

As discussed in chapter 11 (Hydrology and Water Quality) of this EIR, the project site is located within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board

(RWQCB). The RWQCB is responsible for the protection of beneficial uses of water resources within the San Francisco Bay Region. The RWQCB uses planning, permitting, and enforcement authorities to meet this responsibility, and has adopted the Water Quality Control Plan (Basin Plan) to implement plans, policies, and provisions for water quality planning and management. The Basin Plan contains water quality objectives that are intended to protect the beneficial uses of the basin. The RWQCB has set water quality objectives for all surface waters in the region. Water quality objectives are also listed for groundwater. The RWQCB also administers the National Pollutant Discharge Elimination System (NPDES) storm water permitting program in the Bay Area, along with other permit requirements. Chapter 11 of this EIR includes mitigation measures that would ensure project consistency with RWQCB policies and requirements.