

**AMENDMENT TO FINAL EIR
HERCULES UPDATED 2009 REDEVELOPMENT PLAN**

April 20, 2009

AMENDMENT TO FINAL ENVIRONMENTAL IMPACT REPORT HERCULES UPDATED 2009 REDEVELOPMENT PLAN

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This is an amendment to the Final Environmental Impact Report prepared for the Hercules Updated 2009 Redevelopment Plan. This Amendment includes a comment letter submitted on the Draft EIR and responses to that letter.

Planning Commissioner Sherry McCoy emailed comments on the Draft EIR to the Project Manager dated March 12, 2009 before the close of the public comment period on the Draft EIR. The comments did not reach the Project Manager until April 14 after the close of the public comment period and after the Final EIR was published.

This document is an amendment to the Final EIR and includes Commissioner McCoy's comments and detailed responses to those comments.

The comments and responses do not contain "new significant information" to be added to the EIR as set forth in CEQA. As a result, the EIR is not required to be recirculated for public review and comment. Recirculation is only required if new significant information is added to an EIR after notice of the Final EIR is published and prior to the EIR being certified. Public Resources Code section 21092.1. The Final EIR was published but the EIR has not yet been certified. "New significant information" includes information showing that:

1. A new significant impact will result;
2. A substantial increase in the severity of an environmental impact will result without adequate mitigation;
3. A feasible alternative or mitigation measure that would clearly lessen an environmental impact is suggested by the commentor or should be considered and is rejected by the project proponent; or
4. The draft EIR is "so fundamentally and basically inadequate and conclusory in nature" that public comments on the draft EIR was meaningless. See, *Laurel Heights Improvement Ass'n Regents of Univ. of Cal.* (1993) 6 Cal. 4th 1112.

The comments state that a "very thorough job" was done on the EIR and ask for clarification on employment numbers, confirm the need for the City to maintain educational quality and adequate fire services, ask for clarification on construction traffic impacts along San Pablo/John Muir parkway area, ask how many jobs in the business park are held by Hercules residents, seek clarification on the percentage relating to an increase in travel time, ask a question on the population projections and ask whether additional mitigation measures can be imposed on previously approved projects if the impacts are greater than anticipated. These comments do not state or indicate that 1) a new significant impact will result, 2) the severity of an impact will increase, 3) there is a different alternative or mitigation measure that should be considered, or 4) the Draft EIR is inadequate.

The Planning Commission finds that these comments and responses do not constitute “new significant information” under CEQA and recirculation of the EIR is not required. The Planning Commission further declares that it has reviewed and considered the comments and responses before making a recommendation on the EIR and proposed project to the City Council.

To: Liz Warmerdam, Project Manager
From: Sherry McCoy
Subject: Questions and Comments for Draft EIR – Hercules Updated 2009 Redevelopment Plan

Given below are my questions and comments for the Draft EIR – Hercules Updated 2009 Redevelopment Plan.

Please contact me if you have any questions.

Population and Housing:

Section 3.10.2.3
Table 3.10-1, City of Hercules Employment Characteristics
Is this for 2008? And what exactly does this represent?
In the text the number of job in Hercules in 2000 was 2,890. This is expected to increase to 6,880 by 2035. The total list in the table is 12,797. Is the difference related to the projects?

1

Public Services:

Although payment of development fees represents full mitigation under state law, given the increase in housing/commercial development in the city, the existing levels of enrollment at Hercules schools, as well as the current financial situation with WCC school district, the city should work to maintain the educational quality that Hercules currently enjoys.

2

A similar comment regarding development fees for fire services, especially in light of the increases in housing and commercial development planned for the west side of San Pablo Ave.

3

Transportation and Circulation:

What will be the impact to traffic in the San Pablo/Sycamore and San Pablo/John Muir Parkway areas during construction of Sycamore Downtown and Hill Town? Specifically, will construction cause the blocking off of lanes at any time on San Pablo? If so, how will this impact traffic congestion?

4

3.12.3.2
Street Network Assumptions
.....The bridge provides a convenient linkage between the employment area north of John Muir Parkway and the residential area near the Sycamore Ave extension, particularly for pedestrian and bicyclists and will ultimately reduce traffic burden on San Pablo Ave. For.....

5

Is it known how many of the existing jobs in the employment area north of John Muir Parkway (I assume you mean the Business Park) are held by Hercules residents? And of the new jobs planned for Hercules, how many will be in the Business Park?

Table 3.12-16
The changes in travel time increase 17-39%, what does this represent in terms of minutes? And what is considered significant in terms of quality of life?

6

General:

As the city needs to provide updated population projections that include these two projects to ABAG and BAAQMD, will those updated numbers impact population projections in other documents and any assumptions or conclusions that were made utilizing the existing population projections (i.e. without the buildout of these two projects)?

7

The significant and, for some unavoidable, impacts to air quality, noise and traffic, especially when the cumulative effects of all planned projects are considered, could be in conflict with some of the goals and objectives of the General Plan. Should earlier projects cause impacts that are higher than anticipated, is there an opportunity to revisit analyses or institute additional mitigation measures?

8

Editorial Comments:

Hill Town – acreage set aside for major roadways sometimes listed about 2.5 acres and others as about 3 acres.

9

Pg 3.10-5 – Approximately 2.5 acres set aside for major highways. I think you mean roadways here.

Response to Comment Letter K

Response to Comment K-1

The numbers in the table represent the number of employed or employable persons living in Hercules, regardless of where they work. They are an estimate of current conditions and do not include new residents or employees that would be expected to result from the project.

Response to Comment K-2

Comment noted. Currently, the City contributes financially to Hercules Schools for administration and public safety as well as for programs that enhance student and the entire community's quality of life.

Response to Comment K-3

The City assists the Fire District with the funding for paramedic services. As the City continues to grow, it is expected that the level of assistance will grow as well.

Response to Comment K-4

The relocation of the sewer lines, water lines, and potentially PG&E lines could create temporary lane closures and would require occasional detours. Construction of improvements such as curb and gutter and utility infrastructure should only affect the shoulder not the travel lanes. Because of the temporary nature of these impacts, they would be considered less than significant. Overall, project construction is not expected to create any appreciable traffic congestion.

Response to Comment K-5

The number of employees in the Business Park who reside in Hercules is not known and is likely to vary over time. Of the new jobs anticipated in the long term, the number to be located in the Business Park would depend on the types and density of new or expanded businesses that could ultimately choose to locate there.

Response to Comment K-6

The change in travel time was expressed in reduction in average miles per hour for the roadway segments analyzed. Based on the distance and average speed, the average travel time for the approximately one-half mile distance along San Pablo Avenue from Hercules Avenue to Sycamore Avenue would increase from approximately 1.35 minutes currently to approximately 2 minutes under 2035 conditions. However, the actual travel time for any given vehicle on this segment could vary

considerably based on minute-to-minute conditions, and the overall average travel time for any individual trip – which is most likely to affect perceived quality of life or quality of commute experience – would vary tremendously from one person to another, depending on the exact route and trip length. Because of this variability, significant traffic impacts are expressed in terms of level of service (a function of traffic congestion) on street segments, as described in the Transportation and Circulation section of the Draft EIR.

Response to Comment K-7

All discretionary projects that may result in a significant environmental impact are subject to CEQA review. The most recent projects analyzed pursuant to CEQA include the Transit Center and the Hercules New Town Center and both of these projects contemplated full build out of Hill Town and Sycamore Crossing. All future discretionary projects will also have to take into account the population numbers for already approved and reasonably foreseeable projects. Other internal documents (that are used currently) such as the City's General Plan are meant to be general enough to accommodate future development; if there are inconsistencies, then those must be explained as part of the approval process.

Additionally, one of the purposes of circulating the Draft EIR to all affected agencies is to make them aware of the potential for increased populations as a result of these projects and to help them plan for the impacts. For example, the West Contra Costa Unified School District could incur project-related impacts that could affect the provision of service, and coordination of updated population numbers would be important to mitigate such impacts. Another example would be East Bay Municipal Utility District (EBMUD). As the project applicant, the City has been working closely with EBMUD to ensure that its staff understands the project, especially Hill Town, and will be able to serve that development.

The City's General Plan was adopted in the early 1990s and its population projections are not up to date. Therefore, recent EIRs and other studies for projects in Hercules, including the Updated 2009 Redevelopment Project, the Hercules New Town Center, and other environmental analyses that are currently in progress, used updated population projections based on more current information. Because both this EIR and other recent studies used the same or similar updated projections, they are generally consistent and the validity of other studies would not be affected by provision of the revised population projections to ABAG and BAAQMD.

Response to Comment K-8

Other projects that are expected to be developed before the Hill Town and Sycamore Crossing projects have been required to undergo CEQA review and to incorporate mitigation measures that are subject to monitoring and reporting requirements. Likewise, the proposed Updated 2009 Redevelopment Project

would be subject to mitigation monitoring and reporting requirements to ensure the mitigation measures adopted by the City Council are implemented. However, there is no procedure for reopening the environmental analysis or requiring additional mitigation as part of the CEQA process for already approved projects. Under CEQA, mitigation measures may only be imposed if a mitigated negative declaration or environmental impact report is prepared on a project. All discretionary projects are subject to CEQA. Additional environmental review will be required for the planned development plans (require discretionary review) on Sycamore Crossing and the Cinema Town and Transit Town projects in the New Town Center area. This additional environmental review may justify the imposition of additional mitigation measures.

Response to Comment K-9

The correct area for roadways is approximately 2.5 acres. The exact area would be determined at the time development plans are finalized. The references to major highways should have been to roadways, as correctly noted in the comment.