

15

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
PHONE (510) 622-5491  
FAX (510) 286-5559  
TTY 711



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Comment #9

December 1, 2008

CC004975  
CC-4-0.00  
SCH# 20070602002

Mr. Steven Lawton  
Community Development Director  
City of Hercules  
111 Civic Drive  
Hercules, CA 94547

Dear Mr. Lawton:

**Hercules New Town Center – Draft Environmental Impact Report (DEIR)**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the Hercules New Town Center Project. The following comments are based on the DEIR.

As lead agency, the City of Hercules is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, and implementation responsibilities as well as lead agency monitoring should be fully discussed for all proposed mitigation measures and the project's traffic mitigation fees should be specifically identified in the EIR.

9-1

Any required roadway improvements should be completed prior to issuance of project occupancy permits. An encroachment permit is required when the project involves work in the State's right of way (ROW). The Department will not issue an encroachment permit until our concerns are adequately addressed. Therefore, we strongly recommend that the lead agency ensure resolution of the Department's CEQA concerns prior to submittal of the encroachment permit application; see the end of this letter for more information regarding the encroachment permit process.

9-2

**Highway and Operations**

- On page 4.14-70, Impacts TR16 and TR17 state that the "addition of traffic from Hercules New Town Center (HNTC) would exacerbate unacceptable (LOS F) traffic operations" on freeway facilities (Interstate 80 and State Route 4). We are concerned that there is no mitigation for either impact. The DEIR states that "no feasible mitigation measures can be recommended" for either impact and that these impacts are also determined to be

9-3

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Mr. Steve Lawton/City of Hercules  
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- “significant and unavoidable”. Please include some potential mitigation measures to maintain acceptable levels of service and address the project’s fair share contributions. 9-3  
Continued
- The Department favors Alternatives 2 or 5 as these options include the Willow Avenue Ramp Relocation Project along with the construction of new developments along Willow Avenue. The Ramp Relocation Project will help alleviate current and projected traffic congestion in the project area, and should be included with the construction of the proposed Hercules New Town Center. 9-4
  - Please provide Synchro files for all of the involved intersections in all of the scenarios. 9-5
  - Please provide queue lengths of all of the referenced intersections. 9-6
  - Since Intersection 7 is proposed to be a signalized intersection, Intersection 6 should also be signalized since the north bound left-turn may have difficulty due to the high volume of conflicting movements. The two intersections may operate as one signalized intersection. In addition, the operation of the intersection would improve if the lanes for the on and off ramps are in close proximity. 9-7
- Maintenance Yard and Park and Ride Lot***

  - Please describe how the proposed project will impact the Department’s existing Hercules Maintenance Yard (listed as Parcel 5 on the Project Location Map). 9-8
  - How would relocation of the Park and Ride lot affect current and future carpool users? Please include current and projected utilization numbers. 9-9
  - Please identify the number of parking spaces at the existing and proposed Park and Ride lots. 9-10
  - Which agency will be responsible for maintaining the relocated Park and Ride lot? 9-11
- Construction Costs***

  - Rezoning and development in this area will increase the cost of any future ramp relocation project. 9-12
- Transportation Demand Management (TDM)***

In order to lessen potential traffic impacts on the state highways, please consider instituting a TDM Program in which employees at the project site can receive transit passes at a reduced rate in lieu of free parking and reducing the parking requirements. 9-13

Please consider developing and applying pedestrian, bicycling and transit performance or quality of service measures and modeling pedestrian, bicycle and transit trips that your project will generate so that impacts and mitigation measures can be quantified. In addition, please analyze secondary impacts on pedestrians and bicyclists that may result from any traffic impact mitigation measures. 9-14

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**Design**

Page 4.15-5 mentions a preferred alternative for the new east bound State Route 4 ramps. A preferred alternative has not been selected for the Ramp Relocation Project.

9-15

**Cultural Resources**

There are no known archaeological sites within State ROW in the project area. However, should ground-disturbing activities take place as part of this project within State ROW and there is an inadvertent archaeological or burial discovery, in compliance with CEQA, PRC 5024.5, and the Department's Standard Environmental Reference (SER) Chapter 2 (<http://ser.dot.ca.gov>), all construction within 50 feet of the find shall cease. The Department's Cultural Studies Office, District 4, shall be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact.

9-16

Archaeological resources may consist of, but are not limited to, dark, friable soils, charcoal, obsidian or chert flakes, grinding bowls, shell fragments, or deposits of bone, glass, metal, ceramics or wood.

**Encroachment Permit**

Any work or traffic control within the State ROW requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

9-17

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Should you have any questions regarding this letter, please contact Luis Melendez of my staff at (510) 286-5606 or via email at [luis.melendez@dot.ca.gov](mailto:luis.melendez@dot.ca.gov).

Sincerely,

  
LISA CARBONI  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse

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**Response to Comment #9, California Department of Transportation**

- 9-1. There is a discussion of the project's relative responsibility for each impact in the Draft EIR. The City's mitigation fee structure is still in preparation. Each mitigation measure is described in both the Traffic/Transportation chapter of the Draft EIR, and in the Executive Summary. The Mitigation Monitoring and Reporting Program (MMRP) details implementation procedures, responsibilities and sanctions for non-compliance.
- 9-2. The City recognizes that all work conducted within the state-right-of-way will require an encroachment permit and that the permit is contingent upon Caltrans review and approval of the proposed document.
- 9-3. The Draft EIR notes on Page 4.14-71 that severe congestion would occur at the Interstate 80 (I-80) study segments with and without the project. The City is actively supporting bus, ferry, rail, and I-80 Intelligent Transportation Systems (ITS) programs (ITS refers to a family of strategies that aim to improve flows through better collections and dissemination of real-time traffic information to both highways managers and users). These programs are aimed at relieving congestion in the corridor by providing alternatives to driving for travelers so that they do not need to drive their automobiles. Impact fees, as well as sales and property tax revenues from the project would contribute to these measures to improve passenger flows through the corridor. Pedestrian and transit improvements, which are essential parts of the plan and program, combined with the project and program's mix of land uses would internalize certain trips and, thus reduce freeway impacts. The project would participate in the West Contra Costa Transportation Advisory Committee (WCCTAC) administered Transportation Demand Management (TDM) Program under the Contra Costa County Congestion Management Program.
- 9-4. The City of Hercules recognizes the importance of the Ramp Relocation Project and so has been working with Caltrans and the FHWA to complete the necessary project development documentation for the relocation project. The City expects to receive approval of the Project Study Report (PSR) sometime in early 2009.
- 9-5. Synchro files will be provided to Caltrans separately.
- 9-6. Queue lengths will be provided to Caltrans separately.
- 9-7. The Draft EIR analysis indicates in Tables 4.14-11, 13, 14, 15, 16, 17, and 19 that Intersection 6 does not need to be signalized for operations, and so it was assumed to remain unsignalized. The PSR being completed for the Ramp Relocation Project will provide further detail regarding the potential signalization of this intersection.
- 9-8. The Market Town project would not affect the Caltrans Maintenance Yard. The full program for the Hercules Town Center does entail redevelopment of the Maintenance Yard (Parcel 5). Detailed planning for this parcel would include provisions for adequate replacement of the facilities currently located at this site, and Caltrans would be fully consulted.

- 9-9. The existing Park and Ride lot is 100 percent occupied; all 248 parking spaces are used. However, the total number of vehicle trips to and from the lot is greater than this number, due to bus access and private vehicles accessing the lot to drop-off/pick-up passengers and those drivers who are unable to find an available parking space and so must drive to their destination. The proposed lot would increase the supply of parking spaces by 69 percent, and it was assumed that there would be an increase the utilization of the site by a similar percentage.
- 9-10. The existing Park and Ride lot provides 248 parking spaces, and the proposed Park and Ride lot would provide 422 parking spaces.
- 9-11. BART will continue to be the owner of the Hercules Park and Ride lot. As such they will continue to be responsible for maintenance, with the City of Hercules and WestCAT assisting per mutual agreements among the agencies.
- 9-12. Comment noted.
- 9-13. The project applicant is willing to participate in the WCCTAC's administered TDM Program per the Contra Costa County Congestion Management Program. The City is actively investigating creation of a municipal parking authority to facilitate efficient provision of parking.
- 9-14. The Market Town project design is intended to promote pedestrian activity. The site plan has been reviewed by City staff and consultants to improve its pedestrian and bicycle elements. Pedestrian and bicycle impacts are discussed on page 4.17-71 of the Draft EIR. The City's Mobility Plan, an internal planning document being prepared by Kimley Horn, will develop plans for all modes of transportation including pedestrian and bicycle. As the remainder of the HNTC planning area is developed, pedestrian impacts and mitigation would be addressed in greater detail.
- 9-15. Correct, the preferred ramp relocation design has not been determined. The proposed development has been conceptually developed to accommodate the different alternatives being considered. Based on preliminary feedback from Caltrans and the City of Hercules, it appears at present that the Diamond Alternative is the preferred alternative, although it has not yet been selected.
- 9-16. Comment noted.
- 9-17. All work completed in the state right-of-way will undergo the appropriate review and approval process per Caltrans requirements.

Comment #10

**Steve Lawton**

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**From:** Rich Shimano [rshim@pw.cccounty.us]  
**Sent:** Wednesday, December 03, 2008 5:21 PM  
**To:** Steve Lawton  
**Cc:** Mary Halle  
**Subject:** Hercules New Town Center SCH #2007062002

Hi Steve,

Thanks for the opportunity to review the draft EIR for the Hercules New Town Center project.

The Contra Costa County Public Works Department has no comments at this time. Could you please add our department to your distribution list for future environmental reviews of this project?

Thanks,

Rich Shimano  
Staff Engineer  
Contra Costa County Public Works Department Transportation Engineering Division  
255 Glacier Drive  
Martinez, CA 94553  
Phone: (925) 313-2168  
Fax: (925) 313-2333  
E-mail: rshim@pw.cccounty.us  
Website: www.cccpublicworks.org  
"Accredited by the American Public Works Association"

**Response to Comment #10, Contra Costa County Public Works Department,  
Transportation Engineering Division**

10-1. Comment noted.

**Department of  
Conservation &  
Development**

County Administration Building  
651 Pine Street  
North Wing, Fourth Floor  
Martinez, CA 94553-1229

Phone:

(925) 335-1220

December 3, 2008

City of Hercules  
Attn: Steve Lawton  
111 Civic Drive  
Hercules, CA 94547

**Contra  
Costa  
County**



**Catherine O. Kutsuris**  
Director

**James Kennedy**  
Deputy Director  
Redevelopment Division

**Thomas J. Huggett, SE**  
Interim Deputy Director  
Building Inspection Division

Comment #11

**RE: Notice of Completion, Draft Environmental Impact Report (DEIR) for  
"Hercules New Town Center" (HNTC) Project.  
City of Hercules**

Dear Mr. Lawton:

Thank you for providing the Department of Conservation and Development, Contra Costa County an opportunity to comment on the above captioned project. After reviewing the environmental document, the Transportation Planning Section would like to provide the following comments on the *Transportation/Traffic* section and analysis presented in the DEIR:

- Section 4.14.6, *Thresholds of Significance*, acknowledges that the Contra Costa Transportation Authority (CCTA) has established operating standards and thresholds of significance for routes of regional significance. It is not clear if whether or not the performance measures evaluated in your impact analysis match those of the CCTA, and the West Contra Costa Transportation Advisory Committee (WCCTAC). In the Final EIR, please provide a description of the West Contra Costa County Action Plan requirements, as well as an evaluation of the traffic service objectives (TSO) for the regional routes of significance impacted by the HNTC Project (Market Town and HNTC General Plan Amendment and Rezoning program) pursuant to Measure C, the county-wide transportation improvement and growth management ordinance.

Measure C requires local jurisdictions to evaluate the impact of a General Plan Amendment (GPA) that generates 100 or more peak hour trips on routes of regional significance. A jurisdiction may approve the GPA if: 1) the GPA does not adversely affect the ability to meet applicable TSOs or to implement the agreed upon actions in Action Plans; or 2) the GAP and/or Action Plan have been

11-1

amended to mitigate the impact on the regional routes; or 3) WCCTAC has agreed to amend the Action Plan. If the EIR doesn't demonstrate such compliance, the jurisdiction could become ineligible for its Measure C return-to-source funds.

11-1  
Continued

- It is not immediately clear that the West Contra Costa County Action Plan TSOs were utilized in your analysis. The West Contra Costa County Action Plan has TSOs for every regional route of significance. The Final EIR's thresholds of significance for measuring traffic impacts on regional routes should either be the same as the Action Plan's TSOs, or the Final EIR should include evaluation of the Action Plan TSOs in addition to the City's own thresholds of significance.
- San Pablo Avenue is designated as an "Inter-County Corridor" in the Action Plan. Action Plan TSOs require a level of service standard (LOS) of "E" or better on all segments of this route. Traffic impact analysis in the Final EIR should include all segments of San Pablo Avenue affected by the project, as well as the intersection of Linus Pauling Drive and San Pablo Avenue (Rodeo).
- The DEIR only evaluates the LOS for intersections. The West Contra Costa County Action Plan requires "Major Arterials" to maintain a LOS of "D" or better on all segments of the regionally –significant arterial. A large portion of the project area fronts Willow Avenue, and thus the LOS for the segments of Willow Road (namely all segments between the Sycamore Ave/Willow Ave intersection and the Willow Ave/SR 4 underpass) should also be addressed in the Final EIR.

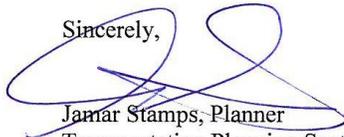
11-2

11-3

11-4

If you have any questions or concerns regarding the above comments, please do not hesitate to contact me at (925) 335-1220, or email me at [jstam@cd.cccounty.us](mailto:jstam@cd.cccounty.us). Again, thank you for the opportunity to comment on the Draft EIR and the County looks forward to being involved in the review of Final EIR for the proposed project.

Sincerely,



Jamar Stamps, Planner  
Transportation Planning Section

cc: S. Goetz, DCD



**Response to Comment #11, Contra Costa County Department of Conservation & Development**

11-1. The HNTC Draft EIR intersection level-of-service criteria for the study intersections are identical to the traffic service objectives (TSOs) for both the 2000 and 2008 West Contra Costa County (WCCC) Action Plans.

Freeway section significance criteria used in the Draft EIR differ slightly from the TSOs in the WCCC Action Plans. According to the significance criteria, a single trip added to a freeway section operating at LOS F would be considered a significant impact. LOS F was selected as the threshold to match the CCTA CMP standard of LOS F. The “single trip” threshold is the most stringent threshold possible for identifying significance. The environmental study evaluated the peak hours of congestion; whereas, the Action Plan discusses off-peak period conditions.

- On I-80, the Action Plan (in both 2000 and 2008) requires LOS E or better during non-peak hours. The Draft EIR’s threshold is LOS F, but no off-peak analysis was performed.
- On SR 4, the Action Plan (in both 2000 and 2008) requires LOS E or better, whereas the document’s standard is LOS F. No SR 4 segment operates at worse than LOS E under any scenario, so the TSOs are satisfied.

Therefore, applying the TSOs would not affect the impact determinations.

11-2. As noted in the Response 11-1, the intersection significance criteria are identical to the Action Plan’s TSOs, and the freeway impacts would not change were the Action Plan TSOs to be used in lieu of the EIR’s significance criteria.

11-3. Refer to Response 11-4 for roadway segment LOS.

Fehr & Peers analyzed the intersection of Linus Pauling Drive and San Pablo Avenue. The level of service did not exceed the level of service threshold during either peak hour under Existing, Near-Term, or Future conditions. See the following table for details.

<b>Linus Pauling &amp; San Pablo Intersection Delay and Level of Service</b>					
<b>Scenario</b>	<b>Control</b>	<b>AM Peak Hour</b>		<b>PM Peak Hour</b>	
		<b>Delay</b>	<b>LOS</b>	<b>Delay</b>	<b>LOS</b>
Existing	Side-Street Stop	2 (22)	A (C)	3 (14)	A (B)
Near-Term (2013)	Side-Street Stop	2 (30)	A (D)	3 (21)	A (C)
Future (2035)	Signal	21	C	16	B

11-4. The following tables summarize roadway segment LOS findings for the identified roadways. The applicable TSO’s require LOS E to be maintained on San Pablo, and LOS D to be maintained on the studied portion of Willow Avenue. Assuming the Preferred Alternative (Diamond Ramp) and Mitigation Measure TR13 objectives are met, there are no significant impacts.

<b>Existing</b>			
<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>LOS</b>
San Pablo Avenue, North of John Muir	4	12,000	A
San Pablo Avenue, South of John Muir	4	28,300	C
San Pablo Avenue, North of Sycamore	4	28,600	C
San Pablo Avenue, South of Sycamore	4	23,200	A
Willow Avenue, East of Sycamore	2	10,700	B
Willow Avenue, West of Palm	2	5,100	A
Willow Avenue, East of Palm	2	8,600	A

<b>Existing + Project</b>			
<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>LOS</b>
San Pablo Avenue, North of John Muir	4	13,100	A
San Pablo Avenue, South of John Muir	4	29,700	C
San Pablo Avenue, North of Sycamore	4	29,700	C
San Pablo Avenue, South of Sycamore	4	23,900	B
Willow Avenue, East of Sycamore	2	14,900	D
Willow Avenue, West of Palm	2	7,400	A
Willow Avenue, East of Palm	2	10,500	B

<b>2013 Baseline</b>			
<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>LOS</b>
San Pablo Avenue, North of John Muir	4	13,000	A
San Pablo Avenue, South of John Muir	4	29,200	C
San Pablo Avenue, North of Sycamore	4	29,200	C
San Pablo Avenue, South of Sycamore	4	24,600	B
Willow Avenue, East of Sycamore	2	15,500	D
Willow Avenue, West of Palm	2	7,100	A
Willow Avenue, East of Palm	2	10,300	B

<b>2013 With Ramp Relocation</b>			
<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>LOS</b>
San Pablo Avenue, North of John Muir	4	12,200	A
San Pablo Avenue, South of John Muir	4	28,400	C
San Pablo Avenue, North of Sycamore	4	23,800	B
San Pablo Avenue, South of Sycamore	4	24,600	B
Willow Avenue, East of Sycamore	2	10,900	B
Willow Avenue, West of Palm	4	8,300	A
Willow Avenue, East of Palm	4	17,200	A

<b>2013 Baseline Plus Project</b>			
<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>LOS</b>
San Pablo Avenue, North of John Muir	4	13,700	A
San Pablo Avenue, South of John Muir	4	31,000	C
San Pablo Avenue, North of Sycamore	4	31,100	C
San Pablo Avenue, South of Sycamore	4	25,100	B
Willow Avenue, East of Sycamore	2	16,100	D
Willow Avenue, West of Palm	2	5,600	A
Willow Avenue, East of Palm	2	10,300	B

<b>2013 With Ramp Relocation Plus Project</b>			
<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>LOS</b>
San Pablo Avenue, North of John Muir	4	12,900	A
San Pablo Avenue, South of John Muir	4	30,200	C
San Pablo Avenue, North of Sycamore	4	30,300	C
San Pablo Avenue, South of Sycamore	4	25,100	B
Willow Avenue, East of Sycamore	2	11,600	C
Willow Avenue, West of Palm	4	9,000	A
Willow Avenue, East of Palm	4	17,700	A

<b>2035 No Project</b>			
<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>LOS</b>
San Pablo Avenue, North of John Muir	4	23,000	A
San Pablo Avenue, South of John Muir	4	41,100	E
San Pablo Avenue, North of Sycamore	4	41,400	E
San Pablo Avenue, South of Sycamore	4	33,700	D
Willow Avenue, East of Sycamore	3	19,200	C
Willow Avenue, West of Palm	2	9,100	A
Willow Avenue, East of Palm	3	16,700	B

<b>2035 With Project</b>			
<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>LOS</b>
San Pablo Avenue, North of John Muir	4	22,200	A
San Pablo Avenue, South of John Muir	4	41,800	E
San Pablo Avenue, North of Sycamore	4	40,500	D
San Pablo Avenue, South of Sycamore	4	35,700	D
Willow Avenue, East of Sycamore	3	17,900	B
Willow Avenue, West of Palm	2	15,800	D
Willow Avenue, East of Palm	4	25,200	B

<b>2035 With Project with MM TR13</b>			
<b>Roadway Segment</b>	<b>Lanes</b>	<b>ADT</b>	<b>LOS</b>
San Pablo Avenue, North of John Muir	4	22,200	A
San Pablo Avenue, South of John Muir	4	41,800	E
San Pablo Avenue, North of Sycamore	4	40,500	D
San Pablo Avenue, South of Sycamore	4	35,700	D
Willow Avenue, East of Sycamore	3	17,900	B
Willow Avenue, West of Palm	4	15,800	A
Willow Avenue, East of Palm	4	25,200	B

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**RODEO - HERCULES FIRE PROTECTION DISTRICT**  
1680 REFUGIO VALLEY ROAD, HERCULES, CALIFORNIA 94547  
(510) 799-4561 • FAX: (510) 799-0395

December 3, 2008

City of Hercules  
111 Civic Drive  
Hercules, CA 94547  
Attn: Steve Lawton

Comment #12

RE: DRAFT EIR FOR "HERCULES NEW TOWN CENTER"

Steve,

I have reviewed the above-mentioned document as it relates to "Public Safety" and "Fire Protection". The comments included in the report are true and reflect those concerns as previously expressed by the Fire District.

The Fire District will be looking for compliance with current fire code and safety standards. As the report states, "Ensure adequate fire protection and conformance with current fire safety standards." and "Will meet all fire code specifications."

With regard to the traffic study and impacts associated with the "Project" the Fire Districts position has not changed. We anticipate significant problems and delays in and around the site(s). We agree with the analysis in Section 7.1.3 Transportation/Traffic, "Intersections that would exacerbate unacceptable (LOS F) traffic operations."

12-1

Additionally, with regard to "fair share contribution" to off set impacts to fire and emergency services. It is stated that impacts to fire and emergency services would be off set through the City's Development Impact Fee Program (DIF). The impact fee program does not cover on-going, long-term costs such as salaries and benefits associated with additional personnel. The "DIF" provides one-time monies for equipment or facilities needed for the project. This issue will have to be addressed.

12-2

If you have any questions regarding this matter, please let me know.

Yours in service,

Alan Biagi, Battalion Chief  
Rodeo-Hercules Fire District

S.R.L.  
DEC 8 2008

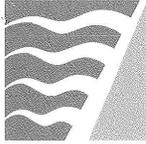
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**Response to Comment #12, Rodeo-Hercules Fire Protection District**

12-1. Comment noted.

12-2. It is reasonable to expect that response times for emergency service providers operating from current station locations would increase due to traffic delays. Only some of the delays anticipated to occur are due to project impacts; other delays are due to cumulative growth from other projects in Hercules and from regional traffic. The City of Hercules and the Rodeo Hercules Fire Protection District would continue to cooperatively plan for and provide funding mechanisms to protect acceptable response times Citywide by providing additional staff, fixed facilities, equipment and technical systems where necessary.

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BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT  
SINCE 1955

December 8, 2008

Comment #13

Steve Lawton  
City of Hercules  
Redevelopment Agency  
111 Civic Drive  
Hercules, CA 94547

Subject: Hercules New Town Center Draft Environmental Impact Report

Dear Mr. Lawton:

Bay Area Air Quality Management District (District) staff reviewed your agency's Draft Environmental Impact Report (DEIR) for the Hercules New Town Center Project (Project). Approval of the Project would allow redevelopment of the Project site with a mix of a uses including a maximum of 400 residences, 60,000 square feet of retail space, and 80,000 square feet of office space. The proposed Project site, totaling 35 acres, serves as the Hercules Transit Center and is tangent to I-80 and Highway 4.

The DEIR states that construction activities could generate significant dust and exhaust emissions. The mitigation measures listed in AQ1 and AQ2 only address fugitive dust emissions and do not address exhaust emission sources. We urge that the final EIR include all feasible mitigation measures that minimize construction equipment exhaust emissions, specifically diesel particulate matter, a known carcinogen. Such measures could include, but are not limited to: maintaining properly tuned engines; minimizing the idling time of diesel powered construction equipment to two minutes; using alternative powered construction equipment (i.e., hybrid, compressed natural gas, biodiesel, electric); using add-on control devices such as diesel oxidation catalysts or particulate filters; and requiring all contractors to use equipment that meets California Air Resources Board's (ARB) most recent certification standard for off-road heavy duty diesel engines. The EIR should provide justification for finding that any of these measures are deemed infeasible or unwarranted.

The final EIR should include a discussion on the potential particulate emissions (PM) from residential wood burning. In the winter months, residential wood burning and wood smoke are major sources of PM in the Bay Area. Reducing emissions of wood smoke is a key priority for the District to help protect public health and attain state and federal air quality standards. The Bay Area is in non-attainment for the State's PM standards, and we anticipate that the region will be designated non-attainment for the new federal PM standards as well. The District is concerned about the amount of particulate matter that could be produced from wood-burning in future residential uses. This past July, the District adopted a wood burning regulation (Regulation 6, Rule 3) making it illegal to burn wood or firelogs

13-1

13-2

ALAMEDA COUNTY  
Tom Bates  
(Secretary)  
Scott Haggerty  
Janet Lockhart  
Nate Miley

CONTRA COSTA COUNTY  
John Gioia  
Mark Ross  
Michael Shimansky  
Gayle B. Uilkema

MARIN COUNTY  
Harold C. Brown, Jr.

NAPA COUNTY  
Brad Wagenknecht  
(Vice-Chairperson)

SAN FRANCISCO COUNTY  
Chris Daly  
Jake McGoldrick  
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in household fireplaces and woodstoves during a wintertime Spare the Air health advisory. This rule also bans the sale and installation of non-EPA-certified wood-burning devices in new construction or re-models. We recommend that the final EIR quantify potential wood burning impacts. The final EIR should also contain measures to minimize wood smoke emissions such as, possibly prohibiting the installation of any wood-burning device in new buildings or outdoor areas.

13-2  
Continued

The final EIR should include a measure requiring that future sources of TACs, such as dry cleaners and truck loading docks, be required to evaluate their potential impacts prior to being approved. To be health protective of future Project residents and employees, the City should place sufficient buffers between sensitive receptors and future approved sources of emissions. We recommend referring to California Air Resources Board's (ARB) *Air Quality and Land Use Handbook: a Community Health Perspective*, (<http://www.arb.ca.gov/ch/landusc.htm>) for guidance on siting sensitive land uses near air pollution sources, including near freeways.

13-3

In evaluating the Project's consistency with the local air quality management plan, the DEIR concludes that the Project will have a significant and unavoidable impact. However, the DEIR fails to identify mitigation measures to minimize this impact. In addition, the DEIR does not provide an analysis of how the listed transportation control measures from the District's clean air plan will be implemented in the Project. The final EIR should address how the listed transportation control measures will be implemented as part of Project approval and consider mitigation measures to reduce the Project's air quality emissions from transportation. Such measures could include, but are not limited to: unbundling parking costs from rents; providing transit subsidies to future employees; implementing traffic calming measures; and offering preferential parking to vanpools and carpools. In addition, the final EIR should reference the District's *2005 Ozone Strategy*, the District's most recent clean air plan, as opposed to the DEIR's use of the District's *2000 Clean Air Plan*.

13-4

13-5

The DEIR's climate change discussion quantifies the greenhouse gas (GHG) emissions resulting from the Project, commits to implementing AQ4 (four mitigation measures listed from a previous impact), and states that no other feasible mitigation measures are available. The Project should seek to minimize its contribution to climate change by implementing all feasible mitigation measures to reduce GHG emissions. Applicable climate change strategies outlined in Table 4.4-13 of the DEIR demonstrate Project compliance with existing standards and regulations. Consistency with these standards and regulations may not constitute adequate mitigation of environmental impacts. The Project should be required to exceed these standards to contribute to statewide GHG reduction goals. We recommend you consult the recent technical advisory issued by the Governor's Office of Planning and Research, *CEQA And Climate Change: Addressing Climate Change Through California Environmental Quality (CEQA) Act Review* for guidance on evaluating and mitigating GHG impacts in CEQA documents (<http://opr.ca.gov/>). An additional resource to assist you in this area is, *CEQA and Climate Change*, a document released by the California Air Pollution Control Officers Association (CAPCOA). This resource document contains various options for a lead agency to address GHG emissions from projects subject to CEQA. The document includes strategies for mitigating GHG emissions from projects. The report may be downloaded at <http://www.capcoa.org>.

13-6

Mr. Steve Lawton

-3-

December 8, 2008

Feasible mitigation measures for the Project may include, but are not limited to: exceeding Title 24 energy efficiency standards by 25 percent, installing solar panels for renewable energy generation, or establishing a zero waste goal. The Final EIR should also consider green building measures such as, but not limited to: light-colored and reflective roofing materials, use of low or no volatile organic compound paints, adhesives, and coatings; installation of drought tolerant landscaping; and use of permeable parking surfaces. We recommend completing a green building certification program to ensure all available measures are incorporated into this project to reduce criteria pollutants and GHG emissions. The LEED (Leadership in Energy and Environmental Design, a national green building program) and Build It Green (a Bay Area local program) are the prevalent green building certification programs in the region.

13-6  
Continued

If you have any questions regarding these comments, please contact Sigalle Michael, Environmental Planner, at (415) 749-4683.

Sincerely,

  
Jean Roggenkamp  
Deputy Air Pollution Control Officer

JR:SM

cc: BAAQMD Director John Gioia  
BAAQMD Director Mark Ross  
BAAQMD Director Michael Shimansky  
BAAQMD Director Gayle B. Uilkema

**S.R.L.**  
DEC 9 2008

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**Response to Comment #13, Bay Area Air Quality Management District**

- 13-1. Refer to revision on page 4.4-18 and 4.4-21. Mitigation Measure AQ3 has been added to minimize construction equipment exhaust emissions.
- 13-2. The project does not propose wood burning fireplaces.
- 13-3. Refer to revisions on pages 4.4-23 and 4.4-24. A discussion of Toxic Air Contaminates (TACs) and Mitigation Measure AQ5 have been added to address impacts from future sources of TACs.
- 13-4. Refer to revision on page 4.4-35. Mitigation Measure AQ7 has been added to show how transportation control measures would be implemented and to minimize air quality emissions from transportation.
- 13-5. Refer to revisions on pages 4.4-33 and 4.4-34.
- 13-6. Refer to revision on page 4.4-39 through 4.4-41. Since the greenhouse gas (GHG) analysis was completed, mitigation measures to reduce GHG emissions have been developed and become more stringent. Text has been added to Table 4.4-13, Applicable Global Climate Change Strategies, and Mitigation Measure AQ8 has been added to minimize impacts from GHG emissions.