



## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Regular Meeting of May 13, 2025

**TO:** Mayor and Members of the City Council

**VIA:** Dante Hall, City Manager

**SUBMITTED BY:** Timothy Rood, AICP, Community Development Director

**SUBJECT:** Hercules Local Hazard Mitigation Plan and Consistency Updates to the General Plan Safety Element

### **RECOMMENDED ACTION:**

Staff recommends that the City Council adopt Resolution No. 25-XX (Attachment 1) adopting an updated Local Hazard Mitigation Plan (LHMP) to replace the existing LHMP attachment to the General Plan Safety Element, making minor text modifications to the Safety Element for consistency purposes, and finding the action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

### **PLANNING COMMISSION RECOMMENDATION:**

On April 21, 2025, at their regularly scheduled meeting, the Planning Commission approved Resolution No. 25-02 (Attachment 2), recommending City Council adoption of an updated Local Hazard Mitigation Plan (LHMP) to replace the existing LHMP attachment to the General Plan Safety Element, making minor text modifications to the Safety Element for consistency purposes, and finding the action exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

### **BACKGROUND:**

The Federal Disaster Mitigation Act of 2000 requires all cities, counties, and special districts to adopt a Local Hazard Mitigation Plan to receive disaster mitigation funding from the Federal Emergency Management Agency (FEMA). This plan must be adopted by local government every five (5) years.

Pursuant to Assembly Bill No. 2140, passed in 2006, California counties and cities may qualify to be considered for additional State cost-share on eligible Public Assistance projects by adopting a FEMA-approved Local Hazard Mitigation Plan as part of the General Plan Safety Element. While there is no legal requirement, the City of Hercules chose to include the current Local Hazard Mitigation Plan as part of the Hercules Safety Element and staff recommends that the updated LHMP be similarly adopted as part of the Safety Element.

The City of Hercules originally prepared and adopted a Local Hazard Mitigation Plan in 2021 in conjunction with other updates to the Safety Element. Due to timing and funding considerations, the City of Hercules prepared the 2021 Local Hazard Mitigation Plan independently, based on countywide templates. The current adopted Local Hazard Mitigation Plan attached to and incorporated into the Safety Element expires on June 23, 2026.

In November 2023, the City of Hercules joined numerous local jurisdictions and special districts in a countywide Local Hazard Mitigation Plan update led by Contra Costa County as the lead agency and their consultant, Integrated Solutions Consulting. This participation provided a significant cost savings to the City through utilization of the County's consultant, allowed the City to be on the same adoption schedule as many other jurisdictions and the County, and provided efficiency by reviewing hazard mitigation on a countywide scale.

Throughout 2024, the County and all of the participating cities and special districts worked with the County's consultant to create a draft Local Hazard Mitigation Plan (Attachment 3). This draft plan has been reviewed by the California Office of Emergency Services (CalOES) and FEMA, both of which have pre-approved the draft plan, per a letter from FEMA (Attachment 4) dated January 22, 2025. The City of Hercules must adopt the LHMP on or before September 18, 2025. The adoption timeframe is dictated by the County's adoption of its first plan that occurred on September 18, 2024. Once adopted, the Hercules LHMP will expire on September 18, 2029, and the City is required to revisit the plan annually to provide an update to CalOES and FEMA on implementation progress that occurred in the previous year.

## **ANALYSIS:**

The 2024 Hazard Mitigation Plan for Contra Costa County is a countywide planning document (Volume 1) with 39 appendices, including annexes for each of the participating 16 local jurisdictions and 23 special districts. Each of the appendices contain specific details regarding the hazard mitigation elements for that jurisdiction or special district.

### ***Hazard Mitigation Plan Goals:***

- Save (or protect) lives and reduce injury.
- Increase resilience of infrastructure and critical facilities.
- Avoid (minimize or reduce) damage to property.
- Encourage the development and implementation of long-term, cost-effective, and environmentally sound mitigation projects.
- Build and support capacity to enable local government and the public to prepare for, respond to and recover from the impact of natural hazards.

### ***Identified Hazards:***

The LHMP evaluates the applicable hazards and ranks them with a Total Risk Score, ranking from 0 to 100 with a score of 100 carrying the most risk. The ranking process involves an assessment of the likelihood of occurrence for each hazard, along with its potential impacts on people, property and the economy. The following are the hazards for Hercules that are ranked as a High Risk, which is a ranking of 55 and above:

- Earthquake – ranking of 68;
- Landslide – ranking of 59;
- Heavy Rainfall (Severe Weather) – ranking of 56; and,
- Flood (Urban/Flash Flood) – ranking of 55.

***Mitigation Actions:***

Mitigation Actions are included in the LHMP to address identified risks and vulnerabilities to hazards. Hercules has a total of 17 Mitigation Actions that are recommended for future implementation, as may be necessary:

1. Where appropriate, support retrofitting or relocation of structures in high hazard areas, prioritizing structures that have experienced repetitive losses.
2. Integrate the Hazard Mitigation Plan into other City plans, ordinances, and programs that dictate land use decisions in the community, including the General Plan and Zoning Ordinance.
3. Actively participate in the Hazard Mitigation Plan maintenance protocols outlined in Volume 1 of the Contra Costa County Hazard Mitigation Plan.
4. Continue to maintain good standing and compliance under the National Flood Insurance Program (NFIP) through implementation of floodplain management programs that, at a minimum, meet NFIP requirements. These include:
  - a. Enforce the flood damage prevention ordinance.
  - b. Participate in floodplain identification and mapping updates.
  - c. Provide public assistance/information on floodplain requirements and impacts.
5. Dredge Refugio Lake & Replace Aerator Fountains. The fountains aerate the water, reducing algae and dredging will restore the lake to its original depth, as part of the City's Stormwater Program.
6. Develop and implement a program to capture perishable data after significant events (e.g. high-water marks, preliminary damage estimates, damage photos) to support future mitigation efforts including the implementation and maintenance of this Hazard Mitigation Plan.
7. Support Countywide initiatives identified in Volume 1 of the Contra Costa County Hazard Mitigation Plan.
8. Explore participating in community readiness programs such as Firewise, Ready Set Go, and StormReady.
9. Partner with Rodeo-Hercules Fire Protection District to form a Community Emergency Response Team (CERT).
10. Create an accessible online GIS portal to store and share multi-agency maps and data developed throughout the development of this Hazard Mitigation Plan.
11. Consider developing a Climate Action Plan (CAP) to incorporate relevant research, and maps which might impact hazard planning and policy setting in the City of Hercules.
12. Partner with the community, nonprofits, Police Department, and Fire Protection District to conduct community trainings on emergency preparedness and response (e.g., evacuation routes and shelters).
13. Review the Adapting to Rising Tides policy and program recommendations when updating the Housing Element and completing the next Capital Improvement Program.
14. Install Green Infrastructure where feasible throughout the City in order to promote climate resiliency through the reduction of urban heat, recharging the aquifer, and reducing runoff to the floodplain.
15. Adopt and enforce updated building code provisions to reduce damage risk from natural hazards.
16. Partner with the Contra Costa County Department of Conservation and Development and surrounding municipalities on grant opportunities for climate resiliency efforts.
17. Require development proposed in landslide mapped area to provide a geotechnical analysis to ensure site is buildable, and any construction requirements.

Again, the above actions may be implemented as necessary but whether and when any of them will be taken is speculative at this time. If and when any action is implemented, it will undergo CEQA review at the time of implementation.

***Stakeholder and Public Engagement:***

Appendix B of the LHMP includes an overview of the stakeholder and public engagement program that was implemented to provide the public with an opportunity to review and provide comments on the LHMP. Hercules had the opportunity to utilize the County's outreach efforts in addition to the City's own outreach, which included attendance at meetings that were televised, posting information on social media, participating in public events, and placing information where Hercules citizens congregate, such as at the Library, Community Center and at City Hall. In addition to this outreach effort, the City of Hercules also successfully completed the Senate Bill 18 Tribal consultation process, which included outreach to 18 tribal contacts as provided by the Native American Heritage Commission and consultation with the Confederated Villages of Lisjan Nation and the Indian Canyon Band of Costanoan Ohlone People.

***Hercules Safety Element – Consistency Modifications:***

The Hercules Safety Element, adopted in May 2021, includes two (2) references to the previously adopted LHMP. The first reference, in the Table of Contents, identifies the adoption date as 2020, and the second reference, within the Relationship to Other City Plans section, includes the adoption date and describes the previously adopted LHMP. The City Council is thus being asked to amend the Safety Element to update these adoption dates and associated text.

**ENVIRONMENTAL DETERMINATION**

The proposed LHMP and consistency modifications to the Safety Element are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) – Common Sense Exemption in that the LHMP is a data collection, assembly and assessment document that does not allow or require any action that might have a physical effect on the environment. Further, none of the circumstances described in CEQA Guidelines Section 15300.2 applies. Any action to implement the LHMP will undergo future CEQA review if and when taken.

**FISCAL IMPACT OF RECOMMENDATION:**

There are no direct fiscal impacts associated with this item.

**ATTACHMENTS:**

- Attachment 1 – Draft City Council Resolution
- Exhibit A – Proposed Text Updates to the Hercules Safety Element
- Attachment 2 – Planning Commission Resolution 25-02
- Attachment 3 – Hercules Local Hazard Mitigation Plan
- Attachment 4 – FEMA Approvable Pending Adoption Letter