

**APPENDIX 22.1**  
**NOTICE OF PREPARATION AND INITIAL STUDY**





CITY OF HERCULES  
111 CIVIC DRIVE, HERCULES, CA 94547  
PHONE: 510 • 799 • 8200

## NOTICE OF PREPARATION

**To:** Responsible and Trustee Agencies; Other Interested Parties **Date:** Nov. 16, 2009

**From:** Lisa Hammon, Assistant City Manager  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

**Subject:** Notice of Preparation of a Draft Environmental Impact Report for the Hercules Bayfront Project

The City of Hercules (Lead Agency) has received applications from Hercules Bayfront, LLC (project applicant) for the Hercules Bayfront Development Project (proposed project) in the waterfront area. The City will prepare an Environmental Impact Report (EIR) for the proposed project (described below).

This Notice of Preparation (NOP) is sent pursuant to California Code of Regulations, Title 14 (CEQA Guidelines) Sections 15082(a), 15103, 15375 to announce the initiation of the EIR and to solicit guidance from responsible and trustee agencies and interested members of the public on the scope and content of the environmental information to be included in the EIR. Refer to the Probable Environmental Effects listed below to determine whether your concerns have already been identified. Focus your comments on the project's potential environmental impacts and recommendations for ways of avoiding, reducing, or otherwise mitigating those impacts. If you are a governmental agency with discretionary authority over this project, please describe that authority and provide comments regarding potential environmental effects that are germane to your agency so they can be addressed in the EIR.

**Written Comments on NOP.** Please submit written comments on this NOP to Lisa Hammon no later than **December 21, 2009**.

**Project Location:** The project site is 42.36 acres and is bounded by San Pablo Bay/Shoreline and Hercules Point, the Union Pacific Railroad line, the Northshore Business Park, and developed residential neighborhoods. (Figure 1 attached.) The project site is currently undeveloped, except for two vacant structures: (1) the former Hercules Powder Company Administration Building; and (2) the former Hercules Powder Company Clubhouse.

**Project Description:** The proposed project is a mixed-use, transit oriented development. Development of the site is governed by the City's General Plan, Waterfront District Master Plan (WDMP) and the Waterfront Master Plan Initiative (Initiative). The applicant is requesting a

general plan amendment, zoning designation and text changes, amendments to the WDMP and changes to the development agreement relating to the site, which were originally approved by the Initiative. The applicant seeks to develop the following:

- 1,392 residential units (125 of these units may be replaced with a 125-room hotel).
- 115,000 square feet of office uses.
- 90,000 square feet of retail uses.
- 134,000 square feet of "flex" uses (residential, office, and/or retail) of which no more than 67,000 square feet shall be retail uses; and if all 134,000 square feet were developed as residential uses, the maximum number of units would be 134.
- Plazas, parks, and open space and other associated uses.

The Intermodal Transit Center (ITC) project (bus, train and ferry station and other improvements) is proposed to be located partially on property owned by the applicant (commonly referred to as Block I) and will be analyzed under a separate EIS/EIR. This EIR will consider the proposed ITC project as a cumulative project.

**Probable Environmental Effects:** The purpose of the EIR is to disclose fully, in advance, the environmental impacts of the proposed project. The EIR will analyze the extent to which the proposed project would result in significant environmental impacts and will identify appropriate mitigation measures and alternatives to reduce or eliminate these impacts. Issues that will be examined include:

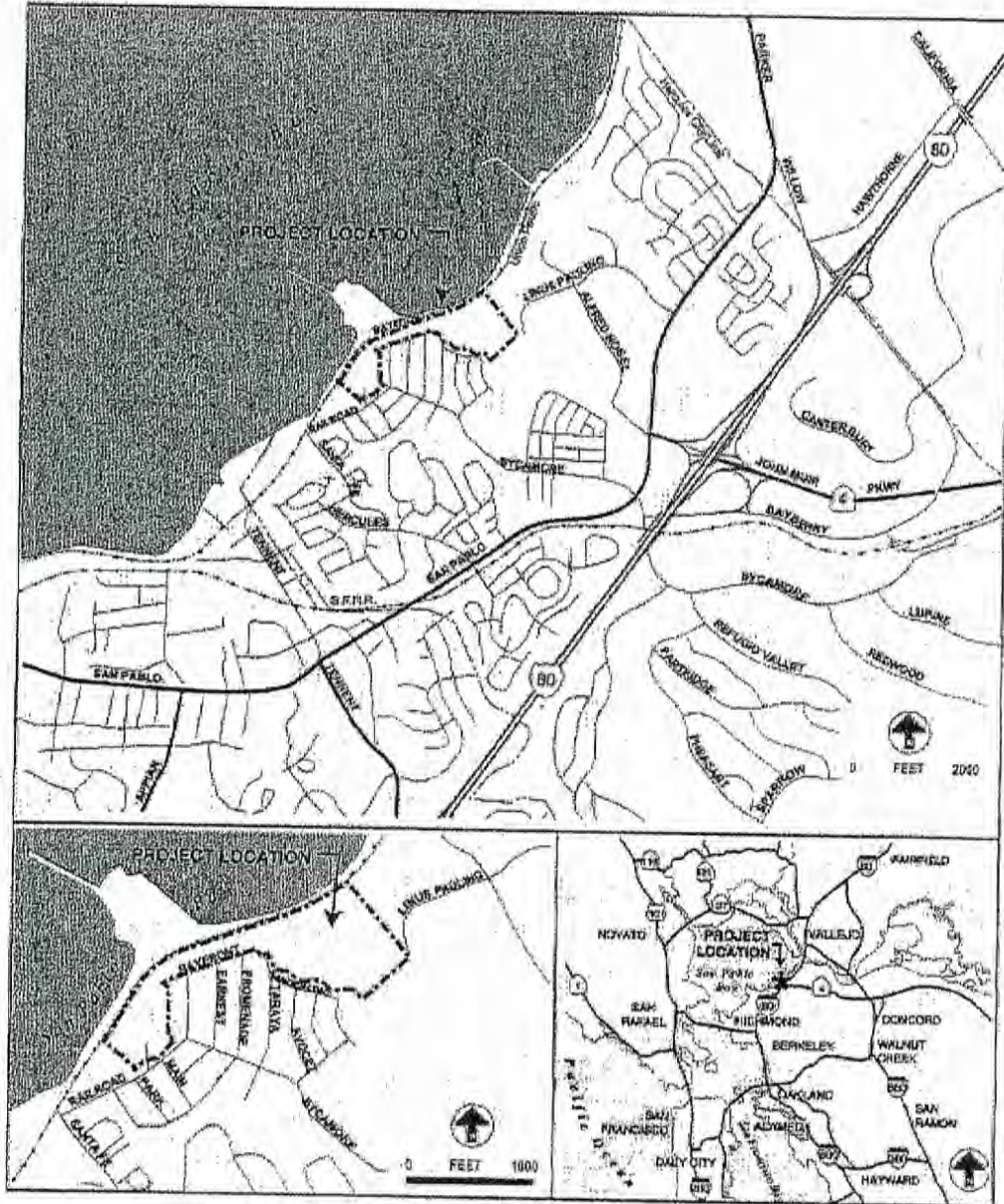
- Local and regional traffic and transportation, circulation, and parking impacts near the project and at nearby intersections and street segments, as well as at the access to and along local segments of I-80;
- Air quality impacts from project-related traffic and any other sources;
- Noise and vibration impacts on sensitive receptors from nearby railroad operations, project construction, and potentially increased or rerouted vehicle traffic;
- Impacts to biological resources, including aquatic and terrestrial plant and animal species;
- Cultural resource impacts that may occur from the proposed project;
- Hazards and hazardous material impacts that can result from the presence of hazardous materials on the project site and from the project's potential to release hazardous materials into the environment;
- Hydrology and water quality impacts that may result from the proposed project;
- Geologic and soil impacts that may result from the construction and implementation of the project;

- Aesthetic and land use impacts related to the construction of new residential, office, and retail uses that may result from the proposed project;
- Population and housing impacts that may result from the proposed project;
- The potential need for increased public services (fire, police, schools, recreation) as a result of the project;
- The potential for impacts related to new utility connections and services; and
- Cumulative impacts of the proposed project and other planned or proposed projects in the local area (including the proposed ITC project).

**Notice of Scoping Meeting:** In order to determine the requirements for scope and content of the EIR, the City is hosting a public scoping meeting on **December 15 at 4:00 pm**. The meeting will be held in the Hercules City Council Chambers, 111 Civic Drive, Hercules, CA. All interest agencies and members of the public are invited to attend. The building used for the scoping meeting is accessible to persons with disabilities.

If you wish to be placed on the mailing list to receive further information as the project continues, or have questions on the NOP or proposed project, please contact Lisa Hammon at 510.799.8251; Fax: 510.799.2521; Email: [lhammon@ci.hercules.ca.us](mailto:lhammon@ci.hercules.ca.us).


FIGURE 1  
Project Site and Regional Location





## RICHMOND SANITARY SERVICE



Subsidiary of  **REPUBLIC**  
SERVICES, INC.

3260 BLUME DRIVE • RICHMOND, CALIFORNIA 94806

November 17, 2009

Ms. Lisa Hammon, Assistant City Manager  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Dear Ms. Hammon:

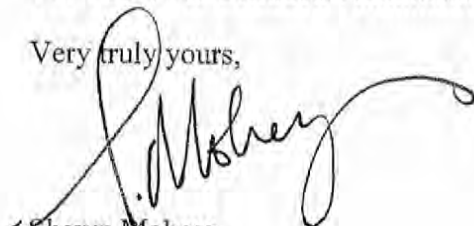
Re: NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT--  
HERCULES BAYFRONT PROJECT

We have received your Notice of Preparation of a Draft Environmental Impact Report for the Hercules Bayfront Project. When reviewing the Project Application and its potential impact upon the community, please consider carefully the waste management needs of the proposed development and assure adequate accommodation for those needs. This would include waste and recyclables (including green wastes) storage facilities of sufficient volume and accessibility, as well as street patterns and design characteristics to facilitate waste vehicle maneuverability throughout the Project.

Also, it is respectfully requested that *as a condition of any defining document issued in the review process or any permit issued for project development carry a requirement that the developer and all construction contractors or subcontractors be required to abide by all City of Hercules laws and regulations pertaining to waste management and further be required to respect the Richmond Sanitary Service exclusive franchise rights as the City's only permitted hauler of waste and recyclable materials when construction begins.*

We will be happy to cooperate in any way possible in planning for waste materials storage and/or collection vehicle access. Please don't hesitate to call upon us. I can be reached at (510) 262-7143; our Contracts Administrator, Janna Coverston, can be reached at (510) 262-7144.

Very truly yours,



Shawn Moberg  
General Manager



Pacific Gas and  
Electric Company®

pdf to Ray Pendo  
11.23.09

1100 South 27th Street  
Richmond, CA 94804

November 17, 2009

Lisa Hammon  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Dear Ms. Hammon:

Re: Hercules Bayfront Project

Gas and electric service is available to the above referenced project.

Extensions of these facilities will be made in accordance with our gas and electric rules and regulations on file with the State of California Public Utilities Commission at the time the applicant applies for gas and electric service.

Any relocation of existing facilities would be done at the developer's expense.

If you have any questions, please call me at 510-231-3863.

Sincerely,

Rhapsaelle Dowell  
Senior New Business Representative

/rd





Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maziar Movassaghi  
Acting Director  
700 Heinz Avenue  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor

November 30, 2009

Lisa Hammon  
City of Hercules  
111 Civic Drive  
Hercules, California 94547

HERCULES BAYFRONT PROPERTIES SCH# 2009112058

Dear Ms. Hammon:

Thank you for the opportunity to comment on the scope of the Environmental Impact Report (EIR) proposed for the subject project. The Department of Toxic Substances Control (DTSC) is responsible for overseeing cleanup of properties contaminated with Hazardous substances and hazardous wastes. As such, our interest in the project relates to potential releases of hazardous substances that might have occurred in the past, particularly when the property was owned and operated by the Hercules Powder Company.

We suggest that a Phase I Environmental Assessment be conducted to evaluate the possible presence of hazardous substances, and the possible need for further investigation and cleanup in order to advance the proposed residential reuse.

The results of any assessments or investigations should then be discussed in the EIR.

If you have any questions, please contact me at (510) 540-3772 or via email at [DMurphy@dtsc.ca.gov](mailto:DMurphy@dtsc.ca.gov).

Sincerely,

Daniel Murphy, P.E. Chief  
Contra Costa / Solano Counties Unit

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



December 16, 2009

Lisa Hammon  
Assistant City Manager  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Re: Notice of Preparation, Draft Environmental Impact Study (DEIR)  
Hercules Bayfront Project  
SCH# 2009112058

Dear Ms. Hammon:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The traffic impact study within the traffic/circulation section of the DEIR needs to specifically consider safety issues to the railroad corridor that bounds this 42.36 acre site. In addition to the potential impacts of the proposed project itself, the DEIR needs to consider cumulative rail safety-related impacts created by other projects.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. The proposed project has the potential to increase vehicular and pedestrian traffic in the vicinity.

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR. General categories of such measures include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption

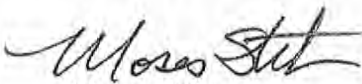
Lisa Hammon  
City of Hercules  
SCH # 2009112058  
December 16, 2009  
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- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

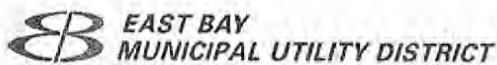
Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Thank you for your consideration of these comments. We look forward to working with the City on this project. If you have any questions in this matter, please contact me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,



Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814



December 17, 2009

Lisa Hammon, Assistant City Manager  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Re: Notice of Preparation of a Draft Environmental Impact Report –  
Hercules Bayfront Project

Dear Ms. Hammon:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Hercules Bayfront Project located in the City of Hercules (City). EBMUD has the following comments.

#### **WATER SERVICE**

In March 2008, EBMUD received a request from the City of Hercules for a Water Supply Assessment (WSA) for the subject project. Pursuant to Sections 10910-10915 (SB-610) of the California Water Code, EBMUD approved the WSA and provided the City of Hercules a written response to the WSA in June 2008 (see enclosure). As stated in the Notice of Preparation for the Hercules Bayfront Project, the project usage types for residential, office, and retail use have increased over what was originally supplied in the WSA request. The increase of project usage will result in an overall project demand increase of approximately twelve percent. The demand increase is minor and is similar to demands analyzed in the WSA. The EBMUD approved WSA is still valid and a second WSA is not required.

EBMUD's Maloney Pressure Zone, with a service elevation between 0 and 200 feet, will serve the project area. Main extensions, at the project sponsor's expense, will be required to serve any proposed development. Off-site pipeline improvements, also at the project sponsor's expense, may be required to meet domestic demands and fire flow requirements set by the local fire department. Off-site pipeline improvements include, but are not limited to, replacement of existing water mains to the project site. When the development plans are finalized, the project sponsor(s) 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 substantial lead-time, which should be provided for in the project sponsor's development schedule.

## **WATER CONSERVATION**

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsor comply with 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 such projects. A key objective of these discussions will be to explore timely opportunities to expand water conservation via early consideration of EBMUD's conservation programs, including its Section 31 requirements in the EBMUD Regulations governing water service and best management practices applicable to the project.

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:OAH:sb  
sb09\_253.doc

Enclosure

**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!*

December 21, 2009

CCGEN015  
SCH#2009112058

Ms. Lisa Hammon  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Dear Ms. Hammon:

**Hercules Bayfront – Notice of Preparation**

Thank you for including the California Department of Transportation (Department) in the early stages of the environmental review process for the Hercules Bayfront project. The following comments are based on the Notice of Preparation (NOP). 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.

***Traffic Impact Study (TIS)***

Please include the information detailed below in the TIS to ensure that project-related impacts to State roadway facilities are thoroughly assessed. We encourage the City to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work. The Department's "Guide for the Preparation of Traffic Impact Studies" should be reviewed prior to initiating any traffic analysis for the project; it is available at the following website: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>

Ms. Lisa Hammon/ City of Hercules  
December 21, 2009  
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The Traffic Impact Study should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all project components should be clearly identified. State ROW should be clearly identified.
2. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.
3. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
4. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. *The analysis should clearly identify the project's contribution to area traffic and degradation to existing and cumulative levels of service. Lastly, the Department's LOS threshold, which is the transition between LOS C and D, and is explained in detail in the Guide for Traffic Studies, should be applied to all State facilities.*
5. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometrics, i.e., lane configurations, for the scenarios described above.
6. The project's consistency with both the Circulation Element of the General Plan and the Contra Costa County Congestion Management Agency's Congestion Management Plan should be evaluated.
7. Mitigation should be identified for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic.
8. Special attention should be given to the following trip-reducing measures:
  - Encouraging mixed-use,
  - Maximizing density through offering bonuses and/or credits,
  - Coordinating with AC Transit, to increase transit use by expanding routes and emphasizing express service to regional rail stations, and by providing bus shelters with seating at any future bus pullouts,
  - Providing transit information to all future project employees and patrons, and
  - Encouraging bicycle- and pedestrian-friendly design.

Ms. Lisa Hammon/ City of Hercules  
December 21, 2009  
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***Please forward three hard copies and one CD of the environmental document, along with the Traffic Study, including Technical Appendices, and staff report to the address below as soon as they are available.***

Luis Melendez  
Community Planning Office, Mail Station 10D  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

***Traffic Impact Fees***

Please identify traffic impact fees. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Please refer to the California Office of Planning and Research (OPR) *2003 General Plan Guidelines*, page 163, which can be accessed on-line at the following website: <http://www.opr.ca.gov/index.php?a=planning/gpg.html>

Scheduling and costs associated with planned improvements on Departmental ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any. Please refer to the state OPR's *2003 General Plan Guidelines*, page 106.

***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/>

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



Ms. Lisa Hammon/ City of Hercules  
December 21, 2009  
Page 4

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

Sincerely,



LISA CARBONI  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse



Contra Costa County  
**Flood Control**  
& Water Conservation District

pat lemond to Ray Pendo

Julia R. Bueren,  
ex officio Chief Engineer

R. Mitch Avalon,  
Deputy Chief Engineer

12.23.09

December 21, 2009

Lisa Hammon  
Assistant City Manager  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

RE: Hercules Bayfront Development Project  
Our Files: 97-69 & 97-112

Dear Ms. Hammon:

We have reviewed the Notice of Preparation (NOP) for the Hercules Bayfront Project Draft Environmental Impact Report (DEIR), which we received on November 17, 2009, and submit the following comments:

**General Project Comments**

1. The project area is within unformed Drainage Areas 69 and 112, mapped by the Contra Costa County Flood Control & Water Conservation District (FC District). These drainage areas have not been studied and do not have drainage fees in place. These drainage areas define the watersheds for Pinole Creek and Refugio Creek.
2. We request that the DEIR provide a map of the watersheds where the project is located, including watershed boundaries, show all existing watercourses, tributaries, and man-made drainage facilities within the project site that could be impacted by this project, and also identify FC District's right of way.

**Hydrology**

1. We recommend that the DEIR quantify the amount of runoff that would be generated by the project and discuss how the runoff entering and originating from the site would be distributed between the natural watercourses and to any man-made drainage facilities.
2. We recommend that the DEIR address the design and construction of storm drain facilities to adequately collect and convey stormwater entering or originating within the project area to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the County Ordinance Code.
3. The DEIR should discuss the adverse impacts of the runoff from the project site to the existing drainage facilities and drainage problems in the downstream areas, including those areas outside of the project site.

4. We recommend that the adequacy and stability of the drainage facilities within the project area be studied to determine if local drainage design criteria are met, as well as FEMA National Floodplain Insurance requirements. If those are not met, then the DEIR should discuss the potential impacts and propose mitigation measures to address those impacts. The discussion should also include an analysis of the capacity and erosion potential of the existing watercourses.
5. The DEIR should discuss how the project will comply with the current NPDES (National Pollutant Discharge Elimination System) requirements under the City's Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook.

### **Land Transactions**

1. The FC District holds fee title as well as has easement and maintenance responsibility for a portion of Pinole Creek downstream of the project area, and therefore should be involved in the review of any proposals that will potentially impact those creeks. The FC District should also be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District-owned facilities.
2. If the implementation of this project will include land transactions involving the FC District, we recommend that the project's CEQA document state that in the appropriate sections of it.

### **Regulatory Permits**

1. We recommend that the DEIR request the appropriate environmental regulatory agencies, such as the U.S. Army Corps of Engineers, the State Department of Fish and Game and the State Regional Water Quality Control Board, to explore the permits, special conditions, and mitigation that may be necessary for this project.
2. The DEIR should discuss mitigation measures required by the aforementioned agencies that may be necessary and that would impact any of the creeks under the FC District's jurisdiction. Any mitigation measures within Pinole Creek will require a separate Flood Control Permit.

### **Conclusion**

1. The FC District should be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District-owned facilities (Pinole Creek). The FC District is available to provide technical assistance during the development of the DEIR, including hydrology and hydraulic information and our HYDRO6 method, under our Fee-for-Service program.

2. We recommend that the least amount of impact to natural watercourses results from the project development. Currently, Pinole Creek does not have capacity to accommodate a 100-year event.
3. The City of Hercules (City) should develop a Drainage Master Plan for this specific area. This plan should be approved by the City and the FC District prior to allowing further development in the area. The Drainage Master Plan should include detailed hydrologic modeling of the watershed that considers land use, existing facilities, soil, and topographic data. The Drainage Master Plan should also result in a plan with descriptions of proposed flood control facilities (which typically include basins, channels, and storm drains), compliance with discharge and water quality requirements, cost estimates, and schedules.
4. The FC District encourages the City to incorporate creek enhancements, such as improving the riparian corridor, incorporating public access, and creek-oriented site layout. We see this as an opportunity to enhance the habitat value of the creeks while providing an amenity to retail customers and the residential neighborhood.

We appreciate the opportunity to comment on the NOP submittal and welcome continued coordination. We look forward to reviewing an Administrative DEIR, which should address our comments. If you should have any questions, please call me at (925) 313-2264 or e-mail me at [hshaf@pw.cccounty.us](mailto:hshaf@pw.cccounty.us); alternately, you may contact Teri Rie at (925) 313-2363 or [trie@pw.cccounty.us](mailto:trie@pw.cccounty.us).

Sincerely,



Homira Shafaq  
Staff Engineer  
Contra Costa County Flood Control  
& Water Conservation District

HS:cw  
G:\FidC\CurDev\CITIES\Hercules\Hercules Bayfront Development\comments\NOP comments01.doc

c: G. Connaughton, Flood Control  
P. Detjens, Flood Control  
T. Jensen, Flood Control  
T. Rie, Flood Control  
C. Rorer, Flood Control



**Lee Higgins, PG**  
Environmental  
Project Manager

**Chevron Environmental  
Management Company**  
6111 Bollinger Canyon Road  
BR1Y/3484  
San Ramon, CA 94583  
Tel 925 543 2365  
Fax 925 543 2323  
leehiggins@chevron.com

December 21, 2009

HPP-BTR Management Strategy  
Correspondence - City of Hercules  
Hercules Bayfront Project

Ms. Lisa Hammon  
Assistant City Manager  
City of Hercules  
111 Civic Avenue  
Hercules, California 94547

*Subject:* **Historical Pipeline Right-of-Way Site:  
Response to Notice of Preparation of a Draft Environmental Impact Report for the  
Hercules Bayfront Project**  
Hercules, California

Dear Ms. Hammon:

On behalf of Chevron Environmental Management Company (CEMC), Science Applications International Corporation (SAIC) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Hercules Bayfront Project dated November 16, 2009. Review of the information provided with the NOP letter indicates that the proposed project will be the development of a mixed-use area for transit development near San Pablo Bay in Hercules, California.

The former Old Valley Pipeline (OVP) existed within the City of Hercules south of the proposed project location and should not pose any issues. The OVP was installed in the early 1900s and carried San Joaquin Valley crude oil from the Kern River Oil Fields in and near Bakersfield to the Richmond Refinery until pipeline operations ceased in the 1940s.

CEMC appreciates the opportunity to review third-party projects and assess the potential for these projects to encounter the former OVP. Chevron requests that your office forward this letter and the attached figure to any additional stakeholders that may benefit from knowing the location of the former OVP.

Ms. Lisa Hammon – City of Hercules

December 21, 2009

Page 2 of 2

For more information regarding the HPP-BTR 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,



Lee Higgins

LH/klg

cc: Mike Jenkins – SAIC (letter only)  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Mohamed Ibrahim – SAIC  
3800 Watt Avenue, Suite 210, Sacramento, California 95821  
Tom Burns – SAIC  
3800 Watt Avenue, Suite 210, Sacramento, California 95821

Enclosure:

Figure 1. Historical Pipeline Alignment – Bayfront Development Project




FILE: I:\SAGGIS\ISCAD\HPP\BTR\MANAGEMENT\STRATEGIC\POTENTIAL PROJECTS\HERCULESBAYFRONT\PROJECTS\FIGURE 1\HPP\MS FIG1 HERCULESBAYFRONT\PROJECT OVERVIEW.MXD



Map is a relative representation of current and historical data and should be verified for exact legal or underground work.



CALIFORNIA LOCATION MAP

-  Proposed Project Area
-  Historical Old Valley Pipeline (OVP)
-  Railroad

**HISTORICAL PIPELINE ALIGNMENT**

**BAYFRONT DEVELOPMENT PROJECT**  
Hercules, California

DATE: 11/20/2009 ANALYST: HOANGTA

FIGURE:



**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

PDF + email to Ray Pendo  
1.4.09



*Flex your power!  
Be energy efficient!*

December 21, 2009 rec'd 1.4.09

CCGEN015  
SCH#2009112058

Ms. Lisa Hammon  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Dear Ms. Hammon:

**Hercules Bayfront – Notice of Preparation**

Thank you for including the California Department of Transportation (Department) in the early stages of the environmental review process for the Hercules Bayfront project. The following comments are based on the Notice of Preparation (NOP). 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.

***Traffic Impact Study (TIS)***

Please include the information detailed below in the TIS to ensure that project-related impacts to State roadway facilities are thoroughly assessed. We encourage the City to coordinate preparation of the study with our office, and we would appreciate the opportunity to review the scope of work. The Department's "*Guide for the Preparation of Traffic Impact Studies*" should be reviewed prior to initiating any traffic analysis for the project; it is available at the following website: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>



The Traffic Impact Study should include:

1. Vicinity map, regional location map, and a site plan clearly showing project access in relation to nearby State roadways. Ingress and egress for all project components should be clearly identified. State ROW should be clearly identified.
2. The maps should also include project driveways, local roads and intersections, parking, and transit facilities.
3. Project-related trip generation, distribution, and assignment. The assumptions and methodologies used to develop this information should be detailed in the study, and should be supported with appropriate documentation.
4. Average Daily Traffic, AM and PM peak hour volumes and levels of service (LOS) on all significantly affected roadways, including crossroads and controlled intersections for existing, existing plus project, cumulative and cumulative plus project scenarios. Calculation of cumulative traffic volumes should consider all traffic-generating developments, both existing and future, that would affect study area roadways and intersections. *The analysis should clearly identify the project's contribution to area traffic and degradation to existing and cumulative levels of service. Lastly, the Department's LOS threshold, which is the transition between LOS C and D, and is explained in detail in the Guide for Traffic Studies, should be applied to all State facilities.*
5. Schematic illustration of traffic conditions including the project site and study area roadways, trip distribution percentages and volumes as well as intersection geometries, i.e., lane configurations, for the scenarios described above.
6. The project's consistency with both the Circulation Element of the General Plan and the Contra Costa County Congestion Management Agency's Congestion Management Plan should be evaluated.
7. Mitigation should be identified for any roadway mainline section or intersection with insufficient capacity to maintain an acceptable LOS with the addition of project-related and/or cumulative traffic.
8. Special attention should be given to the following trip-reducing measures:
  - Encouraging mixed-use,
  - Maximizing density through offering bonuses and/or credits,
  - Coordinating with AC Transit, to increase transit use by expanding routes and emphasizing express service to regional rail stations, and by providing bus shelters with seating at any future bus pullouts,
  - Providing transit information to all future project employees and patrons, and
  - Encouraging bicycle- and pedestrian-friendly design.

Ms. Lisa Hammon/ City of Hercules  
December 21, 2009  
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*Please forward three hard copies and one CD of the environmental document, along with the Traffic Study, including Technical Appendices, and staff report to the address below as soon as they are available.*

Luis Melendez  
Community Planning Office, Mail Station 10D  
California DOT, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

***Traffic Impact Fees***

Please identify traffic impact fees. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Please refer to the California Office of Planning and Research (OPR) *2003 General Plan Guidelines*, page 163, which can be accessed on-line at the following website: <http://www.opr.ca.gov/index.php?a=planning/gpg.html>

Scheduling and costs associated with planned improvements on Departmental ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any. Please refer to the state OPR's *2003 General Plan Guidelines*, page 106.

***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/>

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

Ms. Lisa Hammon/ City of Hercules  
December 21, 2009  
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Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or [Luis\\_Melendez@dot.ca.gov](mailto:Luis_Melendez@dot.ca.gov) with any questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Carboni", with a stylized flourish at the end.

LISA CARBONI  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse



# CITY OF PINOLE

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## Community Development Department

2131 Pear Street  
Pinole, CA 94564

Tel: (510) 724-8912  
Fax: (510) 724-4921

January 21, 2010

City of Hercules  
Lisa Hammon, Assistant City Manager  
111 Civic Drive  
Hercules, CA 94547  
Via Email: lhammon@ci.hercules.ca.us

**RE: Bayfront Project Draft Environmental Impact Report Notice of Preparation**

Dear Ms. Hammon:

The City of Pinole appreciates the opportunity to comment on the scope of the Draft EIR for the proposed mixed use Bayfront Project. We have reviewed the Notice of Preparation for the project and request that the following issues be included in the EIR analysis:

**Wastewater Treatment Service**

1. Provide the projected wastewater treatment demand assumptions for each of the proposed land use types included in the project and describe the total wastewater flow from the proposed project. We recommend that conservative assumptions be utilized to provide the maximum wastewater generation from the 134,000 square feet of flex space mentioned in the NOP. Please keep in mind that the Pinole Hercules Water Pollution Control Plant's excess capacity is approximately 0.3 MGD based on both plant treatment capacity and current flow capacity between our two cities.
2. Describe measures that are planned to reduce wastewater flows from the proposed project uses including standard building code requirements and any further building design measures to reduce wastewater generation.
3. Analyze the need for wastewater trunk line upgrades for flow capacity resulting from the proposed project based on the current wastewater service transmission system in place. This analysis should include potential right-of-way issues with Union Pacific Railroad.
4. Describe how long-term wastewater treatment service will be provided for the project if Hercules plans to change the wastewater service system during the foreseeable life of the proposed project.

#### Transportation

5. Include analysis of the project's transportation impacts on the intersection of San Pablo Avenue and Tennent Avenue.
6. Include analysis of proposed trip reduction measures and proposed transit service enhancements for project visitors including future workers and retail service customers residing within Pinole.

#### Police Dispatch Service

7. Include an analysis of the anticipated police dispatch service call volume for the proposed project.

#### Visual Resources

8. The western portion of the project site is visible from the City of Pinole's designated San Pablo Bay Conservation Area near the mouth of Pinole Creek and may impact a designated view corridor of San Pablo Bay from Pinole. Please include an analysis of the visual impacts of the likely development based upon applicable Hercules development standards for this portion of the proposed project site.

Again, thank you for the opportunity to comment on the scope of the Draft EIR for the proposed project and your ongoing cooperation. We look forward to reviewing the Draft EIR when it becomes available. If you have any questions about this letter, please feel free to contact me by phone at (510) 724-9832 or via email at [wrhodes@ci.pinole.ca.us](mailto:wrhodes@ci.pinole.ca.us).

Sincerely,



Winston Rhodes, AICP  
Planning Manager

CC: City Council  
Planning Commission  
Belinda, B. Espinosa, City Manager  
Paul Clancy, Police Chief  
Dean Allison, Public Works Director/City Engineer

