
1. INTRODUCTION

1.1 EIR PURPOSE AND INTENDED USE

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, this **environmental impact report** (EIR) has been prepared by the City of Hercules (City) to describe the environmental consequences of the proposed Hercules Bayfront Project. The project is intended to implement the Waterfront District Master Plan (WDMP) as most recently amended by the Waterfront Now Initiative (WDMP Initiative) and as it relates to the WDMP-designated Historic Town Center and Transit Center sub-districts. The project applicant, Hercules Bayfront, LLC, is proposing to develop a 42.36-acre portion of these two sub-districts with a transit-oriented, mixed-use neighborhood that includes a variety of dwelling types and businesses and an associated system of walkable streets, other pedestrian interconnections, and public plazas with views of San Pablo and San Francisco Bays.

The applicant has submitted a set of applications (October 5, 2009) that propose amendments to the City's General Plan, Zoning Ordinance, WDMP, and WDMP-associated Hercules Bayfront Project Development Agreement. The described intent of the amendments is to "provide further detail regarding development of the applicant's property, including maximum permitted levels of development."

The specific City actions requested to implement the project include:

- (1) amendment of the City of Hercules General Plan Land Use Diagram to change the land use designation of an approximately 1.19-acre portion of the 42.36-acre project site (Block J) from Residential Single Family (RS-L) to Historic Town Center (HTC);
- (2) amendment of the City of Hercules Zoning Designation to change the zoning designation of the same 1.9-acre parcel (Block J) described in (1) above from RS-L to HTC;
- (3) amendment of the Waterfront District Master Plan (WDMP) in the form of a Zoning Text Amendment to incorporate proposed text revisions to the WDMP;
- (4) amendment of the Development Agreement between the City and the project applicant to incorporate certain changes to the currently approved Development Agreement, to ensure consistency with the proposed project;
- (5) compliance with CEQA requirements for "ground-up" build out of the 42.36-acre project site, including preparation and certification of the Hercules Bayfront Project EIR; and
- (6) other anticipated subsequent City permit and approvals such as a Final Planned Development Plan, Vesting Tentative Map(s), Final Map(s), site plan and architectural review, grading permit(s), building permit(s), etc.

1.2 NOTICE OF PREPARATION

A Notice of Preparation (NOP) is a CEQA-required brief notice sent by the Lead Agency to notify Responsible Agencies,¹ Trustee Agencies,² and potentially involved federal agencies that the Lead Agency plans to prepare an EIR for the project, and solicits guidance regarding EIR scope and content. The City sent out an NOP for the Hercules Bayfront Project on November 16, 2009. A copy of the NOP, and all agency responses to the NOP, are included in appendix 22.1 of this Draft EIR.

1.3 EIR SCOPE

The applications listed in section 1.1 above have triggered the need for CEQA review. The applicant now seeks to ensure that all environmental impacts associated with implementation of the proposed project are adequately evaluated. CEQA review was not required for the WDMP Initiative. This EIR has therefore been prepared as a project-specific EIR containing a comprehensive analysis of the environmental effects of a project that consists of the overall "ground-up" development program for the 42.36-acre Hercules Bayfront Project site.

This EIR is intended to serve as a public information and disclosure document identifying those environmental impacts associated with the project that are expected to be significant, and describing mitigation measures and alternatives that could minimize or eliminate significant adverse impacts and increase beneficial effects.³ Such impacts and needed mitigations are discussed in this EIR to the level of detail necessary to allow reasoned decisions about the project and conditions of project approval. As a result of the information in this EIR, the City of Hercules City Council may act to approve or deny these various project actions, and/or to establish any associated requirements or conditions of approval considered necessary to mitigate identified project impacts on the environment.

As the Lead Agency, the City also intends this EIR to serve as the CEQA-required environmental documentation for consideration of this project by such other Responsible Agencies and Trustee Agencies--e.g., the San Francisco Bay Conservation and Development Commission, San Francisco Regional Water Quality Control Board, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and Federal Emergency Management Agency--that may have limited discretionary authority over particular project components.

As required by the state CEQA Guidelines, the scope of this EIR includes all environmental issues to be resolved and all areas of controversy known to the Lead Agency (the City of Hercules), including those issues and concerns identified as possibly significant by the City in its preliminary environmental review of the project, and by other agencies, organizations, and

¹Under CEQA Guidelines, the term "Responsible Agency" includes all public agencies, other than the Lead Agency, which have discretionary approval power over aspects of the project for which the Lead Agency has prepared an EIR.

²Under CEQA Guidelines, the term "Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by the project which are held in trust by the people of California.

³CEQA Guidelines section 15149(b).

individuals in response to the City's Notice of Preparation. These environmental concerns include (listed in the order that these topics are identified in the CEQA Guidelines and addressed in this EIR):

1. Aesthetics,
2. Air quality,
3. Biological resources,
4. Climate change,
5. Cultural and historic resources,
6. Geology and soils,
7. Hazards and hazardous materials,
8. Hydrology and water quality,
9. Land use and planning,
10. Noise,
11. Population and housing,
12. Public services and utilities, and
13. Transportation and circulation.

1.4 IMPACT ASSESSMENT BASELINE

CEQA Guidelines section 15125(a) and (e) stipulate that the environmental conditions in the project vicinity at the time the environmental analysis is begun--i.e., the date the City's Notice of Preparation was released--should constitute the baseline physical conditions by which it is determined whether an impact is significant. Pursuant to this guideline, all impact assessments in this EIR are based on comparison of the projected future "with project" conditions (i.e., full development of the proposed project) with the existing environmental conditions in November 2009 (NOP release date), rather than with the future "without project" conditions (i.e., buildout under existing General Plan/zoning). For a generalized comparison of anticipated future "with project" conditions with future "without project" conditions (i.e., with what would be expected to occur in the foreseeable future if the project were not approved--i.e., under current General Plan/zoning), see the discussion of Alternative 19.2, Current General Plan/Zoning Ordinance Scenario--Reduced Development Totals, in chapter 19 of this EIR (Alternatives to the Proposed Project).

1.5 KEY EIR TERMINOLOGY

The term "Hercules Bayfront Project" and the CEQA term "project" are used interchangeably in this EIR, and are defined to mean: (1) the overall "ground-up" development program for the 42.36-acre Hercules Bayfront Project site; (2) the set of project applications submitted by Hercules Bayfront, LLC, proposing amendments to the City's General Plan, WDMP, Zoning Ordinance, and Hercules Bayfront Project Development Agreement; and (3) all associated subsequent City and State approvals, entitlements, and permits that may be required to implement the project.

This EIR identifies those adverse environmental impacts associated with the project that are expected to be "significant," and corresponding mitigation measures warranted to eliminate or reduce those impacts to less-than-significant levels. Where it is determined in this EIR that a particular impact cannot be mitigated to a less-than-significant level, the EIR identifies that

impact as "unavoidable." Section 18.2 of the EIR (Significant Unavoidable Adverse Impacts) includes a summary list of all significant adverse project impacts identified as "unavoidable." Identified significant adverse impacts that are not listed in section 18.2 as "unavoidable" can be mitigated to a less-than-significant level by implementation of the associated mitigation measure or measures identified in this EIR.

These particular EIR terms ("significant," "unavoidable," "mitigation") and other key CEQA terminology used in this report are defined in Table 1.1 on the following page.

Table 1.1

DEFINITIONS OF KEY EIR TERMINOLOGY	
Project	The term "Hercules Bayfront Project" and the CEQA term "project" are used interchangeably in this EIR, and are defined to mean: (1) full buildout of the 42.36-acre project site; (2) the set of project applications proposing amendments to the City's General Plan, WDMP, Zoning Ordinance, and Hercules Bayfront Project Development Agreement; and (3) all associated subsequent City and State approvals, entitlements, and permits that may be required to implement the project.
Significant/Potentially Significant Impact	"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance. (CEQA Guidelines, section 15382.) <i>"An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."</i> (CEQA Guidelines, section 15382.)
Significant Cumulative Impact	"Cumulative impacts" are defined as <i>"two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."</i> (CEQA Guidelines, section 15355.)
Unavoidable Significant Impact	"Unavoidable significant impacts" are defined as those significant adverse environmental impacts for which either no mitigation or only partial mitigation is feasible. If the project is to be approved without imposing an alternative design, the Lead Agency (the City) must include in the record of the project approval a written statement of the specific reasons to support its action--i.e., a "statement of overriding considerations." (CEQA Guidelines, sections 15126.2(b) and 15093(b).)
Significance Criteria	The criteria used in this EIR to determine whether an impact is or is not "significant" are based on (a) CEQA-stipulated "mandatory findings of significance"--i.e., where any of the specific conditions occur that the Legislature and the Secretary of Resources have determined to constitute a potentially significant effect on the environment, which are listed in CEQA Guidelines section 15065; (b) the relationship of the project effect to the adopted policies, ordinances and standards of the City and of responsible agencies; and/or (c) commonly accepted practice and the professional judgment of the EIR authors and Lead Agency staff.
Mitigation Measures	For each significant impact, the EIR must identify a specific "mitigation" measure or set of measures capable of <i>"(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (d) reducing or eliminating the impact over time by preservation or maintenance operations during the life of the action; or (e) compensating for the impact by replacing or providing substitute resources or environments."</i> (CEQA Guidelines, section 15370.)
SOURCE: Wagstaff and Associates, 2010.	

1.6 REPORT ORGANIZATION AND CONTENT

The impact and mitigation information in this EIR is generally organized in chapters under the 13 environmental headings listed above (aesthetics, air quality, biological resources, climate change, etc.). Each environmental chapter includes sections describing the following for that issue:

- (1) the environmental setting;
- (2) pertinent plans and policies; and
- (3) impacts and mitigation measures (impacts anticipated with the proposed project, based on identified CEQA-based significance criteria, and measures recommended to mitigate potential significant adverse impacts).

In addition, this report includes a chapter evaluating **project consistency with local and regional plans** (chapter 17), a chapter summarizing the EIR information in terms of various **CEQA-required assessment considerations** ("growth-inducing impacts," "significant unavoidable adverse impacts," "irreversible environmental changes," "cumulative impacts," and "effects found not to be significant") (chapter 18), and a chapter evaluating **alternatives to the proposed project** (chapter 19).