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## **12. LAND USE AND PLANNING**

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This EIR chapter describes the existing mix of land uses in the project site vicinity, pertinent City of Hercules land use policies and regulations, and potential impacts of the project on these existing land use characteristics.

### **12.1 SETTING**

#### **12.1.1 Existing Citywide Land Use Pattern**

The City of Hercules encompasses about eight square miles. Most of the city's land area is located east of I-80, which runs north-south through the city. The city's largest existing major land use category is residential. The majority of the city's existing residential development has also occurred east of I-80, generally in the form of single-family detached homes. Existing commercial uses are mostly community- and neighborhood-serving and are concentrated along the two east-west running roads of Sycamore and Willow Avenues near the eastbound I-80 Hercules off-ramps. Industrial and research and development/office uses exist in the northwest portion of the city. Light-industrial uses are dispersed to the east of I-80 along SR 4.

Development of housing in Hercules, coupled with growth in the unincorporated area of Rodeo and the City of Pinole, combined in the 1970s and 1980s to make West Contra Costa County one of the fastest growing areas of the Bay Region. By 1993, the number of Hercules residents had grown to 18,618. The City has developed over this period as a planned community and extension of a West Contra Costa County urbanized area served by major transportation and utility systems. Today (January 2010) Hercules exists as a modern suburban residential community with approximately 25,300 residents, five convenience shopping centers and one employment center.

#### **12.1.2 Existing Project Site Land Use Characteristics**

The 42.36-acre Hercules Bayfront Project site is bounded generally by San Pablo Bay, Hercules Point, and the Union Pacific Railroad line on the north; the North Shore Business Park on the east; residential neighborhoods, including the Refugio Neighborhood (Baywood), Central Neighborhood (Promenade), and Central Quarter (Bayside), on the south; and San Pablo Bay and the San Pablo Bay Regional Shoreline on the west. The project site is currently undeveloped, except for two vacant structures: (1) the former Hercules Powder Company Clubhouse, and (2) the former Hercules Powder Company Administration Building.

#### **12.1.3 Hercules General Plan**

The City has adopted and periodically updates the City of Hercules General Plan, which establishes and facilitates an overall strategy for city development and ultimate build-out. The General Plan is intended to reflect the City's vision of itself as a balanced community with a viable complement of residential and commercial uses and services.

The City of Hercules General Plan provides land use designations as well as land use-related policies relevant to development on the project site.

*Land Use Designations.* The City of Hercules General Plan (and Zoning Map) designates the project site for Historic Town Center (HTC), Planned Commercial-Residential (PC-R), and Residential Single Family Low Density (RS-L) land uses.

*Relevant Policies.* The City of Hercules General Plan contains the following policies that are pertinent to consideration of the potential land use effects of the proposed project:

The General Plan as amended by the City in 1998 calls for ...*"detailed study of the Historic Town Center and adjoining area (including Hercules Point)... [to] be prepared as part of the Planned Unit Development application for properties within this area in order to define an appropriate mix of public and private land uses, design guidelines, preservation of key buildings, vegetation (e.g., trees) and trails."* (General Plan Program 8A.2)

The General Plan as amended in 1998 also described the following planning program for the Hercules Properties, Inc., area:

*Program 8A.3. Designate the Hercules Properties, Inc. parcels as a "special study area" requiring a "planned development" for mixed used use and residential development. The planned development plan shall address:*

- *Historic significance and historic buildings.*
- *Opportunities for and location of commuter rail station.*
- *Drainage and hydrology issues.*
- *Bay frontage location.*
- *Diversity of land uses.*
- *Coordination with adjacent properties needed due to diversity of land uses and complex infrastructure requirements.*

*The Hercules Properties, Inc. parcels may be developed differently from the conceptual land uses depicted in the [General Plan] Land Use Diagram.*

#### **12.1.4 Waterfront District Master Plan**

The project site is located entirely within the Hercules Waterfront District Master Plan (WDMP) and is subject to the following associated land use objectives, policies and guidelines:

(a) Waterfront District Master Plan (WDMP). Pursuant to the Hercules General Plan, the WDMP for a 167-acre planning area was originally adopted by the City in July 2000 and has been amended several times since then. The overall intent of the WDMP is to facilitate development of the entire 167-acre Waterfront District "as a fully master planned and integrated community" (WDMP, section 1.2, p. 3). The WDMP established five "Planning Sub-Districts,"

which are illustrated on Figure 3.2 in chapter 3 herein. These Planning Sub-Districts are: Historic Town Center, Transit Village, Central (Promenade) Neighborhood, Refugio (Baywood) Neighborhood, and Hercules Point. The project site is comprised of two of the Planning Sub-districts of the WDMP: Historic Town Center and Transit Village.

As paraphrased below, the stated specific land use purposes of the WDMP are to:

- Recognize, preserve, and re-use the historic structures of the Hercules Powder Company town site;
- Provide a network of public spaces that have access to views of Hercules Point and San Pablo Bay;
- Provide access along the Bay shoreline while preserving its natural resources;
- Provide a location for an intercity rail station with adjacent mixed-use development;
- Provide a variety of complementary office and retail uses;
- Accommodate both residential and commercial uses in a well-planned, mixed-use development;
- Provide a balanced mix of public spaces and facilities;
- Allow lower cost live-work opportunities for start-up businesses that are compatible with the District's residential and commercial uses;
- Provide the opportunity for upper floor residential over ground-floor commercial uses;
- Provide careful design review to maximize the benefits of mixed-use development while minimizing its negative impacts; and
- Provide the opportunity for housing affordable to moderate- and low-income households.

(b) Waterfront Initiative. By mid-2008, the Central (Promenade) Neighborhood and Refugio (Baywood) Neighborhood sub-districts of the 167-acre WDMP planning area had reached full build-out. On July 22, 2008, the Hercules City Council adopted a Waterfront Now Initiative (WDMP Initiative). The Initiative made amendments to the General Plan, Zoning Ordinance and WDMP. The changes were intended to further guide and facilitate build-out of the remaining undeveloped WDMP sub-districts, including the 42.36-acre Hercules Bayfront Project site and adjacent Intermodal Transit Center project site, both within the Historic Town Center sub-district, and the adjacent Hercules Point sub-district. The WDMP Initiative (section 2, Purpose and Findings) lists the following City land use objectives for these remaining undeveloped WDMP sub-districts:

- Promote and enhance the unique waterfront character and scenic resources of the Waterfront District through development of a transit-oriented neighborhood that includes walkable streets, a variety of dwelling types and businesses, and public plazas with views of San Francisco and San Pablo Bays;



- Implement the final stages of the WDMP through adoption of design and development guidelines for the Historic Town Center, Transit Village, and Hercules Point sub-districts that encourage a transit-oriented and pedestrian-oriented mix of uses along the bayfront in the City of Hercules;
- Implement the goals and objectives of the WDMP by providing for the location of a Multi-Modal Transit System linking together rail service, a connection to downtown San Francisco via a ferry terminal, and bus service via WestCAT, making Hercules home to the first train, ferry, and bus center in California;
- Preserve and reuse existing historic structures within the Historic Town Center Sub-District--the Clubhouse and Administration buildings of the old Hercules Powder Company--and weave these historic buildings into the fabric of an architecturally cohesive and harmonized downtown bayfront area;
- Assist the City of Hercules in meeting its housing needs for all economic segments of the population, while promoting the planning principles of New Urbanism and Smart Growth, by adopting detailed design and development standards for those areas within the Waterfront District that have not yet been developed;
- Amend the City of Hercules General Plan as necessary to provide for establishment of a transit-oriented, traditional neighborhood project that includes residential, commercial, retail, and public uses of unique architectural character within the Hercules Waterfront District;
- Enter into a Development Agreement, consistent with California law, providing for the long-term planning and development of the Hercules Waterfront District; and
- Ensure that prior to further development of the Hercules Waterfront District, the City of Hercules, at the developer's expense, evaluates the environmental impacts associated with such development, as required by the California Environmental Quality Act ("CEQA").

The WDMP Initiative also includes a revised Form-Based Code (a new section 4 of the WDMP) which adds detailed development standards and design guidelines regulating development of the Hercules Bayfront Project site as well as the Hercules Point sub-district.

The neighborhood build-out estimate for the 167-acre WDMP planning area under current plan provisions, including the July 2008 WDMP Initiative amendments, is shown in Table 12.1.

#### **12.1.5 Current WDMP Implementation Activity**

The Central (Promenade) Neighborhood and Refugio (Baywood) Neighborhood sub-districts of the WDMP planning area have been completely built out.

Two adjacent development projects are currently underway to implement the WDMP (including the WDMP Initiative). The locations of the two projects are illustrated on Figure 3.3 in chapter 3 herein; they include:

- the Hercules Bayfront Project that is the subject of this EIR, and

Table 12.1  
WATERFRONT DISTRICT MASTER PLAN BUILD-OUT ESTIMATE WITHOUT PROJECT

<u>Sub-District</u>	<u>Gross Acres</u>	<u>Residential Units (non-flex)</u>	<u>Office (non-flex) Sq. Ft.</u>	<u>Retail (non-flex) Sq. Ft.</u>	<u>Flex-Space Sq. Ft.</u>
Central Neighborhood	45	217 <sup>1</sup>	--	--	--
Refugio Neighborhood	10	78 <sup>2</sup>	--	--	--
Historic Town Center and Transit Village	45	1,392 <sup>3</sup>	81,000 <sup>3</sup>	74,500 <sup>3</sup>	134,000 <sup>3</sup>
Hercules Point and Bay Parcels	67	--	--	--	--
<b>TOTALS</b>	<b>167</b>	<b>1,687</b>	<b>81,000</b>	<b>74,500</b>	<b>134,000</b>

SOURCE: Wagstaff/MIG

<sup>1</sup> From October 2004 WDMP, page 5.

<sup>2</sup> From October 2004 WDMP, page 8.

<sup>3</sup> From July 2008 WDMP Initiative, page 10

- the Intermodal Transit Center (ITC) project that is the subject of a separate EIR/EIS that was released for public review and comment on September 8, 2010.<sup>1</sup>

### **12.1.6 Regional Plans**

(a) ABAG's San Francisco Bay Trail Plan. The San Francisco Bay Trail is a designated 400-plus-mile shared-use path system proposed by the Association of Bay Area Governments (ABAG). The ABAG Bay Trail Plan is intended to eventually provide for continuous travel around the Bay for walkers, bicyclists, and other outdoor enthusiasts. Existing and planned local segments of the Bay Trail include a segment along Railroad Avenue immediately southwest of the project site<sup>2</sup> and a planned one-mile segment (the so-called Bay Trail/Promenade) along the Hercules Bayfront Project and ITC project frontages adjacent and parallel to the UPRR tracks. This segment is proposed for construction as part of the ITC project to complete a gap in the Bay Trail from Pinole to Victoria by the Bay. The proposed Hercules Bayfront Project includes a connection to this planned Bay Trail/Promenade to provide the neighborhood and community with improved shoreline access. If the ITC project does not proceed, the Hercules Bayfront Project, as the first development at this location, would become

<sup>1</sup>The Draft EIR/EIS for the ITC project is available on the City's website at [www.ci.hercules.ca.us/index.aspx?page=604](http://www.ci.hercules.ca.us/index.aspx?page=604).

<sup>2</sup>Association of Bay Area Governments, "San Francisco Bay Trail" map, Carquinez Strait – Vallejo to Richmond section, [http://baytrail.abag.ca.gov/maps/Carquinez\\_Strait.pdf](http://baytrail.abag.ca.gov/maps/Carquinez_Strait.pdf), viewed January 8, 2010.

responsible for construction of this Bay Trail segment along the project north boundary, from Block B on the west to Block M on the east.

The Hercules Bayfront Project would need to comply with ABAG requirements regarding implementation and protection of this Bay Trail system. In particular, future project development increments would be encouraged to accommodate compatible implementation of proposed trail extensions.

(b) ABAG's FOCUS Program. The ABAG-led FOCUS program is a regional development and conservation strategy, in partnership with the Metropolitan Transportation Commission (MTC) and with support from the Bay Area Air Quality Management District (BAAQMD) and Bay Conservation and Development Commission (BCDC), that promotes a more compact land use pattern for the Bay Area. The FOCUS program unites the efforts of these four regional agencies into a single program. The FOCUS program seeks to link land use and transportation and to reduce greenhouse gas emissions by encouraging development of complete, livable communities in areas served by transit and promoting conservation of the region's most significant resource lands. Through the FOCUS program, regional agencies support local government commitment to these goals by working to direct existing and future incentives to Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs).

The project site is located within the Hercules Waterfront District PDA. The FOCUS program identification of this PDA makes the area eligible for a variety of capital funds, planning grants, and technical assistance.<sup>1</sup>

By facilitating General Plan- and WDMP-designated development and public improvements in the Hercules Waterfront District PDA, the project would be expected to complement and implement the Hercules Waterfront District PDA, and bring the beneficial environmental effects promoted by the program. The project is fully consistent with and supports the FOCUS program provisions.

(c) BCDC's San Francisco Bay Plan. The San Francisco Bay Conservation and Development Commission (BCDC) has state-authorized "Bay jurisdiction" over San Francisco Bay and all territory located between the bay shoreline and a line 100 feet inland of and parallel with the shoreline. In Hercules, the BCDC has "shoreline jurisdiction" over all project lands within 100 feet of the San Pablo Bay shoreline and portions of the project site along Refugio Creek.

Within its area of jurisdiction, BCDC is authorized to control both (1) bay filling and dredging, and (2) bay-related shoreline development. BCDC is authorized to issue or deny permits for any development activity within its bay jurisdiction. Any project-facilitated work or development within the 100-foot shoreline band may require a new, or renewal of an existing, BCDC permit.

BCDC permit eligibility and conditions of permit issuance are largely governed by the San Francisco Bay Plan, completed and adopted by BCDC in 1968 and amended regularly since then. The plan was most recently amended in January 2008. The Bay Plan contains findings and policies related to fish and wildlife, water quality, fill, recreation, public access, and the appearance and design of shorelines, as well as procedures for BCDC control of filling,

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<sup>1</sup>FOCUS program information available at <http://www.bayareavision.org/initiatives/index.html>, viewed May 29, 2009.

dredging, and shoreline development. The Bay Plan also identifies "Priority Use Areas," i.e., shoreline areas designated for uses that must be located on the waterfront, such as ports and waterfront parks.

## **12.3 IMPACTS AND MITIGATION MEASURES**

### **12.3.1 Significance Criteria**

Based on Appendix G of the CEQA Guidelines,<sup>1</sup> the proposed project would be considered to have a significant adverse land use impact if it would:

- (a) disrupt or divide the physical arrangement of the community;
- (b) be incompatible with existing land use in the vicinity;
- (c) conflict with any applicable 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; or
- (d) conflict with any applicable habitat conservation plan or natural community conservation plan.

Regarding the project relationship to criterion (d), please refer to chapter 6 (Biological Resources) of this EIR.

### **12.3.2 Proposed Project Build-Out Characteristics**

The proposed changes to the General Plan, Zoning and WDMP as set forth in the project applications ("proposed revisions") are described below.

Figure 3.6 in chapter 3 herein shows an illustrative site plan of the proposed project. Table 12.2 summarizes the maximum development program that would be permitted on the project site under the proposed revisions. The proposed revisions divide the project site into three development areas: (1) the Bowl area (also referred to as Crescent Heights), (2) the Bayfront Boulevard Mixed-Use area, and (3) the Village area. Each development area is comprised of blocks as identified on Figure 3.5. The proposed development program in relation to the areas and associated blocks is quantified in Table 12.2.

Comparison of Table 12.2 (Proposed Hercules Bayfront Project: Maximum Buildout Estimate) with Table 12.1 (Waterfront District Master Plan Build-Out Estimate Without Project) indicates that:

- the proposed project residential total of 1,392 units is consistent with the maximum estimated for the Historic Town Center and Transit Village sub-district (1,392 units);<sup>2</sup>

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<sup>1</sup>CEQA Guidelines, Appendix G, Items IX(a-c).

<sup>2</sup>Under the proposed project, the 134,000 square feet of flex-space could be developed as up to 134 residential units, for a potential maximum of 1,526 residential units.



Table 12.2  
**PROPOSED HERCULES BAYFRONT PROJECT: MAXIMUM BUILD-OUT ESTIMATE**

<u>Project Area</u>	<u>Approx. Acreage</u>	<u>Residential Units (non-flex)</u>	<u>Office (non-flex) (sf)<sup>1</sup></u>	<u>Retail (non-flex) (sf)</u>	<u>Flex-Space (sf)<sup>2</sup></u>
<b>The Bowl<sup>3</sup></b>	<b>9.96</b>	<b>336</b>	<b>75,000<sup>4</sup></b>	<b>0</b>	<b>10,000</b>
<i>Block:</i>					
A		25	40,000	0	0
B		200	0	0	0
C		111	35,000	0	10,000
<b>Bayfront Boulevard<sup>5,6,7</sup></b>	<b>10.03</b>	<b>305</b>	<b>35,000</b>	<b>77,000</b>	<b>40,000</b>
<i>Block:</i>					
D		125	0	12,500	20,000
E		65	0	14,000	10,000
F		25	0	11,000	0
G		50	0	14,000	10,000
H		25	0	11,000	0
I		0	0	3,000	0
J		15	35,000	11,500	0
<b>The Village</b>	<b>22.37</b>	<b>751</b>	<b>5,000</b>	<b>13,000</b>	<b>84,000</b>
<i>Block:</i>					
K		80	0	13,000	17,000
L		75	0	0	25,000
M		135	0	0	4,000
N		50	5,000	0	14,000
O		100	0	0	20,000
P		135	0	0	0
Q		86	0	0	4,000
R		90	0	0	0
<b>Totals:</b>	<b>42.36<sup>8</sup></b>	<b>1,392</b>	<b>115,000</b>	<b>90,000</b>	<b>134,000</b>

SOURCE: Hercules Bayfront, LLC, October 2009.

<sup>1</sup> sf = square feet.

<sup>2</sup> This figure constitutes the maximum amount of flex-space that could be developed. This flex-space may be developed with and used as residential, office (live/work), and/or retail uses. Given the need for flexibility, the ultimate assignment of this flex-space is not currently known. However, no more than 67,000 square feet of flex-space can be built for retail use. For the purposes of worst-case EIR analysis consistent with CEQA, this EIR assumes the maximum potential impact scenario of 67,000 sq. ft. of office and 67,000 sq. ft. of retail for the flex-space for traffic-related impacts (e.g., traffic generation, noise, air pollution and greenhouse gas emissions); for population-related impacts (e.g., police and fire protection, parks and recreational facilities, water/wastewater/solid waste-recycling services), this EIR assumes the maximum potential impact scenario of 134 residential units for the flex-space.

<sup>3</sup> Block letters correspond to those on Figure 3.5 (Illustrative Site Plan).

<sup>4</sup> Office (non-flex) square footage includes the adaptive re-use of the existing historic Hercules Powder Company (a) Clubhouse and (b) Administration Building.

<sup>5</sup> Block I (approximately 1.59 acres) has been reserved for a new intermodal transit (including Capital Corridor, WETA-Ferry, WestCAT) center (ITC) and the Transit Annex/Cafe. The proposed ITC project is subject to its own project EIR/EIS; therefore, no square footage has been assigned in the Hercules



Bayfront EIR to the ITC. Square footage has been assigned in the table to the Transit Annex/Cafe on the same block. The proposed ITC project is included in the anticipated cumulative effects (e.g., traffic) evaluated in this EIR.

<sup>6</sup> Includes an option of either 125 residential (non-flex) units or a 125-room hotel (still counted as 125 residential units in the table) on Block D.

<sup>7</sup> Blocks F and H are owned by others (i.e., not owned by the project applicant) and have existing entitlements (October 12, 2004). These two blocks have been listed here because they were included in the Estimated Build-Out table in the WDMP Initiative. Their existing entitlements are listed in the table.

<sup>8</sup> Total of 42.36 acres includes all development blocks (see Figure 3.6) and public roads within the project boundary.

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- the proposed project office (non-flex) space total of 115,000 square feet is more than the maximum estimated for the Historic Town Center and Transit Village sub-district (81,000 square feet);
  - the proposed project retail (non-flex) space total of 90,000 square feet is more than the maximum estimated for the Historic Town Center and Transit Village sub-district (74,500 square feet); and
  - the proposed project flex-space total of 134,000 square feet is consistent with the maximum estimated for the Historic Town Center and Transit Village sub-district (134,000 square feet).<sup>1</sup>

### **12.3.3 EIR-Assumed Build-Out Scenario**

Due to the project-proposed flex space provisions and their intended opportunities for flexibility, the ultimate combination of residential/office/retail space that could potentially occur under the proposed project is unknown. To ensure worst-case conservative analysis of land-use-based environmental impacts consistent with CEQA, in some cases this EIR assumes that a maximum of 67,000 square feet of flex space would be assigned to retail uses (the maximum amount proposed to be permitted), with the remaining 67,000 square feet assigned to office uses; these assumptions represent the potential development scenario that would generate the most traffic and associated air quality, climate change, and noise impacts. In other cases where the worst-case analysis of potential environmental impacts should be based on population (e.g., police and fire protection, schools), this EIR assumes that all flex space would be developed as 134 multi-family residential units (the maximum number of units proposed to be permitted).

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<sup>1</sup>Under the proposed project, the 134,000 square feet of flex-space could be developed as up to 134 residential units, for a potential maximum of 1,526 residential units.

#### **12.3.4 Impacts and Mitigation Measures**

**Land Use Compatibility Impacts.** Development implemented in the Historic Town Center and Transit Village sub-districts by the proposed project would be guided by the land use controls and Form-Based Code provisions of the WDMP and proposed project revisions thereto. Rather than physically divide the community, the WDMP and proposed project revisions thereto have been designed to integrate the Hercules waterfront community by providing transit-oriented, mixed-use development connected internally and to the surrounding community with walkable streets, pedestrian and bicycle trails, plazas, open space, and other public amenities. These land use characteristics would represent ***beneficial environmental effects***. The proposed project would not disrupt or divide the physical arrangement of the existing Hercules community and, as indicated in chapter 4 (Aesthetics) of this Draft EIR, would be compatible with existing land use in the vicinity (see criteria [a] and [b] under subsection 12.3.1, "Significance Criteria," above).

**Mitigation:** No significant adverse environmental impact has been identified; no mitigation is required.

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#### **Project Consistency with Hercules Land Use Element and Growth Management Element.**

Project consistency with goals, objectives, policies and programs from the Hercules General Plan Land Use Element and Growth Management Element adopted for the purpose of avoiding or mitigating an environmental effect (CEQA Guidelines Appendix G, Environmental Checklist Form, item IX[b]) are identified, and project consistency with those provisions is considered, in Table 12.3. Project consistency with policies from the General Plan Circulation Element adopted for the purpose of avoiding or mitigating an environmental effect are considered in chapter 16, Transportation and Circulation, of this Draft EIR. As shown in Table 12.3, the project would not conflict with an applicable land use plan, policy, or regulation of the City of Hercules adopted for the purpose of avoiding or mitigating and environmental effect, except for Policies 1A and 5A, in which case the potential environmental impacts of the project-proposed amendments to the Hercules General Plan (including the WDMP) are evaluated in this EIR.

**Mitigation.** No additional impact has been identified; no additional mitigation is required.

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**Cumulative Land Use and Planning Effects.** Table 12.4 lists the under construction, recently approved, and currently pending development projects in Hercules as of the release of this EIR's Notice of Preparation (November 2009), per CEQA Guidelines section 15130. The table indicates that a total of approximately 3,522 residential units, 838,500 square feet of flex-space floor area, 594,500 square feet of office floor area, and 655,600 square feet of retail floor area are under construction, have been recently approved, or are pending in the city. Additional, as yet unproposed, future cumulative development is also anticipated within the City boundaries under the provisions of the Hercules General Plan.

Table 12.3  
 PROJECT CONSISTENCY WITH HERCULES GENERAL PLAN LAND USE ELEMENT AND  
 GROWTH MANAGEMENT ELEMENT

<p>Project consistency with goals, objectives, policies and programs from the Hercules General Plan Land Use Element and Growth Management Element adopted for the purpose of avoiding or mitigating an environmental effect (CEQA Guidelines Appendix G, Environmental Checklist Form, item IX[b]) are identified and project consistency with those provisions is considered in this table. Project consistency with policies from the General Plan Circulation Element adopted for the purpose of avoiding or mitigating an environmental effect are considered in chapter 16, Transportation and Circulation, of this Draft EIR.</p>	
<b>Pertinent Objectives, Policies and Programs</b>	<b>Project Consistency</b>
<i>Overall General Plan Policies</i>	
<p><b>General Plan Policy 2.b.</b> Specific plans will be prepared for a neighborhood prior to development within that neighborhood.</p>	<p><b>Consistent.</b> The project is consistent with the land use categories, goals, objectives, policies, and programs of the Hercules General Plan and associated Waterfront District Master Plan (WDMP).</p>
<p><b>General Plan Policy 2.c.</b> Densities shown on the General Plan are flexible and may be modified as neighborhood plans are formulated.</p>	<p><b>Consistent.</b> The project is consistent with the land use categories, goals, objectives, policies, and programs of the Hercules General Plan and associated Waterfront District Master Plan (WDMP).</p>
<p><b>General Plan Policy 2.d.</b> The City will encourage innovation in site planning and design of housing developments to improve livability and effect cost savings.</p>	<p><b>Consistent.</b> The proposed project site plan and the design of individual project housing components within the project appear to effectively incorporate New Urbanism concepts including mixed use, strong transit orientation, variety of housing types, and walkable streets.</p>
<p><b>General Plan Policy 2.f.</b> The City will actively participate in cooperative efforts to provide effective public transit to the City and adjacent communities.</p>	<p><b>Consistent.</b> The project includes a proposed transit village surrounding a planned Intermodal Transit Center.</p>
<p><b>General Plan Policy 2.g.</b> The City will promote the establishment of riding and hiking trails throughout the community and coordinate with other agencies in the planning of trail systems in the area and region.</p>	<p><b>Consistent.</b> The project includes street and pedestrian system layouts coordinated with a separately planned (as part of the ITC project) Refugio Creek creekside trail. The project also includes direct connection to the separately planned adjacent Bay Trail extension which would provide improved community access to the San Pablo Bay shoreline.</p>
<p><b>General Plan Policy 2.i.</b> Neighborhood planning will consider potential seismic, geologic and fire hazards and introduce adequate safety measures in development plans and proposals.</p>	<p><b>Consistent.</b> By requirement, the final project design will comply with State and City grading and building code requirements, incorporating the latest established seismic and geotechnical standards for the region, and with state and City fire code and emergency access/egress standards.</p>
<p><b>General Plan Policy 2.j.</b> The City will consider noise intrusion from major streets and freeways in reviewing plans for new housing developments.</p>	<p><b>Consistent.</b> Chapter 13 of this EIR includes an evaluation of project noise implications, including the potential for significant noise intrusion from the adjacent UPRR/Amtrak line, and from principal collector and arterial streets, and associated mitigation requirements.</p>



Pertinent Objectives, Policies and Programs	Project Consistency
<i>Land Use Element</i>	
<p><b>Goal A.</b> The goals of the Land Use Element are:</p> <p>Preserve and enhance the community's quality of life with well-balanced growth and development.</p> <p>Enhance and create a community with a wide range of choices, services, and amenities.</p> <p>One of "four major concepts" identified in the General Plan as guiding the <i>Land Use Element</i> is extending the existing linear park along Refugio Creek westward from San Pablo Avenue to San Pablo Bay. The <i>Land Use Element</i> states that the creek corridor in the eastern portion of the City provides a major amenity, and extending the corridor to the Bay would provide a similar attraction in the western portion of the City, and would also establish the creek corridor as a major urban design element for the entire community.</p>	<p><b>Consistent.</b> The project design is consistent with and serves to implement the ITC project-proposed Refugio Creek linear park provisions established in the WDMP (see Figures 3.4 and 3.5 herein).</p>
<p><b>Objective 1.</b> Achieve a level of population and employment which preserves and enhances the desired character of the community.</p>	<p><b>Consistent.</b> The project is consistent with the land use categories, goals, objectives, policies, and programs of the Hercules General Plan and associated Waterfront District Master Plan (WDMP).</p>
<p><b>Policy 1A.</b> Encourage and only allow development that is consistent with the Land Use Diagram, Land Use categories; and objectives, policies and programs of the Land Use Element.</p>	<p><b>Inconsistent.</b> The project-proposed amendments to the Hercules General Plan (including the WDMP) are currently inconsistent with the General Plan Land Use Diagram and categories. This EIR evaluates the potential environmental impacts of these proposed amendments.</p>
<p><b>Objective 2.</b> Develop a community that balances housing, jobs, and commercial opportunities.</p>	<p><b>Consistent.</b> The project includes a combination of housing and community- and neighborhood-serving commercial uses consistent with the WDMP and designed to maintain and enhance the local housing/jobs balance.</p>
<p><b>Policy 2A.</b> Commercial and industrial development shall be consistent with gross intensity ranges in the Land Use Diagram and Land Use Categories. Higher intensity may be considered if such development is consistent with the City's goals and policies. However, each project with a proposed higher density would be subject to site-specific environmental analysis to determine incremental impacts.</p>	<p><b>Consistent.</b> The project includes a mix of commercial and residential densities to support a transit-oriented neighborhood. This EIR constitutes a site-specific environmental analysis of the proposed project density characteristics.</p>
<p><b>Policy 2B.</b> Develop non-residential Land Use Categories which reduce the need for residents to leave the community by providing a variety of shopping and service opportunities.</p>	<p><b>Consistent.</b> The project includes a combination of residential development and neighborhood-serving shopping and service commercial floor space and flex-space formulated to be self-sustaining and reduce external trips.</p>
<p><b>Objective 3.</b> Ensure the provision of public facilities and services needed to support growth that balances jobs, commercial, and housing</p>	<p><b>Consistent.</b> Chapter 15 of this EIR, Public Services and Utilities, identifies the public facilities and services needed to serve the project and</p>



Pertinent Objectives, Policies and Programs	Project Consistency
opportunities, and also protects the quality of life in the community.	associated project fair share responsibilities necessary to maintain current and planned public services and utility service levels for fire protection, police, EMS, parks and recreation, schools, water, wastewater, and solid waste.
<b>Policy 3A.</b> Develop transportation facilities to provide access to the region, particularly public transit systems (buses, ride sharing, rail transit, as well as potential over-water transit).	<b>Consistent.</b> The project has been designed to be consistent with the planned Intermodal Transit Center.
<b>Objective 5.</b> Develop and maintain a pattern of residential land uses which provide for a variety and balance of densities and opportunities for a mix of dwelling and residential types.	<b>Consistent.</b> The project has been specifically designed to permit a range of residential densities and housing types, as described in sections 3.4.1 (Applicant-Proposed Project Build-Out Characteristics), 3.4.2 (EIR-Assumed Build-Out Scenario) and 3.4.3 (Applicant-Proposed Development Program by Area and Block) of this Draft EIR.
<b>Policy 5A.</b> Residential development shall be consistent with gross density ranges in the Land Use Categories and with the Land Use Diagram.	<b>Inconsistent.</b> The project-proposed amendments to the Hercules General Plan (including the WDMP) are currently inconsistent with the General Plan Land Use Diagram and categories. This EIR evaluates the potential environmental impacts of the proposed amendments.
<b>Objective 6.</b> Provide residential neighborhoods with a variety of cost ranges disbursed throughout the City.	<b>Consistent.</b> See project consistency with Policy 6B below.
<b>Policy 6A.</b> Larger scale residential development should, within its land use designation and density range, include a mix of dwelling types while preserving the existing natural topography where feasible.	<b>Consistent.</b> See project consistency with Policy 6B below.
<b>Policy 6B.</b> Multi-family residential land should be developed with a balance of open space, landscaping, and recreational amenities and should be accessible to commercial and recreational areas and public transportation.	<b>Consistent.</b> As illustrated by EIR Figure 3.5, the project represents a planned community with internal and external connectivity to neighborhood-serving and region-serving commercial facilities and a planned Intermodal Transit Center, and a unifying system of common street landscaping, public plazas, local and regional trail connections, and adjacency to planned park facilities along Refugio Creek.
<b>Policy 6C.</b> Wetlands mitigation, flood control improvements and riparian corridors should not be used in the calculation of required park space, parks, or recreational areas. However, the City may accept such areas in the calculation of required park space if they are accessible to the general public for use and enjoyment.	<b>Consistent.</b> Section 15.3, Parks and Recreation, in chapter 15 of this Draft EIR (Public Services and Utilities) evaluates project consistency with City-adopted park and recreational space standards consistent with this policy.
<b>Objective 7.</b> Achieve a pattern of development that is consistent with the City's desired image.	<b>Consistent.</b> Future development of the project site would be required to be consistent with the design guidelines and performance standards set forth in applicable City planning documents, including the WDMP and its form-based code.

<b>Pertinent Objectives, Policies and Programs</b>	<b>Project Consistency</b>
<b>Policy 7A.</b> Establish a visual identity for the City that distinguishes it from the surrounding areas.	<b>Consistent.</b> The project is consistent with the land use categories, goals, objectives, policies, and programs of the Hercules General Plan and associated Waterfront District Master Plan (WDMP).
<b>Program 7A.1.</b> Provide landscaping along major regional streets and highways. This landscaping should soften the appearance of traffic and parking along these routes, while allowing view corridors to retail and other businesses.	<b>Consistent.</b> The proposed project development plan indicates a unifying system of common landscaping along major internal collector streets. The City's design review process for subsequent more detailed development approvals will include review and approval of project common landscaping details to City satisfaction before construction can commence.
<b>Objective 8.</b> Preserve Hercules history while developing its future.	<b>Consistent.</b> As called for in the City's General Plan (including the WDMP), the project includes preservation, restoration and adaptive re-use of the two remaining on-site vestiges of the project area's Hercules Powder Company history, the old Powder Works Clubhouse and Administration building. The potential impacts of the project on the integrity of these two historic resources, and associated mitigation requirements to ensure their adequate protection, are described in chapter 8 (Cultural and Historic Resources) of this Draft EIR.
<b>Policy 8A.</b> Preserve and enhance the historic district area.	<b>Consistent.</b> See discussion of project consistency with Objective 8 above.
<b>Program 8A.1.</b> Develop plans to preserve and rehabilitate key historic buildings but not the former plant equipment and manufacturing structures related to former industrial sites.	<b>Consistent.</b> See discussion of project consistency with Objective 8 above.
<b>Program 8A.2.</b> A detailed study of the Historic Town Center and adjoining area (including Hercules Point) shall be prepared as part of the Planned Development application for properties within this area in order to define the appropriate mix of public and private land uses, design guidelines, preservation of key buildings, vegetation (e.g., trees) and trails.	<b>Consistent.</b> Detailed studies of the Historic Town Center and Hercules Point sub-districts have been independently prepared, incorporated, and evaluated throughout this Draft EIR.
<p><b>Program 8A.3.</b> Designate the Hercules Properties, Inc. parcels as a "special study area" requiring a "planned development" for mixed use and residential development. The planned development plan shall address:</p> <ul style="list-style-type: none"> <li>- Historic significance and existing historic buildings.</li> <li>- Opportunities for a location of commuter rail station.</li> <li>- Drainage and hydrology issues.</li> <li>- Bay frontage location.</li> <li>- Diversity of land uses.</li> <li>- Coordination with adjacent properties needed due to diversity of land uses and complex infrastructure requirements.</li> </ul>	<b>Consistent.</b> The project is consistent with the land use categories, goals, objectives, policies, and programs of the Hercules General Plan and associated Waterfront District Master Plan (WDMP).

Pertinent Objectives, Policies and Programs	Project Consistency
The Hercules Properties, Inc. parcels may be developed differently from the conceptual land uses depicted in the Land Use Diagram.	
<b>Objective 12.</b> Attain new development with residential and employment mixed uses. Encourage mixed use development that provides for an integrated mixture of residential and employment generating uses within the same structure.	<b>Consistent.</b> See consistency discussion above for similar overall General Plan Policy 2.d and Land Use Element Objective 1, Objective 2, Policy 2A, Policy 2B and Objective 5.
<b>Program 12A.1.</b> Update and amend the Zoning Ordinance to include districts for mixed residential and employment uses that correspond to the Land Use Element, and allow for employment and residential uses within the same structure.	<b>Consistent.</b> The WDMP, and the applicant-proposed revisions thereto, have been specifically formulated by the applicant pursuant to this General Plan program. See discussion above of project consistency with similar Objective 12.
<b>Objective 13.</b> Attain compatible land uses within existing and planned development areas.	<b>Consistent.</b> See the land use compatibility evaluation in section 12.3 of this chapter.
<b>Policy 13A.</b> Create a transition between residential neighborhoods and commercial/ industrial areas, except where such mixed uses are desirable (e.g., live/work space and other designated areas). Land uses must minimize adverse impacts, and those that would not negatively impact adjoining properties should be encouraged.	<b>Consistent.</b> See the land use compatibility evaluation in section 12.3 of this chapter.
<b>Objective 14.</b> Protect and enhance significant and desirable environmental attributes and features.	<b>Consistent.</b> Chapters 4 (Aesthetics), 5 (Air Quality), 6 (Biological Resources), 7 (Climate Change), 8 (Cultural and Historic Resources), 11 (Hydrology and Water Quality), 12 (Land Use and Planning), 13 (Noise), 15 (Public Services and Utilities), and 16 (Transportation and Circulation) of this Draft EIR describe significant environmental attributes and features associated with each of these topics, identify potentially significant project impacts on these attributes and features, and establish mitigation requirements warranted to protect these environmental attributes and features.
<b>Policy 14A.</b> Develop trail systems, open space, and other amenities that benefit the quality of life in the community.	<b>Consistent.</b> See discussion of project consistency with related overall General Plan Policy 2g, and with Land Use Element Policy 6B.
<b>Program 14A.2.</b> Establish a trail linkage between Pinole and Rodeo as part of the regional bay access trail; this trail may encroach upon private property or bluffs within the Hercules industrial area.	<b>Consistent.</b> The project design is consistent with and serves to implement the ITC project-proposed approximately one-mile segment of the San Francisco Bay Trail extension (Bay Trail/Promenade) along the Hercules Bayfront Project and ITC project frontages adjacent to the UPRR tracks.
<b>Program 14A.3.</b> Continue to improve and protect Refugio Creek as a major environmental amenity.	<b>Consistent.</b> The proposed project has been designed to be consistent with the ITC project-planned Refugio Creek linear park (see Figure 3.5, project illustrative site plan, in chapter 3 of this Draft EIR).
<b>Program 14A.4.</b> Require a minimum 50 ft. setback between development and the "top of bank" of the	<b>Consistent.</b> As illustrated on Figure 3.5 (project illustrative site plan) in chapter 3 of this Draft EIR,



<b>Pertinent Objectives, Policies and Programs</b>	<b>Project Consistency</b>
<p>lower Refugio Creek and Rodeo Creek corridors, except that the setback may be reduced for the west branch of Refugio Creek if the 50 ft. setback proves infeasible. This buffer will be included as part of any enhancements required by regulatory agencies or proposed by the developer. Riparian areas which are culverted or underground will be excluded from the buffer requirement.</p>	<p>the closest project development areas to the planned realigned and restored Refugio Creek are set back 50 feet or more from the realigned channel top-of-bank. Also, the project must conform with BCDC's shoreline jurisdiction requirements, which apply to portions of the project site along Refugio Creek (see subsection 12.1.7 of this EIR chapter).</p>
<p><b>Objective 16.</b> Work closely with developers and the West Contra Costa Unified School District and John Swett Unified School District to mitigate potential adverse impacts of future development on school facilities.</p>	<p><b>Consistent.</b> Section 15.4, Schools, of this Draft EIR, describes potential project impacts on WCCUSD school facilities and identifies associated school impact fee requirements.</p>
<p><b>Policy 16A.</b> Refer applicants of new developments to the appropriate School Districts 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.</p>	<p><b>Consistent.</b> The latest applicable school district-adopted mitigation fees applicable to the project, and the requirement that such fees must be paid prior to individual building permit issuance, are described in section 15.4, Schools, of this Draft EIR.</p>
<p><b>Program 16A.1.</b> In consultation with the School Districts, the City will seriously evaluate all available options for enhancing school financing, such as negotiating development agreements and redevelopment agreements providing for payment of additional school impact fees, participation in a Mello-Roos district by a property proposed for development and working with the School District and property owners to arrange donation or reservation of land for an elementary school site.</p>	<p><b>Consistent.</b> The project will be required to pay the latest District-adopted mitigation fees prior to individual building permit issuance. The City has and will continue to consult with the District as the project is implemented regarding other available options for enhancing school financing.</p>
<p><b>Program 16A.2.</b> Work with the School Districts to negotiate an agreement whereby the School District commits to expending fees received from development within Hercules for facilities within City boundaries to the maximum extent legally feasible.</p>	<p><b>Consistent.</b> The project will be required to pay the latest District-adopted mitigation fees prior to individual building permit issuance. The City has and will continue to consult with the District as the project is implemented regarding other available options for enhancing school financing.</p>
<p><b>Program 16A.3.</b> The City will not issue future legislative development approvals unless adequate school facilities are available or adverse impacts upon school facilities have been mitigated to the maximum extent legally feasible.</p>	<p><b>Consistent.</b> The project applications include requested legislative development approvals (e.g., General Plan and Zoning amendments). Section 15.4 (Schools) of this Draft EIR provides an evaluation of the anticipated adequacy of local public school facilities to serve the project and identifies associated mitigation requirements to the maximum extent permitted by state law.</p>
<p><b>Program 16A.4.</b> The School Districts will be promptly notified of all applications of specific development projects within their jurisdiction with the potential for a significant impact on schools.</p>	<p><b>Consistent.</b> The WCCUSD has been notified of the project application through the CEQA Notice of EIR Preparation process.</p>
<p><b>Program 16A.5.</b> Coordinate with the School Districts to develop appropriate project-specific mitigation measures. The City will give careful consideration to the School District's analysis of proposed mitigation. For specific development proposals that require legislative action (e.g., General Plan Amendment, adoption of Specific</p>	<p><b>Consistent.</b> Section 15.4 of this Draft EIR describes school mitigation requirements to the maximum extent permitted by state law. The school impacts analysis and description of the current state-mandated school impact fee structure in section 15.4 has been prepared in coordination with WCCUSD staff.</p>



Pertinent Objectives, Policies and Programs	Project Consistency
<p>Plan, amendment to Zoning Ordinance) and that have substantial effect on school facilities through a projected increase in enrollment, the City shall enter into consultation with the School District and the project proponent(s) to determine whether there can be determined a mutually agreeable contribution to the school district by the proponent(s) (including, but not limited to cash payment, land dedication, and/or provision of school facilities) to offset the impacts of increased enrollment.</p>	
<p><i>Growth Management Element</i></p> <p>As required by Measure C, the City has included in its adopted General Plan <i>Growth Management Element</i> performance standards to be incorporated into the development review process to insure that new development does not exceed the capacity of capital facilities for the seven cited public services without providing funding for improvements to accommodate the new demands.</p> <p>The <i>Growth Management Element</i> indicates that 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.</p>	
<p><b>1. Fire District Service Performance Standard:</b> 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.</p>	<p><b>Consistent.</b> Project consistency with this performance standard is evaluated and verified in section 15.2, Fire Protection and Emergency Medical Services, of this Draft EIR.</p>
<p><b>2. Police Performance Standard:</b> 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.</p>	<p><b>Consistent.</b> Project consistency with this performance standard is evaluated and verified in section 15.1, Police Services, of this Draft EIR.</p>
<p><b>3. Parks Performance Standard:</b>                      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.</p>	<p><b>Consistent.</b> Project consistency with this performance standard is evaluated and verified in section 15.3, Parks and Recreation, of this Draft EIR</p>
<p><b>4. Sanitary Facilities (Sewer) Performance Standard:</b> Capability to transmit and treat wastewater from all residential and non-residential developments to standards set by the Regional Water Quality Control Board.</p>	<p><b>Consistent.</b> Project consistency with this performance standard is evaluated and verified in section 15.6, Wastewater, of this Draft EIR.</p>

Pertinent Objectives, Policies and Programs	Project Consistency
<p><b>5. Stormwater Drainage Performance Standard:</b> Meet federal NPDES requirements for stormwater runoff.</p>	<p><b>Consistent.</b> Project consistency with this performance standard is evaluated and verified in chapter 11, Hydrology and Water Quality, of this Draft EIR.</p>
<p><b>6. Water Performance Standard:</b> Capability to provide potable water supply to all residential and nonresidential developments.</p>	<p><b>Consistent.</b> Project consistency with this performance standard is evaluated and verified in section 15.5, Water, of this Draft EIR.</p>
<p><b>7. Flood Control Performance Standard:</b> All new structures shall be located outside the Flood Zones A &amp; 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.</p> <p>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.</p>	<p><b>Consistent.</b> Project consistency with this performance standard is evaluated and verified in chapter 11, Hydrology and Water Quality, of this Draft EIR.</p>
<p><b>Implementing Policy 1.</b> 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:</p> <ul style="list-style-type: none"> <li>a. Assuming participation in adopted mitigation programs, performance standards will be maintained following the project occupancy; or,</li> <li>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,</li> <li>c. Capital projects in the Capital Improvements Program (or planned by service-providing special districts) will result in maintenance of performance standards.</li> </ul>	<p><b>Consistent.</b> The Draft EIR evaluations referenced above of project conformance to Growth Management Element performance standards are intended to inform City decision-makers in formulating Hercules Bayfront Project application conditions of approval pertaining to achieving and maintaining these performance standards.</p>
<p><b>Implementing Policy 2.</b> 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.</p>	<p><b>Consistent.</b> The Mitigation Implementation and Monitoring Checklist to be included with the Final EIR (see chapter 20, Mitigation Monitoring, of this Draft EIR) will facilitate City compliance with this policy.</p>
<p><b>Implementing Policy 3.</b> 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.</p>	<p><b>Consistent.</b> Chapter 15 (Public Services and Utilities) includes mitigations requiring project fair share contributions to public facilities mitigation.</p>
<p><b>Implementing Policy 4.</b> 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</p>	<p><b>Consistent.</b> This measure is typically implemented at later stages of the City's development review process--e.g., project tentative subdivision map and final subdivision map stages--</p>

<b>Pertinent Objectives, Policies and Programs</b>	<b>Project Consistency</b>
improvements, as programmed through the City's Capital Improvement Program and budget.	based in part on the fair share mitigation responsibilities described in chapters 15 (Public Services and Utilities) and 16 (Transportation and Circulation) of this Draft EIR.

Table 12.4  
 UNDER CONSTRUCTION, RECENTLY APPROVED, AND PENDING DEVELOPMENT  
 PROJECTS IN HERCULES

<u>Project Name</u>	<u>Res'l Units</u>	<u>Flex-Space (s.f.)</u>	<u>Office (s.f.)</u>	<u>Retail (s.f.)</u>
New Town Center	1,306	0	191,000	406,000
Hill Town	640	0	0	5,000
Sycamore North	96	0	0	40,000
Sycamore Crossing	170	87,500	192,500	136,600
Historic Village (Masonic Building)	21	0	0	7,000
Civic Center	65	71,500	60,000	19,000
North Shore Business Park	0	480,500	70,000	0
Victoria Greens	0	65,000	0	0
Intermodal Transit Center	--	--	--	-- <sup>(1)</sup>
WETA Hercules Ferry Terminal	--	--	--	--
<b>Totals</b>	<b>3,522</b>	<b>838,500</b>	<b>594,500</b>	<b>655,600</b>

SOURCE: City of Hercules, November 2009 (release of EIR Notice of Preparation).

<sup>(1)</sup> The retail space proposed by the Hercules Bayfront Project applicant on the ITC project site (up to 3,000 square feet) is evaluated in this Hercules Bayfront EIR.



The proposed Hercules Bayfront Project cumulatively considerable contribution to significant cumulative population and housing impacts; transportation and circulation impacts; public services, utilities and infrastructure impacts; air quality impacts; climate change impacts; and biological resource impacts, is described in corresponding chapters of this Draft EIR. The proposed project would not make a cumulatively considerable contribution to any significant cumulative land use impacts, for the following reasons. First, with respect to land use incompatibility or physically dividing an established community, as described above, the proposed project's effect would be positive rather than negative because the project would integrate the Hercules waterfront community by providing transit-oriented, mixed-use development connected internally and to the surrounding community with extension of some of the existing street grid into the project and with a system of walkable streets, pedestrian and bicycle trails, plazas, open space, and other public amenities. Second, with respect to consistency with adopted City land use plans and policies, both the proposed project and any cumulative projects are required by law to be consistent with those plans and policies.

Accordingly, the proposed project would not make a cumulatively considerable contribution to any significant cumulative land use or planning impact, and no mitigation is required

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

