

3.0 COMMENTS ON THE DRAFT EIR AND RESPONSES TO COMMENTS

3.1 INDEX TO COMMENTS

As described in **Section 1.0, Introduction**, all comments on the Draft Environmental Impact Report (EIR) received in writing have been coded, and the codes assigned to each comment are indicated on the written communication that follow. All agencies, organizations, and individuals who commented on the Draft EIS/EIR are listed in **Table 3.0-1, Index to Comments**, below.

**Table 3.0-1
Index to Comments**

Commenter Code	Agency/Organization/Individual – Name
A	Terry Roberts, Governor’s Office of Planning and Research
B	Remedios V. Sunga, California Department of Toxic Substances Control
C	Lisa Carboni, California Department of Transportation
D	Jamar Stamps, Contra Costa County Department of Conservation and Development
E	William Kirkpatrick, East Bay Municipal Utility District
F	Myrna L. de Vera, Chairperson, Hercules Planning Commission
G	Belinda Espinosa, City of Pinole
H	Christina M. Atienza, West Contra Costa Transportation Advisory Committee
I	Jeffrey Wisniewski
J	M. Scott Mansholt, Chevron Environmental Management Company



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

March 13, 2009

Elizabeth Warmerdam
City of Hercules
111 Civic Drive
Hercules, CA 94547

Subject: Hercules Updated 2009 Redevelopment Plan
SCH#: 2008112049

Dear Elizabeth Warmerdam:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on March 12, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008112049
Project Title Hercules Updated 2009 Redevelopment Plan
Lead Agency Hercules, City of

Type EIR Draft EIR

Description

1. An amendment to the Amended and Restated Redevelopment Plan for the Merged Dynamite and Project Area No. 2.
2. Amending the City's General Plan land use designation for Hilltown from Industrial to Planned Commercial-Residential and Sycamore Crossing from General Commercial to Planned Commercial - Residential.
3. Amending the City's zoning designation for Hilltown from Industrial to PC-R Planned Commercial Residential Mixed Use District and Sycamore Crossing from General Commercial to PC-R Planned Commercial Residential Mixed use District.
4. Amending the City's Zoning Ordinance, Chapter 15 PC-R Planned Commercial Residential Mixed Use District, to include "hotel" as a conditional use.

The DEIR is a project level DEIR for the potential development on Hill Town and a program DEIR for the remainder of the proposed project.

Lead Agency Contact

Name Elizabeth Warmerdam
Agency City of Hercules
Phone 510 799-8231 **Fax**
email
Address 111 Civic Drive
City Hercules **State** CA **Zip** 94547

Project Location

County Contra Costa
City Hercules
Region
Lat / Long
Cross Streets Sycamore Avenue and San Pablo Avenue
Parcel No. 404020057, 404020058, 404040064

Township	Range	Section	Base

Proximity to:

Highways 180, Hwy 4
Airports
Railways UP/SP and BNSF
Waterways San Pablo Bay
Schools West Contra Costa Unified
Land Use Industrial and General Commercial

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Growth Inducing; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Department of Water Resources; Office of Emergency Services; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Document Details Report
State Clearinghouse Data Base

Date Received 01/27/2009 *Start of Review* 01/27/2009 *End of Review* 03/12/2009

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Comment Letter A

This letter is an acknowledgment that the City of Hercules has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to CEQA. No further response is required.



Linda S. Adams
Secretary for
Environmental Protection

Department of Toxic Substances Control

Maureen F. Gorsen, Director
700 Heinz Avenue
Berkeley, California 94710-2721



Arnold Schwarzenegger
Governor

March 5, 2009

Ms. Liz Warmerdam
City of Hercules
111 Civic Drive
Hercules, California 94547

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MAR 10 2009
STATE CLEARING HOUSE

HERCULES UPDATED 2009 REDEVELOPMENT PLAN, HERCULES, CALIFORNIA-
DRAFT ENVIRONMENTAL IMPACT REPORT, SCH #2008112049

Dear Ms. Warmerdam:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Hercules Updated 2009 Redevelopment Plan for the City of Hercules, California. The California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the California Environmental Quality Act (CEQA) documentation prepared for this project adequately addresses any activities which may be required to investigate and remediate any hazardous substances release.

The proposed project in the EIR includes, among other things, amending the City's General Plan land use designation for the Sycamore Crossing property from General Commercial to Commercial-Residential and for the Hill Town property from Industrial to Planned Commercial Residential Mixed Use District. Sycamore Crossing is a vacant 14-acre property that used to be a part of the property where the Hercules Powder Company had operated an explosives manufacturing facility. Hill Town is a 44-acre property formerly owned by PG&E that consists of an abandoned petroleum tank farm and a storm water treatment facility.

DTSC provides the following comments or additional information on the proposed project.

SYCAMORE CROSSING PROPERTY

The Sycamore Crossing property was a portion of the Hercules Inc. site that was investigated and remediated under DTSC's oversight. DTSC certified the completion of

1

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remediation of the entire Hercules Inc. site to unrestricted land use standards in November 1992; however, the Sycamore Crossing property was remediated earlier through separate removal actions at the City's request for its immediate use as a ball park. Approximately 200 cubic yards of contaminated soil were removed from this property in March 1986. As discussed in the EIR, site assessments were conducted at this property by others in 1997, 2004 and 2007 after DTSC certification of the removal actions. The EIR concludes that the contaminant concentrations detected during the site assessments would not pose a significant risk to future residential occupants. DTSC concurs with this conclusion and believes that the previous removal actions have made the Sycamore Crossing property suitable for the proposed commercial-residential development. DTSC's core records for the Hercules Inc. site can be viewed from its EnviroStor database at the following link:
http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=07280156

1

HILL TOWN PROPERTY

The property currently consists of an abandoned petroleum tank farm and a storm water treatment facility with detention basins, and a cell tower. Several site assessments have been conducted at this property that found petroleum hydrocarbons and volatile organic compounds (VOCs) in soil and/or groundwater. The results of the assessments were summarized but the assessment reports were not included in the EIR. The EIR states that remediation would require testing the entire property, removing all tanks and piping, and documenting any presence of petroleum hydrocarbons during the demolition process. Remediation is recommended for the property but the remedial methods are not discussed in the EIR.

2

Since DTSC was not involved in the investigation of the Hill Town property, DTSC cannot ascertain the adequacy of the soil and groundwater sampling. The property should be adequately characterized so that remedial alternatives can be appropriately evaluated and selected. Selecting a remedial method(s) is an important consideration in a redevelopment plan. For example, the development may need to be designed so that residential buildings are not constructed in areas where contaminated soil or groundwater will remain on-site or if contaminated soils are capped under pavement or buildings, land use restrictions may be required. In addition, since VOCs are present at the property, vapor intrusion into indoor air should also be evaluated. Mitigation measures may be needed in VOC-contaminated areas that should be incorporated in the design of building foundations for the planned commercial and residential development.

3

If cleanup activities include the need for soil excavation and offsite disposal, the EIR or subsequent project-specific CEQA documents should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of

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Ms. Liz Warmerdam
March 5, 2009
Page 3 of 3

any applicable local standards which may be exceeded by the excavation activities, including dust levels and noise; (3) transportation impacts from the removal or remedial activities; and (4) risk of upset should be there an accident at the Site.

5

If you have any comments or questions or would like DTSC assistance on the remediation of the proposed project, please contact me at (510) 540-3840 or by e-mail at rsunga@dtsc.ca.gov.

Sincerely,

RV Sunga
Remedios V. Sunga
Project Manager
Brownfields and Environmental Restoration Program
Berkeley Office

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street
Sacramento, California 95814

Guenther Moskat
CEQA Tracking Center
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806

Response to Comment Letter B

Response to Comment B-1

The comment describes remediation actions that took place on the Sycamore Crossing property and notes that the DTSC concurs with conclusions in the EIR about the risk of contaminant concentrations on future residential occupants. The comment is noted.

Response to Comment B-2

Mitigation Measure HAZ-1 requires preparation of a work plan for decommissioning and dismantling the remaining industrial structures associated with the former tank farm on the Hill Town property. The work plan would be submitted to the RWQCB and other appropriate regulatory agencies for review and approval prior to decommissioning and dismantling work.

The work plan would propose additional site investigation for the property to evaluate the lateral and vertical extent of petroleum hydrocarbon impacted soil and groundwater beneath the site, as well as remediation as necessary based on the results of the soil and groundwater investigations. The text in Mitigation Measure HAZ-1 has been revised to describe the type of remedial activities that could be involved in site remediation at the Hill Town property. Additions to the text are shown in **Section 2.0, Revisions to the Draft EIR** and **Section 4.0, Mitigation Monitoring and Reporting Program**.

Response to Comment B-3

The comment requests discussion of the remediation methods to be used as part of the work plan. The work plan prepared by qualified and licensed environmental professional(s) would consider options for remediation in the event that contaminated soil or groundwater is identified on the Hill Town site. Future development on the site could be designed such that residential buildings are not constructed in areas where contaminated soils or groundwater will remain on site. If contaminated soils are capped under pavement or buildings and pose a substantial risk to future residents, the work plan will require that land use restrictions be implemented. The details above have been added to the text in Mitigation Measure HAZ-1, and included in **Section 2.0, Revisions to the Draft EIR** and **Section 4.0, Mitigation Monitoring and Reporting Program**.

Response to Comment B-4

Given that VOCs are present on the Hill Town property, the environmental professional(s) identified in Mitigation Measure HAZ-1c will evaluate vapor intrusion into indoor air. If needed, the work plan would

include measures for VOC-contaminated areas that would be incorporated in the design of building foundations for the planned commercial and residential development.

The details above have been added to the text in Mitigation Measure HAZ-1, and included in **Section 2.0, Revisions to the Draft EIR** and **Section 4.0, Mitigation Monitoring and Reporting Program**.

Response to Comment B-5

As described in Mitigation Measure HAZ-1, the work plan prepared for the Hill Town site could require soil excavation and off-site disposal. Soil and groundwater affected by hazardous materials, if identified, would be remediated or removed to levels below the ESLs established by the RWQCB and/or other applicable cleanup criteria. Air quality, noise, and transportation impacts associated with earth moving activities were evaluated in the applicable sections of the Draft EIR. The risk of upset associated with the Hill Town site is evaluated in Impact HAZ-1.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



Flex your power!
Be energy efficient!

March 12, 2009

CCGEN012
SCH #2008112049

Ms. Elizabeth Warmerdam
City of Hercules
111 Civic Drive
Hercules, CA 94547

Dear Ms. Wehrmeister:

Hercules Updated 2009 Redevelopment Plan – Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review process for the Hercules Updated 2009 Redevelopment Plan Project. The following comments are based on the Draft Environmental Impact Report (DEIR). As the lead agency, the City of Hercules is responsible for all project mitigation, including any needed improvements to state highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City of Hercules work with both the applicant and the Department to ensure that our concerns are resolved during the California Environmental Quality Act (CEQA) process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

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Community Planning

This project will have a significant impact on Interstate 80 (I-80) by adding trips where conditions are already at an unacceptable level of service (LOS) level. To lessen impacts on I-80, the City can decrease vehicle trips and vehicle miles traveled (VMT) by improving pedestrian/bike connectivity between high density/mix-used development areas and transit centers. The west side of I-80 is shown to have future retail, offices, and a transit village at John Muir Parkway and San Pablo Avenue, which is within walking distance of the existing transit center at Sycamore and San Pablo Avenues. The City's proposal to move the transit

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center to the east side of I-80 will place it beyond walking distance from this future development, discouraging use of the transit center. Please evaluate whether the loss in use of the transit center from residents of the mixed-use development site will be more than offset by gains in ridership from other areas of the City and region if the transit center is moved to the east side of I-80. The transit center should not be moved if it results in a loss of ridership.

3

Highway Operations

Please include traffic analysis of variables affecting State Route 4 (SR-4) and I-80 mainlines, connectors, ramp intersections, nearby interchanges, and feeder streets. In addition, the traffic analysis should include trip generation and distribution, schematic illustration of traffic conditions for existing, project, existing plus project, cumulative and cumulative plus project.

4

Although the eastbound I-80 SR4 ramps/Willow Avenue are proposed to be relocated, they still should be included in the operational analysis because the proposed ramps have to accommodate the additional traffic from the Hill Town and Sycamore Crossing developments.

5

Please provide specific detailed analysis for Mitigation Measure TRAF-5 for the San Pablo/John Muir intersection with respect to shifting ramps eastward.

6

Please revise Figure 2.0-3, on page 2.0-7, to show Sycamore Crossing not Hercules Crossing. Because the proposed development is in the vicinity of the I-80/SR4 interchange, the freeway to freeway interchange movement should be evaluated for traffic impact.

7

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information.

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

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Michael Condie, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

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Ms. Elizabeth Warmerdam
March 12, 2009
Page 3

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or Luis_Melendez@dot.ca.gov with any questions regarding this letter.

Sincerely,



LISA CARBONI
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

"Caltrans improves mobility across California"

Response to Comment Letter C

Response to Comment C-1

The project's process for identifying and implementing fair share contribution, financing, scheduling, implementation responsibility, and lead agency monitoring are presented in Section 4.0, Mitigation Monitoring and Reporting Program.

Response to Comment C-2

The City is required to obtain an encroachment permit in the State right of way. The comment is noted. The City will work with the applicant and Department of Transportation to resolve any traffic-related concerns.

Response to Comment C-3

A discussion of freeway traffic conditions is included in Section 3.12, Transportation and Traffic, of the Draft EIR. Existing freeway volumes are shown in Table 3.12-1, freeway segment volumes under project conditions are shown in Table 3.12-11, and freeway segment volumes under 2035 conditions are shown in Table 3.12-15. The requested **Freeway Mainline and Ramp Operation Analysis** table is included in **Appendix 3.0** of this Final EIR. As shown in this table, under 2035 conditions, one I-80 freeway segment and two ramps are projected to operate at LOS F, due to cumulative regional growth. The CCTA CMP has established a standard of LOS F for I-80 and SR-4 in the vicinity of the project. This standard recognizes that I-80 already experiences severe congestion, particularly at major regional bottlenecks (e.g., the Carquinez Bridge and the MacArthur maze in Oakland). The proposed project would contribute a very small fraction of the cumulative traffic increase. The trip distribution analysis indicated that the traffic from the Sycamore Crossing and Hill Town projects would travel from the project sites to and from both I-80 and SR-4, but is not expected to travel from freeway to freeway. The two projects would add approximately 685 daily vehicle trips to I-80 north of SR-4, 2,214 daily trips to I-80 south of SR-4, and 656 daily trips to SR-4, representing increases of 0.5 percent, 1.1 percent, and 1.3 percent respectively (see **Table 3.12-11**).

As noted in the Draft EIR (page 3.12-36), the City of Hercules does not have a specific impact threshold related to traffic volume increase. The comment describes potential measures that could be taken to reduce long-term congestion on freeway segments, including decreasing vehicle trips and vehicle miles traveled by improving pedestrian and bicycle connections between high density/mixed-use development areas and transit centers. The proposed project is part of and consistent with the City's long-term strategy to reduce private vehicle use and promote the use of public transit, walking, and cycling both within the

City and for commuting. The proposed project sites are located between two existing and planned transit centers: the proposed Hercules Intermodal Transit Center, which would be located on the City waterfront approximately 1 mile west of the two project sites and would include train, ferry, and bus service, and the existing Hercules Transit Center (the BART park-and-ride lot and commuter and local bus terminal). The Intermodal Transit Center project includes completion of John Muir Parkway west of I-80 to the waterfront, which would provide a more direct route to the proposed transit center from most areas in Hercules and would include sidewalks and bike paths.

With regard to the comment on moving the Hercules Transit Center, this project has already been approved and was subject to its own environmental review. Moving this transit center would provide improved access to public transit for existing Hercules residents on the east side of I-80, and would be within walking distance of the Hercules New Town Center, a major new mixed-use development recently approved by the City. The Hercules Transit Center would also be linked to areas on the west side of I-80 and to the proposed Intermodal Transit Center by bus service, sidewalks, and designated bike routes. These links would allow and encourage greater use of walking, cycling, and especially transit for commuting, ultimately reducing the long-term growth in traffic on local freeway segments.

Response to Comment C-4

The traffic report prepared for the project includes trip generation and distribution assumptions and traffic volumes for various study scenarios. Graphic illustrations of the traffic conditions under these study scenarios are included in Appendix 3.12 of the Draft EIR. Street intersections near freeways were evaluated for all study scenarios in **Tables 3.12-9, 3.12-10, and 3.12-14** in the Draft EIR. **Appendix 3.0** of this Final EIR includes the requested additional freeway mainline and ramp analyses and schematic illustrations of traffic conditions for existing, project, existing plus project, cumulative (2035), and 2035 plus project conditions.

The traffic conditions illustrated in this additional information are consistent with those described in the Draft EIR.

Response to Comment C-5

The traffic study for the proposed project evaluated the current Interstate 80 and State Route 4/Willow Avenue ramp under existing, background, and project conditions. For 2035 conditions, relocation of the ramps was assumed. The specific configuration and capacity of the proposed new ramp location was not evaluated for 2035 cumulative conditions because the design concept, lane configuration, and traffic control have not been finalized. The proposed ramp relocation is currently undergoing a separate environmental review that addresses these issues.

Response to Comment C-6

The LOS calculations for the San Pablo/John Muir intersection are shown in **Appendix 3.0** of this Final EIR. The evaluation assumed that of the traffic currently using the San Pablo-Sycamore Avenue corridor for gateway access to and from Hercules, 15 percent would use public transportation and 30 percent would use the new interchange. Without implementation of the Willow Avenue ramp relocation project, the City would need to consider other alternatives such as reconfiguring the intersection.

Response to Comment C-7

Figure 2.0-3 has been revised as requested in the comment. The trip distribution analysis indicated that project-generated traffic would travel from the project site to and from either Interstate 80 or State Route 4. Project-generated traffic is not expected to travel from freeway to freeway.

Response to Comment C-8

The comment is a description of the application requirements for an encroachment permit for work or traffic control that encroaches onto the State ROW. The City would require the project sponsor to obtain all necessary permits prior to commencing work on the project.

Department of Conservation & Development

Contra Costa County

Catherine O. Kutsuris
Director

Aruna Bhat
Deputy Director
Community Development Division

Community Development Division

County Administration Building
651 Pine Street
North Wing, Fourth Floor
Martinez, CA 94553-1229
(925) 335-1220



Phone:

March 12, 2009

Liz Warmerdam, Project Manager
City of Hercules, Redevelopment Agency
111 Civic Drive
Hercules, CA 94547

RE: Comments on Hercules Updated 2009 Redevelopment Plan DEIR.
Lead Agency: City of Hercules

Dear Ms. Warmerdam:

Thank you for providing the Department of Conservation and Development, Contra Costa County an opportunity to comment on the above captioned project. After reviewing the environmental document, the Transportation Planning Section would like to provide the following comments on the *Transportation and Circulation* section and analysis presented in the DEIR:

1. **Page 3.12-22:** It is stated that “a 10 percent reduction factor for public transit use was applied to the residential trip generation.” The FEIR should provide more insight on how this was analyzed, and how this definitive factor was drawn. Also, does this reduction reflect the current and future economic situation; i.e. budget cuts and transit service reductions?

At least one other mitigation measure proposes developing programs to encourage public transit, and further specifies reduction goals. What would these programs entail and how would they be monitored?
2. **Page 3.12-31 and 32:** Does the “Traffic Signal Warrant Analysis” include the I-80/SR-4/Willow Road ramp relocation project? The project is approximately 8 – 10 years away, the FEIR and the signal warrant analysis should consider the future implementation of this project, if it has not already.
3. **Page 3.12-34 and 35:** The DEIR jumps from “Impact Traf-3” to “Impact Traf-5.” Is there a fourth traffic impact, or was this just a typo?

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Ms. Warmerdam
December 17, 2008
Page 2 of 2

If you have any questions or concerns regarding the above comments, please do not hesitate to contact me at the above telephone number, or e-mail me at jstam@cd.cccounty.us. Again, thank you for the opportunity to respond to the DEIR. The County looks forward to being involved in the review of FEIR for the proposed project.

Sincerely,



Jamar Stamps

Transportation Planning Section

cc: S. Goetz, DCD
P. Roche, DCD
M. Halle, PWD

Response to Comment Letter D

Response to Comment D-1

As the comment notes, a 10 percent reduction factor for public transit use was applied to the residential trip generation. In general, a 10 percent trip reduction is considered acceptable and achievable in transportation planning practice. In this case, the 10 percent trip reduction is supported by the 2000 census data that indicated that more than 9 percent of employed residents (16 years or older) in Hercules use either public transportation or other means to travel to and from work. This factor does not reflect current economic conditions, transit budget cuts, or fuel cost. High fuel cost and poor economic conditions could increase the demand for public transportation and as a result reduce overall traffic, as experienced during recent economic down turns and high gas prices. However, given the uncertainty surrounding budget cuts and potential transit service reductions, it would be speculative to evaluate public transit use based on the current and future economic situation.

Trip reduction programs could include carpools, vanpools, and shuttle buses to carry residents to and from the new transit center and the ferry and train station. In addition, the City could also add or improve existing pedestrian sidewalks, trails, and bike lanes, especially along San Pablo Avenue, connecting the project sites to the new transit center and the future Intermodal Transit Center. This would encourage bicycling and walking as viable means of transportation. Both project sites (Hill Town and Sycamore Crossing) are located within walking or biking distance of Hercules' employment center northwest of the San Pablo Avenue/John Muir Parkway intersection.

The City or its designated representatives would monitor the effectiveness of the ride-share programs by recording and checking the number of people enrolled and transit passenger count data on a monthly or annual basis depending on needs. The City of Hercules currently has a biennial traffic counting and monitoring program, which collects traffic count data and evaluates peak hour traffic operations (LOS) for city intersections regularly to identify unacceptable LOS conditions so that mitigation strategies can be formulated in a timely manner.

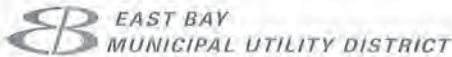
Response to Comment D-2

The traffic signal warrant analysis was conducted for all of the non-signalized intersections for existing conditions, background conditions, project conditions, and 2035 cumulative conditions, which has assumed the relocation of the existing eastbound Interstate 80/State Route 4/Willow Avenue interchange.

Response to Comment D-3

The Draft EIR text has been revised to correct the typographical error. Please see **Section 2.0, Revisions to the Draft EIR**.

5a



March 9, 2009

Liz Warmerdam, Project Manager
City of Hercules
111 Civic Drive
Hercules, CA 94547

Re: Notice of Availability of a Draft Environmental Impact Report - Hercules Updated 2009 Redevelopment Plan, Hercules

Dear Ms. Warmerdam:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Hercules Updated 2009 Redevelopment Plan. EBMUD has the following comments.

WATER SERVICE

The Draft EIR includes project level analysis for the proposed Hill Town and Sycamore Crossing Developments that was not anticipated and/or included in the Notice of Preparation; hence a Water Supply Assessment (WSA) pursuant to Section 15155 of the California Environmental Quality Act Guidelines, and Section 10910-10915 of the California Water Code will be required as the project would demand an amount of water equivalent to or greater than the amount of water required by a 500-dwelling unit project. EBMUD received your request for a WSA for this project on February 18, 2009. In preparation of the WSA, EBMUD has already contacted the project sponsor to gather data and estimates of future water demands for the project area. Please be aware that the WSA can take up to 90 days to complete from the day the request is received.

1

EBMUD's Maloney Pressure Zone, with a service elevation range between 0 and 200 feet, will serve the proposed development. Water main extensions, at the project sponsor's expense, will be required to serve the proposed development. Water mains cannot be extended beyond the 200 foot elevation; therefore, depending on the final elevations of the proposed development, Limited Pressure Service Agreements may be required to provide water service to any portions of the development located above 200 feet. A Limited Pressure Service Agreement recommends the installation and maintenance of individual pumping facilities (hydropneumatic service), at the project sponsor's expense, to maintain adequate pressure to the premises at all times. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services requires

2

substantial lead-time, which should be provided for in the project sponsor's development schedule.

2

EBMUD owns and operates transmission pipelines in EBMUD right-of-way (R/W 503, R/W 2403) that traverse the proposed Hill Town and Sycamore Crossing Developments, which provide continuous service to EBMUD customers in the area. The integrity of these pipelines needs to be maintained at all times. Any proposed construction activity in EBMUD right-of-ways would be subject to the terms and conditions determined by EBMUD including relocation of the water mains and/or right-of-ways, at the project sponsor's expense.

3

The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater.

4

EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the applicant's expense.

5

GEOLOGY

On page 3.5-14, under Geology and Soils, it states that the site-specific geotechnical investigation identified potential landslide hazards, including area of soil creep and a landslide deposit, at the Hill Town site. When the project sponsor applies for water service, any proposed landslide mitigation measures for the development will need to be submitted to EBMUD for review to confirm that that no landslide impact hazard is posed to proposed water main extensions that will serve the developments.

6

Liz Warmerdam, Project Manager
March 9, 2009
Page 3

5c

WATER RECYCLING

The Sycamore Crossing and Hill Town sites are located approximately 8 miles northeast of EBMUD's North Richmond Water Reclamation Plant, and about 2 miles east of the Pinole-Hercules Wastewater Treatment Plant. Both proposed developments are not likely candidates for recycled water due to minimum irrigation demands. The cost to provide recycled water to these project sites would be high due to the extensive length of distribution system required. However, EBMUD requests that the developers contact and coordinate with EBMUD during project planning to confirm the feasibility of using recycled water.

7

WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City of Hercules include in its conditions of approval a requirement that the project sponsor comply with the Assembly Bill 325, Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the project area. A key objective of this discussion will be to explore timely opportunities to expand conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

8

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:TRM:sb
sb09_032.doc

Response to Comment Letter E

Response to Comment E-1

A Water Supply Assessment (WSA) is being prepared for the project in accordance with Section 10910-10915 of the California Water Code. The WSA document will be consistent with the Draft EIR and will be completed prior to approval of the project. Project approval cannot occur if the WSA does not establish that there is adequate water supply to serve the project.

Response to Comment E-2

The project sponsor understands that a Limited Pressure Service Agreement with EBMUD may be required for provision of water service to any portions of the proposed development located above 200 feet. The project sponsor will work with EBMUD's New Business Office to request a water service estimate to determine costs, conditions, and schedule for providing water service to the proposed developments.

Response to Comment E-3

Prior to construction activities on a parcel that includes a pipeline or pipeline right-of-way, Mitigation Measure HAZ-2 would require that the City consult with the pipeline operator regarding safety procedures for pipeline accidents. Construction activities associated with the project would be required to comply with the terms and conditions determined by EBMUD for construction activities near EBMUD rights-of-way 503 and 2403.

Response to Comment E-4

Extensive information regarding soil and groundwater quality at the project site is available and would be supplied at the time the applicant applies for EBMUD services. As described in Impact Haz-1, implementation of the project would involve site cleanup for hazardous materials. The site cleanup activities would be heavily regulated by state and federal statute. Further, implementation of Mitigation Measure HAZ-1 would ensure that no soil or groundwater contamination exists after the cleanup. Mitigation Measure HAZ-1c would require preparation of a work plan that would establish the methodology necessary to identify, remediate, or remove the contaminated soil and groundwater.

Response to Comment E-5

As described above, it is anticipated that the project site cleanup would occur in compliance with state and federal regulations and before any work is performed that could affect utility infrastructure.

Information about soil and groundwater quality at the site would be provided to EBMUD at the time the applicant applies for services.

Response to Comment E-6

As noted by the comment, Mitigation Measure GEO-2a requires that development of the proposed Hill Town project comply with the recommendations of the site-specific geotechnical report for site preparation, grading, retaining wall construction, and foundation design. It is anticipated that the applicant would submit all required documentation, including any proposed landslide measures, as part of the application for water service.

Response to Comment E-7

The comment is noted. Developers of the project would work with EBMUD during the project planning and would confirm the feasibility of using recycled water at that time.

Response to Comment E-8

As noted in the comment, the project would be required to incorporate water conservation measures as set forth in Assembly Bill 325, Model Water Efficient Landscape Ordinance. It is anticipated that the project sponsor would work with EBMUD for the provision of water service.

March 12, 2009

Liz Warmerdam
Project Manager
Updated 2009 Redevelopment Plan Draft EIR
City of Hercules

Dear Liz Warmerdam,

Thank you for the Updated 2009 Redevelopment Plan Draft EIR. These are my comments and questions:

Impact Aes-3: “The proposed project would alter the existing visual character of the sites and could substantially degrade the existing visual character and quality of the site and its surroundings.”

Comment: My initial reaction was to disagree with this analysis because as I would drive by San Pablo Avenue, I visualized the hideous-looking petroleum tanks being replaced by a hillside of Tuscany-inspired homes; thus, I was imagining how the project would upgrade the quality of the site and its surroundings. However, the conceptual previews and post views of the proposed massing of the buildings (3.1-3) did illustrate the significant aesthetic impact of the project on the north San Pablo and northwest I-80.

1

Impact Haz-1:

Question: The developer had commenced the decommissioning and dismantling of the petroleum storage tanks in 2008, before an EIR was studied. Have the project manager been utilizing the mitigation measures outlined in the EIR as they embarked on the first phase of decommissioning/dismantling to prevent potential release of hazardous materials into the environment?

2

Public Services Impact Pub 1, Pub-2, Pub-3, and Pub-4:

EIR’s analysis that impacts on the fire and emergency facilities, police facilities, school, and park and recreation facilities will be less than significant. Please explain how our public service facilities would not be impacted with the additional population of 359 in Sycamore Crossing and 1,350 in Hill Town plus the cumulative effects of the other upcoming Hercules projects. Is paying the development impact fees a sufficient measure to mitigate the potential impacts to the Hercules public services?

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Air Quality Impact AQ-6:

Regarding the mitigation measures to counter the greenhouse gases and cumulative impacts of global climate change, were green building codes for construction considered

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as means to mitigate such impacts? Do the developers/builders plan to use green building standards and have the buildings and project LEED-certified?

5

Geology and Soils Impact Geo-2:

Please explain more about the Geologic Hazard Abatement District (GHAD). The agency seems like a useful advisory body to address the geologic hazards, especially with the hillside topography of the Hill Town project and the potential risks of land slides; I would like to clarify how the state agency will be organized, funded, and managed to fulfill its duties.

6

Transportation and Circulation

As I expressed during the Planning Commission workshop on February 17, I am surprised that the traffic and circulation impacts would be less than significant, especially after recently studying the New Town Center EIR, which had concluded that traffic would be a significant and unavoidable impact. For the benefit of the public and the other commissioners who were not present at the workshop, please explain again why there is a disparate conclusion between both EIRs and why you believe the mitigation measures presented in this EIR would reduce the transportation and circulation impacts.

7

Again, thank you for the thorough and comprehensive study you have prepared in this Environmental Impact Report, and I am looking forward to reading the Final EIR.

Sincerely,

Myrna L. de Vera
Chairperson, Hercules Planning Commission

Response to Comment Letter F

Response to Comment F-1

The comment agrees with the analysis in the Draft EIR and is noted. The comment will be included as part of the record and will be made available to the City of Hercules Planning Commission and Council prior to the final decision on the proposed project.

Response to Comment F-2

As described in Impact Haz-1, the remaining pump station facility structures were in the process of being demolished and dismantled at the time the Draft EIR was prepared and several petroleum tanks were decommissioned and dismantled prior to preparation of the Draft EIR. Site cleanup methods are heavily regulated by both federal and state statutes and procedures designed to bring contaminated sites into productive use. The decommissioning and dismantling work included removing hazardous materials from the pump station facility. Construction materials, including scrap metal and building debris, were transported to appropriate licensed off-site facilities for recycling or disposal. Hazardous materials such as ACMs, LBP, PCBs, petroleum fuels, affected soil, or groundwater were removed and transported to an appropriate hazardous waste facility. The same procedures would be followed for removal of the remaining tank and equipment on site. Finally, it is expected that follow-up soil testing would be performed to ensure that no further contamination exists on site.

As described in Section 3.0, Environmental Setting, Impacts, and Mitigation Measures, the EIR must describe the baseline physical conditions against which the project-related changes can be compared. For the resource topic of hazards and hazardous materials, impacts are evaluated in terms of changes that would result from development of projects that could occur under the proposed Updated 2009 Redevelopment Plan as compared to existing conditions, defined as the conditions present at the time of the November 10, 2008, Notice of Preparation. Therefore, although the dismantling and decommissioning of the petroleum storage tanks were not subject to the same mitigation measures, as were included in the EIR, because they were removed prior to November 2008, the work was required to be performed in conformance with the applicable regulations.

Response to Comment F-3

The impact of additional population associated with the proposed project to public services and recreation was evaluated in the Draft EIR. Implementation of the proposed project would result in the need for additional fire and emergency, police, school and park and recreation services to serve the project-related population. However, as stated in Section 3.11, Public Services and Recreation, in the Draft

EIR, the payment of development fees and other exactions required as part of the development process would be considered sufficient mitigation for the increased demand on these services.

Response to Comment F-4

Please see Response to Comment C-3. The relevant service providers have indicated that payment of fees would contribute to new facilities and staff and would reduce the potential impacts of the proposed projects to a less than significant level.

Response to Comment F-5

Green building codes for construction were considered as means to mitigation impacts of the project related to greenhouse gases. Mitigation Measure AQ-4b requires the implementation of all feasible transportation reduction measures to reduce emissions associated with vehicle exhaust, including emissions of CO₂. As part of the mitigation measure, buildings developed as part of the project would be required to incorporate the following measures in order to reduce CO₂ emissions:

- Utilize reflective (or high albedo) and emissive roofs and light colored construction materials to increase the reflectivity of roads, driveways, and other paved surfaces, and include shade trees near buildings to directly shield them from the sun's rays and reduce local air temperature and cooling energy demand.
- Use efficient heating and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units that meet or exceed Title 24 requirements (Energy Efficiency Standards for Residential and Nonresidential Buildings and Green Building Standards). Use window glazing and insulation, wall insulation, and efficient ventilation methods.

The mitigation measure has the potential to reduce project-related mobile source emissions by 15 percent. In addition Mitigation Measure AQ-6 requires the project's residential and commercial land uses as a whole shall achieve an energy efficiency standard equivalent to the California Energy Commission's Tier II standard. Specifically, the mitigation measure requires a 35 percent reduction in the residential building's combined space heating, cooling, and water heating energy and a 40 percent reduction in the residential building's space cooling (air conditioning) energy compared to the current Title 24 Standards. The green building codes are implicit in these mitigation measures.

While it is anticipated that green building standards would be followed, the City has not applied for LEED certification at this time. LEED certification may be achieved at the project-level stage and is assessed following building completion; it therefore cannot be conclusively evaluated during the planning process when an EIR is prepared.

Response to Comment F-6

A Geologic Hazard Abatement District (GHAD) or similar entity would be formed in order to manage seismic risks on the project site. Implementation and monitoring of Mitigation Measure Geo-2b, which requires the formation of a GHAD or similar entity for the purpose of identifying potential geologic hazards and carrying out measures to monitor and mitigate such hazards is described in **Section 4.0**.

The creation of a Geologic Hazard Abatement District (GHAD) would allow seismic risks to be managed in a way that would reduce potential impacts. As described in Impact Geo-2, in establishing a GHAD, a plan of control is prepared for the site to be included in the GHAD that identifies potential geologic hazards and measures to monitor and mitigate such hazards. Depending on the site and plan of control, GHADs may maintain open space areas, creek setbacks, drainage and storm water improvements, retaining walls, and other improvements that are necessary to be maintained and monitored so that the GHAD can carry out its functions.

As described in the Beverly Act of 1979, a GHAD is an independent entity with an elected board of directors, which would in turn appoint a clerk and a treasurer for the district. The Board can be the City Council or five owners of the real property in the District. In addition, Public Resources Code Section 26586 allows the directors to appoint other officers and delegate powers to these officers as appropriate to the GHAD's circumstances. In the majority of GHADs, the Directors appoint a GHAD Manager with the authority to perform the day-to-day operations of the GHAD. As part of the funding mechanism, the GHAD would be able to issue bonds, purchase and dispose of property, acquire property by eminent domain, levy and collect assessments, sue and be sued, and construct and maintain improvements.

Response to Comment F-7

The traffic study prepared for this EIR concluded that all of the signalized intersections would operate at acceptable LOS D and E conditions (LOS E is the lowest acceptable conditions for signalized intersection along San Pablo Avenue according to Hercules General Plan), while two non-signalized intersections will operate at unacceptable LOS F under the project conditions. The traffic studies for both the Hercules New Town Center and the proposed project concluded that the two San Pablo Avenue intersections at John Muir and Sycamore would operate at unacceptable LOS F conditions under the cumulative 2035 conditions.

However, as noted in the comment, the traffic study for the proposed project indicated that the unacceptable conditions could be mitigated if the City can develop ride share and carpool programs along with promoting public transportation use. Implementation of these measures would result in a 15 percent trip reduction. Further, the proposed new interchange near the Willow Avenue and Palm Avenue

intersection will create another gateway access to and from Hercules, and as a result provide an alternative route for motorists currently using the San Pablo Avenue corridor. Assuming that 30 percent of vehicles traveling to and from Hercules currently using the San Pablo Avenue and Sycamore Avenue corridor would shift to use the new interchange, the two San Pablo Avenue intersections at John Muir and Sycamore could improve from LOS F to LOS E, which is considered acceptable by City standards. To facilitate traffic diversion, the new interchange design must provide access and convenient connections to and from State Route 4, Interstate 80 (both east and west direction), Willow Avenue, and the Hercules waterfront area.

The 2000 census data indicated that more than 9 percent of employed residents (16 year or older) in Hercules use either public transportation or other means of transportation other than private vehicles to travel to and from work. It is anticipated that a 15 percent trip reduction for Hercules is attainable with the new transit center and the proposed rail and ferry station near the Hercules waterfront.

In the event that the strategies described above are not successful, intersection re-configuration and signal modification work would be needed.



CITY OF PINOLE

Development Services Department

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Pinole, CA 94564
Phone: (510) 724-9000
FAX: (510) 724-4921
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March 9, 2009

City of Hercules, CA
Liz Warmerdam, Project Manager
111 Civic Drive
Hercules, CA 94547

Re: Hercules Updated 2009 Redevelopment Plan Draft EIR

Dear Ms. Warmerdam,

Thank you for the opportunity to comment on the Hercules Updated 2009 Redevelopment Plan Draft EIR. Staff has reviewed the Draft EIR and has comments related to Section 2.0 "Project Description," Section 3.12 "Transportation," and Section 3.13 "Utilities and Service" of the Draft EIR dated January 2009.

- Please provide an anticipated time frame when the City of Hercules will consider development of the Sycamore and Hill Town areas.
- The City requests that the intersection of Tennent Ave. & San Pablo Ave. be included in the traffic analysis so we can better determine the effect of the project on the San Pablo Ave. route of regional significance. Traffic often flows through this intersection to bypass congestion on I-80. Additionally, San Pablo Ave. is a thoroughfare to the Richmond Parkway. The development of Sycamore Crossing and the Hill Town areas envisioned in the project will create additional trips that may impact traffic on the San Pablo Ave. corridor in Pinole. We request this additional analysis in order to determine if mitigation measures are needed to address the secondary transportation impacts associate with the proposed project.
- The Pinole/Hercules Wastewater Treatment Plant is currently operating near its dry weather capacity. Please quantify the wastewater impacts associated with the future development of Sycamore Crossing and Hill Town areas and describe how these impacts will be mitigated to a less than significant level. The plant would not be able to accept this additional flow for treatment at this time without plant improvements. Both cities are conducting engineering studies to investigate how to provide capacity enhancements and a timetable for their construction. It is expected that the studies will be completed by June 2009.

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If you have any questions regarding this letter, please feel free to contact Associate Planner Anne Hersch, at (510) 741-3895.

Sincerely,

Belinda Espinosa
Belinda Espinosa
City Manager

by M. Rhodes
Acting City Manager

C: Mary Roberts, Community Development Director
Dean Allison, City Engineer
Winston Rhodes, Planning Manager

Response to Comment Letter G

Response to Comment G-1

The EIR examines the environmental impacts of amending the existing Redevelopment Plan Area, revising zone designations, and amending the *City of Hercules General Plan*. To be conservative, this EIR assumes development of the Sycamore and Hill Town areas would occur in the near-term, which could be in the next 3 to 5 years depending on market conditions.

Response to Comment G-2

The City looked at traffic volumes from the project for all intersections and routes of regional significance. As shown in **Appendix 3.0** of this Final EIR, the intersection of Tennent Avenue and San Pablo Avenue currently operates at LOS A during AM and PM peak hours. The proposed project would add approximately 149 AM peak-hour trips and 188 PM peak-hour trips to and from the south via San Pablo Ave. With the addition of project-related trips, the intersection would continue to operate at LOS A for the AM and PM peak hours. Therefore, the project would not add substantial volumes of traffic to the intersection of Tennent Avenue and San Pablo Avenue. For these reasons, the intersection was not shown as an intersection of potential significance from the project.

Response to Comment G-3

The evaluation of wastewater impacts for the proposed project is based on information from the City of Hercules Public Works Department (PWD). Based on recent discussions with the City of Pinole at the monthly Water Pollution Control Plant Joint Powers Agreement meeting, we have been assured that there is ample capacity in the short term to meet our needs. Discussions between the two cities are ongoing regarding long term capacity and alternatives.



El Cerrito

March 12, 2009

Hercules

Ms. Liz Warmerdam, Project Manager
City of Hercules
111 Civic Driver
Hercules CA 94547

Pinole

Via Electronic Mail: lwarmerdam@ci.hercules.ca.us

RE: Hercules Updated 2009 Redevelopment Plan - Comments on Draft Environmental Impact Report

Richmond

Dear Ms. Warmerdam:

San Pablo

Thank you for the opportunity to review the subject Draft EIR. As required under the Measure C/Measure J Growth Management Program (GMP), the City's proposed general plan amendment (GPA) is subject to review by WCCTAC for consistency with the West County Action Plan, in particular to ensure that the project will not hinder the ability to achieve the multi-modal traffic service objectives (MTSOs) and actions associated with the Routes of Regional Significance that the proposed project may affect. On that basis, WCCTAC's comments are as follows:

Contra Costa County

1. Please indicate the magnitude of the net new peak hour vehicle trips that the project will generate. The net new peak hour vehicle trips is the difference between those generated by the proposed project and those generated under the land use and intensity assumptions of the Hercules General Plan. The threshold for WCCTAC's review is 100 net new peak hour vehicle trips. If the net new peak hour vehicle trips is not known, please stipulate whether the estimated magnitude is more or less than 100 trips. If the net new peak hour vehicle trips is less than 100, there is no need for further action on the traffic analysis for purposes of compliance with GMP requirements. If the net new peak hour vehicle trips is greater than or equal to 100, then the following comments also apply.

1

AC Transit

BART

2. The basis for the GMP-related traffic analysis should be the 2008 Action Plan Update, Proposal for Adoption, dated December 18, 2008. While the document has not yet been adopted, it represents the current consensus among the West County jurisdictions and the most current information. The traffic analysis should explicitly describe the proposed project's impacts on the affected regional routes and their associated MTSOs and actions at build-out 2030 conditions. The MTSOs would preferably be treated as the thresholds of significance.

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WestCAT

Based on the 2008 Action Plan Update, the regional routes in the vicinity of the project include Interstate 80, San Pablo Avenue, State Route 4, Cummings Skyway, and Willow

13831 San Pablo Avenue, San Pablo, CA 94806
Ph: 510.215.3035 ~ Fx: 510.237.7059 ~ www.wcctac.org

Avenue. All regional route intersections that are assigned 50 or more peak hour vehicle trips from the proposed project should be analyzed.

If the proposed project is found to adversely affect the MTSOs or the ability to carry out the actions in the Action Plan, the project should be modified to mitigate those impacts and/or Hercules needs to request a modification to the Action Plan to accommodate the proposed project.

3. The West County Subregional Transportation Mitigation Fee Program (STMP) is now administered by WCCTAC. The project applicants shall be required to pay fees in accordance with the adopted STMP fee schedule. Those fees will contribute toward the cost of the eleven regional improvements that are to be funded by the STMP.
4. Please provide additional justification for the assumed 10 percent reduction factor for public transit use in the residential trip generation; and a more detailed description of the programs to encourage public transit use that would reduce vehicle trips by 15 percent, which are proposed as mitigation measures.

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We appreciate the opportunity to comment on the subject GPA and to facilitate Hercules' continued compliance with the Measure C/Measure J Growth Management Program. Please feel free to contact me at 510.215.3044 if you have any questions.

Sincerely,



Christina M. Atienza
Executive Director

cc: WCCTAC Board
WCCTAC-TAC
Martin Engelmann, CCTA

Response to Comment Letter H

Response to Comment H-1

The Hercules General Plan was approved by the City in 1998, approximately 11 years ago, and is based on information from prior to that time. For this reason, it would not be useful to compare the number of peak hour trips based on the general plan assumption with the trip generation estimates for the proposed project. However, in 2007 the City developed a traffic model based on more recent data, and the model has been updated to reflect current conditions and to include projections of future based on the current understanding of growth and development planned in the City. This model and recent traffic analyses provide a more reliable basis for estimation of peak hour trips than the General Plan. Based on current data, the difference between the net peak hour trip generation assumed in the General Plan and for the proposed project would exceed the 100-trip threshold.

Response to Comment H-2

The traffic study for the proposed project evaluated key intersections along the West Contra Costa County Transportation Advisory Committee's (WCCTAC) Routes of Regional Significance, which include San Pablo Avenue, Sycamore Avenue, Willow Avenue, State Route 4, and Interstate 80. The traffic study for the proposed project evaluated peak hour traffic LOS under existing conditions, background projects conditions, project conditions, and 2035 cumulative conditions. For State Route 4 and the I-80 freeway, the percent increase in traffic associated with the project was evaluated. The project trip distribution analysis demonstrated that traffic from the proposed project typically would not use Cummings Skyway. For this reason, Cummings Skyway was not included in the traffic analysis.

The traffic study used the City of Hercules General Plan Level-of-Service standards, and the Contra Costa Transportation Authority's (CCTA) Traffic Service Objective (TSO). The City has since reviewed the WCCTAC 2008 Action Plan Update and the soon to be adopted Multi-modal Traffic Service Objectives (MTSO). For San Pablo Avenue intersections, the MTSO and Hercules minimum level of service is LOS E for intersections along San Pablo Avenue and LOS D for John Muir Parkway and Willow Avenue. Sycamore Avenue is not a designated route of regional significance and the minimum level of service is LOS E between San Pablo Avenue and Willow Avenue and LOS D between SR 4 and Willow Avenue according to the Hercules General Plan standards.

The traffic analysis indicated that four intersections would operate at an unacceptable LOS F under the project condition and six intersections would operate at LOS F under the 2035 cumulative condition see **Tables 3.12-9, 3.12-10, and 3.12-14** in the Draft EIR or Tables 10 and 13 in the traffic report). The traffic study also indicated that installing traffic signals at all of the non-signalized study intersections would

mitigate unacceptable conditions. Prior to mitigation, the two San Pablo intersections at John Muir and Sycamore would operate at LOS F, which would be considered unacceptable. Mitigation measures for the impact include aggressively promoting public transportation use and shifting traffic to the new interchange. In addition, other strategies, such as lane re-configuration, signal operation modification, and turn restriction would also be considered. With implementation of mitigation measures, the two San Pablo intersections at John Muir and Sycamore would operate at LOS E and D, respectively and meet the 2008 WCCTAC Action Plan MTSO for San Pablo Avenue.

Response to Comment H-3

The project applicant would pay all fees required in accordance with the adopted West County Subregional Transportation Mitigation Fee Program fee schedule. The comment is noted.

Response to Comment H-4

Please see **Response to Comment D-1**.

From: Jeffrey Wisniewski [mailto:jeff3w@gmail.com]
Sent: Monday, March 02, 2009 1:55 PM
To: Liz Warmerdam
Subject: Comments for the 2009 Updated Redevelopment Plan

Lead Agency: City of Hercules
Contact: Liz Warmerdam, Project Manager
111 Civic Drive
Hercules, CA 94547
Tel: 510-799-8231
Email: lwarmerdam@ci.hercules.ca.us

Ms. Warmerdam-

The following are my comments for the 2009 Updated Redevelopment Plan:

1. It should be an outward goal (in other words, plainly stated) that the Eucalyptus groves on the Sycamore Crossing (southeast corner) and Hilltown (southern border with John Muir Parkway and I-80 off-ramp) properties be preserved to maintain the historical and aesthetic aspects of the City.
2. Round-a-bouts should be investigated as potential mitigation measures for the intersections of (a) San Pablo Avenue and Sycamore Avenue, and (b) San Pablo Avenue and John Muir Parkway. The studies should be conducted for these alternatives before any other mitigation measure (e.g. traffic lights, additional turning lanes, etc.) is enacted or decided upon.

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Thank you, and please let me know if I could (or should) provide any clarification -- or further detail -- of my comments.
-Jeff

Jeffrey Wisniewski
1102 Avocet Drive
510-724-6211

Response to Comment Letter I

Response to Comment I-1

Although there is some evidence that the eucalyptus trees were part of the historic Hercules Powder Company and may have provided some level of protection to inland properties, they no longer serve that purpose and pose both a fire and safety risk, particularly as development occurs in close proximity to them. The City recognizes their aesthetic quality and therefore has adopted language in its General Plan that ensures that any removal of trees such as eucalyptus be replaced with trees, preferably native species, that will provide suitable screening while retaining important view corridors.

Additionally, in order to make the Sycamore Crossing site suitable for mixed use development, several utility lines adjacent to the existing eucalyptus stands must be relocated into the San Pablo right of way, which could require the removal of these trees. Landscaping to be installed as part of the proposed project would replace these trees with others of suitable species.

Response to Comment I-2

The City investigated all possible roadway intersection configurations, including roundabouts, to achieve traffic mitigation goals. Use of roundabouts can reduce vehicle stops, emission, and as a result improve air quality near intersections. However, roundabouts generally work well in residential areas where traffic is light. At major arterial street intersections with high traffic volumes, roundabout designs require much more physical space (right-of-way) and it can be difficult for motorists to maneuver in and out of the circle due to high traffic volume and multiple traffic lanes.

Both intersections of San Pablo Avenue at John Muir and Sycamore are currently signalized and fully developed and there is insufficient space and right-of-way available for widening or creating a roundabout. Therefore, the mitigation measures in the Draft EIR focus on relieving traffic congestion at these locations by promoting public transportation use and developing strategies to divert traffic from this area to the new Interstate 80/State Route 4 interchange near the Willow Avenue and Palm Avenue intersection. The new interchange would provide another gateway access to and from Hercules and is expected to relieve traffic from the San Pablo Avenue and Sycamore Avenue corridor.

Finally, as development continues, the City will be specifically examining the Sycamore and San Pablo intersection and looking for creative solutions to this important intersection.



3a

M. Scott Mansholt
Sr. Environmental
Project Management
Specialist

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January 28, 2009

Stakeholder Correspondence-Hercules Redevelopment Agency
Hercules Updated 2009 Redevelopment EIR
Accession # 06102.20090108.001

Ms. Liz Warmerdam
City of Hercules Project Manager
The City of Hercules
111 Civic Drive
Hercules, California 94547

**Subject: Comments for the Updated 2009 Hercules Redevelopment Plan
Environmental Impact Report Project**

Dear Ms. Warmerdam:

Chevron Environmental Management Company (CEMC) recently became aware of the proposed update to the Hercules Redevelopment Plan Environmental Impact Report (EIR) being prepared for the Hercules Redevelopment Agency. CEMC's review of the City of Hercules's Notice of Preparation (NOP) letter dated November 10, 2008, indicates that some of the proposed project areas listed in the NOP will be transected by a former petroleum pipeline alignment and an active petroleum pipeline owned by Chevron. The purpose of this letter is to notify project stakeholders as to the location of former crude-oil transportation pipelines operated by Chevron's predecessors with respect to the project areas listed in the NOP, including the 2006 Amendment Parcels, the Sycamore Crossing project, and Project Area 2 that has been merged with the Dynamite Project Area (see attached Figure 1). CEMC requests that this information be incorporated into the Probable Environmental Effects section of the final EIR.

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In the early 1900s, Chevron's predecessors built the Old Valley Pipeline (OVP) system to transport heavy crude oil and Bunker C fuel oils from the oilfields in Kern County to the Richmond Refinery. The pipeline operated until the early 1970s, when it was deactivated and the bulk of the pipe removed. The location of the former OVP with respect to the project areas is illustrated on Figure 1.

2

Evidence of historic releases associated with the former OVP is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline right of way (ROW). Generally, residual weathered crude oil associated with Chevron's historical pipeline operations can be detected visually; however, analytical testing is necessary to confirm that the source of the affected material is associated with the former OVP. Government agencies agreed with the testing and analytical results from human health risk assessments performed

at several known historical pipeline release sites, which confirm that soil affected by the historic release of product from the pipeline is not hazardous and does not pose significant health risks. It has also been established that residual subsurface oil in the soil is relatively immobile due to its heavy and weathered nature.

CEMC is aware of two documented OVP release locations in the vicinity of the subject redevelopment plan, one at Hercules Factory Outlet I-80 at Sycamore, and the second at OVP 270.1 San Pablo Collier Site 412 Hercules–Mile Post (MP) 270.10. These two sites are in the immediate vicinity of the subject project and are illustrated on Figure 1. Total petroleum hydrocarbons were detected in soil from a third location, OVP 271.06 San Pablo Collier Site 409 Hercules–MP 271.06, which is also in the immediate vicinity of the subject project; however, it is unknown if the petroleum source is related to the former OVP. CEMC's experience along various portions of the former OVP indicates that the potential exists for subsurface soil along and near the historical ROW to be affected by undocumented residual weathered crude oil. For this reason, CEMC requests that the Hercules Redevelopment Agency provide updates regarding any activity requiring underground utility work and/or other subsurface construction activities near the former pipeline ROW. Note that Chevron Pipeline Company may provide separate correspondence regarding activities associated with the active Bay Area Products Line ROW, which is coincident with the former OVP ROW (see Figure 1).

2

For more information regarding the Historical Pipeline Portfolio–Bakersfield to Richmond alignment, please visit <http://www.hppinfo.com/>. If you have any questions or require additional information, please call SAIC Consultants Tom Burns at (916) 979-3748 or Mohamed Ibrahim at (916) 979-3828.

Sincerely,

M. Scott Mansholt

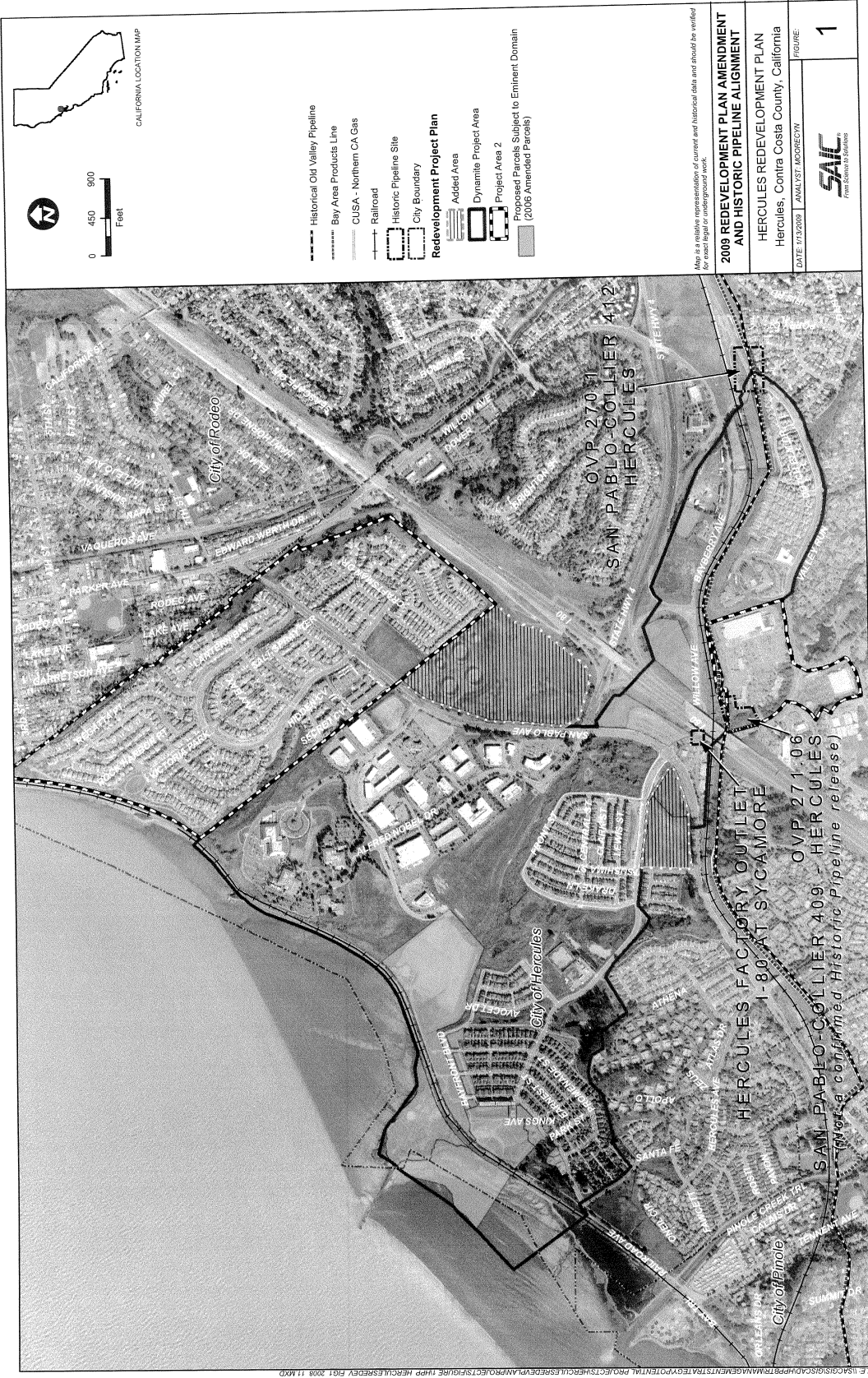
MSM/mni

Enclosure:

Figure 1: 2009 Redevelopment Plan Amendment and Historic Pipeline Alignment

- cc: Mr. Tom Burns – SAIC
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Mr. Mike Jenkins – SAIC (letter only)
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Jeremy Gross – Chevron Pipeline Company
2360 Buchanan Road, Pittsburg, California 94565

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Note: In order to ensure the accuracy of current and historical data and should be verified for most legal or underground work.

2009 REDEVELOPMENT PLAN AMENDMENT AND HISTORIC PIPELINE ALIGNMENT

HERCULES REDEVELOPMENT PLAN
Hercules, Contra Costa County, California

DATE: 01/30/2009 ANALYST: MDOCEVY

FIGURE 1



Response to Comment Letter J

Response to Comment J-1

The comment requests that information about existing and former petroleum pipelines owned by Chevron be included in the Final EIR. In response, the Draft EIR has been revised to include a description of these pipelines and their location relative the project sites. Please see **Section 2.0, Revisions to the Draft EIR**.

Response to Comment J-2

The comment indicates the location of the Old Valley Pipeline (OVP) and the Bay Area Products Line rights-of-way in the project vicinity. A description of the OVP has been added to the text, as shown in **Section 2.0, Revisions to the Draft EIR**. As the comment notes, there is evidence of historic releases associated with the OVP that was identified during underground utility work and construction activities in several areas within the general vicinity of the project sites. Release locations from the OVP in the vicinity of the project site are shown on the exhibit included as part of the comment letter. An aerial photograph provided earlier by Chevron has been included to show a closer view of the OVP with respect to the Sycamore Crossing site (see **Figure 3.0-1, Pipelines Near Sycamore Crossing Site**). As shown on the figures, the OVP pipeline and release locations are not on the project site and are on the opposite side of the roadway.

Extensive past investigations on the Sycamore Crossing site, including the portion of the site closest to the OVP right-of-way, did not find contamination above the DTSC residential soil remediation criteria. The City and developers would be responsible for allowing utility companies to review site plans prior to underground utility work. Furthermore, as described in Mitigation Measure HAZ-2, the City would consult with pipeline operator(s) prior to start of construction that includes or is bordered by a pipeline right-of-way. The mitigation measure has been modified to specify the Chevron right-of-way. Additions to the text are shown in **Section 2.0, Revisions to the Draft EIR** and **Section 4.0, Mitigation Monitoring and Reporting Program**.