

# **LAND USE ELEMENT**

**APPROVED BY THE CITY COUNCIL  
SEPTEMBER 22, 1998**

## II. LAND USE ELEMENT

The Land Use Element has the broadest scope of the seven mandatory elements. It plays the central role of correlating all land use issues into a set of coherent and consistent development guidelines. Its goals, objectives, policies and programs relate directly to all other Elements. For these reasons, it is the most visible and often used Element of the General Plan. Although all General Plan Elements carry equal weight, the Land Use Element is often perceived as being the most representative of the "General Plan."

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 categories of public and private land uses. The emphasis is on the desired or intended future development of the City.

The City of Hercules has updated its General Plan, and has established an overall strategy for its future development and ultimate "build-out". Hercules envisions itself as a balanced community with a sound complement of residential and commercial uses and services. Hercules is a community of families. An important part of our community of families is to provide affordable housing in order that future generations and seniors can remain in the community. It is anticipated that through the implementation of the Land Use Element, up to 2,150 units of housing may be added to the housing stock, bringing the total number of units to 8490 and a total population of 25,100.

Although incorporated in 1900, Hercules was a company town known for its production of dynamite and gunpowder. Hercules experienced tremendous growth in residential population in the 1980's. Hercules, California, continues to be the fastest growing city along the San Pablo Bay coastline. Recognizing its rich history, the City of Hercules has sought to preserve its industrially-based past while changing into a residential community of diverse character. The City resolves to maintain its quality of life while creating a unique blend of old and new with the City's most precious commodity, its people.

The residents of Hercules determine the course of the community and demand fiscal responsibility for the City's future. The primary attributes of this residential city are preservation of open space, less crowding, more trees, less concrete, streets that carry cars safely and quickly; and a community that cares about the well-being of people's lives. Protecting the city's environment places a limit on the ultimate size and growth of Hercules. Building on vacant parcels within the city, development of a city center, and preserving a family-oriented lifestyle where those who live in Hercules are able to work in Hercules, must be planned in order to avoid losing the quality of life we now enjoy.

The commitment to preserving Hercules' past, embodied in its historic structures, is vital to the City's economic future. The economy of the City depends on a successful and healthy business climate with city government working to sustain that climate.

The City has a recognized commitment to various volunteer organizations and cultural activities that provide the services that a diverse citizenry require. Preservation and enhancement of the

natural environment is vital. The residents support and encourage a strong educational system that will continue to equitably share the fiscal responsibility with the County and State for new schools.

The balance among open space, environmental resources, business considerations, and residential needs, as well as the continued provision of high-quality recreational, educational, historical, cultural, civic and religious services will be the key to a well-planned, vital and unified community.

## **I. INTRODUCTION AND PURPOSE**

### **A. BACKGROUND**

The development and use of land in a community can dramatically affect the quality of life in that community for residents and employees. The availability, type and cost of housing helps determine the number of people who live in the community, their relative age, and the relative proportion of school-age children. Access to commercial, retail and employment areas can dictate whether residents spend substantial time commuting to work in other areas or driving to/from shopping areas in other communities. The arrangement of commercial and residential uses can affect whether residents or workers can walk, use bicycles, and public transportation to commute or for shopping trips, or whether they must use private vehicles. Access to parks and recreation facilities can expand the opportunities for use of leisure time. The presence and protection of undeveloped open space can enhance a community's identity and can avoid subjecting residents and businesses to landslides and other hazards. In these ways, and many others, the development and use of private and public property set the "Stage" upon which residents, local workers and visitors live their lives.

### **B. PURPOSE**

The Land Use Element provides long-term direction and guidance to development within the City, including policies, programs and actions for managing the development of private and public property in Hercules. This Element sets forth the goals of the General Plan in regards to development. It is the intent of the Land Use Element that these goals will result in a "full service" community that maintains a desired quality of life, while providing for a wide range of residential, commercial shopping, employment and recreational opportunities.

The Land Use Diagram illustrates the general proposed distribution of the land use categories described in this Land Use Element. The Diagram is intended to serve as a general guide to future land uses. Zoning classifications, consistent with the land use categories, are established for this purpose in the Zoning Ordinance and Zoning Map. The proposed transportation system and policies regarding transportation are addressed in the Circulation Element.

### **C. AUTHORITY**

California law requires cities and counties to adopt Land Use Elements of their General Plans (ref. California Government Code Section 65300 et seq.). Section 65302(a) states that each General Plan must include):

"A Land Use Element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The Land Use Element shall include disposal facilities, and other categories of public and private uses of land. The Land Use Element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the General Plan. The Land Use Element shall identify areas covered by the General Plan which are subject to flooding and shall be reviewed annually with respect to those areas."

The Land Use Element is divided into four main sections. They are as follows:

- Land Use and Projections
- Land Use Issues and Concerns
- Land Use Goals, Objectives and Policies
- Land Use Plan

While the general character of the City has been established by past land use decisions, there are many such decisions to be made in the future which must recognize and protect the existing character of the community, as well as provide a balance of new land uses to assure maintenance of the quality of life aspects sought by Hercules and to maintain economic viability.

## **II. LAND USES AND PROJECTIONS**

### **A. BACKGROUND**

Hercules began as a company town, and was incorporated in 1900 to allow the powder company to control the land around the plant facilities. In 1964, production of fertilizer replaced the production of dynamite and black powder. In 1974, the fertilizer operation ceased, and Hercules, Inc. began selling the plant property to developers.

In 1974, Hercules had approximately 150 residents. By 1993, the number of residents had grown to 18,618. This explosive growth created a modern suburban community that included four convenience shopping centers and two employment centers. However, development of the commercial and employment areas did not keep pace with the residential growth, and did not fulfill the vision of a balanced community. In order to rectify this situation, the City Council gave priority to commercial and employment development that could help maintain the quality of life in Hercules. In 1993, a citizens task force ("Community Panel") evaluated and recommended a new land use concept that responds to this emphasis. This concept is incorporated into this revised Land Use Element.

## B. LAND USES

Most of the residential portion of Hercules has been developed, while much of the commercial and employment areas remain vacant. The following is a summary of the existing and projected development, as well as key issues and agencies that impact the community.

### 1. Residential

According to State Department of Finance projections, on January 1, 1995, Hercules had a population of 18,900 in 6,345 condominiums, apartments and houses. While the proportion of condominiums in Hercules has increased since 1980 as a number of new condominium developments were built, most residents live in single family homes. According to the 1990 Census, most City residents own their residence; 92% of the housing units are owner occupied.

### 2. Employment, Retail and Services

Businesses in Hercules provide relatively few jobs or shopping and service opportunities. Most residents must commute to work and drive to shopping areas. The amount of employment grew only slowly during the 1980's and did not keep pace with the residential growth. According to the Association of Bay Area Governments, in 1990 Hercules had about 2,430 jobs; major employers included Bio-Rad Laboratories, West Contra Costa Unified School District, and Mechanics Bank. At the same time, Hercules had 9,431 employed residents<sup>1</sup>. Even if Hercules residents held all these jobs, about 7,000 residents would have to commute outside the City to work. In actuality, probably almost all employed residents out-commute to work.

Retail businesses in Hercules provide a limited range of shopping and service opportunities, which include food, drugs, video rentals, and other "convenience" goods. However, most of the residents must leave Hercules to shop for goods and services beyond these basic essentials.

### 3. Public and Semi Public

Schools: Hercules is served by two school districts: West Contra Costa Unified School District (WCCUSD) and John Swett Unified School District (JSUSD). The Foxboro area (east of I-80 and north of SR 4) is in the JSUSD, and WCCUSD serves the rest of the City. At present WCCUSD operates three elementary schools. Historically, some WCCUSD students have attended elementary school in Pinole; with WCCUSD's establishment of new school attendance boundaries and the opening of the community's third elementary school it is expected that all WCCUSD elementary students may be able to attend school in Hercules. All JSUSD Hercules elementary students attend Hillcrest Elementary School in Rodeo.

At present, WCCUSD Hercules students attend middle and high school in Pinole. WCCUSD has begun construction of a combined middle/high school in Hercules. It is intended that all

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<sup>1</sup>Employed residents: persons living in Hercules who work outside the home.

WCCUSD Hercules students will attend the combined school when it is completed . JSUSD Hercules students attend middle and high school in Crockett.

City: The City Administrative Offices are located in the Civic Center, on the west side of Sycamore Avenue, east of the Creekside Shopping Center. The Civic Center site also includes the Senior Center and a temporary office building that is leased to the Chamber of Commerce.

The City owns and operates a 375,000 gallon per day wastewater treatment plant that is located west of the intersection of San Pablo and Sycamore Avenues. Additional City treatment capacity of 2.0 million gallons per day is provided at the Pinole-Hercules Treatment Plant, which is located at the west end of Tennant Avenue in Pinole. The City will need to provide additional capacity to serve development anticipated under the adopted General Plan.

Parks: The City of Hercules has one community park, the 55-acre Refugio Valley Park, four neighborhood parks, and two mini parks. Refugio Valley Park consists of Refugio Lake and associated facilities at Refugio Valley Road and Pheasant Drive, and a linear park along the north side of Refugio Valley Road. A separate community/swim center is located along Refugio Valley Road. A new park of 26 acres is proposed along the San Pablo Bay waterfront adjacent to the existing East Bay Regional Park District lands. No schedule has been established for development of the proposed waterfront park. Additional information, maps and tables regarding parks and open spaces are presented in the Open Space/Conservation Element.

The neighborhood and mini parks include Ohlone Park, on Turquoise Drive adjacent to Ohlone School; Woodfield Park, on Lupine Road adjacent to Hercules Elementary School; Foxboro Park, on Canterbury Drive; Railroad Mini Park, a play area on Santa Fe Avenue; and Beechnut Mini Park, on Beechnut Court. A new neighborhood park, Hanna Park, is adjacent to the Hanna Ranch School at the east end of Refugio Valley Road. A multi-purpose, ballfield (for baseball/softball and soccer) occupies six acres of the community park. The remainder of the Hanna site is planned for future development. A city-owned site in the Forest Run neighborhood just west of I-80 is designated as a neighborhood park. This park will be developed for passive recreational use with facilities such as a walking path, benches, and picnic tables. In addition to the neighborhood parks, the Heritage Gardens is located on Sycamore Avenue frontage of the Civic Center.

Existing multi-purpose ballfields in Hercules, at Ohlone, Woodfield and Hanna Parks, are being used to capacity by youth sports leagues. The Pinole-Hercules Little League is actively seeking a site of approximately 7 acres to relocate its existing fields.

Utilities: Pacific Gas and Electric (PGE) maintains an electricity substation along Bayberry Avenue (east of the I-80 off-ramp) and owns a 44-acre site between I-80 and San Pablo Avenue, north of John Muir Parkway, that contains four oil storage tanks, an underground pipeline and a pump station. The Circulation Element describes the underground pipelines that traverse the City. All utility services to residences and businesses are provided in underground mains, cables and lines.

State Agencies: CalTrans operates a maintenance yard on Bayberry Avenue (east of the I-80 off-ramps and the PGE substation). The Bay Area Rapid Transit District owns a seven-acre site bounded by I-80, Sycamore Avenue, San Pablo Avenue and John Muir Parkway that is developed with a transit / transfer center. The relationship between this transit center and the local and regional circulation network is discussed in the Circulation Element.

4. Agricultural and Natural Resource Lands

The incorporated area of Hercules includes no land used for agricultural purposes or containing significant natural resources. The upland portion of the Franklin Canyon Golf Course property was used seasonally for grazing cattle in the past, but this use was discontinued before the property was annexed. Indian midden sites have been identified in some of the developed areas of the City. These sites generally have been left undisturbed, with the site and the surrounding area designated as open space. In cases where preservation-in-place has not been possible, the archaeological resources in these sites have been recovered before the area has been developed.

Some of the properties in the Sphere of Influence are used seasonally for grazing cattle. One property is under an agricultural preservation contract (Williamson Act). Although the owner has filed a notice of non-renewal for the contract, pursuant to State law, this contract will expire in 2001.

The State of California adopted the Surface Mining and Reclamation Act of 1975 (SMARA) with a recognition that the extraction of minerals is essential to the continued economic well-being of the state and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. Where significant mineral resources are identified and designated, SMARA requires local agencies to prepare and adopt mineral resource management policies as part of the jurisdiction's General Plan. These policies 1) recognize mineral information classified by the State Geologist, 2) assist in the management of land use which affects areas of statewide and regional significance, and 3) emphasize the conservation and development of identified mineral resources. Before their adoption, local jurisdictions must submit these policies to the State Mining and Geology Board for review and comment.

There are no significant mineral resources in Hercules as identified by the state. However there are some areas that may have potential for mineral resources, but insufficient information exists. Mineral resources and mineral resource management policies are addressed within the Open Space and Conservation Element.

5. Areas Subject to Flooding

Refugio Creek traverses the City from southeast to northwest and drains much of the community; the southwest corner of the City drains to Pinole Creek, and, the Franklin Canyon Golf Course property and the Sphere of Influence properties are drained by Rodeo Creek. As each neighborhood and subdivision was developed, flood control improvements were

constructed to eliminate flood hazards. As a result, areas subject to flooding by a 100-year storm are limited to creek channels and adjoining open space corridors, with one exception. The portion of the Refugio Creek basin that is west of San Pablo Avenue has not been developed, and a substantial portion of that area is subject to flooding. The Safety Element describes and maps these areas and provides policies so that the areas shall not be developed until flood control improvements are made to eliminate flood hazards. The Zoning Ordinance includes a Special Flood Hazard Overlay District and the Municipal Code contains a Flood Damage Prevention ordinance to implement the flood hazard policies of the General Plan.

Rodeo Creek runs along the Franklin Canyon Golf Course property and the south side of Willow Avenue. Limited portions of the golf course immediately adjacent to Rodeo Creek are subject to flooding. Rodeo Creek also causes flooding on the south side of Willow Avenue and areas downstream in the Sphere of Influence.

6. Areas Subject to the San Francisco Bay Conservation and Development Commission (BCDC) Jurisdiction

The shoreline area of Hercules is subject to the policies and regulations of the Bay Conservation and Development Commission (BCDC) as set forth in the San Francisco Bay Plan. The purpose of BCDC and the Bay Plan is the protection and conservation of the San Francisco Bay and its shoreline as a valuable natural resource. Under the state-legislated authority of the McAteer-Petris Act (1965 as amended), BCDC has regulatory permitting power within the shoreline areas in its jurisdiction. BCDC jurisdiction is defined as the band of land 100 feet shoreward from the line of highest tidal action, and in specified tributary creeks. BCDC priorities are generally for water-related projects that propose minimum fill and maximum feasible public access.

In Hercules, BCDC has shoreline jurisdiction 100 feet inland of the high tide line, estimated to be 6.2 feet NGVD normally as far as the Union Pacific grade, and Bay jurisdiction over the adjacent Bay waters and tidelands. In addition, BCDC also has advisory policies relating to activities in diked historic baylands, of which there is extensive acreage along the bayfront. BCDC reviews development proposals in diked historic baylands for consistency with their policies and submits its comments to the U.S. Army Corps of Engineers for their consideration.

Any development proposed within BCDC's jurisdiction requires a permit from BCDC. Permits are granted or denied only after public hearings, and review and comment by the affected local jurisdiction. In its permit process, BCDC tries to ensure the following: 1) that prime shoreline sites are reserved for priority uses (i.e., ports, water-related industry, airports, wildlife refuges, and water-related recreation); 2) that public access to the Bay is maximized and not precluded by development in areas not needed for priority uses; 3) that attractive design of shoreline development is encouraged; and 4) if salt ponds or managed wetlands are proposed for development, that consideration be given to dedication of these lands or that development be consistent with Bay Plan guidelines. The land use maps in the Bay Plan previously designated the Hercules Properties, Inc. site as a priority use area for

water-related industrial uses. However, in 1988, the Commission removed the priority use designation from this parcel. The parcel is now subject to more general BCDC policies to increase access to the Bay, not to adversely affect the public's enjoyment of the Bay and its shoreline, and to encourage attractive shoreline development. Development within the Hercules Point area would require review by the BCDC Design Review Board and the Commission's approval of a development permit prior to any construction in addition to the City's review and approval process.

#### 7. Solid and Hazardous Waste Facilities

**Solid Waste:** Richmond Sanitary Service (RSS) currently provides solid waste collection service in Hercules through a franchise with the City for collecting and disposing of waste from residential areas; services are provided by contract with individual non-residential customers.

Solid waste from the City of Hercules is trucked to the West Contra Costa Sanitary Landfill in Richmond, which is expected to close in 1997. Following closure of the West Contra Costa Sanitary Landfill, solid waste will be taken to an integrated resource recovery facility for transfer to the Potrero Hills Landfill in Solano County or the Keller Canyon Landfill in central Contra Costa County. Both landfills have built-in growth factors to accommodate future waste generated in the City.

As required by State legislation (AB939), each local agency is responsible for implementing a variety of programs in order to divert 25 percent of its solid waste from landfill sites by 1995 and 50 percent by 2000. To comply with AB939, the City of Hercules has adopted a Source Reduction and Recycling Element (SRRE). The City's SRRE includes a residential curbside recycling program conducted by Richmond Sanitary Service. Receptacles have been provided to single-family residential customers to recycle glass, plastic and newspaper. The SRRE also contains source reduction and composting goals to year 2000.

**Hazardous Waste:** The management of hazardous wastes generated within the City is addressed by the Hazardous Waste Management Plan which is an element of the General Plan. The Hazardous Waste Management Plan also identifies Bio-Rad Laboratories, Mechanics Bank of Richmond Operation Center and the Caltrans District 4 Maintenance Yard as generators of hazardous waste. Detailed information on these facilities and other small quantity generators is presented within the Hazardous Waste Management Plan.

#### **C. PROJECTIONS**

The Association of Bay Area Governments (ABAG) prepares population and employment projections for cities and counties in the nine-county Bay Area. ABAG research was used as a comparative reference for projections performed by the City of Hercules in formulating this Land Use Element; however, local growth considerations and potential development trends were key factors in determining the projections and land use recommendations contained herein. The figures

below indicate an aggressive development effort by the City consistent with City policy as embodied in the Economic Development Element.

By 2010, Hercules' population is projected to increase to 26,300, and the number of jobs in Hercules could grow to 18,575 consistent with the proposed changes to the Land Use and Circulation Elements. In general, the City's population is expected to grow through 2010, approximately equaling the growth rate for the County and slightly above the rate for the Bay Area. However, development trends are ever-changing and it is important to stress the optimal economic development characteristics of Hercules at the juncture of Highway 4 and Interstate 80. Thus, City staff analysis anticipates sizable population and employment growth as evidenced above. In 2010, Hercules is expected to continue to have substantially more employed residents than local jobs and most residents will continue to commute to work.

Table 2-1 shows the existing and the projected student population upon buildout of the General Plan. The increase is expected to occur through the addition of approximately 2,150 housing units on vacant land within the City as allowed under the General Plan.

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**TABLE 2.1: EXISTING AND PROJECTED SCHOOL POPULATION**

<b>Schools</b>	<b>Existing Enrollment</b>	<b>Buildout Enrollment</b>
Elementary Schools	1,565	2,407
Middle Schools	424	606
High Schools	809	1,295
TOTALS	2,798	4,308

Source: City of Hercules General Plan Land Use and Circulation Elements Update and Redevelopment Plan Amendments Environmental Impact Report, 1996; and Hercules Student Enrollment, West Contra Costa Unified School District, Dec. 1997.

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### **III. LAND USE ISSUES AND CONCERNS**

This Land Use Element is intended to respond to and address a number of community issues and concerns in order to achieve the General Plan goals. The issues and concerns are as follows:

- Development of the commercial and employment areas has lagged behind the residential growth, resulting in a community that has not achieved a balance between jobs and housing;
- Lack of retail and service opportunities requires residents and local employees and businesses to shop outside the City;
- Most residents must drive out of the community to reach employment or recreation areas;
- Substantial regional traffic on I-80, SR 4 and San Pablo Avenue creates the opportunity to develop local and regional commercial uses;
- Refugio Creek provides a major environmental amenity for both adjoining properties and the community;
- State law requires the City to allow development of new residential units and areas as part of meeting the regional need for additional affordable housing;
- The City's location in the Bay Area provides both a high quality living environment and close access to regional shopping and cultural attractions, and accordingly the City needs to help solve regional problems and issues;

- If not controlled, vehicular traffic and other off-site effects from employment and commercial areas could impact existing residential neighborhoods;
- The land use plan and the circulation system need to be closely coordinated. In particular, traffic from new development should not overwhelm the carrying-capacity of the circulation system.

As noted, important issues have been recognized in the community. First, the land use goal is to accomplish a "balanced mixture" of activities and uses. Diversity means that the City can accommodate change over time. Since Hercules is primarily residential now, achieving balance means that an emphasis will be placed upon attracting commercial, office and industrial uses.

#### **IV. LAND USE GOALS, OBJECTIVES, AND POLICIES**

##### **A. GOALS**

The goals of the Land Use Element are:

Preserve and enhance the community's quality of life with well-balanced growth and development.

Enhance and create a community with a wide range of choices, services, and amenities.

The Land Use Element is guided by four major concepts. The concepts are as follows:

- 1) Extending the linear park along Refugio Creek westward from San Pablo Avenue to San Pablo Bay. The creek corridor in the eastern portion of the City provides a major amenity, and extending the corridor to the Bay would provide a similar attraction in the western portion of the City. It would also establish the creek corridor as a major urban design element for the entire community.
- 2) The junction of two major state highways offers major opportunities for retail development. Land near the I-80 and SR-4 interchange and along SR-4 should be designated for general commercial use.
- 3) New businesses, and the resulting jobs and business opportunities, can most easily be accommodated at the vacant property between the commercial area noted in #2 above, and the existing employment areas.
- 4) A limited amount of new residential development should be allowed on vacant properties that adjoin existing neighborhoods and that are more closely associated with these neighborhoods than the employment or commercial areas. Buffers should be established between the residential and non-residential areas.

## **B. OBJECTIVES, POLICIES AND PROGRAMS**

### OBJECTIVE 1

Achieve a level of population and employment which preserves and enhances the desired character of the community.

#### Policy 1A

Encourage and only allow development that is consistent with the Land Use Diagram, Land Use Categories; and objectives, policies and programs of the Land Use Element.

##### Program 1A.1

Procedures to evaluate development applications for consistency with the Land Use Diagram, Land Use Categories; and objectives, policies and programs of the Land Use Element shall be incorporated into the application review procedures of the Zoning Ordinance. Applications shall also be evaluated in relation to the capacity of infrastructure and schools to serve the proposed development.

### OBJECTIVE 2

Develop a community that balances housing, jobs, and commercial opportunities.

#### Policy 2A

Commercial and industrial development shall be consistent with gross intensity ranges in the Land Use Diagram and Land Use Categories. Higher intensity may be considered if such development is consistent with the City's goals and policies. However, each project with a proposed higher density would be subject to site-specific environmental analysis to determine incremental impacts.

##### Program 2A.1

The Zoning Ordinance shall be updated and amended to incorporate the new density standards into the commercial and industrial zoning districts.

#### Policy 2B

Develop non-residential Land Use Categories which reduce the need for residents to leave the community by providing a variety of shopping and service opportunities.

#### Program 2B.1

Target selected retail, service and employment opportunities that will meet the needs of the residents and develop a marketing program to attract these targeted opportunities.

#### Policy 2C

Emphasize employment-generating development, which is lagging behind residential development.

#### Program 2C.1

Implement the Economic Development Strategy and conduct a periodic assessment of the effort and results.

#### Program 2C.2

Develop the necessary financial and non-financial tools to be used to locate commercial and employment-generating development and to provide incentives where appropriate. When incentives are provided, the City and/or Redevelopment Agency may seek a financial return on such incentives (e.g. loans, equity position, etc.).

#### Program 2C.3

Give favorable consideration to the following types of development: new retail development that would generate substantial new sales, businesses that would provide substantial living wage employment, high growth technical businesses (particularly bio-tech, flex office and incubator uses), health care services, restaurants and innovative mixed use development proposals.

### OBJECTIVE 3

Ensure the provision of public facilities and services needed to support growth that balances jobs, commercial, and housing opportunities, and also protects the quality of life in the community.

#### Policy 3A

Develop transportation facilities to provide access to the region, particularly public transit systems (buses, ride sharing, rail transit, as well as potential over-water transit).

#### Program 3A.1

Provide assistance and support a regional rail transit system and seek funding for a train station in Hercules.

### Program 3A.2

Work with WESTCAT to develop both short-term and long-term transit facility uses on the WESTCAT site in Hercules including commercial-retail uses or rail line extensions.

### Program 3A.3

Analyze the existing public facilities and services compared to those needed to be developed as provided for in this Element. Develop a plan to meet the public facility and service needs, including a financing plan.

### Program 3A.4

Provide assistance and support for the construction of Highway 4 to full freeway standards through pursuit of its designation and funding within the regional and state transportation plans.

## Policy 3B

The Land Use Element and Circulation Element need to be closely coordinated to insure that traffic from new development will not overwhelm the carrying capacity of the circulation system.

### Program 3B.1

The planning and development of commercial and industrial areas should evaluate and minimize the effects on existing residential areas.

## Policy 3C

Reasonable traffic flow and direct access between neighborhoods should be provided or preserved, where feasible.

### Program 3C.1

The development review committee or public works department shall review all development applications for reasonable traffic flow and direct access between neighborhoods.

## Policy 3D

Create a strong and successful focus or center for business and activities that would provide services, shopping opportunities which would attract employees, clients, and patrons from a regional area, while not disturbing existing residential and community oriented areas.

#### Program 3D.1

The City will implement its adopted Economic Development Strategy to attract businesses and development that will provide needed services, shopping and employment.

#### OBJECTIVE 4

Develop sufficient employment and commercial tax generating uses to maintain a positive City government fiscal condition.

#### Policy 4A

Encourage local and regional commercial uses that can benefit from substantial regional traffic on I-80, Highway 4 freeway, and San Pablo Avenue.

#### Program 4A.1

The City will implement its adopted Economic Development Strategy to attract appropriate commercial development and uses that have markets oriented to the high volumes of regional traffic.

#### Policy 4B

Encourage uses that bring additional revenues (retail sales, property tax) either directly or indirectly to the City.

#### Program 4B.1

Analyze the City's retail sales and property tax generation, as compared to Regional and State averages, and identify and target those sectors where the City is underserved.

#### OBJECTIVE 5

Develop and maintain a pattern of residential land uses which provide for a variety and balance of densities and opportunities for a mix of dwelling and residential type.

#### Policy 5A

Residential development shall be consistent with gross density ranges in the Land Use Categories and with the Land Use Diagram.

While a goal of the City is to limit total residential growth to that which would result from development of all parcels at the mid-range density, architectural diversity and economic variety are also equal goals of the City. The density of residential development allowed on any parcel within the City should take into consideration these City-wide goals as well as site specific considerations

including but not limited to, topography, economics, neighborhood compatibility, provision of affordable housing, market conditions; and the capability of a proposed development project to further other specific goals, policies and objectives of the General Plan.

Program 5A.1

The Zoning Ordinance shall be updated and amended to incorporate the new density standards into the residential zoning districts and site-specific consideration standards for Planned Development Plans. The standards for development within the corresponding residential zoning districts shall address the preference for mid-range densities while balancing the equal goals of architectural diversity and economic variety.

Policy 5B

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

Program 5B.1

Review on a periodic basis the affordable housing needs identified in the Housing Element and encourage provision of housing to meet those needs.

Program 5B.2

Encourage development of innovative types of housing, including co-housing, congregate care facilities, and other types of housing that may provide low cost alternatives to typical market-rate housing.

Program 5B.3

New residential development shall include a minimum 10% of the total number of units for affordable housing. No in-lieu fees will be accepted by the City unless the developer can establish extraordinary circumstances for not providing affordable housing or unless an agreement pre-dating this general plan amendment provides otherwise. Provision of actual inclusionary housing units will be strongly preferred over the payment of in-lieu fees.

Policy 5C

Provide additional affordable and/or senior citizen housing.

Program 5C.1

Develop an affordable housing strategy which includes an inclusionary requirement of providing a minimum of 10% of the total residential units for affordable housing, an

implementation plan and financial and non-financial incentives for the development of such housing.

Program 5C.2

Encourage the development of a “silent second” mortgage program as a strategy to assist first-time homebuyers, providing affordable homeownership options.

OBJECTIVE 6

Provide residential neighborhoods with a variety of cost ranges disbursed throughout the City.

Policy 6A

Larger scale residential development should, within its land use designation and density range, include a mix of dwelling types while preserving the existing natural topography where feasible.

Program 6A.1

The residential district and Planned Development Plan sections of the Zoning Ordinance shall be updated and amended to allow for a mix of dwelling types within larger scale residential developments and to preserve natural topography.

Policy 6B

Multi-family residential land should be developed with a balance of open space, landscaping, and recreational amenities and should be accessible to commercial and recreational areas and public transportation.

Program 6B.1

The multiple-family residential district and Planned Development Plan sections of the Zoning Ordinance shall be updated and amended to provide standards for provision of and access to open space and recreation, while also providing access to commercial facilities and transit.

Policy 6C

Wetlands mitigation, flood control improvements and riparian corridors should not be used in the calculation of required park space, parks, or recreational areas. However, the City may accept such areas in the calculation of required park space if they are accessible to the general public for use and enjoyment.

Program 6C.1

The Zoning Ordinance open space and recreation standards shall be amended to allow the area of wetlands mitigation, flood control improvements and riparian corridors to be calculated toward open space and recreation requirements at the City's discretion and only if they are accessible to the general public.

OBJECTIVE 7

Achieve a pattern of development that is consistent with the City's desired image.

Policy 7A

Establish a visual identity for the City that distinguishes it from the surrounding areas.

Program 7A.1

Provide landscaping along major regional streets and highways. This landscaping should soften the appearance of traffic and parking along these routes, while allowing view corridors to retail and other businesses.

OBJECTIVE 8

Preserve Hercules history while developing its future.

Policy 8 A

Preserve and enhance the historic district area.

Program 8A.1

Develop plans to preserve and rehabilitate key historic buildings but not the former plant equipment and manufacturing structures related to former industrial sites.

Program 8A.2

A detailed study of the Historic Town Center and adjoining area (including Hercules Point) shall be prepared as part of the Planned Development application for properties within this area in order to define the appropriate mix of public and private land uses, design guidelines, preservation of key buildings, vegetation (e.g. trees) and trails.

### Program 8A.3

Designate the Hercules Properties, Inc. parcels as a "special study area" requiring a "planned development" for mixed use and residential development. The planned development plan shall address:

- Historic significance and existing historic buildings.
- Opportunities for and location of commuter rail station.
- Drainage and hydrology issues.
- Bay frontage location.
- Diversity of land uses.
- Coordination with adjacent properties needed due to diversity of land uses and complex infrastructure requirements.

The Hercules Properties, Inc. parcels may be developed differently from the conceptual land uses depicted in the Land Use Diagram.

### Program 8A.4

All residential property within the "southern slope" PUD will be either Single-Family Medium Density (7-12 units per acre) or Multi-Family Low Density (7-12 units per acre); a combination of product types is acceptable within the stated density range.

### Program 8A.5

Parcel C, the Citation property, will be designated as a Residential Planned Development due to its physical characteristics and proximity to existing neighborhoods and the "southern slope" PUD of the HPI site.

## OBJECTIVE 9

Promote attractively designed and economically feasible development.  
Policy 9A

New development shall be planned and developed in a manner that funds or mitigates costs for providing municipal services. New residential development shall not create new unfunded costs for providing municipal services.

### Program 9A.1

Fiscal impact reports shall be required with all applications for new development. The development review committee shall consider economic feasibility as a factor, within the framework of the General Plan, in evaluating development applications.

Program 9A.2

Development approvals shall be conditioned as part of application approval or a development agreement to provide adequate measures, including formation of necessary assessment districts or other financing mechanisms, to ensure that the development funds all new costs for services required to serve the development. (See also development implementation policies and programs in the Growth Management Element.)

Program 9A.3

Development applications shall be reviewed to determine if adequate solid waste disposal capacity exists to serve the project and that the project includes adequate recycling facilities.

OBJECTIVE 10

Provide recreational and cultural amenities within the community that meet the needs of the residents and workers.

Policy 10A

Promote development of a regional commercial recreation center or complex along, or adjacent to, the major transportation routes (I-80, Highway 4 freeway, and San Pablo Avenue).

Program 10A.1

The City will implement its adopted Economic Development Strategy to promote a regional commercial recreation center that is conveniently accessible to the major transportation routes.

Policy 10B

Create places for residents and workers in the community to meet and socialize.

Program 10B.1

The residential district and Planned Development Plan sections of the Zoning Ordinance shall be amended to incorporate standards for community centers and recreation facilities in larger scale developments.

OBJECTIVE 11

Participate and cooperate in regional and sub-regional planning activities.

Policy 11A

Cooperate with appropriate jurisdictions and/or agencies in preparation of State Mandated Regional Plans (e.g., Congestion Management and Source Reduction and Recycling Element).

Program 11A.1

Continue participation in regional transportation and solid waste management agencies.

Policy 11B

Participate in regional and sub-regional planning and traffic issues to better address the potential regional impacts upon the community.

Program 11B.1

Continue joint power agreements and participation with Contra Costa Transportation Authority, and the West Contra Costa Transportation Advisory Committee.

OBJECTIVE 12

Attain new development with residential and employment mixed uses.

Policy 12A

Encourage mixed use development that provides for an integrated mixture of residential and employment generating uses within the same structure.

Program 12A.1

Update and amend the Zoning Ordinance to include districts for mixed residential and employment uses that correspond to the Land Use Element, and allow for employment and residential uses within the same structure.

OBJECTIVE 13

Attain compatible land uses within existing and planned development areas.

Policy 13A

Create a transition between residential neighborhoods and commercial/industrial areas, except where such mixed uses are desirable (e.g. live/work space and other designated areas). Land uses must minimize adverse impacts, and those that would not negatively impact adjoining properties should be encouraged.

Program 13A.1

Amend the Zoning Ordinance to provide standards for location, buffering and mitigation of land uses that might be incompatible if located in close proximity.

Policy 13B

Design of flood control improvements along Refugio Creek should be coordinated with appropriate resource agencies and done in a manner to function as a transition area between land uses.

Program 13B.1

Amend the Zoning Ordinance to incorporate a Refugio Creek Overlay District that provides standards for improvements along the creek and its tributaries.

Policy 13C

Strongly encourage cooperation and joint planning by and among owners of large parcels during the land use planning and entitlement process; this effort would include such items as master hydrology and circulation plans, joint studies and cooperative infrastructure development. In particular, it is anticipated that development of Parcel C and the "southern slope" portion of the HPI site will be the subject of a joint planned development process.

Program 13C.1

Coordinate preparation of the Planned Development study for the lower Refugio Valley.

OBJECTIVE 14

Protect and enhance significant and desirable environmental attributes and features.

Policy 14A

Develop trail systems, open space, and other amenities that benefit the quality of life in the community.

Program 14A.1

Establish a strong and continuous system of trail links between the hills in the southeastern end of Refugio Valley and San Pablo Bay.

Program 14A.2

Establish a trail linkage between Pinole and Rodeo as part of the regional bay access trail; this trail may encroach upon private property or bluffs within the Hercules industrial area.

Program 14A.3

Continue to improve and protect Refugio Creek as a major environmental amenity.

Program 14A.4

Require a minimum 50 ft. setback between development and the "top of bank" of the lower Refugio Creek and Rodeo Creek corridors, except that the setback may be reduced for the west branch of Refugio Creek if the 50 ft. setback proves infeasible. This buffer will be included as part of any enhancements required by regulatory agencies or proposed by the developer. Riparian areas which are culverted or underground will be excluded from the buffer requirement.

Policy 14B

Preserve the existing natural topography, ridgelines and valleys where feasible and desirable.

Program 14B.1

The City will amend the Zoning Ordinance to provide standards and review procedures to promote preservation of existing natural topography, ridgelines and valleys.

OBJECTIVE 15

Provide for public, semi-public and non-profit uses and activities throughout the community.

Policy 15A

Public, semi-public and non-profit uses may be allowed in commercial and industrial land use categories, if the type of use and level of activity is compatible with uses and activities allowed in that land use category. As an example, corporation yards and utility substations may be allowed where industrial uses are allowed.

Program 15A.1

Develop language in the Zoning Ordinance to permit public, semi-public and non-profit uses in commercial and industrial land use categories, consistent with the purposes of the land use category.

OBJECTIVE 16

Work closely with developers and the West Contra Costa Unified School District and John Swett Unified School District to mitigate potential adverse impacts of future development on school facilities.

## Policy 16A

Refer applicants of new developments to the appropriate School Districts in order to pay the District's required developer impact fees prior to the building permit issuance for individual projects, as needed and justified, to maintain school performance standards.

### Program 16A.1

In consultation with the School Districts, the City will seriously evaluate all available options for enhancing school financing, such as negotiating development agreements and redevelopment agreements providing for payment of additional school impact fees, participation in a Mello-Roos district by a property proposed for development and working with the School District and property owners to arrange donation or reservation of land for an elementary school site.

### Program 16A.2

Work with the School Districts to negotiate an agreement whereby the School District commits to expending fees received from development within Hercules for facilities within City boundaries to the maximum extent legally feasible.

### Program 16A.3

The City will not issue future legislative development approvals unless adequate school facilities are available or adverse impacts upon school facilities have been mitigated to the maximum extent legally feasible.

### Program 16A.4

The School Districts will be promptly notified of all applications of specific development projects within their jurisdiction with the potential for a significant impact on schools.

### Program 16A.5

Coordinate with the School Districts to develop appropriate project-specific mitigation measures. The City will give careful consideration to the School District's analysis of proposed mitigation. For specific development proposals that require legislative action (e.g., General Plan Amendment, adoption of Specific Plan, amendment to Zoning Ordinance) and that have substantial effect on school facilities through a projected increase in enrollment, the City shall enter into consultation with the School District and the project proponent(s) to determine whether there can be determined a mutually agreeable contribution to the school district by the proponent(s) (including, but not limited to cash payment, land dedication, and/or provision of school facilities) to offset the impacts of increased enrollment.

#### Program 16A.6

When formulating project-specific mitigations, the City will consider the effect of such mitigations on the economic viability of affordable housing projects.

#### Policy 16B

Future elementary school sites will be combined with a park to maximize joint use possibilities for each facility.

#### Program 16B.1

Coordinate with the School Districts to develop an elementary school site with an adjacent park.

#### Program 16B.2

Create an "Overlay District" consisting of undeveloped parcels west of San Pablo Avenue for the purpose of developing a centrally located elementary school/neighborhood park site. Parcel B, the McLeod property, is excluded from consideration because it is not centrally located.

### **V. LAND USE PLAN**

The Land Use Diagram illustrates the location of the different land uses in Hercules. The Land Use Diagram is based upon the goals of the General Plan, the City's Economic Development Strategy, and the community's vision for a balanced community.

The Land Use Diagram identifies specific Land Use Categories. The distribution of land uses designated in the Land Use Diagram is shown in Table 2-2. The definition of these categories and the allowed intensity and/or density of such land uses must be defined. The intensity, bulk, and scale of commercial development will be measured in terms of the allowable Floor Area Ratio (FAR). FAR is the ratio of allowable building floor area to size of the lot. Specifically, the gross floor area of a building divided by the lot area produces the FAR. Thus, a FAR of 0.3 for a 100,000 square foot lot could allow a building whose total floor area is 30,000 square feet.

It is important to note that when used alone, FAR gives a developer great flexibility in deciding whether to build a low building that covers more lot area or a taller building that covers a smaller portion of the lot. FAR is used in combination with other intensity regulations, height limits, setbacks, open space, parking and building requirements, which are part of the Zoning Ordinance, and guide the final intensity of development.

Residential development is typically measured by density. The density is the number of residential units per acre. A ten acre site, which allows 8 units per acre, could result in 80 residential units (not taking into consideration other issues/constraints). The design of such development, such as whether the 80 units are clustered or spread out, is governed by height restriction, use (single family versus multi-family) and building regulations. (The updated residential land use categories assume

a population density derived by multiplying 2.89 persons per household times the units per acre). Residential development shall be consistent with gross density ranges in the Land Use Categories and Land Use Diagram; While a goal of the City is to target overall residential growth to that which would result from development of all parcels at the mid-range density, architectural density, economic variety, preserving the community's quality of life and economic viability are also equal goals of the City. The density of residential development allowed on any parcel within the City should take into consideration these City-wide goals as well as site specific considerations including but not limited to, topography, economics, neighborhood compatibility, provision of affordable housing, market conditions, and the capability of a proposed development project to further specific goals, policies or objectives of the General Plan.

The land use categories and designations are detailed below. These designations have been set forth based upon a Master Environmental Assessment, existing development within the community, and the general development constraints within Hercules. The existence of one or more site specific development constraints could limit the use of a property or limit the development to less than the intensity or density standards set forth herein. Such constraints could include, but are not limited to the following: geotechnical conditions, topography, grading impacts, environmental issues, archeological sites, faults, drainage and other factors.

Where development constraints are found to exist during the detailed site planning process or other detailed levels of the development approval process, the General Plan assumes that the density, intensity and extent of development may be reduced, based upon the goals, objectives, policies and programs of this Element. All intensity, density and population measures are calculated on gross acreage, prior to public streets, public easements, and other public dedications from the site acreage.

The following are the Land Use Categories, including the density or intensity of development, (and population generated by residential uses) for land uses shown on the Land Use Diagram.

TABLE 2.2

## LAND USE DISTRIBUTION

Land Use Designation	Acres	Percent of City area
<b>RESIDENTIAL</b>		
Single Family - Estate	50.6	1.24%
Single Family - Low Density	957.3	23.38%
Multi-Family - Low Density	222.3	5.43%
Multi-Family - Medium Density	101.6	2.48%
Multi Family - High Density	0.0	0.00%
<b>COMMERCIAL</b>		
General Commercial	98.9	2.42%
Community Commercial	39.2	0.96%
Historic Town Center	13.4	0.33%
Waterfront Commercial	10.9	0.27%
Commercial/Public	7.0	0.17%
Recreation Commercial	0.0	0.00%
<b>MIXED USE PLANNED DEVELOPMENT</b>		
Planned Office/R&D	207.5	5.07%
Planned Commercial Residential	110.7	2.70%
Planned Commercial Industrial	62.4	1.52%
Planned Industrial Residential	1.5	0.04%
<b>INDUSTRIAL</b>		
Industrial	188.5	4.61%
<b>PUBLIC/SEMI PUBLIC</b>		
City	31.3	0.77%
School	96.9	2.37%
Park	110.5	2.70%
Open Space	<u>842.4</u>	<u>20.58%</u>
Arterial and Freeway Right-of-way	<u>307.9</u>	<u>7.52%</u>
<b>Franklin Canyon Planning Area</b>	633.0	15.46%
<b>TOTAL</b>	<b>4093.8</b>	<b><u>100.00%</u></b>