15. PUBLIC SERVICES AND UTILITIES

This EIR chapter describes the setting, project impacts, and necessary mitigation measures pertaining to public services and utilities, including police services, fire protection and emergency medical services, parks and recreation, schools, water service, wastewater service, and solid waste/recycling services.

15.1 PERTINENT PLANS AND POLICIES

Those policies from the City of Hercules General Plan that are pertinent to consideration of the proposed project and its public service and utility impacts are listed below. Any additional pertinent General Plan plans and policies specific to a particular public service or utility (e.g., fire protection, parks and recreation, water) are discussed within that topic area in this chapter. Where any aspect of the proposed project is found in this EIR to be potentially inconsistent with one or more of these City-adopted policies, a potentially significant environmental impact and one or more associated mitigations will be identified for incorporation into the project to reduce the impact and better implement the General Plan. Otherwise, the proposed project will be considered consistent with the policies listed below.

Land Use Element:

- *Analyze the existing public facilities and services compared to those needed to be developed as provided for in this Element. Develop a plan to meet the public facility and service needs.* (Land Use Program 3A.3)

Growth Management Element:

Performance Standards for Capital Facilities. The following information, quoted directly from the Growth Management Element, applies to all applicable public services described in this EIR chapter:

The Preamble to this General Plan calls for development of a balanced community; this section states performance standards to define "balance" with regard to capital facilities. These facilities provide the physical basis for public services provided by the City, the Rodeo-Hercules Fire Protection District and the East Bay Municipal Utility District (water). These performance standards will be incorporated into the development review process, and will be used to insure that new development does not exceed the capacity of capital facilities for the six cited services without providing funding for improvements to accommodate the new demand. Improvements or expansions to these facilities will be programmed through the City's Capital Improvement Program and budget, or the budgets of the service-providing agencies.

Measure [J] [Contra Costa Transportation Improvement and Growth Management Ordinance] *requires adoption of locally-determined performance standards, maintained through capital projects, for the following services:*

1. *Fire*
2. *Police*
3. *Parks*
4. *Sanitary Facilities (sewer)*
5. *Water*
6. *Flood Control.*

Measure [J] states, "the performance standards should take into account fiscal constraints, and how the standards are to be applied in each jurisdiction's development review process." The purpose of this section is to comply with that requirement, and to more fully integrate facility planning into the City's development review process.

This Element also includes a performance standard for stormwater drainage facilities to respond to federal requirements to control pollution in stormwater run-off[.]

While Measure [J] requires the adoption of performance standards for capital facilities, it does not specify mandatory standards, or the format of these standards. Each agency's standards should reflect the ability of the agency to provide and maintain capital facilities, consistent with other uses of scarce revenues. The following paragraphs present the standards for the City of Hercules.

Changes in the City's fiscal situation (such as further revenue "take-backs" by the State) may require adjusting or reducing these standards in order to maintain a balance between funding for these capital facilities and funding for other facilities and services. The City would consider such revision through an amendment to this Element.

1. Fire District Service: Fire Station(s) shall be located in the City so that five minutes emergency response time may be achieved by first response units for 90% of all emergency calls. Fire Stations shall be sized to accommodate a minimum of two (2) engines/trucks and three-person, 24-hour crews.

2. Police: Office and supporting facilities shall be provided in a central, headquarters facility. Communication equipment (including repeater stations) shall be provided to allow communication between dispatch and police units throughout the service area.

3. Parks:
Neighborhood Parks: A minimum of 1.75 acres of neighborhood parks shall be provided for each 1,000 residents.
Community Parks: A minimum of 3.25 acres of community park space shall be provided for each 1,000 residents.
Open Space: A minimum of 34 acres of open space (public and private combined) shall be provided for each 1,000 residents.

4. Sanitary Facilities (Sewer): Capability to transmit and treat wastewater from all residential and non-residential developments to standards set by the Regional Water Quality Control Board.

5. Stormwater Drainage: Meet federal NPDES requirements for stormwater runoff.

6. Water: Capability to provide potable water supply to all residential and non-residential developments.

7. Flood Control: All new structures shall be located outside the Flood Zones A & B as designated by the Flood Insurance Rate Map (prepared by the Federal Emergency Management Agency [FEMA]); or, insure that the finished floor elevation is at least 1 foot above the flood elevation as determined by FEMA.

Development of any property shall not significantly increase the flooding potential at downstream areas, or otherwise significantly impact or aggravate a flooding problem at downstream properties.

Growth Management Element Implementing Policies:

Implementing Policy 1. The City shall review all new development plans for conformance with the performance standards in this Element. The City will approve a development application only after making findings that one or more of the following conditions are met:

a. Assuming participation in adopted mitigation programs, performance standards will be maintained following the project occupancy; or,

b. Because of the characteristic of the development project, project specific mitigation measures are needed in order to insure maintenance of standards, and such measures will be required of the project sponsor; or,

c. Capital projects in the Capital Improvements Program (or planned by service-providing special districts) will result in maintenance of performance standards.

Implementing Policy 2. The City will establish and implement a development mitigation program to insure that new growth is paying its share of the cost associated with the maintenance of these standards.

Implementing Policy 3. The City shall require all new development to contribute to or participate in the improvement of the above-mentioned facilities and systems in proportion to the demand generated by project occupants and users.

Implementing Policy 4. Fees collected pursuant to these policies shall be deposited in special funds, and shall be used in support of construction or improvements to the above mentioned facilities improvements, as programmed through the City's Capital Improvement Program and budget.

15.2 POLICE SERVICES

15.2.1 Setting

(a) Existing Police Service in the Project Vicinity. The Hercules Police Department serves the project site and vicinity from its headquarters at the Hercules Civic Center (111 Civic Drive). The department currently employs 29 sworn officers, 7 full-time staff, and 2 part-time staff, for a total of 38 employees. The department is equipped with 11 patrol cars, 8 unmarked vehicles, 3

marked specialty vehicles (SRT Van, Mobile Command Vehicle, and Armored Personnel Vehicle), and 3 motorcycles.[1]

The Hercules Bayfront Project site is contained within the area designated as Beat 1, which is normally patrolled by one patrol unit. Occasionally, a second patrol unit will be assigned to Beat 1, or an officer will be assigned to rotate between Beat 1 and the other designated beat in the city (Beat 2). Assuming an approximate existing population in Hercules of 25,000 residents, the department's ratio of sworn personnel to population is approximately 1.2 officers per 1,000 residents.[2]

(b) Existing Police Response Time in the Project Vicinity. The average police response time in the project site and vicinity is approximately five to seven minutes.[3]

(c) Emergency Access to the Project Site. The Police Department considers emergency access to the project site to be excellent, with paved roadways currently leading up to the development site.[4]

(d) Development Impact Fee for Police Facilities. Consistent with Measure J (Contra Costa Transportation Improvement and Growth Management Ordinance) and the Hercules General Plan *Growth Management Element* (see subsection 15.1, Pertinent Plans and Policies, above), the City of Hercules levies a mandatory Development Impact Fee (DIF) on new development to cover the cost of increased demand for police *facilities*; the cost for additional Police Department *personnel* is funded through the City's General Fund process.[5] Relevant to the proposed Hercules Bayfront Project, the current Police Facilities Impact Fees are: $779 per multi-family dwelling unit; $251 per 1,000 square feet of commercial floor area; and $418 per 1,000 square feet of office floor area.[6]

15.2.2 Pertinent Plans and Policies

(a) City of Hercules General Plan. Those policies from the City of Hercules General Plan that are pertinent to consideration of proposed project and its police service impacts are the applicable policies and text included in section 15.1 (Pertinent Plans and Policies) in this EIR chapter. Where any aspect of the proposed project is found in this EIR to be potentially inconsistent with one or more of these City-adopted policies, a potentially significant environmental impact and one or more associated mitigations will be identified for incorporation into the project to reduce the impact and better implement the General Plan. Otherwise, the proposed project will be considered consistent with the policies listed below.

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[1]Commander Tom Dalby, Hercules Police Department, written communication, January 15, 2010.

[2]Dalby.

[3]Dalby.

[4]Dalby.

[5]Gloria Leon, City of Hercules Finance Department, personal communication, January 15, 2010.

[6]City of Hercules website, www.ci.hercules.ca.us/index.aspx?page=505. Verified by Gloria Leon, City of Hercules Finance Department, January 25, 2010.

(b) City of Hercules Waterfront District Master Plan (WDMP). The Waterfront District Master Plan (WDMP) (including the Initiative) does not contain any policies or other provisions specifically relevant to police services.

15.2.3 Significance Criteria

Based on the CEQA Guidelines, the proposed project would result in a significant impact on the provision of police services if it would: [1]

(a) result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police services;

(b) result in possible interference with an emergency response plan or emergency evacuation plan; or

(c) result in inadequate emergency access.

15.2.4 Impacts and Mitigation Measures

Increase in Police Service Demands. Implementation of the proposed Hercules Bayfront Project would increase demand for Hercules Police Department services. The additional new residents and employees on-site would generate additional calls for police assistance. The Hercules Police Department has concluded that the proposed Hercules Bayfront Project would necessitate the need for: (a) two additional sworn officers to provide adequate police services to the project site and maintain the department's ability to meet service demands throughout Hercules; (b) one additional office staff member to handle the expected increase in police reports, citations, and alarm billing that would be generated by the project; and (c) equipment required for these new employees. The proposed project would also incrementally increase the need for potential future new police facilities (e.g., new station) in Hercules, although no definitive plans for such facilities have been formulated.[2]

As described above in subsection 15.2.1 (Setting), funding for additional Police Department personnel would need to be addressed through the City's General Fund process, which is a citywide process outside the scope of CEQA. For the project's incremental contribution to the need for new police facilities in Hercules, based on the mandatory Development Impact Fee (DIF) described above, the proposed project would contribute approximately $1.26 million toward any future new police facilities.[3] As a result, the project effect on police service demands does not represent a significant "environmental" impact under CEQA because the City's

[1]CEQA Guidelines, Appendix G, Items XIII(a), VII(g), and XV(e).

[2]Dalby.

[3]The approximately $1.26 million total Development Impact Fee for police facilities generated by the proposed project was calculated by using the potential combination of project land uses (residential, office, retail) that would yield the highest total fee (1,526 multi-family units [including 134 units from flex-space], 115,000 square feet of office floor area, and 90,000 square feet of retail floor area).

General Fund process is designed to address personnel needs and the DIF is formulated to address facility needs (e.g., equipment, potential future cumulative need for a new station). The project effect on police service demands would not meet the "criteria" suggested in Appendix G (Environmental Checklist Form), item XIII (Public Services), of the CEQA Guidelines--i.e., "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services." Also see Significance Criteria (a) above. Therefore, the proposed project would have a ***less-than-significant impact*** on police service demands.

Mitigation. No significant police service demand-related project environmental impact has been identified; no mitigation is required under CEQA.

Police Emergency Response, Evacuation, and Access Impacts. As noted in subsection 15.2.1 (Setting) above, the Hercules Police Department considers emergency access to the project site to be excellent, with paved roadways currently leading up to the development site. Police calls from the project vicinity (Beat 1) would continue to be initially responded to by cars already on patrol, using sirens as necessary. The project design would extend the existing roadway patterns in the project vicinity to improve access to the project site. In addition, required standard City review of proposed emergency access provisions prior to project construction would ensure that all applicable City of Hercules road design and emergency access standards are met. Therefore, the proposed project would have a ***less-than-significant impact*** on police emergency response, evacuation, and access.

Mitigation. No significant project environmental impact on police emergency response, evacuation, or access has been identified; no mitigation is required under CEQA.

Cumulative Demands for Police Services. Buildout of the proposed project, in combination with other anticipated cumulative development in Hercules (see EIR chapter 12, Land Use and Planning), would cumulatively increase the demand for police services, including additional sworn police officers and requisite training, support staff, equipment, and potentially future new facilities (although no definitive plans for such facilities have been formulated). The adopted, mandatory Development Impact Fee would be assessed on each future development. As a result, this cumulative effect does not represent a significant environmental impact under CEQA. Therefore, cumulative development is considered to have a ***less-than-significant cumulative impact*** on police services.

Mitigation. No significant cumulative environmental impact associated with police services has been identified; no mitigation is required under CEQA.

15.3 FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES

15.3.1 Setting

(a) Existing Fire Protection and Emergency Medical Service (EMS) in the Project Vicinity. The project site is located within the service area of the Rodeo-Hercules Fire District (RHFD). The

district provides fire, emergency medical, and rescue services to Hercules, with primary response from Fire Station 76 at 1680 Refugio Valley Road in Hercules. Fire Station 76 is equipped with a 1995 fire engine, 2006 quint (ladder truck), and 2006 wildland/off-road engine, and is staffed with three personnel 24 hours a day, one of whom is a paramedic. Back-up response is provided by the Rodeo station (Fire Station 75) at 326 Third Street in Rodeo. Fire Station 75 is equipped with a 2000 fire engine, 1990 light rescue, and 2008 wildland/off-road engine, and is staffed with three personnel 24 hours a day, one of whom is a paramedic. The district notes that the 1995 fire engine (Engine 76) and 1990 light rescue (Rescue 75) need replacement.[1]

(b) Existing Fire Protection Response Time in the Project Vicinity. The Hercules General Plan *Growth Management Element* (see section 15.1, Pertinent Plans and Policies, in this EIR chapter) identifies the emergency response time goal in Hercules as five minutes for 90 percent of all emergency calls. Fire Station 76 is 1.83 miles from the intersection of Sycamore Avenue/Railroad Avenue in the immediate project vicinity, with a 3.6-minute response time. The station is also 1.76 miles from Bayfront Boulevard, with a 3.5-minute response time. Fire Station 75 is 2.2 miles from Bayfront Boulevard, with a 4.4-minute response time.

(c) Emergency Access to the Project Site. The project site is currently undeveloped. The district has concluded that adequate emergency access to the project site would require an emergency vehicle access point (EVA) off Linus Pauling Drive.[2] The EVA is discussed in subsection 15.3.4 below ("Fire Protection Emergency Response, Evacuation, and Access Impacts").

(d) Development Impact Fee for Fire Protection/EMS Facilities. Consistent with Measure J (Contra Costa Transportation Improvement and Growth Management Ordinance) and the Hercules General Plan *Growth Management Element* (see section 15.1, Pertinent Plans and Policies, in this EIR chapter), the City levies a Development Impact Fee (DIF) on new development to cover the cost of increased demand for fire protection/EMS *facilities*; the cost for additional Fire District *personnel* is funded through the RHFD.[3] Relevant to the proposed Hercules Bayfront Project, the current Fire Facilities Impact Fees are: $651 per multi-family dwelling unit; $527 per 1,000 square feet of commercial floor area; and $709 per 1,000 square feet of office floor area.[4]

15.3.2 Pertinent Plans and Policies

(a) City of Hercules General Plan. Those policies from the City of Hercules General Plan that are pertinent to consideration of proposed project and its fire protection service impacts are the applicable policies and text included in section 15.1 (Pertinent Plans and Policies) in this EIR chapter. Where any aspect of the proposed project is found in this EIR to be potentially inconsistent with one or more of these City-adopted policies, a potentially significant

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[1]Alan Biagi, Interim Chief, Rodeo-Hercules Fire District, written communication, January 27, 2010.

[2]Biagi.

[3]Gloria Leon, City of Hercules Finance Department, personal communication, January 15, 2010.

[4]City of Hercules website, www.ci.hercules.ca.us/index.aspx?page=505. Verified by Gloria Leon, City of Hercules Finance Department, January 25, 2010.

environmental impact and one or more associated mitigations will be identified for incorporation into the project to reduce the impact and better implement the General Plan. Otherwise, the proposed project will be considered consistent with the policies listed below.

(b) City of Hercules Waterfront District Master Plan (WDMP). The Waterfront District Master Plan (WDMP) (including the Initiative) does not contain any policies or other provisions specifically relevant to fire protection/EMS.

15.3.3 Significance Criteria

Based on the CEQA Guidelines, the proposed project would result in a significant impact on the provision of fire protection/EMS if it would: [1]

(a) result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection or other emergency services;

(b) result in possible interference with an emergency response plan or emergency evacuation plan;

(c) result in inadequate emergency access; or

(d) expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (There are no wildlands on or near the project site.)

15.3.4 Impacts and Mitigation Measures

Increase in Fire Protection/EMS Demands. Implementation of the proposed Hercules Bayfront Project would increase demand for RHFD services. The additional new residents and employees on-site would generate additional calls for fire protection/EMS assistance. The District estimates that the proposed project would result in approximately 647 calls for service (EMS, fires, hazardous conditions, "good intent" calls, and false calls) per year.[2]

In addition, all roads and fire hydrants/fire flow must by law conform to chapter 5 of the California Fire Code with Fire District amendments.

As described above in subsection 15.3.1 (Setting), funding for additional Fire District personnel would need to be addressed through the RHFD General Fund process, which is a District process outside the scope of CEQA. For the project's incremental contribution to the need for new fire protection/EMS facilities in Hercules, based on the mandatory Development Impact Fee (DIF) described above, the proposed project would contribute approximately $1.06 million

[1] CEQA Guidelines, Appendix G, Items XIII(a), VII(g), XV(e), and VII(h).

[2] Biagi.

toward any future new fire protection/EMS facilities.[1] As a result, the project effect on fire protection/EMS demands does not represent a significant "environmental" impact under CEQA because the District's funding process is designed to address personnel needs and the City's DIF is formulated to address facility needs (e.g., equipment, potential future cumulative need for a new station). The project effect on fire protection/EMS demands would not meet the "criteria" suggested in Appendix G (Environmental Checklist Form), item XIII (Public Services), of the CEQA Guidelines--i.e., "result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services." Also see Significance Criteria (a) above. Therefore, the proposed project would have a ***less-than-significant impact*** on fire protection/EMS demands.

Mitigation. No significant fire protection/EMS demand-related project environmental impact has been identified; no mitigation is required under CEQA.

Fire Protection Emergency Response, Evacuation, and Access Impacts. As noted in subsection 15.3.1 (Setting) above, the RHFD has concluded that adequate emergency access to the project site would require an EVA off Linus Pauling Drive; the District states that the EVA needs to be 20 feet wide, able to support 68,000 pounds, be all-weather accessible, and gated for emergency vehicle use.[2] The proposed project would include such an EVA to meet at least the minimum requirements described by the RHFD. The City of Hercules is arranging for a Public Utility Easement (PUE) to run along the tangent of Linus Pauling Drive between project Blocks P and R, within which the EVA would be constructed in conformance with the District requirements. Alternatively, the City may elect to extend Linus Pauling Drive south of the North Channel to connect to John Muir Parkway.

Mandatory standard City and RHFD review of proposed emergency access provisions prior to project construction would ensure that all applicable City and RHFD road design and emergency access standards are met (e.g., turnaround radii, road widths). Therefore, the proposed project would have a ***less-than-significant impact*** on fire protection/EMS emergency response, evacuation, and access.

Mitigation. No significant project environmental impact on fire protection/EMS emergency response, evacuation, or access has been identified; no mitigation is required under CEQA.

Cumulative Demands for Fire Protection/EMS. Buildout of the proposed project, in combination with other anticipated cumulative development in Hercules (see EIR chapter 12, Land Use and Planning), would cumulatively increase the demand for fire protection/EMS,

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[1]The approximately $1.06 million total Development Impact Fee for fire protection/EMS facilities generated by the proposed project was calculated by using the potential combination of project land uses (residential, office, retail) that would yield the highest total fee (1,392 multi-family units, 249,000 square feet of office floor area [including 134,000 square feet of flex space], and 90,000 square feet of retail floor area).

[2]Biagi.

including additional firefighters and requisite training, support staff, equipment, and potentially new facilities (although no definitive plans for such facilities have been formulated). The adopted, mandatory Development Impact Fee (DIF) would be assessed on each future development. As a result, this cumulative effect does not represent a significant environmental impact under CEQA. Therefore, cumulative development is considered to have a ***less-than-significant cumulative impact*** on fire protection/EMS.

Mitigation. No significant cumulative environmental impact associated with fire protection/EMS has been identified; no mitigation is required under CEQA.

15.4 PARKS AND RECREATION

15.4.1 Setting

(a) Existing Parks and Recreational Facilities Serving the Project Vicinity. Parks and recreational services in Hercules are provided by the City of Hercules Parks and Recreation Department. In addition to providing and maintaining the facilities listed below in the project vicinity, the department offers programs for all ages, including recreation classes (e.g., oil painting, gymnastics, karate, etc.), sports programs, aquatics, before-and-after-school child care (ages 4 and up), parks and facility rentals, youth and teen events, and community-wide events.[1]

The project site is undeveloped and does not contain any parks or recreational facilities. Currently developed parks and recreational facilities that the department concludes could be used by future residents of the Hercules Bayfront Project (and their primary amenities) include:[2]

Community Parks:

- *Refugio Valley Park and Linear Park (1515 Refugio Valley Road):* a 53.26-acre park complex that includes lighted tennis courts; play structures; a picnic/barbecue area; a jogging path; a gazebo/amphitheater; and fishing;
- *Ohlone Park (192 Turquoise Drive):* a 13.70-acre park that includes an unlighted ball field/soccer fields; a picnic/barbecue area; and a community garden;
- *Hanna Ranch Park (2480 Refugio Valley Road):* an 11.20-acre park that includes an unlighted ball field/soccer fields; and a picnic/barbecue area;
- *Woodfield Park (1991 Lupine Road):* a 6.00-acre park that includes an unlighted ball field/soccer fields; basketball courts; tennis courts; play structures; and a picnic/barbecue area;
- *Foxboro Park (1025 Canterbury Drive):* a 3.50-acre park that includes basketball courts; tennis courts; play structures; a picnic/barbecue area; and a jogging path;

[1]Pedro Jimenez and Greg Dwyer, Managers, City of Hercules Parks and Recreation Department, written communication, January 25, 2010.

[2]Jimenez and Dwyer; also City of Hercules Parks & Recreation Activity Guide, www.ci.hercules.ca.us/index.aspx?page=492.

Neighborhood Parks:

- *Shoreline Park (Tug Boat Lane):* a 4.00-acre park that includes play structures; a picnic/barbecue area; and a jogging path;
- *Bayside Park (2003 Clark Street):* a 1.50-acre park that includes play structures and a jogging path;
- *Beechnut Mini-Park (118 Beechnut Lane):* a 1.30-acre mini-park that includes swings;
- *Railroad Mini-Park (1225 Santa Fe Drive):* a 1.20-acre mini-park that includes play structures and a picnic/barbecue area;
- *Frog Pad Park (1000 Willet Street):* a 0.90-acre mini-park that includes play structures and a picnic area;

Recreational Facilities:

Hercules also contains numerous recreational facilities that the Parks and Recreation Department concludes could be used by future residents of the Hercules Bayfront Project. These include: the City library, Community/Swim Center, Ohlone Child Care Center, Hanna Child Care Center, Lupine Child Care Center, Teen Center, Senior Center, Ohlone Community Center, Foxboro Community Center, and Gui Van Domselaar Room (in Civic Center).

(b) Demand for Parks and Recreational Facilities. The City of Hercules General Plan Park Standards state that, for every 1,000 residents, the City of Hercules should provide 3.25 acres of community park space, 1.75 acres of neighborhood park space, and 34 acres of open space (public and private combined, including City parks). The open space standard is a citywide goal, not necessarily a requirement for each individual project.

(c) Development Impact Fee for Parks and Recreational Facilities. Consistent with Measure J (Contra Costa Transportation Improvement and Growth Management Ordinance) and the Hercules General Plan *Growth Management Element* (see section 15.1, Pertinent Plans and Policies, in this EIR chapter), the Hercules Parks and Recreation Department levies a mandatory Development Impact Fee (DIF) on new development to cover the cost of increased demand for parks and recreational *facilities*; the cost for additional departmental *personnel* is funded through the City's General Fund process.[1] Relevant to the proposed Hercules Bayfront Project, the current Parks and Recreational Facilities Impact Fee is $8,800 per multi-family dwelling unit; there is no similar fee for retail or office development.[2]

15.4.2 Pertinent Plans and Policies

(a) City of Hercules General Plan. The Hercules General Plan designates the Bay Trail along the San Pablo Bay waterfront with a connector trail (Bay Trail Connector) along the eastern side

[1]Gloria Leon, City of Hercules Finance Department, personal communication, January 15, 2010.

[2]City of Hercules website, www.ci.hercules.ca.us/index.aspx?page=505. Verified by Gloria Leon, City of Hercules Finance Department, January 25, 2010.

of Refugio Creek. When complete, the Bay Trail will be a continuous 400-mile network of bicycling and hiking paths encircling San Francisco and San Pablo Bays. It will link the shoreline of all nine Bay Area counties, passing through 47 cities. To date, more than half the length of the proposed system has been created. (See additional discussion of the Bay Trail in Chapter 12, Land Use and Planning.)

Those additional policies from the City of Hercules General Plan that are pertinent to consideration of proposed project and its parks and recreation impacts are listed below. Where any aspect of the proposed project is found in this EIR to be potentially inconsistent with one or more of these City-adopted policies, a potentially significant environmental impact and one or more associated mitigations will be identified for incorporation into the project to reduce the impact and better implement the General Plan. Otherwise, the proposed project will be considered consistent with the policies listed below.

Open Space and Conservation Element:

- *Expand the community's park, trail and open space system to meet the demands of future growth. The comprehensive park, trail and open space system shall provide linkages between developed and developing areas.* (Open Space and Conservation Policy 1a)

- *The City shall ensure that new development funds its share of costs associated with the provision of park facilities by attaching project-specific mitigation as conditions of approval.* (Open Space and Conservation Policy 1c)

- *The City may consider development agreements that will provide additional community parks and recreation facilities, such as ballfields and other areas for organized recreation, in exchange for allowing development at greater than the "typical" FAR, as specified in the proposed Land Use Element Update.* (Open Space and Conservation Policy 1d)

- *Ordinance No. 364 adds Chapter 18, entitled "Development Impact Fees" to Title 10 of the Hercules Municipal Code. Article 2, Park and Recreation Facilities Impact Fee, of this chapter requires that new development pay for the cost of new parks and recreation facilities and improvements to existing parks and recreation facilities. The purpose of this fee is to provide adequate park and recreation facilities to serve new development within the City. The amount of the fee is calculated based on the need for park facilities once development occurs and the per person cost for those facilities.* (Park and Recreation Facilities Impact Fee)

In addition, the General Plan *Growth Management Element* policies and text in subsection 15.1 (Pertinent Plans and Policies) of this EIR chapter applicable to parks and recreational facilities are pertinent to the proposed project.

(b) City of Hercules Waterfront District Master Plan (WDMP). The WDMP Open Space Master Plan (Section 2.0) identifies "a range of natural and urban open spaces, which are located, sized and designed to promote and support a range of community uses" (page 16). The WDMP identifies several planned primary open spaces in or immediately adjacent to the Waterfront District, including: (1) Duck Pond Trail; (2) Duck Pond Park (currently under design); (3) Sycamore Park; (4) Town Green (superseded by the Waterfront Initiative and current Hercules Bayfront Project plans); and (5) San Pablo Bay Park (State parkland, natural open space). The

WDMP also identifies a "Bay Trail Connector"; this is the Creekside Trail identified on Figure 3.9 (Proposed Civic Space Regulating Plan) in chapter 3 (Project Description) of this EIR.

The WDMP includes an Open Space and Conservation Plan that added the Hercules Point open space to the Waterfront District; the implementation of Hercules Point as open space would be a separate, future project subject to its own CEQA review. In addition, the WDMP includes a Civic Space Regulating Plan, whose proposed amendment (based on subsequent revisions to the Hercules Bayfront Project site plan) is illustrated and described in chapter 3 (Project Description) of this EIR. Collectively, the Hercules Bayfront Project and the ITC project would implement all components of the Regulating Plan.

15.4.3 Significance Criteria

Based on the CEQA Guidelines, the proposed project would be considered in this EIR to have a potentially significant impact on parks and recreational services if it would: [1]

(a) result in substantial adverse physical impacts associated with the need for or provision of new or physically altered parks and recreation facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives;

(b) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated;

(c) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment; or

(d) conflict with any land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

15.4.4 Impacts and Mitigation Measures

Impact 15-1: Project Impacts on Parks, Recreational Facilities, and Open Space. The project will increase demand for parks, recreational facilities, and open space. The potential effects of this increased demand, including substantial physical deterioration of existing parks and recreational facilities, represent a ***potentially significant impact*** (see criteria [a] through [d] in subsection 15.4.3, "Significance Criteria," as well as Growth Management Element Measure J Standard #3 in section 15.1, and Open Space and Conservation policies in subsection 15.4.2, above).

(a) Effect on Parks and Recreational Facilities. The approximately 4,624 potential new residents resulting from the proposed residential component of the project (see EIR chapter 14, Population and Housing) would increase demand for parks and recreational facilities in the project vicinity. Figure 3.9 (Proposed Civic Space Regulating Plan) and its accompanying text in chapter 3 (Project Description) of this EIR describe the public parks and open spaces proposed as part of the Hercules Bayfront Project as well as those similar, supporting public

[1] CEQA Guidelines, Appendix G, Items XIII(d), XIV(a), and XIV(b).

facilities proposed by the ITC project and also required to implement the Hercules Bayfront Project.

The City of Hercules has concluded that the proposed project would result in the need for additional parks and/or equipment or upgrades to the nearby existing parks and recreational facilities.[1] Based on the projected 4,624 new residents and the Hercules Park Standards (see section 15.1 above), the proposed project would generate the need for approximately 15.03 acres of community park space and 8.09 acres of neighborhood park space in or near the project site. Based on final development plan or tentative map, the City would determine the amount of credit for community and neighborhood park space that the project would receive. The current project plans do not assign specific acreages and amenities to the Proposed Civic Space Regulating Plan (EIR Figure 3.9), and the City would have decision-making authority on defining whether the proposed facilities meet the requirements of "community" or "neighborhood" park space.

In addition to the parks and recreational facilities to be constructed under the Civic Space Regulating Plan, the Parks and Recreational Facilities Impact Fee would be assessed on the Hercules Bayfront Project to provide the additional necessary resources (new and/or upgraded parks and recreational facilities), including those identified on the WDMP Open Space Master Plan and on the WDMP Open Space and Conservation Plan (see subsection 15.4.2[b] above). These resources could include future open space development of Hercules Point, which is currently owned by the Hercules Bayfront Project applicant. The Parks and Recreation Department also has concluded that the project site could benefit from a new clubhouse/ meeting facility that could be utilized by local residents;[2] the project does identify potential civic/conference space on Block J.

As described above in subsection 15.4.1 (Setting), funding for additional Parks and Recreation Department *personnel* would need to be addressed through the City's General Fund process, which is a citywide process outside the scope of CEQA. For the project's incremental contribution to the need for new parks and recreational *facilities* in Hercules, based on the Development Impact Fee described above, the proposed project would contribute approximately $13.43 million toward any future new parks and recreational facilities, which the City would apply to future acquisition and development of community and neighborhood park space, as well as maintenance of existing facilities.

The construction impacts of the project-proposed and supporting new parks and recreational facilities would be temporary. Construction period traffic interruption, noise, and air emission (dust) effects typically associated with such construction would be mitigated through standard City construction period mitigation procedures (e.g., see chapters 5 [Air Quality] and 13 [Noise] of this Draft EIR). No significant environmental impact is anticipated with this construction activity. The environmental impacts associated with construction of parks and recreational facilities would therefore be ***less-than-significant***.

(b) Open Space Requirement. Based on the projected 4,624 new residents and the Hercules Open Space Standard (see section 15.1 above), the proposed project would generate the need for approximately 157.22 acres of public and private open space. Based on the final

[1] Jimenez and Dwyer.

[2] Jimenez and Dwyer.

development plan or tentative map, the City would determine the amount of credit for public and private open space that the project would receive, in coordination with its determination of community and neighborhood park space. The current project plans do not assign specific acreages for open space, and the City would have decision-making authority on defining the requirements for open space.

Mitigation 15-1. Through its review of the project final development plan or tentative map, the City shall ensure that the project complies with the park land and open space requirements set forth in the Hercules General Plan, as summarized in the text for Impact/Mitigation 15-1 in this EIR. Implementation of these measures would reduce this impact to a ***less-than-significant level.***

Cumulative Demands for Parks, Recreational Facilities, and Open Space. Buildout of the proposed project, in combination with other anticipated cumulative development in Hercules (see EIR chapter 12, Land Use and Planning), would cumulatively increase the demand for parks, recreational facilities, and open space, including additional personnel and requisite training and equipment. Mitigation 15-1, including the adopted, mandatory Development Impact Fee, would be implemented for each future development, which the City would apply to future acquisition and development of community and neighborhood park space, as well as maintenance of existing facilities. As a result, this cumulative effect does not represent an additional significant environmental impact under CEQA. Therefore, with implementation of Mitigation 15-1, cumulative development is considered to have a ***less-than-significant cumulative impact*** on parks and recreational facilities.

Mitigation. No additional significant cumulative environmental impact associated with parks, recreational facilities, and open space beyond that already identified in Impact 15-1 has been identified; no additional mitigation is required under CEQA.

15.5 SCHOOLS

15.5.1 Setting

(a) Schools in Project Site Vicinity. Hercules is located in the West Contra Costa Unified School District (WCCUSD) and the John Swett Unified School District. Schools serving the project vicinity include: Hanna Ranch, Ohlone, and Lupine Hills elementary schools; Hercules Middle School; and Hercules High School. Enrollment and capacity information for the schools is provided below.[1]

- The elementary schools (kindergarten through fifth grade) have a current (2008-2009) total enrollment of 1,316 students, a total capacity to serve 1,160 students, a shortfall in capacity of 156, and a school year 2013-14 projected enrollment of 1,375.

[1]Cheryl A. King, Senior Associate, Jack Schreder & Associates, written communication, January 28, 2010.

- Hercules Middle School (grades 6 through 8) has a current enrollment of 766 students, a capacity to serve 690 students, a shortfall in capacity of 76, and a 2013-14 projected enrollment of 762.

- Hercules High School (grades 9 through 12) has a current enrollment of 1,107 students, a capacity to serve 1,018 students, a shortfall in capacity of 89, and a 2013-14 projected enrollment of 1,017.

As indicated above, public schools in Hercules are currently over-capacity and are expected to remain over-capacity through at least school year 2013-14. The WCCUSD does not currently provide transportation for the district's students.

(b) School Impact Fees. Pursuant to California Education Code section 17620(a)(1), the governing board at any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities. The WCCUSD currently charges developer fees of $2.97 per square foot of residential development and $0.47 per square foot of commercial/industrial development.[1] ***As provided in California Government Code section 65996, the payment of such fees is deemed to fully mitigate the impacts of new development on school services.***

15.5.2 Pertinent Plans and Policies

(a) City of Hercules General Plan. The one policy from the City of Hercules General Plan that is pertinent to consideration of proposed project and its school services impacts is listed below. The proposed project is considered consistent with the policy, as discussed in this EIR section.

Land Use Element:

- *Refer applicants of new developments to the appropriate School District in order to pay the District's required developer impact fees prior to the building permit issuance for individual projects, as needed and justified, to maintain school performance standards.* (Land Use Policy 16A)

(b) City of Hercules Waterfront District Master Plan (WDMP). The Waterfront District Master Plan (WDMP) (including the Initiative) does not contain any policies or other provisions specifically relevant to school services.

15.5.3 Significance Criteria

Based on the CEQA Guidelines, the proposed project would be considered in this EIR to have a potentially significant impact on schools if it would:

(a) result in substantial adverse physical impacts associated with the need for or provision of new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.[2]

[1] King.

[2] CEQA Guidelines, Appendix G, Item XIII(a).

15.5.4 Impacts and Mitigation Measures

Project Impacts on School Services. Implementation of the proposed project would result in increased demand for local public school services. Based on a student generation survey conducted for the WCCUSD,[1] the following student generation rates have been applied to the proposed project: 0.084 grade K-5 student per multi-family residential unit, 0.052 grade 6-8 student per multi-family unit, and 0.062 grade 9-12 student per multi-family unit, for an overall average student generation rate of 0.198 students per multi-family unit. Based on the potential development of 1,526 multi-family units under the proposed project (including the potential for 134 units under the flex-space category--see EIR Table 3.2), the project would generate approximately 128 grade K-5 students, 79 grade 6-8 students, and 95 grade 9-12 students, for a total of approximately 302 students generated by the proposed project at buildout.

Since the public schools that would serve the project site are currently over-capacity and are expected to remain so into the future, the WCCUSD does not have the capacity to accommodate the additional students generated by the project. The WCCUSD expects to help mitigate the project impact by adding classrooms to current school sites (if acreage allows) or possibly constructing a fourth elementary school.[2] However, the WCCUSD has not identified any particular new school site on property that it owns.

School impact fees are collected when building permits are issued. The state-mandated school fee maximums may permit increases in local school impact fees prior to issuance of building permits for development of the proposed project. Under the currently adopted fees, the proposed project would contribute approximately $4.63 million in school impact fees (assuming a potential total of 1,526 residential units, including 134 units in flex-space).

The courts have held that increased classroom enrollment resulting in school overcrowding is considered a "social" rather than a physical "environmental" impact and is not, in itself, a significant environmental impact requiring mitigation under CEQA (Goleta Union School District vs. Regents of University of California [2d Dist. 1995]). Instead, increased school enrollment may only lead to such an impact if the increased enrollment will ultimately require physical changes in the environment. Also, state government code sections established in 1998 (sections 65995 and 65996) have pre-empted and limited the ability of cities to exercise their police power to mitigate school impacts. A city government may not impose development requirements regarding school facilities in a manner inconsistent with state statutes on the subject. The duty of a lead agency to mitigate school impacts beyond the state-mandated fees arises only where there is a physical environmental impact involved beyond the mere addition of students to a school. As noted above, the WCCUSD has not identified any particular new school site on property that it owns and currently has no definitive, adopted plans to build new school facilities. As a result, under CEQA, the proposed project would have a ***less-than-significant impact*** on schools.

School Impact Fees. The permitted method for addressing school enrollment increase impacts is limited to the state-authorized statutory authority of school districts to impose school impact fees. Specifically, Government Code section 65996 limits methods of addressing impacts on

[1] King.

[2] King.

school facilities to state-authorized development impact fees and interim school facility provisions. Therefore, under current statutes and case law, payment of the required school impact fees would address the project's impact on school services to the furthest extent permitted by law.

Cumulative Impacts on School Services. In addition to the housing that would be developed as part of the proposed project, other anticipated residential projects in Hercules would generate new students. Such a cumulative enrollment increase would be expected to exceed the current and anticipated capacity of existing WCCUSD facilities. As noted above, the WCCUSD has not identified any particular new school site on property that it owns and currently has no definitive, adopted plans to build new school facilities.

School Impact Fees. School impact fees collected from cumulative residential development would be available to construct additional school facilities. Payment of the required school impact fees would address the cumulative impact on school services to the furthest extent permitted by law. State law prohibits a local agency from requiring measures beyond designated impact fees to offset a project's impact on local school facilities. Therefore, under CEQA, cumulative impacts on school services would be ***less-than-significant***.

15.6 WATER

The water supply evaluation in this EIR section relies upon the Water Supply Assessment (WSA) prepared and approved by the East Bay Municipal Utility District (EBMUD), the water provider, specifically for the proposed Hercules Bayfront Project. The approved WSA (dated June 10, 2008, with a supplemental letter dated December 17, 2009) was prepared pursuant to Sections 10910-10915 (Senate Bill [SB] 610--Costa) of the California Water Code, SB 221 (Kuehl), and the California Environmental Quality Act (CEQA).[1] This section also includes information from the EBMUD 2005 Urban Water Management Plan (UWMP), adopted by the EBMUD Board of Directors on November 22, 2005, which is a long-range planning document that reports on EBMUD's current and projected water usage, water supply programs, and water conservation and recycling programs. The full text of the EBMUD-prepared WSA (including the supplemental letter) for the Hercules Bayfront Project is included as appendix 22.2 of this Draft EIR. The full text of the UWMP is available at EBMUD's website at http://www.ebmud.com/our-water/water-supply/long-term-planning/urban-water-management-plan.

15.6.1 Setting

(a) Existing Water Supply. The East Bay Municipal Utility District (EBMUD) provides water service to the project site and vicinity. EBMUD has water rights permits and licenses that allow for delivery of up to a maximum of 325 million gallons per day (mgd) from the Mokelumne River, subject to availability of Mokelumne River runoff and the senior water rights of other users.

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[1] SB 610 (Costa) and SB 221 (Kuehl) are two laws, enacted by the California Legislature in 2001, designed to achieve greater coordination during the land use planning and CEQA processes between water suppliers and local land use agencies when considering certain large-scale development projects. See a further description of SB 610 and SB 221 in subsection 15.5.2 (Pertinent Plans and Policies) below.

EBMUD's position in the hierarchy of Mokelumne River water users is determined by a variety of agreements between Mokelumne River water right holders, the appropriative water rights permits and licenses that have been issued by the State, pre-1914 rights, and riparian rights. Conditions that could, depending on hydrology, restrict EBMUD's ability to receive its full entitlement of water include:

- upstream water use by prior right holders,
- downstream water use by riparian and senior appropriators and other downstream obligations, including protection of public trust resources, and
- variability in rainfall and runoff.

During drought periods, the Mokelumne River can no longer meet EBMUD's projected customer demands. To address this, EBMUD has obtained and continues to seek supplemental supplies. EBMUD has a contract for water from the Central Valley Project (CVP), which is discussed in subsection 15.5.4 (Impacts and Mitigation Measures) below. EBMUD studies indicate that by 2030, even with the additional dry-year water supply provided through the Freeport Regional Water Project (FRWP), deficiencies in supply of up to 37 percent could occur during multi-year drought periods.[1]

The project site is currently undeveloped, requiring no EBMUD water supply.

(b) Summary of Current and Planned Water Supplies. Table 15.1 identifies existing and planned water supplies to EBMUD from 2005 to 2030.

(c) Existing Water Delivery Infrastructure in the Project Vicinity. EBMUD's Maloney Pressure Zone, with a service elevation between 0 and 200 feet, would serve the proposed project. Existing water mains within close proximity of the project site include pipelines located in Railroad Avenue, Bayfront Boulevard, Creekside Drive, and Linus Pauling Drive.[2]

15.6.2 Pertinent Plans and Policies

(a) City of Hercules General Plan. Those policies from the City of Hercules General Plan that are pertinent to consideration of the proposed project and its water service impacts are the applicable policies and text in section 15.1 (Pertinent Plans and Policies) of this EIR chapter, as well as the program listed below. Where any aspect of the proposed project is found in this EIR to be potentially inconsistent with one or more of these City-adopted policies, a potentially significant environmental impact and one or more associated mitigations will be identified for incorporation into the project to reduce the impact and better implement the General Plan. Otherwise, the proposed project will be considered consistent with the policies listed below.

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[1]EBMUD, Water Supply Assessment--Hercules Bayfront Mixed Use Project, June 10, 2008.

[2]David J. Rehnstrom, Senior Civil Engineer of Water Service Planning, East Bay Municipal Utility District (EBMUD), written communication, January 21, 2010.

Table 15.1
EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) WATER DEMAND AND SUPPLY PROJECTIONS

	2005	2010	2015	2020	2025	2030
Projected Demand (million gallons per day/mgd)						
Customer Demand[1]	241	258	267	277	279	281
Adjusted for Conservation[2]	(13)	(21)	(27)	(35)	(35)	(35)
Adjusted for Recycled Water[2]	(6)	(12)	(14)	(14)	(14)	(14)
Planning Level of Demand	**222**	**225**	**226**	**228**	**230**	**232**
Projected Available Supply & Need for Supplemental Water[3] (mgd)						
Normal Water Year	>222	>225	>226	>228	>230	>232
Supplemental Supply Need	0	0	0	0	0	0
Single Dry Water Year (Multiple Dry Years--Year 1)						
Available Supply	211	213	215	217	219	220
Deficiency (Goal is 5% maximum[4])	5%[5]	5%	5%	5%	5%	5%
Supplemental Supply Need[6]	69	0	0	0	0	0
Multiple Dry Water Years--Year 2						
Available Supply	167	168	170	171	173	174
Deficiency (Goal is 25% maximum[7])	25%	25%	25%	25%	25%	25%
Supplemental Supply Need[6]	40	0	0	0	0	0
Multiple Dry Water Years--Year 3						
Available Supply	43	167	166	153	151	147
Deficiency (Goal is 25% maximum[7])	56%	26%	27%	33%	34%	37%
Supplemental Supply Need (To limit deficiency to 25%[6])	15	1	4	18	22	27
Three-Year Drought						
Total Supplemental Supply Need (To limit deficiency to 25%[6])	**124[8]**	**1**	**4**	**18**	**22**	**27**

SOURCE: EBMUD, 2005 Urban Water Management Plan (UWMP), Table 4-2.

[1] Projected Demand derived from the 2000 Demand Study, which projects water demand based on land use in EBMUD's service area.

[2] Conservation and recycled water program savings reported are based on the 1993 Updated Water Supply Management Plan (WSMP). WSMP set a conservation program savings goal of 33 mgd and a recycled water program savings goal of 14 mgd for the year 2020. Since the adoption of the WSMP, the conservation savings goal has increased to 35 mgd to offset demand from anticipated annexations to EBMUD's service area. Conservation and recycled water savings goals are to be upheld through 2030.

[3] Projected Supply data include dry-year supply deliveries from the Freeport Regional Water Project (FRWP) beginning in 2010. Without the FRWP supply, 2020 deficiencies could be as high as 67%.

[4] Per 2003 FRWP EIR, rationing goal is set to 5% during the first year of all droughts.

[5] In 2005 and prior to the completion of the FRWP, EBMUD's water supply system is inadequate to supply 95% of demand, and EBMUD may impose customer rationing of up to 15% during the first year of a drought, resulting in a need for additional water.

[6] The supplemental supply need is based on EBMUDSIM model results. It is the amount of water needed to limit customer rationing to 5% during the first year of a three-year drought and 25% during the second and third year of a three-year drought, to implement all provisions of the 1998 Joint Settlement Agreement, and to offset additional water supply system losses created by a supplemental supply. The actual need will be dependent on antecedent conditions, the severity of the actual drought, and on how much supplemental supply is obtained during the first two years of the drought and added to storage for use in subsequent years.

[7] Assumed drought conditions (UWMP, Table 3-1).

[8] An additional 15 mgd is needed in the third year if a supplemental supply is obtained in year 1 and year 2. If a supplemental supply is not available during years 1 and 2 of the drought, total system storage could be drawn down to meet 95% of demand in the first year and 75% in the second year, creating a greater storage deficit and a greater supplemental supply need in the third year.

Open Space and Conservation Element:

- Ensure that the new development pays its share of the costs associated with the provision of facilities to conform to EBMUD requirements for water conservation by attaching project-specific mitigation requirements as conditions of approval. (Open Space and Conservation Program 7b.1)

(b) City of Hercules Waterfront District Master Plan (WDMP). The Waterfront District Master Plan (WDMP) (including the Initiative) does not contain any policies or other provisions specifically relevant to water service.

(c) 2005 Urban Water Management Plan (UWMP). The 2005 UWMP, adopted on November 22, 2005 by the EBMUD Board of Directors by Resolution No. 33508-05, is a long-range planning document that reports on EBMUD's current and projected water usage; water supply programs; and conservation and recycling programs. A summary of the UWMP's demand and supply projections, in 5-year increments for a 25-year planning horizon, is provided in Table 15.1 of this EIR section. The data reflects the latest actual and forecast values.

(d) State Requirements. Principal state legislation enacted to regulate the supply and use of water throughout California and pertinent to the proposed project is summarized below.

- *The California Urban Water Management Planning Act* (enacted 1983, last revised 2004) requires each urban water supplier to prepare an urban water management plan and update the plan every five years (see item [c] above).

- *Assembly Bill (AB) 901* requires the urban water management plan to document the quality of a supplier's available water source(s) and provide an assessment of the ways in which water quality affects its water management strategies and supply.

- *AB 325, the Water Conservation and Landscaping Act*, directs local governments to require the use of low-flow plumbing fixtures and the installation of drought-tolerant landscaping in all new development.

- *Section 64562 of the California Health and Safety Code* requires each public water system to have sufficient water available from its water sources and distribution reservoirs to supply adequately, dependably, and safely the total requirements of all its users under maximum demand conditions before an agreement can be made to permit additional service connections to that system.

- *SB 610 (Costa).* SB 610 requires preparation of a WSA by the water supplier for any development whose approval is subject to CEQA and which meets the definition of a "project" in Water Code Section 10912--i.e., residential developments of more than 500 dwelling units or other types of development (e.g., commercial buildings, industrial parks, hotels/motels) using a comparable amount of water. The City has determined that the project application is subject to CEQA (as evidenced by this EIR), is considered a "project" as defined by Water Code Section 10912, and therefore requires a WSA pursuant to SB 610.

  SB 610 requires the WSA to describe the proposed project's water demand over a 20-year period, identify the sources of water available to meet the demand, and include an assessment of whether those water supplies are, or will be, sufficient to meet the demand for water associated with the proposed project in addition to the demand of existing customers and other planned future development. The available water supply must be based on three water supply scenarios: normal year, single dry year, and multiple dry years. If the WSA concludes that water supplies are or will be insufficient, then the WSA must describe plans (if any) for acquiring additional water supplies and the measures that are being undertaken to acquire and develop those supplies.

- *SB 221 (Kuehl).* SB 221 is similar to SB 610. SB 221 requires the lead agency to include as a condition of approval of such a map or agreement a requirement that "sufficient water supply" be available. Proof of a sufficient water supply must be based on a written verification from the public water supplier that will serve the development. However, SB 221 applies only to *residential* projects of 500 or more units and becomes operative when the land use planning agency is considering approval of a residential tentative subdivision map, parcel map, or development agreement. SB 221 applies to the proposed project (more than 500 residential uses are proposed).

- *Relationship of the UWMP to SB 610 and SB 221.* Both SB 610 and SB 221 describe an adopted urban water management plan as a planning document that, if properly prepared, can be used by a water supplier to meet the standards of both statutes. EBMUD's 2005 UWMP (see item [c] above) was adopted by the EBMUD Board of Directors and forwarded

to the California State Department of Water Resources (DWR). The water supply and demand analysis contained in the WSA prepared for the proposed project is based, in part, on information contained in the 2005 UWMP.

(e) Federal Requirements. The Safe Drinking Water Act (SDWA), established on December 16, 1974, is the main federal law that ensures the quality of drinking water by setting standards for drinking water quality and by providing guidance to the states, localities, and water suppliers who implement those standards.

The Water Supply Assessment (WSA) findings for the proposed Hercules Bayfront Project are summarized in subsection 15.5.4 below. Pursuant to SB 610, the entire WSA is included in appendix 22.2 of this Draft EIR.

15.6.3 Significance Criteria

Based on the CEQA Guidelines, the proposed project would result in a significant environmental impact related to water supply and service if it would:[1]

(a) require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or

(b) require new or expanded water entitlements.

15.6.4 Impacts and Mitigation Measures

Project and Cumulative Water Supply Impacts. The water supply information below is summarized mainly from the project WSA prepared by EBMUD (dated June 10, 2008) and included in appendix 22.2 of this Draft EIR.

The water demands for the proposed project are accounted for in EBMUD's water demand projections published in EBMUD's 2005 Urban Water Management Plan (UWMP). Also, the estimated water demand for the project provided by the applicant is consistent with EBMUD's UWMP demand projections for the types of land uses proposed under the project.

(a) EBMUD-Wide Water Demand Projections. Water consumption within the EBMUD service area has remained relatively level in recent years in spite of population and account growth. Since the 1970s, water demand has ranged from 200 to 220 million gallons per day (mgd) in non-drought years. The 2030 water demand forecast (see Table 15.1) of 281 mgd for the EBMUD service area can be reduced to 232 mgd with the successful implementation of water recycling and conservation programs, as outlined in the UWMP. EBMUD's demand projections indicate both densification and land use changes in all existing land use classifications, including commercial and industrial land use areas, thus increasing EBMUD's overall demand. EBMUD's 2005 UWMP projects water demands over time, accounting for estimated variations in demand usage less conservation and recycled supply sources as noted in the UWMP (see Table 15.1). For planning purposes, the demands are estimated in five-year increments, but it is recognized that actual incremental amounts may occur stepwise in shorter time increments. An increase in usage by one customer in a particular customer class does not require a strict

[1] CEQA Guidelines, Appendix G, Items XVI(a-d).

gallon-for-gallon increase in conservation by other customers in that class as, in actuality, the amount of potable demand, conservation and recycled water use EBMUD-wide will vary somewhat. Periodically EBMUD updates the demand projections to reconcile these variations, and the UWMP is updated as appropriate at each five-year cycle.

(b) EBMUD-Wide Water Supply Projections. EBMUD's evaluation of water supply availability accounts for the diversions of both upstream and downstream water right holders and fishery releases on the Mokelumne River. Fishery releases are based on the requirements of a 1998 Joint Settlement Agreement (JSA) between EBMUD, the U.S. Fish and Wildlife Service (USFWS), and the California Department of Fish and Game (CDFG). The JSA requires EBMUD to make minimum flow releases from its reservoirs to the lower Mokelumne River to protect and enhance the fishery resources and ecosystem of the river. Therefore, as this water is released downriver, it is not available for use by EBMUD's customers.

The available supply shown in Table 15.1 was derived from EBMUD's hydrologic model with the following assumptions:

- EBMUD Drought Planning Sequence is used for 1976, 1977, and 1978.
- Total system storage is depleted by the end of the third year of the drought.
- EBMUD will implement its Drought Management Program when necessary.
- The diversions by Amador and Calaveras Counties upstream of Pardee Reservoir increase over time.
- Releases are made to meet the requirements of senior downstream water right holders, and fishery releases are made according to the JSA.
- Dry-year supply of CVP water, through the FRWP, is available beginning in 2010.

EBMUD's system storage generally allows it to continue serving its customers during dry-year events. EBMUD imposes rationing based on the projected storage available at the end of September. By imposing rationing in the first dry year of potential drought periods, EBMUD attempts to minimize rationing in subsequent years if a drought persists while continuing to meet its current and subsequent-year fishery flow release requirements and obligations to downstream agencies.

In Table 15.1, "Single Dry Water Year" (or Year 1 of "Multiple Dry Water Years") is determined to be a year that EBMUD would implement Drought Management Program elements at the "moderate" stage with the goal of achieving a reduction between 0 to 15 percent in customer demand. Through the FRWP, the supplemental dry-year supply of CVP water will be used to reduce the rationing goal to 5 percent during the first year of a drought. Year 2 of Multiple Dry Years is determined to be a year that EBMUD would implement Drought Management Program elements at the "severe" stage with the goal of achieving between 15 to 25 percent reduction in customer demand. In Year 3 of the multiple-year drought, under current conditions (2005) and prior to the completion of the FRWP, EBMUD customers could experience deficiencies of up to 56 percent. After the completion of the FRWP (currently under construction), water supply deficiencies could range from about 26 percent in year 2010 to about 37 percent in year 2030. Therefore, a supplemental supply is needed, which is defined by EBMUD as the additional

amount of water necessary to limit customer deficiency to 25 percent in a multiple-year drought while continuing to meet the requirements of senior downstream water right holders and the provisions of the 1998 JSA.

(c) EBMUD-Wide Supplemental Water Supply and Demand Management. The goals of meeting projected water needs and increased water reliability rely on three components: supplemental supply, water conservation, and recycled water.

Chapter 2 of the UWMP describes EBMUD's supplemental water supply project alternatives to meet its long-term water demand. To address the need for a supplemental water supply during droughts, EBMUD signed a contract in 1970 with the federal government for a supplemental supply from the CVP. In 2001, EBMUD certified the environmental documentation amending its CVP contract 14-06-200-5183A, reducing EBMUD's contract from the 150,000 acre-feet (AF)/year to an entitlement not to exceed 133,000 AF in any one year or 165,000 AF over any three consecutive years. In 2001, EBMUD signed a Memorandum of Agreement with the City of Sacramento, the County of Sacramento, and the U.S. Bureau of Reclamation to study a joint regional water project on the Sacramento River near Freeport (Freeport Regional Water Project, or FRWP).

The Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the FRWP (certified in April 2004) identifies several regulatory permits and approvals required for the implementation of the project alternatives. The approvals for the FRWP have been obtained and the project is currently under construction. EBMUD will still face water supply shortages even with the additional dry-year supply provided by the FRWP; however, the frequency and severity of customer rationing during drought periods will be reduced.

Chapter 2 of the UWMP also describes other supplemental water projects, including the development of groundwater storage within EBMUD's service area. EBMUD is studying the environmental impacts of these proposed projects. Specific capital outlay and financing information for these projects is included in EBMUD's FY06-07 Capital Improvement Program and Five-Year Plan. In addition, the FRWP would allow for future groundwater conjunctive use; along with the proposed local groundwater projects, emergency interties, and planned water recycling and conservation efforts, the FRWP would help provide a reliable water supply to meet projected demands for current and future EBMUD customers within the current service area. However, without a supplemental water supply source beyond the FRWP, and despite continued conservation efforts and further use of recycled water, deficiencies in supply are projected as noted above.

(d) Project-Related Water Demand. The estimated water demand for the proposed Hercules Bayfront Project would be approximately 264,320 gallons per day (gpd).[1] The water demands for the proposed project are accounted for in EBMUD's water demand projections published in EBMUD's 2005 UWMP (see Table 15.1). Also, the estimated water demand for the project provided by the applicant is consistent with EBMUD's UWMP demand projections for the types of land uses proposed under the project.

[1]EBMUD Water Supply Assessment (WSA) (June 10, 2008), including supplemental letter (December 17, 2009).

The project would be required to comply with California Assembly Bill 325 (AB 325, Model Water-Efficient Landscape Ordinance--Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495), which mandates the use of low-flow plumbing fixtures and the installation of drought-tolerant landscaping in all new development.

The project would also be required to comply with EBMUD's Water Service Regulations (Section 31), which, in part, stipulate that water service shall not be supplied unless all applicable water-efficiency measures and best management practices described in the regulations are installed at the project applicant's expense. On a related issue, EBMUD has concluded that the proposed Hercules Bayfront Project, due to its minimal irrigation demand and the prohibitive expense of providing dual plumbing in the mixed-use structures, would not be a candidate for recycled water use.[1]

Conclusion. Based on the Water Supply Analysis (WSA) described above, the proposed project would result in a ***less-than-significant project and cumulative impact*** on water supply (see criterion [b] in subsection 15.5.3, "Significance Criteria," above).

Mitigation. No significant project or cumulative impact on water supply has been identified; no mitigation is required under CEQA beyond compliance with mandated water conservation laws and EBMUD regulations.

Project and Cumulative Water Delivery System Impacts. The water delivery system information below was provided by EBMUD, which would serve the proposed project. EBMUD has concluded that it could serve the proposed project, pursuant to the standard requirements described below.[2]

Proposed local water main extensions (e.g., off Railroad Avenue, Bayfront Boulevard, Creekside Drive, and Linus Pauling Drive) would be required to serve the project and would be required to be funded by the project applicant. Likewise, off-site pipeline improvements (funded by the applicant) may be required to meet domestic demands and fire flow requirements set by the Rodeo-Hercules Fire Protection District; off-site improvements could include, but are not limited to, replacement of existing water mains to the project site. As a standard EBMUD procedure, when development plans are finalized, the project applicant shall contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the project.

As another standard EBMUD procedure, 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 the appropriate personal protective equipment.[3]

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[1]EBMUD Water Supply Assessment, page 5.

[2]Rehnstrom, January 21, 2010.

[3]The project site does not contain any known contaminated soil or groundwater (see chapter 10, Hazards and Hazardous Materials, of this EIR). However, EBMUD uses these standard regulations for worker safety in all new developments, in case any such hazardous condition arises or is identified during project construction.

Also, EBMUD will not install pipeline 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 project applicant must provide a legally sufficient, complete and specific 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. EBMUD would install pipelines after the necessary remediation has been completed and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or if EBMUD deems the supplied information insufficient, EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and/or groundwater that may be encountered during excavation; similarly, EBMUD may perform such sampling and analysis itself at the applicant's expense.

It is reiterated that the Hercules Bayfront Project site is not known to contain any contaminated soil or groundwater (see chapter 10, Hazards and Hazardous Materials, of this EIR). However, EBMUD uses these standard regulations for worker safety in all new developments, in case any such hazardous condition arises or is identified during project construction.

The construction of project-related and cumulative local water delivery system modifications described above would be temporary and would occur within existing public rights of way (e.g., Bayfront Boulevard) or private property subject to a municipal easement. Associated construction period traffic interruption, noise, and air emissions (dust) typically associated with such infrastructure construction would be mitigated through standard City construction period mitigation procedures (e.g., see chapters 5 [Air Quality] and 13 [Noise] of this EIR). No significant environmental impact is anticipated with this construction activity. The potential environmental impacts associated with construction of the project-related and cumulative water delivery system modifications described in this EIR section would therefore be ***less-than-significant*** (see criterion [a] in subsection 15.5.3, "Significance Criteria," above).

Mitigation. No significant construction period environmental impact associated with project-related or cumulative water delivery system modifications has been identified; no mitigation beyond standard City construction period mitigation procedures is required under CEQA.

15.7 WASTEWATER

15.7.1 Setting

(a) Existing Wastewater Collection System. The City of Hercules provides wastewater collection and conveyance services to the entire city. Existing wastewater pipelines are located along the eastern edge of the project site. Since the project site is currently undeveloped, the site does not generate wastewater.

(b) Existing Wastewater Treatment Provider and Capacity. The project site is within the Pinole-Hercules Wastewater Treatment Plant (PHWTP) service boundary. The plant, located in the City of Pinole treats and disposes of wastewater for approximately 15,000 households in the cities of Pinole and Hercules. The treatment plant has a permitted dry weather capacity of 4.06

million gallons per day (mgd) and provides secondary treatment. Existing dry weather flows are approximately 3.20 mgd.[1]

(c) Development Impact Fee for Sewer Facilities. Consistent with Measure J (Contra Costa Transportation Improvement and Growth Management Ordinance) and the Hercules General Plan *Growth Management Element* (see section 15.1, Pertinent Plans and Policies, in this EIR chapter), the City levies a Development Impact Fee (DIF) on new development to cover the cost of increased demand for wastewater *facilities*; the cost for additional *personnel* is funded through the City's General Fund process.[2] Relevant to the proposed Hercules Bayfront Project, the current Sewer Facilities Impact Fees are: $3,980 per multi-family dwelling unit; $530 per 1,000 square feet of commercial floor area; and $1,061 per 1,000 square feet of office floor area.[3]

15.7.2 Pertinent Plans and Policies

(a) City of Hercules General Plan. Those policies from the City of Hercules General Plan that are pertinent to consideration of proposed project and its wastewater service impacts are the applicable policies and text in section 15.1 (Pertinent Plans and Policies) in this EIR chapter, as well as the policy listed below. Where any aspect of the proposed project is found in this EIR to be potentially inconsistent with one or more of these City-adopted policies, a potentially significant environmental impact and one or more associated mitigations will be identified for incorporation into the project to reduce the impact and better implement the General Plan. Otherwise, the proposed project will be considered consistent with the policies listed below.

Open Space and Conservation Element:

- The City shall ensure that new development pays its share of the incremental capacity costs associated with the provision of wastewater treatment facilities by attaching project-specific mitigation requirements as conditions of approval. (Open Space and Conservation Program 8a.1)

(b) City of Hercules Waterfront District Master Plan (WDMP). The Waterfront District Master Plan (WDMP) (including the Initiative) does not contain any policies or other provisions specifically relevant to wastewater service.

15.7.3 Significance Criteria

Based on the CEQA Guidelines, the proposed project would result in a significant environmental impact related to wastewater service if it would: [4]

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[1]Brent Salmi, Contract City Engineer, City of Hercules, written communication, January 12, 2010.

[2]Gloria Leon, City of Hercules Finance Department, personal communication, January 15, 2010.

[3]City of Hercules website, www.ci.hercules.ca.us/index.aspx?page=505. Verified by Gloria Leon, City of Hercules Finance Department, January 25, 2010.

[4]CEQA Guidelines, Appendix G, Item XVI(a, b, d, and e).

(a) exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board;

(b) require or result in the construction of wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; or

(c) result in a determination by the wastewater treatment provider that serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

15.7.4 Impacts and Mitigation Measures

Project and Cumulative Wastewater Collection and Treatment Impacts. The proposed project would generate additional wastewater. The City of Hercules Public Works Department has applied the following generation factors to the project components: 150 gallons per day (gpd) per multi-family residential unit; 40 gpd per 1,000 square feet of office floor area; 40 gpd per 1,000 square feet of flex-space; and 20 gpd per 1,000 square feet of retail floor area. Based on these factors, the proposed project would generate approximately 220,560 gpd of wastewater. The Public Works Department has concluded that both the local sewer system that would connect to the project site and the PHWTP have enough capacity to serve the project. However, the City is currently studying other options to accommodate future wastewater needs of additional development within Hercules.

For the proposed project's incremental contribution to wastewater collection and treatment system demand, and based on the mandatory Development Impact Fees described above in subsection 15.7.1 (Setting), the proposed project would contribute approximately $6.24 million toward any future wastewater collection and treatment facilities.[1]

Because the project site is currently undeveloped, connections to the local sewer system would be required. The project applicant is currently working with City staff to design the necessary local wastewater collection facilities to accommodate the project, in accordance with standard City of Hercules requirements and engineering professional practice.

The construction of project-related wastewater collection system modifications would be temporary and would occur within existing public rights of way or private property subject to a municipal easement. Associated construction period traffic interruption, noise, and air emissions (dust) typically associated with such infrastructure construction would be mitigated through standard City construction period mitigation procedures (see chapters 5 [Air Quality] and 13 [Noise] of this EIR). No significant environmental impact is anticipated with this construction activity. The potential environmental impacts associated with construction of necessary wastewater collection system modifications described in this EIR section would therefore be ***less-than-significant***.

[1]The approximately $6.24 million total Development Impact Fee for wastewater collection and treatment facilities generated by the proposed project was calculated by using the potential combination of project land uses (residential, office, retail) that would yield the highest total fee (1,526 multi-family units [including 134 units from flex-space], 115,000 square feet of office floor area, and 90,000 square feet of retail floor area).

Mitigation. No significant construction period environmental impact associated with project-related or cumulative wastewater collection system modifications has been identified; no mitigation beyond standard City construction period mitigation procedures is required under CEQA.

15.8 SOLID WASTE AND RECYCLING

15.7.1 Setting

(a) Existing Solid Waste/Recycling Collection and Disposal Services to the Project Site. Richmond Sanitary Service is the franchised hauler of all solid waste, green waste, and recyclable materials generated in Hercules. All solid and green waste is hauled to the Golden Bear Transfer Station in Richmond. Residential and commercial recyclable materials are hauled to the Integrated Resource Recycling Facility (IRRF) in Richmond. Solid waste is transferred to the Keller Canyon Landfill off I-680 in Contra Costa County. The landfill covers 2,600 acres; 244 acres are permitted for disposal. The landfill currently handles approximately 2,500 tons of solid waste per day; the landfill's permit allows up to 3,500 tons of solid waste per day.[1]

(b) Recycling and Waste Diversion. In 2006 (the most recent year for which data is available), the California Integrated Waste Management Board (CIWMB) approved the City's reported diversion rate (the amount of material recycled) of approximately 53 percent. This figure complies with the California Integrated Waste Management Act (see subsection 15.7.2, Pertinent Plans and Policies, below).

15.8.2 Pertinent Plans and Policies

(a) City of Hercules General Plan. The one policy from the City of Hercules General Plan pertinent to consideration of the proposed project and its solid waste/recycling service impacts is listed below. The proposed project is considered consistent with the policy, as discussed in this EIR section.

Land Use Element:

- Development applications shall be reviewed to determine if adequate solid waste disposal capacity exists to serve the project and that the project includes adequate recycling facilities. (Land Use Program 9A.3)

(b) City of Hercules Waterfront District Master Plan (WDMP). The Waterfront District Master Plan (WDMP) (including the Initiative) does not contain any policies or other provisions specifically relevant to solid waste/recycling services.

(c) California Integrated Waste Management Act. The California Integrated Waste Management Act of 1989 required cities to divert 25 percent of their solid waste from landfills by 1995, and 50 percent by the year 2000. As noted above, Hercules was diverting approximately 53 percent of its waste stream by 2006. The CIWMB works with municipalities to help improve

[1]Shawn Moberg, General Manager, Richmond Sanitary Service, written communication, January 12, 2010.

recycling programs. The State generally places the burden of responsibility for waste stream reduction on local municipalities (i.e., cities and counties), and Hercules has met the CIWMD requirements.

15.8.3 Significance Criteria

Based on the CEQA Guidelines, the proposed project would be expected to have a significant impact on solid waste/recycling services if its implementation would:[1]

(a) result in a need for new or physically altered facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for solid waste/recycling services;

(b) be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs; or

(c) fail to comply with federal, state, and local statutes and regulations related to solid waste.

15.8.4 Impacts and Mitigation Measures

Project Impacts on Solid Waste and Recycling Services. Implementation of the proposed project would increase demand for solid waste collection/disposal and recycling services. Based on current service data examples calculated by Richmond Sanitary Service, the proposed project is estimated to generate approximately 200 tons of solid waste (not distinguishing between what is disposed of and what is recycled) per year, or an average of approximately 1,100 pounds per day. Richmond Sanitary Service reports that this amount is within its service capabilities and landfill capacity capabilities.[2]

The proposed project has achieved a "Gold" rating from the Leadership in Energy and Environmental Design (LEED) Neighborhood Development pilot program, part of which is based on the project's proposed waste management actions, including: (1) at least 50 percent of project construction waste would be diverted from landfills; (2) recycled materials (e.g., concrete, asphalt, rubber from scrap tires) would be used in infrastructure construction; and (3) the locations of recyclable material drop-off/collection services would be publicized to project residents and employees.

Richmond Sanitary Service notes that collection trucks would need sufficient space to access garbage, recycling, and green waste carts; in some cases, this might require residents lining up their carts on one side of the street (instead of both sides of the street). Temporary delays on local streets, and the occasional sound of truck back-up alarms, might occur while trucks access carts during service days.[3] These temporary inconveniences would not be considered a substantial environmental impact under CEQA.

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[1]CEQA Guidelines, Appendix G, Items XIII(a) and XVI(f-g).

[2]Moberg.

[3]Moberg.

The project would not be expected to generate an inordinate amount of solid waste for its size--i.e., a rate inconsistent with adopted land use plans, policies, or regulations--either during construction or operation, and would be served by solid waste disposal and recycling facilities with sufficient capacities to accommodate the project's construction debris and annual solid waste disposal needs at buildout. The project's effect on solid waste and recycling services would therefore represent a ***less-than-significant impact.***

Mitigation. No significant project impact has been identified; no mitigation is required.

Cumulative Impacts on Solid Waste and Recycling Services. This EIR evaluates the impact of the project when combined with the impact of other projects under construction, recently approved, and pending development in Hercules (see EIR chapter 12, Land Use and Planning) to determine the "cumulative impact" of the project. Like the proposed project itself, this anticipated cumulative development would be required to be consistent with adopted City of Hercules solid waste and recycling regulations, including the solid waste/recycling programs described in subsection 15.8.2 (Pertinent Plans and Policies). As indicated above, the solid waste disposal and recycling facilities used by the City have ample capacity, and required consistency with the regulations and programs would serve to avoid solid waste/recycling impacts and mitigate potentially significant cumulative solid waste/recycling impacts.

The overall cumulative solid waste/recycling impact of cumulative development is therefore expected to be ***less-than-significant.***

Mitigation. No significant cumulative impact has been identified; no mitigation is required.