



CITY OF HERCULES

EMBLEM HERCULES APARTMENTS

Addendum to the Hercules New Town Center EIR
(SCH #2007062002)

LEAD AGENCY:
CITY OF HERCULES
COMMUNITY DEVELOPMENT DEPARTMENT
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APRIL 2026

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Emblem Apartments
Addendum to the Hercules New Town Center EIR

Project Summary Information	
Project Title:	Emblem Hercules Apartments
Lead agency name and address:	City of Hercules, Community Development Department 111 Civic Drive Hercules, CA 94547
Contact person and phone number:	Seana Field, Senior Planner sfield@herculesca.gov (510) 799-8249
Project Location:	APN: 406-070-042 Willow Avenue and Willow Avenue off-ramp of Interstate 80 City of Hercules, Contra Costa County, California
Project Sponsor/Owner:	Tyler Wood, Quarterra Multifamily Communities, LLC 492 9 th Street, Suite 300 Oakland, CA 94607 (510) 484-1529 Tyler.wood@quarterra.com
General Plan Designation:	New Town Center (NTC)
Zoning:	New Town Center (NTC)
Description of project:	The project will construct a 180-unit multi-family residential development that will include a clubhouse, trash enclosures, dog park, parking, fencing, landscaping, retaining walls, ancillary improvements, and frontage improvements on a 5.09-acre site on Willow Ave in Hercules, CA. Ten percent of the units will be restricted to very low-income households. The project submitted a pre-application under Senate Bill 330 ("SB 330") on October 18, 2024, is subject to the Builder's Remedy provisions in State Planning and Zoning Law and is eligible for concessions and waivers under State Density Bonus Law.
Surrounding land uses and setting:	The project site comprises 5.09 acres of a 6.72-acre parcel surrounded by I-80 to the east, the I-80 Willow off-ramp to the north and west, and Willow Avenue to the south. A 1.63-acre riparian area and seasonal stream occupy the northernmost portion of the parcel and are located outside of the proposed development footprint. The Hercules Transit Center is located to the east of the site and railroad tracks used for freight trains are located south of the site on the opposite side of Willow Avenue. A commercial shopping center is located south of the railroad tracks.
Other public agencies whose approval is required:	Caltrans – Encroachment Permit California Department of Fish and Wildlife – Lake and Streambed Alteration Agreement

	Bay Area Regional Water Quality Control Board – SWPPP
California Native American tribes traditionally and culturally affiliated with the project area that have requested consultation:	No California Native American tribes traditionally and culturally affiliated with the project site have requested notifications under AB 52.

**EMBLEM HERCULES APARTMENTS
ADDENDUM TO THE HERCULES NEW TOWN CENTER EIR**

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LIST OF ACRONYMS

ASSEMBLY BILL	AB
BAY AREA AIR DISTRICT	AIR DISTRICT
BEST MANAGEMENT PRACTICES	BMP
CALIFORNIA AIR RESOURCES BOARD	CARB
CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL	DTSC
CALIFORNIA EMISSIONS ESTIMATOR MODEL	CALEEMOD
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY	ACAL-EPA
CALIFORNIA ENVIRONMENTAL QUALITY ACT	CEQA
CALIFORNIA REGISTER OF HISTORICAL RESOURCE	CRHR
CARBON DIOXIDE EQUIVALENT	CO ₂ E
CARBON MONOXIDE	CO
COMMUNITY NOISE EQUIVALENT LEVEL	CNEL
CONTRA COSTA COUNTY TRANSPORTATION PLAN	CTP
EMERGENCY VEHICLE ACCESS	EVA
ENVIRONMENTAL IMPACT REPORT	EIR
EXECUTIVE ORDER	EO
GREENHOUSE GASES	GHG
HERCULES NEW TOWN CENTER	HNTC
LEVEL OF SERVICE	LOS
LOW IMPACT DEVELOPMENT	LID
METHANE	CH ₃
METRIC TONS	MT
MITIGATION MONITORING AND REPORTING PROGRAM	MMRP
MOST LIKELY DESCENDENT	MLD
NITROGEN OXIDES	NOX
OFFICE OF PLANNING AND RESEARCH	OPR
PARTICULATE MATTER	PM
POUNDS PER DAY	LBS/DAY
PUBLIC RESOURCES CODE	PRC
REACTIVE ORGANIC GASES	ROG
RECOGNIZED ENVIRONMENTAL CONDITIONS	REC
SENATE BILL	SB
TOXIC AIR CONTAMINANTS	TAC
TRAFFIC ANALYSIS ZONE	TAZ
TRAFFIC IMPACT STUDY	TIS
TRIBAL CULTURAL RESOURCES	TCR
VEHICLE MILES TRAVELED	VMT

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1. INTRODUCTION

The City of Hercules has received and is processing an application for a residential development project requesting a Conditional Use Permit, Design Review, a Tentative Tract Map, and a Planned Development Plan, which are discretionary actions and subject to the California Environmental Quality Act. The project proposes to construct a 180-unit multi-family residential development that will include a clubhouse, trash enclosure, dog park, parking, fencing, landscaping, retaining walls, ancillary improvements, and frontage improvements on a 5.09-acre site on Willow Avenue in Hercules, CA. Ten percent of the units will be restricted to very low-income households. The project application received vesting rights under Senate Bill 330 ("SB 330") on October 18, 2024, is subject to the Builder's Remedy provisions of state law and is eligible for concessions and waivers under State Density Bonus Law.

The Project site is located on an undeveloped property that was planned for development and analyzed as part of the Hercules New Town Center EIR. The HNTC EIR (SCH #2007062002) was certified by the City of Hercules and constitutes a "prior environmental document" pursuant to CEQA Guidelines Section 15162, 15163, and 15164. The Project site was analyzed in the HNTC EIR as part of a planned mixed-use development program that anticipated up to 375 dwelling units, 31,250 square feet of office space, and 156,250 square feet of retail space. Although no development has taken place to date, the environmental baseline and impact analysis established by the HNTC EIR remain valid. As documented herein, consistent with Section 15164, an addendum to the HNTC EIR is the appropriate environmental document to evaluate the Project, as it allows the City to document its determination that the Project remains within the scope of the prior environmental analysis and that no new or more severe environmental impacts would occur.

1.1. PURPOSE OF THE ADDENDUM

CEQA recognizes that following approval of an environmental document and prior to project implementation, one or more of the following may occur:

- 1) the project may change;
- 2) the environmental setting in which the project is located may change;
- 3) laws, regulations, or policies may change in ways that impact the environment; and/or
- 4) previously unknown information may arise.

Prior to proceeding with project implementation, CEQA requires the Lead Agency to evaluate these changes to determine whether they affect the conclusions in the approved environmental document.

CEQA Guidelines Sections 15162 and 15164 establish criteria to assess the appropriate level of environmental review when a project analyzed in a previously certified EIR has changed, or the environmental setting within which the review was carried out has changed. The Lead Agency is responsible for determining whether an addendum, supplemental, or subsequent environmental document is appropriate. As stated in CEQA Guidelines Section 15162 subdivision (a), a subsequent EIR is not required unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, that:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164 of the CEQA Guidelines specifies that the Lead Agency may prepare an addendum to a certified EIR if only minor technical changes or additions are necessary and none of the conditions described in Section 15162, listed above, have occurred.

1.2. APPLICABILITY AND USE OF THE ADDENDUM

Based on the Project applications and technical studies prepared, the City of Hercules has determined that the proposed project will not result in potentially significant impacts that were not previously identified or analyzed, nor will the project increase the severity of any impacts previously identified in the HNTC EIR (SCH #2007062002). Furthermore, there are no previously infeasible alternatives that are now considered feasible and no new mitigation measures considerably different than those previously analyzed that would reduce one or more significant effects. Lastly, none of the other factors set forth in CEQA Guidelines Section 15162(a)(3) apply to the Project.

As described herein, minor alterations are required to ensure that the previously certified HNTC EIR accurately reflects the Project as currently proposed. As such, the City of Hercules, acting as the Lead Agency, has determined that an addendum to the previously approved EIR is the appropriate level of environmental review for the proposed Emblem Hercules Apartments Project. This addendum will be considered by the decision-making body in conjunction with the previously certified HNTC EIR. The addendum will also serve as the environmental document relied upon by responsible and trustee agencies, including but not limited to the California Department of Fish and Wildlife, the Regional Water Quality Control Board, and Caltrans, in exercising their discretionary approval.

2. PROJECT DESCRIPTION

2.1. PROJECT LOCATION

The project proposes residential development on a 5.09-acre portion of a 6.72-acre parcel (APN: 406-070-042) on Willow Avenue in the City of Hercules, CA. **(Figure 1: Regional Location)** The site, identified as both the Loop and Parcel 3 in the HNTC EIR is proximate to the Hercules Transit Center to the east, which includes a park and ride lot for the Bay Area Rapid Transit (BART), Willow Avenue to the south, as well as a commercial shopping center and railroad tracks on the south side of Willow Ave, I-80 to the west and the I-80 Willow Ave off ramp and Highway 4 to the north. **(Figure 2: Project Vicinity).**

2.2. GENERAL PLAN AND ZONING DESIGNATIONS

The project site has a land use designation of Hercules New Town Center and is in the New Town Center (NTC) zoning district (**Figure 3: General Plan and Zoning Designation**). It is also located within the Central Hercules Plan area. The purpose of the NTC zoning designation is to create a transit-oriented mixed-use town center consisting of a relatively dense pattern of building in the center of town and a mix of residential, commercial, office, and public and quasi-public uses.

2.3. EXISTING CONDITIONS

The existing site condition is an undeveloped area, with naturalized stockpile mounds within the southern portion of the loop of the I-80 off-ramp to Willow Ave and a remnant riparian depression in the northern portion of the parcel. The site is adjacent to I-80 and the Willow Ave off ramp which encircles the site. The project site's geology is characterized by the presence of highly expansive soils and bedrock with non-native fill material covering the northwestern and northeastern edges of the site. The interior of the site slopes from south to north. The northern 1.63 acres is characterized by a riparian area containing a seasonal wetland/stream that is a tributary to Refugio Creek and is located outside the area proposed for development. The remaining 5.09 acres of the site is characterized by coyote brush and annual grasslands.

There are no structures on the site, but there is a concrete anchor/foundation at the southern entrance along Willow Avenue and a chain link fence that runs along the property boundary with the State highway right of way.

2.4. PROJECT DESCRIPTION

The project proposes the construction of a 180-unit multi-family residential development that will include a clubhouse, trash enclosure, dog park, parking, fencing, landscaping, ancillary improvements, and frontage improvements on 5.09 acres (**Figure 4: Site Plan**). Ten percent of the units will be restricted to very low-income households. The project submitted a preliminary application under Senate Bill 330 ("SB 330") on October 18, 2024, is subject to the Builder's Remedy provisions in State law, and is eligible for concessions and waivers under State Density Bonus Law.

New Structures

The project proposes 162,747 square feet of new building construction. This will include six three-story (44 ft tall) wood-frame energy-efficient apartment buildings with 102 one-, 66 two-, and 12 three-bedroom apartments for a total of 180 units. Each building will be all-electric and will comply with the energy requirements of CalGreen, Title 24, and NGBS silver rating. The residential apartment buildings will be three-stories and 44 feet in height to the ridge of the roof. Exterior walls are clad in several colors of cement plaster with board and batten siding accents. A composition shingle roof with multiple gables provides the building top. Private patios and balconies, attached to each unit provide private outdoor space.

A one-story 4,340 sf clubhouse is proposed at the south end of the site along Willow Ave. The clubhouse building height is 26 feet at the ridge of the roof. The clubhouse will be used for on-site leasing and community maintenance services, a community lounge, fitness center, parcel storage, and outdoor amenity space.

Accessory structures include carports, enclosures for waste collection, a mailbox kiosk, and monument sign. A 1,064 square foot covered solid waste enclosure is proposed at the northwest end of the development, in between Building 2 and Building 3 (with a height of 18 feet), and a 116 square foot mailbox kiosk (with a height of 11 feet to the ridge of the roof) located south of Building 1. Carports with rooftop solar are proposed above onsite parking. A monument sign at the entrance is also proposed with a height of 6 feet and a length of 11 feet 3 inches.

Access and Parking

The project site will be accessible from a two-way driveway off of Willow Avenue. An internal network of paved two-way driveways and sidewalks will provide access to the units and 235 parking spaces located in the center of the site. Twenty-four parking spaces (10%) will be equipped with EV chargers, and 94 spaces (40%) will be EV ready. Approximately 160 spaces will be covered by solar carports with battery storage to generate additional power. A separate Emergency Vehicle only access is proposed to the east of the main entrance off Willow Avenue and will only be available for emergency access.

Landscaping and Lighting

Landscaping strips with trees and shrubs will be installed throughout the site to separate internal walkways from building frontages. Trees and landscaping are also proposed along the frontage of the site along Willow Ave. A dog run, lawn, benches, and trash receptacles will be provided at the northwest corner of the development next to Building 2 and behind the trash enclosure. The project proposes to plant 176 trees including ornamental landscaping trees and native species. All landscaping is required to comply with the Model Water Efficient Landscaping standards. Lighting will be provided in compliance with the Hercules Zoning Code Sec. 13-18.300(4).

Water Supply

A new connection to the existing water supply along Willow Avenue would be provided to the site using new 8-inch water lines. The project's anticipated water demand is 32,529 gallons per day and would be served by East Bay Municipal Utility District (East Bay MUD).

Wastewater

The project will construct new onsite sanitary sewer lines (8-inch diameter) that will serve the development and connect with the existing sanitary sewer line under Willow Avenue.

Storm Drainage Infrastructure

The project will construct new 18-inch diameter storm drain lines that will collect stormwater runoff onsite and convey flows to the existing storm drain under Willow Avenue. The project incorporates four storm water retention basins that will treat stormwater before it is conveyed by storm drain lines into the City's stormwater network.

Solid Waste

Solid waste will be collected in the proposed solid waste enclosure at the northwest corner of the development and will provide separate containers for waste, recycling, and compost. It is anticipated that the development will generate 28.8 cubic yards of loose waste, 28.8 cubic yards of loose recycling, and 2.2 cubic yards of loose compost per week. The project will be served by Republic Services who provide residential solid waste, yard waste, and recycling hauling for the City of Hercules.

Frontage & Off-Site Improvements

The project includes a re-alignment of Willow Avenue along the project frontage to accommodate a turn lane into the development and to reduce traffic speeds. A four-foot-wide sidewalk will be constructed along approximately 475 feet of Willow Avenue from the southwestern corner of the project to connect with the existing sidewalk at the intersection with Sycamore Avenue.

Additionally, the project includes installation of a mid-block pedestrian crossing across Willow Avenue between Sycamore Avenue and the I-80 offramp. The crossing would be marked with high-visibility pavement striping and signage and would include a pedestrian refuge island, and a rectangular rapid-flashing beacon

(RRFB) system to enhance pedestrian visibility and alert motorists. The crossing is designed to improve pedestrian safety while maintaining existing traffic flow. All installation would occur within the public right-of-way with minimal impact to adjacent properties and utilities.

Site Preparation, Grading, and Construction

Site grading will include the removal of 62,000 cubic yards of dirt and the placement of 8,000 cubic yards of fill with cuts ranging from zero to 40 feet and fill depths ranging from zero to 20 feet. A retaining wall would be constructed along the northern extent of the project site, separating the new development from the 1.63 acres of the parcel that will remain undeveloped. The retaining wall would range in height from 5 feet to 18 feet tall from the base of the existing slope. The face of the wall would orient north, towards the undeveloped portion of the parcel and would not be visible from Willow Avenue. The retaining wall would be stabilized using a geogrid soil reinforcement system and constructed with a concrete masonry unit (CMU) block facing. Seep drains would be installed at the base of the wall to relieve water pressure and retain downgradient drainage pattern. The reinforced wall system is designed to provide long-term slope stability and minimize grading beyond the wall footprint.

Construction will include the use of excavators, trucks, loaders, backhoes, compactors/rollers, concrete trucks, and other equipment, and is expected to take place within 24 months beginning in November of 2026.

2.5. REQUIRED DISCRETIONARY ACTIONS

The Project requires a Conditional Use Permit, Design Review, a Tentative Tract Map, and a Planned Development Plan.

2.6. OTHER PUBLIC AGENCY REVIEW

Caltrans
California Department of Fish and Wildlife
Bay Area Regional Water Quality Control Board

2.7. CALIFORNIA NATIVE AMERICAN TRIBAL CONSULTATION

No California Native American tribes traditionally and culturally affiliated with the project have requested notifications under AB 52.

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FIGURE 1: REGIONAL LOCATION MAP

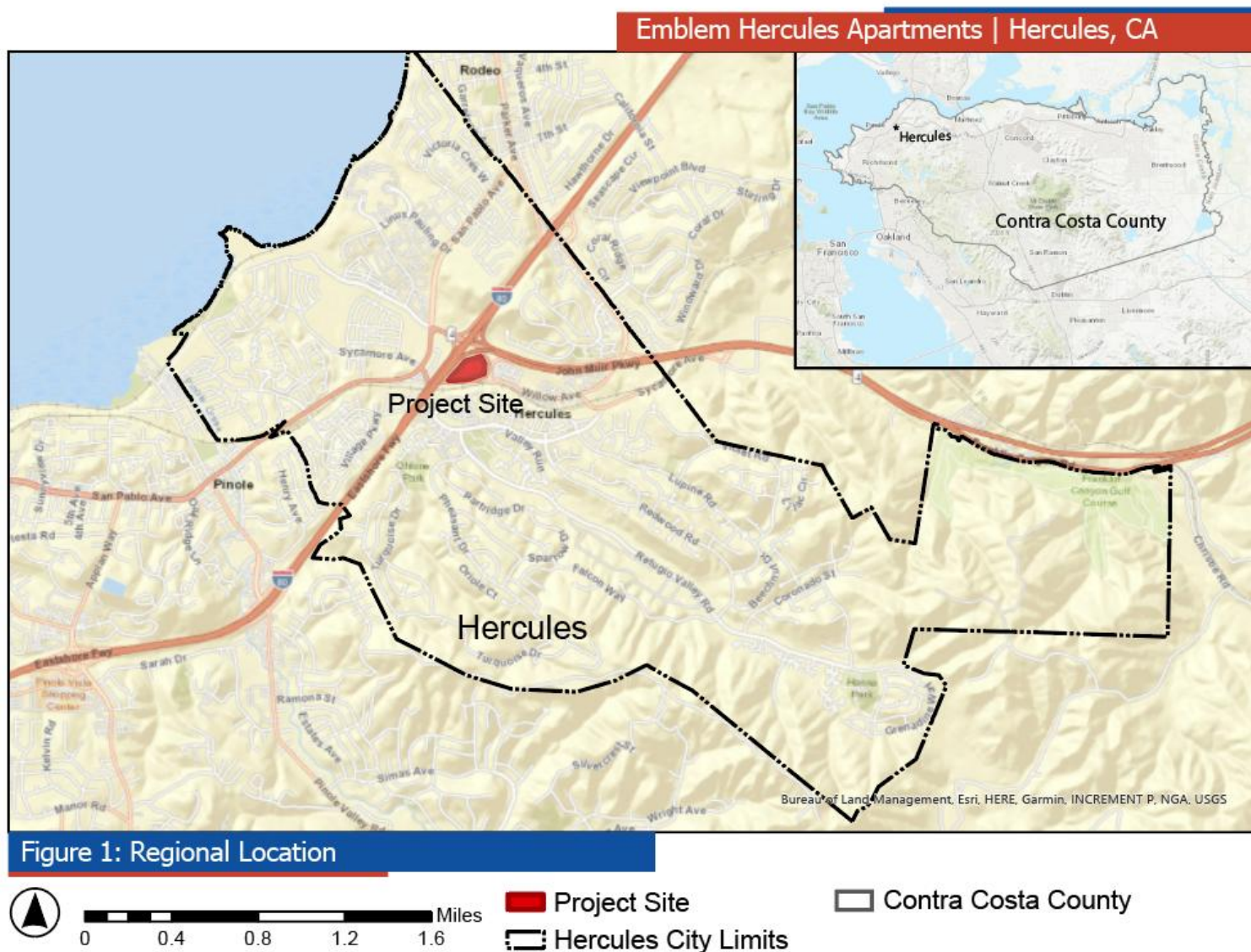
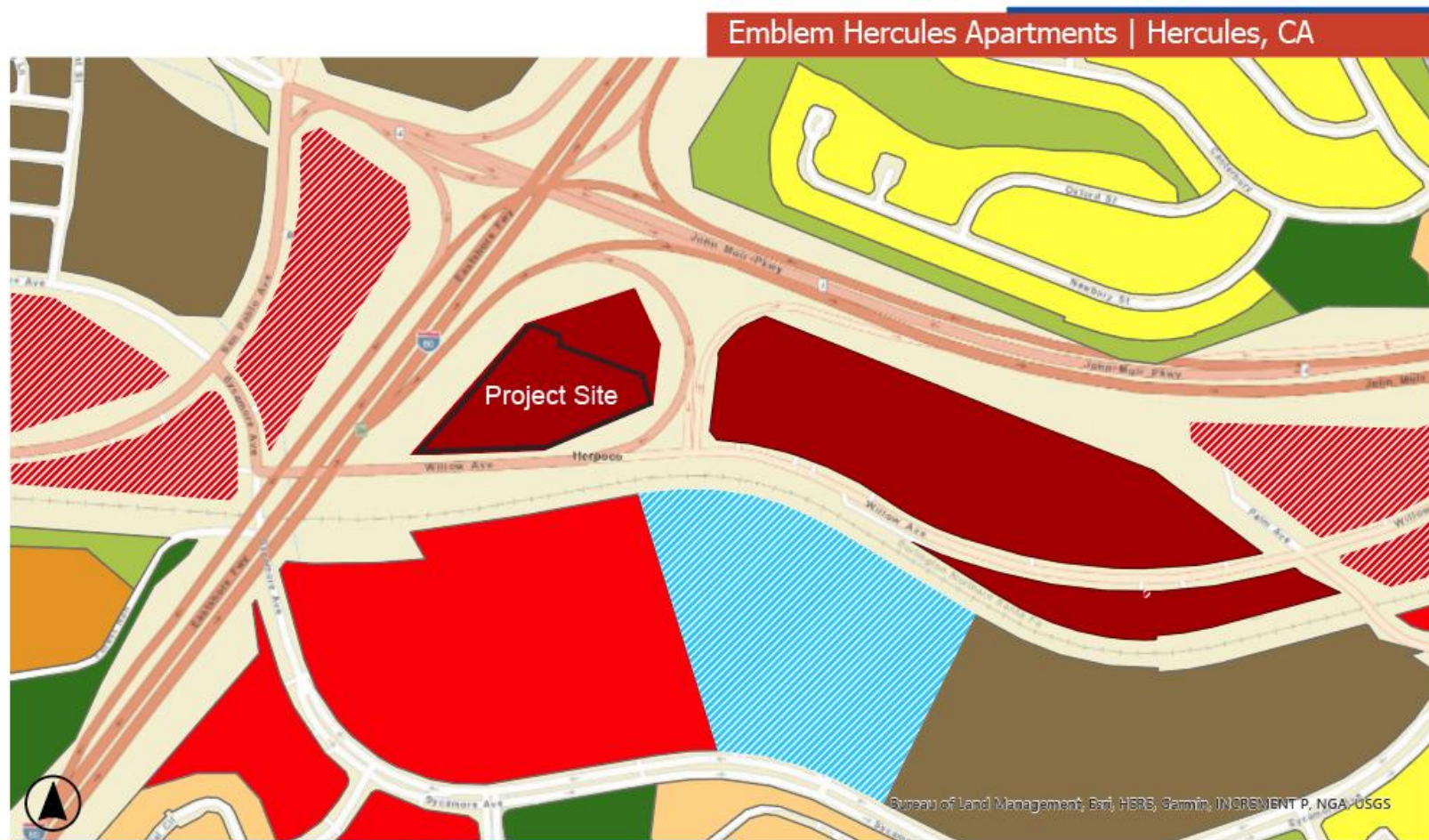


FIGURE 2: PROJECT VICINITY MAP



FIGURE 3: GENERAL PLAN & ZONING MAP



 Community Commercial	 New Town Center	 Public Open Space
 Planned Commercial	 Public Park	 Residential Single Family Low Density
 General Commercial	 Public City	 Residential Multi Family Medium Density

FIGURE 4:PROJECT SITE PLAN



Figure 4: Site Plan

3. RELEVANT CITY PLANNING DOCUMENTS

This section includes a description of the most relevant planning documents and regulations that are applicable to the proposed Project.

3.1. CITY OF HERCULES GENERAL PLAN

The City of Hercules adopted its General Plan in 1972. The Hazardous Materials Element and the Economic Development Element were updated in 1990 and 1991 respectively. In 1998 the City updated the Land Use Element, Open Space Conservation Element, and Noise Element. The City updated the Circulation Element and the Safety Element in 2021 and the Housing Element in 2024. An updated Local Hazard Mitigation Plan and consistency updates to the Safety Element were adopted in May of 2025. The General Plan provides a framework to guide the City's vision of growth and development and to balance residential, commercial, industrial, and public uses of land.

3.2. CITY OF HERCULES GENERAL PLAN EIR

The City Council certified the Environmental Impact Report (SCH #1995033027) for the City of Hercules General Plan Land Use and Circulation Elements Update and Redevelopment Plan Amendments on June 9, 1995. The EIR provides an environmental analysis of amendments and updates to the City's General Plan. The General Plan EIR identified significant and unavoidable impacts to transportation, schools, parks, hazards, and air quality.

3.3. CENTRAL HERCULES PLAN

In 2000, the City of Hercules adopted the Central Hercules Plan (CHP) to revitalize the heart of its town (the intersection of Sycamore Avenue and San Pablo) through redevelopment initiatives. The Central Hercules Plan included four districts: the Waterfront District, the Central Quarter, the Civic Center/Hospitality corridor, and the Hilltown. It aimed to transform former industrial land into a transit-oriented mixed-use town center. The City adopted a form-based code, the Central Hercules Plan Regulating Code, to regulate building and design standards on July 16, 2001. The Project site is located in the Civic Center/Hospitality Corridor District of the CHP.

3.4. HERCULES NEW TOWN CENTER GENERAL PLAN AND ZONING AMENDMENT

The City of Hercules' approved a General Plan and zoning amendment on October 14, 2008, to create the Hercules New Town Center (HNTC) land use designation and zoning district. The purpose of the HNTC designation was to create a transit-oriented town center consisting of a relatively dense pattern of building in the center of town and a mix of residential, commercial, office, and public and quasi-public uses. The designation was applied to parcels located to the north of Willow Avenue between I-80 and Highway 4 including the Project site. Under Section 13-18.600 of the Hercules Municipal Code, all development in the NTC is subject to the CHP Regulating Code's mandatory standards and requires findings of consistency with the general planning and design intent of the CHP Regulating Code and complements the character of the planning and design in the balance of the area covered by the CHP Regulating Code. The Project site is located in the western portion of the HNTC planning area on what is identified as both Parcel 3 or the Loop site in the HNTC EIR.

3.5. HERCULES NEW TOWN CENTER ENVIRONMENTAL IMPACT REPORT

The Hercules New Town Center EIR (HNTC EIR) was certified on February 10, 2009 (SCH # 2007062002) by the Hercules City Council and the Hercules Redevelopment Agency. The HNTC EIR analyzed the

impacts of an amendment to the Hercules General Plan and Zoning Ordinance to create the New Town Center (NTC) land use designation and zoning district that was applied to seven parcels totaling 35-acres of land, including the 6.25 acre Parcel 3/Loop site. The HNTC EIR also analyzed the impacts of the Market Town Center project, which included the development of a mixed-use, transit-oriented development on the opposite side of I-80 from the project site.

The HNTC EIR analyzed the impacts from maximum development under the NTC land use and zoning designation, which included the following development (not including the Market Town Center):

TABLE 1: HNTC MAXIMUM BUILDOUT

Parcel	Size (acres)	Residential Units	Office (SF)	Retail (SF)
PNR(1)	6.62	400	80,000	60,000
C1(2)	8.69	250	31,250	156,250
Loop (3)	6.25	375	31,250	156,250
Ramp (4)	3.23	175	43,750	31,250
Caltrans (5)	6.35	300	6,250	6,250
Carone/WC Drilling (6&7)	3.81	150	3,750	3,750
Total	34.95	1,650	196,250	320,000

Source: HNTC EIR Project Description

The HNTC EIR identified environmental impacts associated with the General Plan and Zoning Amendment to implement the Hercules New Town Center land use and zoning designation and the construction of the Market Town Project. There were significant and unavoidable impacts identified in the EIR from the General Plan and Zoning Ordinance Amendments for the following:

- Air Quality (operational and cumulative impacts and conflicts with the local air quality management plan)
- Noise (cumulative mobile impacts)
- Traffic (addition of traffic to intersections operating at unacceptable levels, increase in traffic on regional freeway facilities and increased transit activity in the vicinity of the HNTC planning area)

3.6. CITY OF HERCULES LOCAL HAZARD MITIGATION PLAN

On May 25, 2021, the City of Hercules adopted the Local Hazard Mitigation Plan (LHMP). The City of Hercules will use information from the plan and the best available science and data on natural hazards to plan for and mitigate the potential for natural and manmade hazards that could affect the city including earthquakes, landslides, severe weather, and wildfire. On May 13, 2025, the City Council adopted an updated LMHP. Project construction and operation is required to comply with the LHMP, which ensures the future safety of residents during a manmade or natural disaster.

3.7. CITY OF HERCULES PARKS AND RECREATION FACILITIES MASTER PLAN

On February 27, 2024, the City Council adopted the Hercules Parks and Recreation Facilities Master Plan. The Master Plan provides a framework to guide the City in setting priorities and making decisions about the provision of parks, recreation facilities, trails, open space, and natural areas over the next

10 years, with particular focus on projects to be addressed in a 5-year action plan. The project is not proposed for a site that is programmed for parks or recreation.

3.8. CONTRA COSTA COUNTYWIDE TRANSPORTATION PLAN

The Contra Costa Countywide Transportation Plan (CTP) provides overall direction for achieving a balanced and functional transportation system in Contra Costa County and coordinating land use decisions with transportation needs. It outlines the countywide vision for the future and provides goals, measurable objectives for performance monitoring, strategies, projects, and actions to achieve that vision. In 2023, CCTA facilitated the completion of the five subregional Action Plan, including the West County Action Plan, which will be integrated into the CTP update. The West County Action Plan, which includes the City of Hercules, is intended to reduce the impact of new development on the county transportation system in compliance with the Measure J Growth Management Program (GMP), which requires local cities/towns and the County to participate in a cooperative land use and transportation planning process. The Contra Costa Transportation Authority is currently updating the CTP. Transportation impacts for the project are prepared in accordance with the Contra Costa County Transportation Analysis Guidelines which implement the CTP.

3.9. CONTRA COSTA COUNTYWIDE BICYCLE AND PEDESTRIAN PLAN (CBPP)

To support the creation of a safe, connected and convenient system of bicycle and pedestrian facilities, the Contra Costa Transportation Authority adopted its first Contra Costa Countywide Bicycle and Pedestrian Plan (CBPP) in 2003 and updated it in 2009. On July 18, 2018, the Authority adopted its latest update, the 2018 CBPP. This update addresses changes in both local and State policy and focuses on making the CBPP a better tool for supporting walking and bicycling in Contra Costa. The CBPP includes projects in the City of Hercules that are identified in the HNTC EIR.

4. APPLICABILITY OF THE HERCULES NEW TOWN CENTER EIR

As previously stated, this document serves as an addendum to the certified EIR for the Hercules New Town Center Environmental Impact Report (HNTC EIR) (SCH # 2007062002). The Environmental Analysis section below describes the environmental impacts of the proposed Emblem Hercules Apartments Project as compared to the impacts identified and evaluated in the certified HNTC EIR. The following section identifies those areas with no impact or minimal change, as well as those areas that warrant focused review. Additionally, the Environmental Analysis identifies the mitigation measures from the HNTC EIR that are applicable to the proposed Project and implementing environmental conditions of approval.

This Addendum to the HNTC EIR incorporates and carries forward mitigation measures from the HNTC EIR that address potentially significant impacts to Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Transportation/Traffic. Clarifications to mitigation measures have been included in Section 5 where appropriate to reflect the specifics of the proposed Project and ensure project level implementation of the measures identified in the HNTC EIR. A project specific Mitigation Monitoring and Reporting Program (MMRP) Applicability Matrix is included with **Appendix A**. The MMRP shows the clarifications to measures relative to the language of the HNTC EIR in strikethrough, indicating deleted text and underline, indicating new text.

Consistent with CEQA Guidelines Section 15164, this Addendum focuses on resource areas that could potentially result in new significant environmental effects or a substantial increase in the severity of previously identified effects in the HNTC EIR.

5. ENVIRONMENTAL ANALYSIS

This section includes an analysis of the impacts of the proposed Project, compared to the environmental analysis prepared for the Hercules New Town Center, and no new substantial or more severe impacts have been identified. As such, no further environmental review beyond this addendum is warranted.

5.1. TOPIC AREAS WITH NO IMPACT OR MINIMAL CHANGE

Based on the significance findings, application of site-specific mitigation measures, and requirement that the Project comply with applicable standard conditions and Best Management Practices (BMPs), as well as no substantial changes in effects or conditions from those analyzed in the certified HNTC EIR, the Project would not result in new significant effects or a substantial increase in the severity of previously identified effects for the following environmental topics:

Agriculture

The Initial Study prepared for the HNTC EIR determined that there were no agricultural resources within the HNTC planning area and that the General Plan/Zoning designation would have no impact on agricultural resources. There have been no changes to the conditions of the Project site and as such, the proposed development would have no impact on agricultural resources, and no further analysis is needed.

Mineral Resources

The Initial Study prepared for the HNTC EIR determined that there would be no impact on mineral resources and excluded this topic from further analysis. The proposed Project is located on a site that is within the area analyzed and determined not to have mineral resources in the HNTC EIR. As such, no further analysis is needed.

Population and Housing

The HNTC EIR determined that there would be no impact related to population and housing because the growth estimated was projected within the General Plan and would not result in unplanned growth or displacement. The HNTC EIR analyzed a buildout of 375 dwelling units which would result in 791 new residents using the household size factor of 2.11 persons per unit.

The subject Project proposes 180 housing units, substantially less than were accounted for in the HNTC EIR and does not include commercial or retail development. Based on a household size factor of 2.11 persons per unit, the project could result in an estimated population increase of approximately 380 residents. This level of population growth would remain within the buildout projections of the General Plan and would not exceed the City's planned population capacity. Further, the Project site is vacant and there are no residences currently on the site. Additionally, the Project would not displace substantial numbers of existing housing or result in unplanned growth. Therefore, the proposed Project would not impact population or housing, and no further analysis is needed.

Recreation

The HNTC EIR determined less than significant impacts related to increased use of existing neighborhood and regional parks or other recreational facilities because the City's General Plan Growth Management Element requires 3.25 acres of community parks for every 1,000 residents and 1.5 acres of neighborhood parks for every 1,000 residents. The HNTC EIR determined that the planned future development of a 26-acre community park and 4-acre neighborhood park would provide sufficient park space for the future development of the HNTC planning area and that through the implementation of park and recreation facility impact fees, adequate park and recreation services would continue to be provided. It was also determined that the City's existing plans for new parks would be sufficient to support the project and would not require the construction or expansion of new recreational facilities that might have an adverse effect on the environment.

The proposed Project would have fewer residents than analyzed in the HNTC EIR, and as such, would not further induce demand for recreational facilities. Furthermore, the Project is subject to park and recreation facility impact fees, which offset incremental increases in demand for recreational facilities. Therefore, consistent with the HNTC EIR, the proposed Project would result in less than significant impacts to recreation and no further analysis is needed.

Cumulative Growth Inducing Impacts

As noted above, the project includes fewer housing units than analyzed in the HNTC EIR and will not include commercial or retail development. As such, the Project would not result in Cumulative Growth Inducing impacts relative to the effects analyzed in the HNTC EIR and no further analysis is needed.

5.2. FOCUSED DISCUSSION

The following analysis includes a discussion of those resource areas that warrant more focused discussion due to specific characteristics of the Project, updates in regulations and guidelines since certification of the HNTC EIR, and clarifications to mitigation measures to reflect the proposed Project and regulatory requirements.

5.2.1. AESTHETICS

Hercules New Town Center EIR

The HNTC EIR analyzed the impacts of the full build out of the New Town Center Land Use and Zoning Designation created by the General Plan and Zoning Amendment. The HNTC EIR recognized that the NTC land use and zoning district is located on a City Scenic Route and that the General Plan stipulates that development proposals along designated scenic routes in the City be reviewed in terms of their visual impact and aesthetic compatibility with the following scenic corridors objectives:

- Encourage aesthetically attractive architecture and design of new or expanded structures within the Scenic Road and Highway Overlay District through including provisions for clustering, reducing visual impact of building mass and glare, maintaining scenic view corridors through the site and avoiding use of designs and materials that are inconsistent with the visual quality of a scenic corridor.
- Encourage attractive landscaping of development projects that is consistent with the existing terrain and landscaping of the scenic road or highway, softens the visual mass of building

frontages and parking areas, provides attractive usable open space areas within the project, and meets the water conservation requirements of the City.

- Encourage attractive and low profile signage fitting into the design theme of the buildings and landscape.

The HNTC EIR found that future development allowed under the NTC land use designation and zoning district would permanently alter the visual character and quality of the HNTC planning area by constructing urban uses, buildings and structures intensifying and increasing building scale and mass; however, it concluded that this would have less than significant impacts on a scenic vista and would not substantially damage scenic resources within a state scenic highway.

The HNTC EIR found that future development in the NTC zoning district would have potentially significant impacts by altering the existing visual character of the area and its surroundings. Through the implementation of **Mitigation Measure AES-1**, which requires site maintenance and fencing during project construction, impacts would be less than significant.

Additionally, the HNTC EIR found that development resulting from the NTC designation would introduce new sources of light and glare that would have minor effects on adjacent uses in the Planning Area, and impacts would be less than significant.

Emblem Hercules Development Project

The Project proposes the construction of 180 units on a 5.09 acre site located on a 6.72-acre parcel within the City's Scenic Road and Highway Overlay District and within the boundaries of the Central Hercules Plan. The Scenic Road Overlay District encourages aesthetically attractive architecture and design by promoting clustering, reducing visual impact, maintaining scenic view corridors, and using consistent designs and materials. SR-4 is considered a scenic route in the City of Hercules. The District also promotes attractive landscaping that complements the existing terrain, softens building frontages and parking areas, provides usable open spaces, meets water conservation requirements, and encourages low-profile signage that fits the design theme of the buildings and landscape.

As a Builder's Remedy project, it is only subject to objective design and development standards. The Project includes landscaping and softening features as well as a low-profile sign that matches the architectural design. The Project also includes a retaining wall located in the northern portion of the site and facing the Willow Avenue offramp. Although the retaining wall will extend from 5 to 18 feet in height, it will not be readily visible from Willow Avenue given the grade differences of the site, Willow Avenue, and the location of the retaining wall.

In compliance with HMC 13.31.300.9, the Project design includes a combination of pole lighting mounted on 16-foot-tall poles located throughout the parking and vehicle circulation areas, and down-cast wall mounted LED lighting that will provide lighting for pedestrian areas. An additional pole light with a covered source and downcast lighting will be provided at the dog park. Decorative string lighting will be placed under the canopy of the outdoor common space along Willow Avenue and will be shielded on top by the architectural canopy and on the sides by proposed landscaping. As proposed, lighting will not create a new source of substantial light or glare.

Conclusion

Through the implementation of the Central Hercules Regulating Code and **Mitigation Measure AES-1**, the Project will not result in new potentially significant impacts not previously analyzed or identified in the HNTC EIR. Nor will the Project increase the severity of any impacts previously identified in the HNTC EIR. There are no new mitigation measures to be implemented that would reduce one or more significant effects.

Applicable Mitigation Measures

AES-1: During construction activities associated with future development, construction sites shall be maintained to be clean and orderly (kept clear of trash, weeds and construction debris, regular emptying of dumpsters, etc.). Construction staging areas shall be sited away from public view where possible. A fence shall be installed around active construction areas to screen views of debris, equipment and work staging areas. Periodic inspections by City staff would ensure compliance with this measure.

5.2.2.AIR QUALITY

Hercules New Town Center EIR

The HNTC EIR determined that implementation of the General Plan and Zoning Ordinance Amendment would have potentially significant short-term impacts on air quality during construction within the area designated New Town Center. Through the implementation of **Mitigation Measures AQ-1, AQ-2, AQ-3, and AQ-4**, impacts would be reduced to less than significant. The HNTC EIR also found that potentially significant impacts on long term air quality could occur during project Operation. **Mitigation Measures AQ-5 and AQ-6** were imposed, however, impacts from total project operation emissions were found to be significant and unavoidable because operational emissions would still exceed the Bay Area Air District (Air District) thresholds for PM10 and ROGs due to the net increase in daily trips.

The HNTC EIR also found that buildout of the HNTC planning area would result in less than significant impacts related to Carbon Monoxide emissions, because it would not conflict with a local air quality management plan, nor create a significant health risk impact, and no mitigation was required. However, the EIR found that buildout of the NTC Plan Area would have potentially significant cumulative impacts by conflicting with a local air quality management plan because the project would have significant long term air quality impacts. **Mitigation Measure AQ-7** was imposed, but it was determined that even with mitigation the NTC would have significant and unavoidable impacts to air quality from long term operation.

The HNTC EIR found that buildout of the HNTC planning area would have significant cumulative impacts from construction activity, but through implementation of **Mitigation Measures AQ-1 through AQ-4**, temporary impacts from construction would be less than significant.

Further, the HNTC EIR found that in combination with the development of cumulative projects, buildout of the HNTC planning area would have potentially significant cumulative impacts related to regional air quality levels because thresholds of significance for ROG and PM10 would be exceeded and impacts would therefore be significant and unavoidable.

Emblem Hercules Development Project

The Project includes site preparation, construction, and operation of 180 housing units, ancillary improvements, and frontage improvements. The proposed development intensity is much less than the 375 residential units, 31,250 sf of office space, and 156,250 sf of retail space analyzed in the HNTC EIR. Further, the HNTC EIR considered development of the entire parcel, whereas the proposed Project will retain 1.63 acres as undeveloped and will not grade nor introduce fill to this area of the parcel.

Since preparation of the HNTC EIR, the Air District has adopted the 2017 Bay Area Clean Air Plan (CAP) and updated the CEQA guidelines to assist lead agencies in evaluating the significance of air quality and GHG impacts. In formulating compliance strategies, the Air District relies on the planned land uses identified in local general plans. Additionally, in 2022, the Air District updated the CEQA guidelines for Air Quality. The thresholds include preliminary screening which is intended to provide a conservative indication of whether implementing a proposed project could potentially result in the generation of construction-related or operational criteria air pollutants or precursors that exceed the thresholds of significance.

The screening level for construction of residential apartments is 416 dwelling units and the screening level for operations associated with residential apartments is 638 dwelling units. As the Project would construct 180 dwelling units it is below the screening criteria. Further, the project is required to implement **Mitigation Measures AQ-1** through **AQ-8** which would further reduce air quality impacts from the project.

Additionally, the 2022 Guidelines identify updated thresholds of significance for Health Risks. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, elementary schools, and parks. For cancer risk assessments, children are the most sensitive receptors, since they are more susceptible to cancer causing TACs. Residential locations are assumed to include infants and small children. The maximally exposed individual (MEI) is identified as the sensitive receptor that is most impacted by the project's construction and operation and other nearby and proximate sensitive receptors within 1,000 feet of the site.

The nearest sensitive receptor to the project site is a senior housing development located approximately 500 feet south of the project site and is separated by Willow Avenue, the railroad tracks, and other development. Additional sensitive receptors include residential units located over 800 feet to the north of the project on the opposite side of SR 4. The project falls well below the screening threshold for both construction and operation emissions and is required to comply with **Mitigation Measures AQ-1** through **AQ-8**, including **Mitigation Measure AQ-5**, which requires residential units located along I-80, John Muir Parkway (SR 4), and San Pablo Avenue to have mechanical ventilation in order to limit residents exposure to ambient air quality emissions associated with vehicle operations on roadways.

Conclusion

The HNTC FEIR analyzed the impacts to Air Quality that would result from development that would occur as a result of the General Plan and Zoning Amendment to create the New Town Center Land Use and Zoning Designation. The proposed Project is within the scope of development activities

anticipated and analyzed in the certified HNTC EIR. Through the implementation of HNTC EIR **Mitigation Measures AQ-1** through **AQ-8**, the Project will not result in potentially significant impacts that were not previously identified or analyzed, nor will the Project increase the severity of any impacts previously identified in the HNTC EIR. Furthermore, there are no new mitigation measures considerably different than those previously analyzed that would reduce one or more significant effects.

Applicable Mitigation Measures

AQ-1: The project sponsor shall submit a grading plan to the City's Engineering Services Manager for review and approval. The grading plan shall include measures to reduce emissions from construction equipment and wind blown soils and shall be followed for all construction activities for the project. The following measures shall be incorporated into the grading plan:

- Water all active construction areas at least twice daily. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).
- Enclose, cover, water twice daily or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads up to 15mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

AQ-2: In addition to the dust control measures required in Mitigation Measure AQ1, the following enhanced control measures shall be included on grading plans:

- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard
- Pave, apply water three times daily, or apply(non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more)
- Enclose, cover, water twice daily or apply (nontoxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways
- Replant vegetation in disturbed areas as quickly as possible
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site

- Install wind breaks, or plant trees/vegetative windbreaks at windward side(s) of construction areas
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph
- Limit the area subject to excavation, grading and other construction activity at any one time

AQ-3: The following construction equipment exhaust reduction measures shall be incorporated into the grading plan:

- Maintain properly tuned engines
- Minimize the idling time of diesel powered construction equipment to two minutes
- Use alternative powered construction equipment (i.e., hybrid, compressed natural gas, biodiesel, electric) when possible
- Use add-on control devices such as diesel oxidation catalysts or particulate filters
- All contractors shall use equipment that meets CARB's most recent certification standard for offroad heavy duty diesel engines

AQ-4: The construction contractor shall adhere to BAAQMD Regulation 8, Rule 3 (Architectural Coatings) which limits the VOC content of architectural coatings used in the Bay Area Air Quality Management District (BAAQMD). The construction contractor shall not allow the averaging of such coatings to exceed the allowable emissions specified in BAAQMD Regulation 8, Rule 3. Coatings applied to stationary structures and their appurtenances at the site of installation, to portable buildings at the site of installation, to pavements, or to curbs shall adhere to this BAAQMD Rule. Coatings applied in shop applications or to nonstationary structures such as airplanes, ships, boats, railcars, and automobiles, and adhesives are not considered architectural coatings for the purpose of this rule.

AQ-5: Prior to the approval of plans submitted for building permits, the Building Division shall confirm that proposed development within the Hercules New Town Center incorporates the following measures to reduce project exposure to TACs:

- Avoid siting new sensitive land uses within 300 feet of any dry cleaning operation. For operations with two or more machines provide 500 feet. For operations with three or more machines, consult with the local air district.
- Do not site new sensitive land uses in the same building with perc dry cleaning operations.

AQ-6: Prior to the approval of plans submitted for building permits, the Building Division shall confirm that proposed development within the Hercules New Town Center incorporates measures to reduce project operational emissions, which may include but are not limited to the following:

- Use solar or low-emission water heaters in the residential buildings
- Each appliance (i.e., washer/dryers, refrigerators, stoves, etc.) provided by the builder must be Energy Star qualified if an Energy Star designation is applicable for that appliance
- Low flow appliances (i.e., toilets, dishwashers, shower heads, washing machines) shall be installed if provided by the builder/applicant
- Require that residential landscapers providing services at the common areas of a project site use electric or battery-powered equipment, or other internal combustion equipment that is either certified by the California Air Resources Board or is three years old or less at the time of use, to the extent that such equipment is reasonably available and competitively priced.

AQ-7: Prior to the approval of plans submitted for building permits, the Building Division shall confirm that proposed development incorporates the following transportation control measures:

- TCM 1: Support voluntary employer-based trip reduction programs – Support and encourage voluntary efforts by employers to promote the use of commute alternatives by their employees (not applicable)
- TCM 9: Improve bicycle access and facilities –Expand bicycle facilities serving employment sites, residential areas, shopping districts and other activity centers (applicable)
- TCM 12: Improve arterial traffic management –Coordination of signals on major arterial routes (not applicable)
- TCM 15: Local land use planning and development strategies – Local clean air plans policies and programs should incorporate measures to reduce the number and length of single-vehicle occupant trips (not applicable)
- TCM 17: Conduct demonstration projects –Develop innovative approaches to reduce mobile source emissions (not applicable)
- TCM 19: Improve Pedestrian Access and Facilities – Promote pedestrian travel (applicable)
- TCM 20: Promote traffic calming – Improve conditions for pedestrians and bicyclists in residential and retail areas (applicable)

In addition to the transportation control measures, prior to the approval of plans submitted for building permits, the Building Division shall confirm that proposed development incorporates measures to reduce air quality emissions from transportation, which may include but are not limited to the following:

- Unbundling parking costs from rents
- Providing transit subsidies to future employees
- Implementing traffic calming measures
- Preferential parking for ridesharing

AQ-8: Prior to the approval of plans submitted for building permits, the Building Division shall confirm that proposed development incorporates measures to reduce project greenhouse gas emissions and global climate change, which may include but are not limited to the following:

Efficiency:

- Design buildings to be energy efficient. Site buildings to take advantage of shade, prevailing winds, landscaping and sun screens to reduce energy use.
- Install efficient lighting and lighting control systems
- Install light colored “cool” roofs, cool pavements, and strategically placed shade trees
- Install energy efficient heating and cooling systems, appliances and equipment, and control systems
- Limit hours of operations for outdoor lighting

Renewable Energy:

- Consider renewable energy such as solar and wind powered systems, solar or tankless hot water heaters, and energy efficient heating ventilation and air conditioning

Water Conservation and Efficiency:

- Create water efficient landscapes
- Install water efficient irrigation systems and devices
- Use reclaimed water for landscape irrigation
- Design buildings to be water efficient. Install water efficient fixtures and appliances.
- Restrict watering methods (e.g., prohibit systems that apply water to non-vegetated surfaces) and control runoff

Solid Waste:

- Provide interior and exterior storage areas for recyclables and green waste and adequate recycling containers in public areas.

Transportation and Motor Vehicles:

- Limit idling time for commercial vehicles, including delivery and construction vehicles
- Promote ride sharing programs. Designate a certain percentage of parking spaces for ridesharing vehicles, designating adequate passenger loading and unloading and waiting areas for ride sharing vehicles, and providing a web site or message board for coordinating rides.
- Provide the necessary facilities and infrastructure to encourage the use of low or zero-emission vehicles (e.g., electric vehicle charging facilities and conveniently located alternative fueling stations)

5.2.3.BIOLOGICAL RESOURCES

Hercules New Town Center EIR

The HNTC EIR determined that development consistent with the NTC land use designation and zoning district would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Nor would buildout of the HNTC conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The HNTC EIR determined that future development would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. The HNTC EIR concluded that there would be no impacts due to interference with migratory species and no impacts due to conflicts with local or regional policies.

The HNTC EIR identified a potentially significant effect either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or the U.S. Fish and Wildlife Service (Service). Specifically, the HNTC EIR found that construction activities associated with future development could cause California red-legged frog (CRLF) mortality and loss of CRLF aquatic, upland, and dispersal habitat. It was further determined that buildout could impact CRLF as a result of increased human and/or pet activity within and adjacent to occupied habitat and increased nighttime lighting. The HNTC EIR also found that future development could result in potential White-tailed kite mortality and loss of White-tailed kite foraging and nesting habitat and potential direct mortality and loss of nesting habitat for non-special-status birds and bats. The HNTC EIR imposed **Mitigation Measures BIO-1 through BIO-5** and determined that through the implementation of these measures, impacts related to special status species would be reduced to less than significant levels.

The HNTC EIR determined that development could have a potentially significant impact to federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. Future development could have a substantial adverse effect on any riparian habitat or other sensitive community or habitat identified in local or regional plans, policies, regulations, or by CDFW and the Service. The HNTC EIR determined that buildout could result in direct impacts to approximately 1.4 acres of wetlands and approximately 481 linear feet of streams, and approximately 0.3 acres of riparian habitat. **Mitigation Measures BIO-6 and BIO-7** were imposed requiring the creation of new wetlands and replanting of riparian habitat to replace filled wetlands and streams/riparian areas. Through the implementation of mitigation, potential impacts were found to be reduced to less than significant levels.

Emblem Hercules Development Project

The subject Project proposes the construction of 180 units on a 5.09-acre site located on the upland portion of a 6.72 acre parcel anticipated for full development as part of the NTC. The development potential of the subject Project site was analyzed in the HNTC EIR (identified as Parcel 3 therein). As summarized above, the HNTC EIR concluded that impacts to special status species and wetlands were potentially significant and would be reduced to less than significant level with implementation of mitigation measures. As such, the proposed Project is subject to and must implement mitigation measures identified in the HNTC EIR in order to ensure that potential impacts to biological resources are reduced to less than significant levels.

In order to evaluate any new or changed conditions onsite relative to the record established in the HNTC EIR, a Biological Assessment Report was prepared for the Project site by Ground Zone Environmental dated January 27, 2020 (**Appendix B.2**), and a Wetland Delineation and Preliminary Jurisdictional Waters Determination (**Appendix B.3**) was also prepared by Ground Zero dated February 4, 2020.¹ On April 17, 2025, Stantec conducted a biological reconnaissance survey that compared the site conditions in 2020 to the existing 2025 conditions and presented results in a memo dated May 19, 2025 (**Appendix B.1**). These documents, as well as the record available in the HNTC EIR, inform this analysis.

The Project site is surrounded by urban uses and roadways, including Interstate 80 (I-80), Willow Avenue, and the I-80 offramp. Due to intervening roadways and development, the Project site lacks connectivity to open space and habitat. Nonetheless, a portion of the tributary of Refugio Creek bisects the Project site parcel and is fed by existing culverts under the existing roadways. The 5.09-acre Project site is generally characterized by upland non-native annual grasslands and coyote brush. The site was historically disturbed, as evidenced by past grading and placement of fill and gravel, present in onsite mounds, and is occupied by non-native plant species. In 2020, a native grassland dominated by native creeping wild-rye (*Leymus triticoides*) was observed on the northern slope of the Project site. However, no evidence of native grasses was observed in 2025 and it was determined that all native grasses had been overtaken by non-native and invasive species. The Project site has low potential for special status animal species, and no evidence of special status species was found during surveys in 2020 or 2025.

Emergent wetlands, riparian habitat, and an intermittent and seasonal unnamed creek (tributary to Refugio Creek) cover approximately 1.4 acres in the northern portion of the parcel adjacent to and downslope from the development limits of the Project. The creek runs east-west across the northern portion of the parcel and is fed and discharges through buried culverts under I-80, the I-80/Hwy 4 interchange, and the I-80 off-ramp to the main stem of Refugio Creek. The stream channel supports a willow riparian plant community dominated by large willow trees, patches of mulefat (*Baccharis viminea*), stinging nettle (*Urtica dioica*), watercress (*Nasturtium officinale*), poison hemlock (*Conium maculatum*) and teasel (*Dipsacus fullonum*). Within the north/eastern portion of the parcel, elevations are low, forming a basin that includes open water (during years of higher rainfall) as well as emergent wetlands dominated by cattail (*Typha. sp.*).

While not within the area designated as critical habitat under the federal Endangered Species Act, there is a potential that suitable breeding habitat for California Red Legged Frog (CRLF) is present within the creek and emergent wetlands habitat. Although no evidence of CRLF was observed during onsite surveys in 2020 and 2025, the emergent wetlands, stream, and riparian areas provide potential habitat.

The Project proposes to avoid construction activities within and adjacent to the open water and emergent wetland by maintaining a 50-foot development and construction exclusion buffer from the environmentally sensitive areas, which would avoid direct impacts to sensitive habitat and CRLF if present. However, the disturbance limits of the project site is approximately 50 feet upslope from environmentally sensitive habitat, and construction activities could result in indirect impacts to

¹ The 2020 Biological Report and Wetland Delineation consider the development of a Hotel on the Project Site. Although a hotel is no longer proposed, rather residential development is now proposed, the 2020 Reports nonetheless provide relevant information regarding the Project site conditions and potential impacts associated with its development.

sensitive habitat and CRLF if present. In order to ensure that the Project avoids indirect impacts to CRLF if present, in accordance with **MM BIO-3**, the Project is required to establish exclusion and silt fencing to prohibit CRLF from entering the construction area and to preclude sediment from entering the downslope environmentally sensitive area.

As summarized above, the HNTC EIR concluded that development would result in impacts to wetland and CRLF and identified **Mitigation Measures BIO-1 through BIO-4**, which were determined to reduce impacts to less than significant levels. In addition to the Project design that includes a 50-foot setback from sensitive habitat, applicable mitigation measures are imposed on the Project and would confirm that any impacts to environmentally sensitive habitat and special status species remain less than significant, as determined by the HNTC EIR.

Additionally, Western Pond Turtles (WPT) occur in the adjacent watershed of Rodeo Creek from a location about 1 mile east of the Project site. WPT is known to move considerably throughout the reaches of Rodeo Creek and through culvert connectivity has a potential of being present on the Project site, especially in pools within the unnamed creek, deeper open ponded waters of the wetlands, and associated sunny basking sites. In order to ensure that the Project does not result in direct or indirect impacts to WPT if present, the Project will comply with **MM BIO-3**, which requires pre-construction surveys, monitoring, and exclusion fencing and are imposed as project conditions of approval implementing MM BIO-3.

The wetland/riparian area located adjacent to and outside the Project site's development limits also provides potential habitat for the San Francisco dusky-footed wood rat (DFWR). In order to ensure that the Project does not result in direct or indirect impacts to DFWR, if present, the Project will comply with **MM BIO-3**, which requires pre-construction surveys, monitoring, and exclusion fencing.

The riparian habitat on the parcel also has a moderate potential for occurrences of Yellow warblers (*Dendroica petechia*), Cooper's hawk (*Accipiter cooperii*), Northern Harrier (*Circus hudsonius*), and Migratory red-wing blackbirds (*Agelaius phoeniceus*), which are protected under the Migratory Birds Treaty Act. The Project proposes to avoid impacts to the offsite riparian and wetland area and maintain a 50-foot development setback to serve as buffer to protect the environmentally sensitive area. However, construction can be disruptive to nesting and breeding activities of migratory bird species. Through the implementation of **Mitigation Measure BIO-5** as established by the HNTC EIR, pre-construction surveys for nesting birds and bats shall be conducted.

The following analysis evaluates the applicability of HNTC EIR **Mitigation Measures BIO-1 through BIO-5** to the proposed project and identifies conditions of approval as appropriate to ensure implementation of mitigation measures.

BIO-1: To determine areas of aquatic habitat occupied by CRLF, pre-construction surveys shall be performed in all portions of the HNTC planning area where suitable aquatic habitat exists. Wherever practicable, CRLF aquatic habitat shall be avoided and those areas containing CRLF shall be preserved. To offset impacts to aquatic, upland, or dispersal habitat containing CRLF, the project sponsor shall create wetland with suitable breeding hydrology and vegetation within the planning area or in a suitable alternative location approved by USFWS. If this is not feasible, the project sponsor shall provide off-site habitat conservation through a conservation bank and/or easement, at a 3:1 ratio of like-habitat for every acre of occupied CRLF habitat filled or removed. For example, CRLF mitigation credits may be purchased for projects in Contra Costa County at the Ohlone Preserve Conservation Bank, located in Livermore, CA.

Applicability: The Project proposes to avoid direct impacts to aquatic habitat by establishing a 50 foot buffer where development and construction activities will be precluded. Accordingly, the project implements this mitigation measure by design in that impacts to aquatic features are avoided and potential habitat containing CRLF are preserved. Furthermore, a project condition of approval imposed to implement this measure's protection of CRLF is imposed, which requires focused CRLF surveys no more than 48 hours prior to ground disturbing activities, ceasing construction activities if CRLF are encountered and until such time as a qualified biologist determines that identifies CRLF have moved out of harms way. Therefore, this mitigation measure is satisfied by the project as designed and as conditioned.

BIO-2: Mass grading shall be limited to the period between April 1 and October 31 to avoid potential impacts to dispersing frogs during the rainy season. A USFWS approved biologist shall be specifically approved to monitor work in the HNTC planning area. If fill is placed in aquatic habitat occupied by CRLF or surrounding upland habitat within 50 feet of aquatic habitat, or if other construction activity is necessary in occupied aquatic habitat, it shall be conducted between July and November, outside the breeding season. A USFWS-approved biologist shall conduct training of construction crews to identify CRLF and the importance of avoiding harm to CRLF if observed. If CRLF are observed in construction areas, a USFWS-approved biologist shall relocate CRLF to suitable preserved habitat prior to the start of construction, with prior notification of USFWS.

Applicability: As proposed, the project's grading plan does not include the placement of fill in aquatic habitat and a 50-foot development buffer ensures that environmentally sensitive habitat is not directly impacted. To implement measure BIO-2, a project condition of approval is imposed that requires a USFWS approved biologist, with a Section 10(a)(1)(A) certification, conduct CRLF training of construction crews and monitor construction work.

BIO-3: Prior to the commencement of construction activities within the HNTC planning area, an exclusion fence plan designed by a USFWS-approved biologist and approved by USFWS shall be placed to form an adequate barrier between aquatic habitat and the construction areas. Fences shall be constructed with one-way openings or exit funnels approximately every 300 feet to allow the movement of terrestrial wildlife species out of, but not into, the construction areas. The fence shall be installed before the first rainy season prior to ground disturbance, or earlier. This will give CRLF, which are adapted to migration in the winter months, a chance to leave the work area via the one-way exit funnels. A permanent exclusion fence/barrier around new residential or commercial developments adjacent to or near aquatic habitat shall be installed to reduce access by humans and pets into habitat areas, or CRLF into developed areas. Signage shall be installed near fenced areas, to provide information to residents in the area and discourage disturbance or entry into wildlife habitat. The fencing/barrier shall be designed by a USFWS-approved biologist and approved by USFWS.

Applicability: MM BIO-3 is applicable to the subject project and is imposed through project conditions of approval for its implementation, which requires the installation of a barrier to preclude construction activities from intruding into the aquatic and riparian habitat that is constructed in a manner that allows for special status species that may potentially be present, including CRLF, WPT, and DFWR, to exit out of and not enter into construction areas. Construction fencing shall also be designed to trap sediment during construction and preclude siltation from entering downslope environmentally sensitive areas. Exclusion fencing and silt fencing will be installed during construction, monitored to ensure effectiveness throughout the duration of construction, and fully removed upon completion of construction. Following construction, a permanent exclusion fencing/barrier shall be established around the new residential development to reduce access by

humans and pets. The proposed retaining wall and associated fencing along the north limits of the project site would satisfy this provision. Signage shall be installed to inform new residents of the sensitive nature of the habitat and to discourage entry and the fence/barrier and shall be designed by a USFWS approved biologist and approved by USFWS as appropriate.

BIO-4: Proposed projects within the HNTC planning area shall be required to satisfy the requirements of provision C.3 of the National Pollution Discharge Elimination System (NPDES) permit under Section 401 of the Clean Water Act. The proposed project shall implement Policy 6-29 to control stormwater quality and discharge quantities so that they are not significantly affected by urban development in the planning area.

Applicability: MM BIO-4 is applicable to the subject Project as the project has the potential to result in indirect impacts to the adjacent downslope wetland and environmentally sensitive habitat area if not properly controlled. As such, **BIO-4** is imposed on the project, which requires that the applicant apply for and comply with provision of the NPDES permit under Section 401 of the Clean Water Act as required by the Regional Water Quality Control Board, as applicable. Furthermore, the latest provisions of the stormwater control requirements shall be satisfied to the satisfaction of the City Engineer and resource agency as applicable.

BIO-5: Prior to the commencement of activities in the HNTC planning area, pre-construction surveys for nesting birds and bats shall be conducted if construction will occur during the potential breeding period, generally between February and August, to determine if any of these species are present. If present, temporary protective breeding season buffers shall be established to avoid direct take of nesting birds and bats. Alternatively, suitable nesting habitat shall be removed prior to construction and outside of the nesting or maternity roosting period (September through January).

Applicability: MM BIO-5 is applicable and is imposed on the project through conditions of approval.

Conclusion

The HNTC EIR analyzed the potential impacts to biological resources that would occur under full development of the Project site. Due to the proximity of sensitive habitat, construction and operation of the Project could result in indirect impacts to adjacent sensitive habitat area and special status species if present. Through the implementation of **Mitigation Measures BIO-1 through BIO-5**, the Project will not result in new potentially significant impacts not previously analyzed, nor will the Project increase the severity of any impacts previously identified in the HNTC EIR.

Applicable Mitigation Measures

Mitigation Measures BIO-1, BIO-2, BIO-3, BIO-4, and BIO-5 (See above for full text)

5.2.4.CULTURAL & TRIBAL RESOURCES

Hercules New Town Center EIR

The HNTC EIR determined that development consistent with General Plan and Zoning Ordinance Amendments could have potentially significant impacts on cultural and tribal resources due to the potential for inadvertent discovery during ground-disturbing activities. **Mitigation Measure CULT-1** requires future development in the NTC to retain a qualified archaeologist who will train the construction crew on the methodology used to identify cultural resources and educate them on the protocol required by law should archaeological resources be encountered. **Mitigation Measure CULT-1** also requires compliance with established protocol for the discovery of archaeological resources and/or human remains.

The HNTC EIR found that there were no known historic resources within the HNTC planning area or vicinity, nor do any state or federal inventories list historic properties. The HNTC EIR concluded that future development activities involving extensive excavation and grading have the potential to uncover previously unknown prehistoric resources, paleontological resources, or historic resources, which could result in damage or destruction, which would be considered a potentially significant impact. However, through the implementation of **Mitigation Measure CULT-1**, impacts would be reduced to less than significant levels.

Emblem Hercules Development Project

The Project proposed a somewhat reduced development footprint compared to that analyzed in the HNTC EIR, which evaluated development across the entire site parcel. Site conditions remain the same in that no known or recorded prehistoric resources or human burials have been identified on the Project site, which has a moderate potential for containing unknown buried prehistoric resources, including human remains. The subject Project proposed extensive grading and earthwork activities to achieve desired elevations and grade. Ground-disturbing activities associated with the Project, including site preparation, grading and excavation, building foundation, retaining wall excavation, and utility installation, have the potential to encounter previously unknown buried cultural resources. However, **Mitigation Measure CULT-1**, is imposed on the Project in accordance with the HNTC EIR, which requires the Project sponsor to retain a qualified archaeologist who will train construction crews on cultural resources and protocol in the event that human remains, archaeological resources, or paleontological resources are unearthed.

Conclusion

The HNTC EIR analyzed impacts to Cultural and Tribal Resources that would occur from development consistent with the General Plan and Zoning Amendments and full buildout of the subject parcel. As proposed, the Project is consistent with what was analyzed under the HNTC EIR and through the implementation of the applicable mitigation measure, would not result in new potentially significant impacts, nor will the Project increase the severity of impacts previously identified in the HNTC EIR.

Applicable Mitigation Measure

CULT-1: Prior to the issuance of grading permits for future development allowed under the NTC land use designation and zoning district, the project sponsor(s) shall retain a qualified archaeologist, subject to approval by the City. The qualified archaeologist shall train the construction crew on the mechanisms used to identify cultural resources and to caution them on the legal and/or regulatory

implications of knowingly destroying cultural resources or removing artifacts or human remains from the project site(s). In the event that culturally sensitive materials are encountered, work shall be temporarily redirected to another location while the archeologist consults with the City to determine the treatment of those resources. In the event that human remains are discovered, the County Coroner shall be contacted within 24 hours. If the remains are of Native American ancestry, the Coroner shall notify the Native American Heritage Commission, who shall appoint a most likely descendent to determine the proper treatment of the remains. All cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.

5.2.5.ENERGY

Hercules New Town Center EIR

Impacts from the buildout of the NTC land use and zoning designation related to energy were analyzed under Air Quality. The HNTC EIR found that buildout of the New Town Center would generate electrical and heating demands resulting in combustion of natural gas and generation of electricity. Combined with vehicle emissions, the Project was found to have significant and unavoidable impacts to air quality. However, **Mitigation Measure AQ-6** in the FEIR included measures to reduce emissions through energy efficiency, which would prevent wasteful or inefficient use of energy.

Further, the HNTC EIR found that buildout would have a significant and unavoidable impact by conflicting with a Local Air Quality Plan because the Air District's thresholds of significance for ROG and PM10 would be exceeded. However, **Mitigation Measure AQ-3** required reductions in emissions during construction that are consistent with current BMPs to avoid inefficient or wasteful energy consumption. Further, **Mitigation Measure AQ-7** and **AQ-8** require reduced emissions by limiting vehicle miles traveled (VMT) and including renewable energy and energy efficient design. Nonetheless, the HNTC EIR concluded Air District thresholds for operational emissions would not be in conformance with the local air quality management plan and would have a significant and unavoidable impact.

Emblem Hercules Development Project

The Project proposes 180 multi-family units that will be all electric and conform to the latest standards in the California Building Code (Title 24) and CalGreen, including solar on carports onsite. **Mitigation Measures AQ-3, AQ-6, AQ-7, and AQ-8**, are imposed on the Project and would ensure that the Project does not result in wasteful or inefficient use of energy.

Further, as discussed in Section 5.9 Greenhouse Gas Emissions, the Project is required to comply with **Measure AQ-7** as refined (see Section 5.9 Greenhouse Gas Emissions), which incorporates the latest CAPCOA recommendations to reduce emissions from VMT and thereby minimize energy consumption associated with the operation of vehicles. Through State and local regulations, and implementation of Mitigation Measures, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Conclusion

As the proposed development is all electric, incorporates solar onsite, and is subject to mitigation measures as well as the Uniform Building Standards in the California Building Code and CalGreen, the Project will not result in new potentially significant impacts not previously analyzed or identified in the HNTC EIR. Nor will the Project increase the severity of any impacts previously identified in the HNTC EIR.

Applicable Mitigation Measures

Mitigation Measures AQ-3, AQ-6, AQ-7, and AQ-8 (See Section 5.4 Air Quality for full text)

5.2.6.GEOLOGY & SOILS

Hercules New Town Center EIR

The HNTC EIR found that buildout of the Plan Area would have a less than significant impact related to geologic conditions or soil that is unstable or that would become unstable as a result of the project and potentially result in subsidence. The EIR found that the project could have a potentially significant impact by exposing people and structures to substantial adverse effects, including the risk of loss, injury or death involving strong seismic shaking, seismic related ground failure, or landslides. However, through the implementation of **Mitigation Measure GS-1**, impacts would be reduced to less than significant. The HNTC EIR also found that a potentially significant impact could result due to expansive soils present within the Plan Area. However, through the implementation of **Mitigation Measure GS-2**, impacts would be reduced to less than significant levels.

The HNTC EIR determined that buildout of the NTC Land Use Designation and Zoning District would have less than significant impacts due to substantial soil erosion or the loss of topsoil with the implementation of state and local regulations including compliance with State Water Resources Control Board General Permit and preparation of a Stormwater Pollution Prevention Plan.

Emblem Hercules Development Project

A Geotechnical Assessment of the Project site was prepared by Rockridge Geotechnical, dated February 9, 2025, which evaluated potential geologic risks of construction. The Assessment included an analysis of subsurface conditions to characterize soil and groundwater conditions, evaluate geologic hazards, and develop site-specific recommendations for site preparation, drainage, foundation types, and other construction considerations. The Project site's underlying geography includes highly expansive soil and bedrock. The report recommended that soil beneath new buildings should be replaced by non-expansive fill to increase structural stability and improve surface and subsurface drainage as required by **Mitigation Measure GS-2**. As proposed, the Project's grading plan includes approximately 62,000 cubic yards of cut and 8,000 cubic yards of imported fill with approximately 54,000 cubic yards of material being exported offsite. The Project is subject to **Mitigation Measures GS-1** and **GS-2** and a final geotechnical investigation is required. To ensure that implementation of the recommendations in the final geotechnical investigation, the Project will comply with Mitigation Measures GS-1 and GS-2. A condition of approval has also been imposed to ensure site-specific Project compliance with this measure.

Conclusion

The HNTC EIR analyzed impacts to Geology and Soils that would occur from buildout of the NTC area including the subject Project site. The Project's development footprint is less intense than what was analyzed under the HNTC EIR and there have been no changes to the existing site conditions. Therefore, through the implementation of **Mitigation Measures GS-1** and **GS-2**, the Project will not result in new potentially significant impacts not previously analyzed or identified in the HNTC EIR. Nor will the Project increase the severity of any impacts previously identified in the HNTC EIR. There are no new mitigation measures to be implemented that would reduce one or more significant effects.

Applicable Mitigation Measures

GS-1: Prior to issuance of grading permits for parcels within the HNTC planning area, final geotechnical investigations, including additional subsurface exploration and laboratory testing, shall be performed.

The recommendations of these investigations shall include final building footprints, building loads, estimated site grades, and allowable settlement tolerances to be implemented in the final project design.

GS-2: Plans submitted for building permits for future development of parcels within the HNTC planning area shall include requirements for the construction contractor to moisture condition any expansive soil below slabs, placing non-expansive fill below slabs as well as supporting foundations (below the zone of severe moisture change), and/or design foundations to resist the movement associated with the volume changes. Methods of moisture conditioning include mixing and turning (aerating) the soil to naturally dry the soil and lower the moisture content to an acceptable level. Other stabilization alternatives include over-excavating and placing drier material in its place, and/or treating the soil with lime.

5.2.7. GREENHOUSE GAS EMISSIONS

Hercules New Town Center EIR

Greenhouse gas emissions were addressed in the Air Quality Chapter of the HNTC EIR. The EIR found that the proposed Hercules New Town Center could produce an estimated 38,295.21 tons of CO₂ from both electrical power and natural gas generation and usage, as well as automobile emissions, which could have a significant and unavoidable impact. The EIR imposed **Mitigation Measures AQ-7** and **AQ-8** to reduce impacts. However, it was determined that there was uncertainty involved in making predictions regarding the extent to which the operations of mixed-use developments would affect greenhouse gas emissions and global climate change. Therefore, impacts were determined to be significant and unavoidable.

Emblem Hercules Development Project

On April 20, 2022, the Bay Area Air District (Air District) Board of Directors adopted *CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* that recommend the application of performance-based metrics to determine whether a project will have a significant impact on climate change from Greenhouse Gas Emissions. The thresholds serve as guidance to evaluate, measure, and mitigate climate impacts associated with construction and operational activities.

Consistent with CEQA Guidelines Section 15064.4, lead agencies retain discretion in determining the appropriate methodology and significance criteria for evaluating GHG emissions. While the Project is not required to apply the Air District GHG thresholds to reach a CEQA significance determination, the thresholds are presented herein for informational purposes to provide context regarding current regional guidance and best practices for evaluating and reducing GHG emissions associated with Project level construction and operations.

The Air District recommended thresholds of significance for project-level impacts related to GHG emissions are summarized in the table below:

TABLE 2: 2022 AIR DISTRICT GREENHOUSE GAS EMISSION THRESHOLDS OF SIGNIFICANCE

2022 Air District Thresholds of Significance for Land use Projects (Must Include A or B)
A. Projects must include, at a minimum, the following project design elements: 1. Buildings a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development). b. The project will not result in any wasteful, inefficient, or unnecessary energy use as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

2. Transportation

a. The project will achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target that reflects the recommendations provided in the Governor's Office of Planning and Research's *Technical Advisory: Evaluating Transportation Impacts in CEQA*:

- i. Residential projects: 15 percent below the existing VMT per capita
- ii. Office projects: 15 percent below the existing VMT per employee
- iii. Retail projects: no net increase in existing VMT

b. The project will achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

A. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

As proposed, the Project will be all electric and will not include any natural gas appliances. Through compliance with CalGreen, the California Building Code, and Air District-required Best Management Practices during construction, and implementation of **Mitigation Measures AQ-3, AQ-4, AQ-6, AQ-7, and AQ-8**, the Project will not result in wasteful, inefficient, or unnecessary energy use, generate GHG emissions that may have a significant impact on the environment, or conflict with a GHG reduction plan.

As described below in Section 5.15, with conditions of approval imposed, the Project would achieve a reduction in VMT consistent with Contra Costa County's recommended thresholds. Further, the project will satisfy the recommended off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2, which meet the Air District thresholds for greenhouse gas emissions and climate change, consistent with **Mitigation Measure AQ-8**. A condition of approval has been imposed to ensure site-specific Project compliance with this measure.

Conclusion

Based on the Project's consistency with the development assumptions analyzed in the HNTC EIR, and the incorporation of project design features and conditions of approval that support reductions in GHG emissions, the Project would not result in new or substantial or more severe climate-related impacts relative to those previously evaluated in the HNTC EIR. Accordingly, no new potentially significant GHG impacts beyond those analyzed in the prior environmental document would occur.

Applicable Mitigation Measures

Mitigation Measures AQ-3, AQ-4, AQ-6, AQ-7, and AQ-8 (See Section 5.4 Air Quality for full text)

5.2.8. HAZARDS & HAZARDOUS MATERIALS

Hercules New Town Center EIR

The HNTC EIR found that there would be no impact at NTC buildout due to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor by emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The HNTC EIR found there would be no impact from being located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, nor result in a safety hazard for people residing or working in the project area. It further determined that there would be no impacts related to activities within the vicinity of a private airstrip, or result in a safety hazard for people residing or working in the project area, or from impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan, nor from exposing people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

The HNTC EIR found that development in the HNTC planning area would have a potentially significant hazardous materials impacts under upset and accident conditions that could release hazardous materials into the environment. Phase I and Phase II Environmental Site Assessments performed in 2007 by Treadwell & Rollo found limited soil and groundwater contamination, with detected constituents generally below applicable residential screening levels and within regulatory standards. No significant groundwater contamination was identified, and detected metals were consistent with background levels or below health-based thresholds. Two underground petroleum pipelines were identified south of the Plan Area, at more than 400 feet from the Project site. No leaks were reported from the active pipeline at the time of analysis.

The HNTC EIR found that excavation, grading, and other construction activities, including the subject Project site, could expose workers to a variety of hazardous materials as a result of their potential presence throughout the HNTC planning area. Upon occupancy of buildings and structures associated with future development within the Plan Area, residents and workers could also be exposed to hazardous materials. Depending on concentrations and exposure pathways, hazardous materials could pose significant health risks. Contaminated soil or groundwater could be dispersed as a result of construction, with potential impacts to humans, the environment, and to wildlife. In order to reduce impacts, **Mitigation Measures HM-1 through HM-12** were imposed and with implementation, impacts due to hazardous materials and hazardous waste would be reduced to less than significant levels.

Emblem Hercules Development Project

A Phase 1 Environmental Site Assessment was prepared on January 8, 2025 by Apex Companies, LLC for the Project site (**Appendix C**). The ESA found no evidence of recognized environmental site conditions (CRECs), historical recognized environmental conditions (HRECs), or de minimis conditions in connection with the Project site. However, given that the Site has been bordered by Willow Avenue to the south since at least 1939 and Interstate 80 /Highway 4 offramp since 1958, the possibility of aerially deposited lead (ADL) along the northern portion of the Site exists. As required by HNTC EIR

Mitigation Measure HM-3, lead sampling is imposed on the Project and remediation (if needed) is required prior to site grading.

Project plans do not appear to include the relocation of an existing transformer. However, in the event that removal of a transformer becomes necessary associated with onsite or offsite Project improvement, HNTC EIR **Mitigation Measure HM-6** shall be implemented to ensure that no contamination is released and impacts is reduced to less than significant levels.

Further, non-native fill material was observed on the easement between the Project Site and the I-80 off ramp to the northwest and northeast. Given that non-native fill material may be present onsite and in locations where offsite improvements are proposed by the Project, soils may contain naturally occurring asbestos, which could result in a potential impact during grading activities. Further, a concrete anchor or foundation was observed at the southern entrance of the Project Site along Willow Avenue, which could contain asbestos. To ensure that Project construction activities associated with site preparation and grading due to result in the release or exposure of hazardous materials including asbestos, **Mitigation Measures HM-8** and **HM-12** from the HCTE EIR are imposed. A condition of approval has been imposed to ensure site-specific Project compliance with these measures.

Conclusion

As proposed, the Project is consistent with the location and intensity of development proposed in the HNTC EIR. Through the implementation of established mitigation measures and the imposed condition of approval, the Project will not result in new potentially significant impacts not previously analyzed, nor will the Project increase the severity of any impacts previously identified in the HNTC EIR. No new mitigation measures are required.

Applicable Mitigation Measures

HM-3: Areas of exposed soils on the C1, Loop, Ramp, Caltrans, Carone, and WC Drilling parcels, which would be disturbed during excavation/grading activities, shall be sampled and tested for lead prior to the issuance of Plans, Specifications, and Estimates (PS&E) for the project(s), so that any special handling, treatment, or disposal provisions associated with aerially deposited lead may be included in construction documents (if aerially deposited lead is present).

HM-6: Any transformers to be relocated during site construction/demolitions shall be conducted under the purview of the local utility purveyor to identify proper handling procedures regarding potential PCBs.

HM-8: Due to the unknown origin of the undocumented debris piles, the piles shall be sampled and tested for hazardous materials. Results of the sampling (if necessary) would indicate the level of remediation efforts that may be required.

HM-12: If unknown wastes or suspect materials are discovered during construction by the contractor which he/she believes may involve hazardous waste/materials, the contractor shall:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area
- Notify the Project Engineer of the implementing agency
- Secure the areas as directed by the Project Engineer
- Notify the implementing agency's Hazardous Waste/Materials Coordinator

5.2.9. HYDROLOGY & WATER QUALITY

Hercules New Town Center EIR

The HNTC EIR found that development consistent with the NTC Land Use Designation and Zoning District could have potentially significant impacts from construction through the alteration of the existing drainage pattern, resulting in an increased surface flow rate or amount of surface flow which could cause flooding on or off-site. It also found that Parcel 3 (the subject Project site) contains an exposed portion of the east branch of Refugio Creek, and development of the HNTC planning area could result in construction and operational activities that could result in erosion and siltation impacts to the creek. However, the EIR determined that through compliance with the General Permit and implementation of a Storm Water Pollution Prevention Plan as required by the State Water Resources Control Board and a Stormwater Management Plan as required by the Regional Water Quality Control Board, stormwater collection, treatment, and disposal of would comply with applicable water quality and waste discharge regulations and impacts would be less than significant.

Further, the HNTC EIR also found that the project would have less than significant impacts related to groundwater supplies and groundwater recharge because the soils underlying the HNTC planning area are designated as Hydrologic Soil Group (HSG) Class D, indicating very low infiltration potential and, therefore, have a very low potential for groundwater recharge.

The HNTC EIR also found that buildout of the NTC Plan Area could have a potentially significant impact by exceeding the capacity of the existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. However, through implementation of **Mitigation Measure WQ-1**, impacts would be reduced to less than significant levels.

The HNTC EIR found that development consistent with the NTC Land Use Designation and Zoning District could have a potentially significant impact from placing housing within a 100-year flood hazard zone, or by placing structures within a 100-year flood hazard zone that could potentially redirect flood flows, resulting in potentially significant impacts. Specifically, Parcel 3 (the Project site) includes portions of the east branch of Refugio Creek which has been mapped as a 100-year flood hazard area. However, through the implementation of **Mitigation Measures WQ-2** and **WQ-3**, impacts would be reduced to less than significant levels.

The HNTC EIR found that there would be no impacts from risk of loss, injury or death involving flooding, dam or levee failure, inundation by seiche, tsunami or mud flow and that there would be no impact that would degrade water quality beyond those discussed in the EIR.

Emblem Hercules Development Project

The Project proposes to construct 180 multi-family housing units on the upland portion (5.09 acres) of the Parcel 3 as identified in the HNTC EIR and retain the depression in the northern portion of the parcel where the Refugio creek tributary is present in its current undeveloped state (1.63 acres). As required by **Mitigation Measures WQ-2** and **WQ-3**, the Project sponsor provided the FEMA regulatory map and project plans that delineate the Special Flood Hazard Area (SFHA). As proposed, the Project would not place new housing or development within the SFHA and all units would be well above the base flood elevation.

Additionally, a preliminary Stormwater Control Plan (SCP) was prepared for the Project site in June 2025 by Carlson, Barbee, and Gibson. The SCP includes low impact development strategies, four

drainage management areas that would drain 164,404 square feet of impervious surfaces into a combined 6,504 square feet of bioretention areas located throughout the site. The bioretention areas range in depth from 12 to 24 inches and would treat 100% of stormwater on the Project site, including offsite improvements on Willow Avenue. Bioretention areas would drain to existing stormwater facilities within Willow Avenue. The Project is subject to **Mitigation Measure WQ-1** and a hydrology report in compliance with this measure is required. Further, a SWPPP and a final SCP are required prior to issuance of a grading permit.

Conclusion

The Project proposes development of the upland areas of the project site outside the FEMA SFHA. Through the implementation of **Mitigation Measures WQ-1 through WQ-3** and compliance with SWPPP and SCP requirements, the project would not result in potentially significant impacts not previously identified or analyzed, nor will the Project increase the severity of any impacts previously identified in the HNTC EIR. Additionally, there are no new mitigation measures considerably different than those previously analyzed that would reduce one or more significant effects.

Applicable Mitigation Measures

WQ1: Prior to issuance of grading or building permits, whichever occurs first, the project sponsor shall submit a hydrology report (using the Hydro-6 model) that details the performance of pre- and post-project stormwater runoff from the project site to the City's drainage system for review and approval by the City's Engineering and Public Works Department. In addition, plans for the project's stormwater drainage system shall also be submitted for review and approval by the City's Engineering and Public Works Department. The stormwater drainage system shall be developed in accordance with the site-specific Stormwater Control Plan for the project and shall not result in a net increase in stormwater flow to the City's stormwater drainage system.

WQ2: Prior to issuance of grading or building permits for projects located on Parcel 3, project sponsors shall submit a hydrology report delineating the current 100-year flood hazard area on the site for review and approval by the City's Engineering and Public Works Department.

WQ3: Prior to issuance of grading or building permits for projects located on Parcel 3, project sponsors shall submit development plans that have been designed to minimize generation and exposure to flood hazards, as well as showing finished floor elevations 1 foot above the 100-year flood hazard elevation.

5.2.10. LAND USE & PLANNING

Hercules New Town Center EIR

The HNTC EIR determined that implementation on the NTC land use and zoning designation would have no impacts related to land use because it would not divide an established community and because the HNTC planning area is subject to the proposed General Plan Land Use designation and zoning district modifications. The HNTC EIR determined that the HNTC would be consistent with the City's General Plan land use designation and zoning district and that there are no habitat conservation plans or natural community plans that apply to the project area.

Emblem Hercules Development Project

The proposed Project does not require a land use or zoning amendment and in general is consistent with the NTC designation. The Project site is designated and zoned NTC, which allows for mixed-use urban development. The Project proposes residential use, which is permitted within the NTC district and is consistent with the land use assumptions and development intensity analyzed in the Hercules New Town Center (HNTC) EIR.

The NTC designation envisions a mixed-use neighborhood combining residential and commercial/retail uses. The proposed Project is residential-only; however, as a Builder's Remedy project, State law permits the Project to proceed without the commercial or mixed-use component. Consequently, the Project is considered consistent with applicable land use plans as modified by State law.

The project's gross density is 26.8 dwelling units per acre (du/ac) and its net density is 35.4 du/ac. The minimum density requirement of 30 du/ac gross in the NTC zoning district per Section 13-18.500 Table 13-18.2 of the Hercules Municipal Code. Consistent with the Municipal Code's general approach to density calculations, the minimum density standard is applied on a gross acreage basis unless otherwise specified.

While the Project's gross density is slightly below the locally prescribed minimum, the Project qualifies as a Builder's Remedy project under California State Law. As such, State law supersedes the City's minimum density requirements and establishes a reduced minimum density of one-half of the City's density standard of 15 du/acre pursuant to Gov. Code section 65589.5(h)(11). Therefore, the Project exceeds the State mandated minimum density requirements of State Law and is considered consistent for the purposes of CEQA. The Project does not introduce a land use that is incompatible with surrounding development, nor does it represent a level or type of development that was not previously contemplated in the HNTC EIR.

Conclusion

The Project will not result in potentially significant impacts that were not previously identified or analyzed, nor will the Project increase the severity of any impacts previously identified in the HNTC EIR. Furthermore, there are no new mitigation measures considerably different than those previously analyzed that would reduce one or more significant effects.

Applicable Mitigation Measures

No mitigation required.

5.2.11. NOISE

Hercules New Town Center EIR

The HNTC EIR analyzed the noise and land use compatibility impacts associated with future development in the Plan Area in consideration of the existing noise environment. The ambient noise environment consists of vehicular noise from Interstate 80, State Route 4, and local roadways, railroad noise from the nearby Union Pacific Railroad, and stationary noises from existing activities. The EIR also identified various sensitive receptors surrounding the Plan Area such as schools, churches, parks, and senior housing.

The EIR found that developments consistent with the NTC land use and zoning designation could result in potentially significant temporary noise and/or vibration impacts to nearby noise sensitive receptors during construction because concurrent construction Plan Area could lead to combined or collective impacts. Because construction may occur concurrently, there HNTC EIR identified potentially significant impacts. However, through implementation of **Mitigation Measure NOI-1**, impacts would be reduced to less than significant levels.

The HNTC EIR also found that construction of future projects consistent with the NTC land use and zoning designation would have less than significant impacts from the generation of ground-borne vibration. The EIR also found that full build out of the project would increase noise levels on surrounding roadways by a maximum of 0.8 dBA and would have less than significant impacts related to traffic induced noise.

Additionally, the EIR found that development consistent with the NTC land use and zoning designation could result in on-site noise levels in excess of the City of Hercules noise standards and could have potentially significant impacts. These impacts are specifically related to future residential uses that would be in proximity to I-80, SR 4, and the Burlington Northern Santa Fe (formerly Union Pacific) Railroad. However, through implementation of **Mitigation Measures NOI-2** and **NOI-3**, impacts would be reduced to less than significant levels.

The HNTC EIR further determined that potentially significant impacts could occur from stationary noise sources including mechanical equipment. Through the implementation of **Mitigation Measure NOI-4**, impacts would be reduced to less than significant levels.

The EIR analyzed the cumulative impacts that may result from developments associated with a proposed project in the NTC Plan Area and found that operational noise levels could result in potentially significant impacts, but through the implementation of **Mitigation Measure NOI-1**, the cumulative noise impacts would be reduced to less than significant levels.

The HNTC EIR concluded that the cumulative impacts from increased mobile source noise on surrounding roadway segments would have a significant and unavoidable impact.

Emblem Hercules Development Project

The Project includes the construction of 180 multi-family housing units, which is within the scope of development analyzed under the HNTC EIR and therefore would not increase the severity of impacts from road noise related to increased traffic.

Further, on September 7, 2023, the Governor signed AB 1307 into state law, which specified that the effects of noise generated by project occupants and their guests on human beings is not a significant effect on the environment for residential projects for purposes of CEQA.

The Project would include construction that would result in an increase in temporary noise and ground vibrations. The nearest sensitive receptor to the project site is a senior housing development located approximately 500 feet south of the project site on the opposite side of Willow Avenue and the railroad tracks. Although not expected to result in temporary noise impacts during construction to nearby existing sensitive receptors, the Project is subject to **Mitigation Measure NOI-1**, which would ensure no additional impacts from construction noise relative to the HNTC EIR.

A Preliminary Environmental Noise Study was prepared by Salter on January 22, 2025 and a Review of Project Exterior HVAC Noise was prepared by Salter on November 18, 2025 (**Appendix E**). The California Building Code (Title 24) and Hercules Zoning Ordinance Section 13-31.300.11 establish that interior noise levels shall not exceed DNL 45 dB. The Hercules Zoning Ordinance also limits exterior noise levels to DNL 60 dB in residential areas such as courtyards. A standard of DNL 65 dB is allowed at the City's discretion for decks. An exterior noise goal of DNL 70 dB is also identified when the noise source is the railroad. In order to ensure interior noise levels meet the required standard, the Noise Study identifies and recommends design specific criteria. In order to ensure compliance with standards, the Project is subject to **Mitigation Measure NOI-2**, which requires that a final noise analysis shall be submitted to the City Engineer or Chief Building Inspector demonstrating compliance with interior noise standards. Additionally, the Project is subject to **Mitigation Measures NOI-1 through NOI-4**, which required that prior to issuance of a building permit, the Project will provide a final acoustical analysis that shall include but is not limited to:

- Final recommendations to ensure interior noise levels for all units below 45 CNEL specifically taking into account the placement of mechanical equipment proposed by the Project.
- An analysis of exterior noise levels and identification of design requirements for outdoor residential areas to maintain DNL of 60 dB or below
- An analysis of exterior noise levels and identification of design requirements on any proposed decks to ensure a maximum exterior noise level of 65 dB

With implementation of Mitigation Measures identified in the HNTC EIR imposed on the Project, impacts to noise will be less than those identified in the EIR.

Conclusion

Through the implementation of applicable mitigation measures in the HNTC EIR, the Project will not result in potentially significant impacts to noise that were not previously identified or analyzed, nor will the Project increase the severity of noise impacts previously identified in the HNTC EIR. Furthermore, there are no new mitigation measures considerably different than those previously analyzed that would reduce one or more significant effects.

Applicable Mitigation Measures

NOI-1: Prior to issuance of grading and/or building permits, whichever occurs first, the project sponsor(s) shall demonstrate, to the satisfaction of the City Planning Department, that projects located within 320 feet of any noise sensitive receptors (e.g., residences, schools, childcare centers, churches, hospitals, and nursing homes) will implement appropriate noise controls to reduce daytime

construction noise levels to meet the 70-dBA daytime speech interference criterion to the extent feasible. Such controls shall include any of the following, as appropriate:

- Best available noise control techniques (including mufflers, intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) shall be used for all equipment and trucks in order to minimize construction noise impacts.
- If impact equipment (e.g., jack hammers, pavement breakers, and rock drills) is used during project construction, hydraulically or electric-powered equipment shall be used wherever feasible to avoid the noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used (a muffler can lower noise levels from the exhaust by up to about 10 dBA).
- Stationary noise sources shall be located as far from sensitive receptors as feasible. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to ensure local noise ordinance limits are met to the extent feasible. Enclosure opening or venting shall face away from sensitive receptors. If any stationary equipment (e.g., ventilation fans, generators, dewatering pumps) is operated beyond the time limits specified by the pertinent noise ordinance, this equipment shall conform to the affected jurisdiction's pertinent day and night noise limits to the extent feasible.
- Material stockpiles as well as maintenance/equipment staging and parking areas shall be located as far as feasible from residential and school receptors.
- A designated project liaison shall be responsible for responding to noise complaints during the construction phases. The name and phone number of the liaison shall be conspicuously posted at construction areas and on all advanced notifications. This person shall take steps to resolve complaints, including periodic noise monitoring, if necessary. Results of noise monitoring shall be presented at regular project meetings with the project contractor, and the liaison shall coordinate with the contractor to modify any construction activities that generated excessive noise levels to the extent feasible.

NOI-2: Prior to issuance of building permits for on-site residential development within the HNTC planning area along I-80 and John Muir Parkway (SR 4), an acoustical noise analysis shall be prepared to ensure that exterior and interior noise levels meet the City of Hercules Land Use Compatibility Standards at all residential, recreational, and other sensitive land uses. Residential buildings or structures shall prepare an acoustical analysis showing that the building has been designed to limit intruding noise to the level prescribed (interior CNEL of 45 dB). Individual developments shall, to the extent feasible, implement site-planning techniques such as the following:

- Increasing the distance between the noise source and the receiver.
- Using non-noise sensitive structures such as garages to shield noise sensitive areas.
- Orienting buildings to shield outdoor spaces from a noise source.
- Incorporating architectural design strategies, which reduce the exposure of noise-sensitive spaces to stationary noise sources (i.e., placing bedrooms or balconies on the side of the house facing away from noise sources). These design strategies shall be implemented based on recommendations of acoustical analysis for individual developments.
- Incorporating noise barriers, walls, or other sound attenuation techniques, based on recommendations of acoustical analysis for individual developments, between the development and the existing highway.

- Modifying elements of building construction (i.e., walls, roof, ceiling, windows, and other penetrations), as necessary to provide sound attenuation. This may include sealing windows, installing thicker or double-glazed windows, locating doors on the opposite side of a building from the noise source, or installing solid-core doors equipped with appropriate acoustical gaskets.

NOI-3: Prior to issuance of building permits for development within the HNTC planning area located adjacent to the ~~Union Pacific~~ Burlington North Santa Fe Railroad, an acoustical analysis shall be prepared to fully analyze and develop standards to ensure that the exterior and interior noise levels would be attenuated to comply with the City of Hercules Land Use Compatibility Standards.

NOI-4: Prior to issuance of building permits, project sponsor(s) shall demonstrate, to the satisfaction of the City of Hercules Planning Department, that noise impacts from electrical and mechanical equipment (i.e., ventilation and air conditioning units) are located away from receptor areas. Additionally, the following considerations shall be given prior to installation: proper selection and sizing of equipment, installation of equipment with proper acoustical shielding, and incorporating the use of parapets into the building design.

5.2.12. PUBLIC SERVICES**Hercules New Town Center EIR**

The HNTC EIR analyzed public services for the HNTC planning area, including fire protection, police protection, and schools. It found that full buildout of the HNTC planning area would have a less than significant impact on public services. Specifically, it found that fire protection and emergency protection services provided by the Rodeo-Hercules Fire District Station 76 (located 0.85 miles from the Plan Area) would be able to maintain the response time goal of five minutes for 90 percent of calls that was being met in the Plan Area. All future development would be required to pay fair share contributions to offset any modifications or improvements to facilities.

The HNTC EIR also found that police protection would be provided by the City of Hercules Police Department which provides 1.5 officers for every 1,000 residents. With full buildout of the HNTC planning area this would change to 1.25 officers for every 1,000 residents which would be less than significant.

Further, the HNTC EIR projected that buildout of the HNTC planning area would generate 206 new students. Through the collection of fees set by the West Contra Costa Unified School District Board of Education (WCCUSDBOE), impacts to schools would be less than significant.

Emblem Hercules Development Project

The proposed 180-unit multi-family residential development is well within the development intensity analyzed by the HNTC EIR. On July 1, 2025, the RFHD was annexed to the Contra Costa County Fire Protection District. However, there are no changes to the location of the Fire Station nor its capacity to serve the area. There have been no substantial changes in capacity and availability of fire and police services in the Plan Area relative to what was anticipated and the addition of the Project would not significantly increase the demand on services.

The Project would generate students at a level that was anticipated and analyzed by the HNTC EIR and would be subject to impact fees set by the WCCUSDBOE. Additionally, new waste reduction requirements set the State to require waste diversion including AB 1826 Mandatory Commercial Organics (2014), SB 1383 Short-Lived Climate Pollutants (2016), and CalGreen require higher levels of waste diversion, composting, and recycling.

The HNTC EIR analyzed impacts to public services that would occur from buildout of the Project site including 375 dwelling units, 31,250 square feet of office space and 156,250 sf of retail. As proposed, the Project is limited to 180 multi-family dwelling units, which would have a significantly reduced impact on public services relative to the impacts identified in the HNTC EIR.

Conclusion

The Project will not result in potentially significant impacts not previously analyzed or identified. Additionally, the Project will not increase the severity of any impacts previously identified in the HNTC EIR. There are no new mitigation measures to be implemented that would reduce one or more significant effects.

Applicable Mitigation Measures

No mitigation required.

5.2.13. TRANSPORTATION

Hercules New Town Center EIR

Trip generation from development of the Parcel 3 (Project Site) as estimated in the HNTC EIR would generate 2,523 daily trips from multi-family housing, 6,708 daily trips from retail, and 346 daily trips from office, for a total trip generation of 9,577 daily trips.

The HNTC EIR found that buildout of the HNTC planning area would have a potentially significant impact from increasing traffic through the system of local intersections under cumulative (2035) conditions. The EIR analyzed seven intersections that would be impacted by buildout of the HNTC planning area and made an individual impact determination:

TABLE 3: HNTC INTERSECTION IMPACTS

Intersection	Mitigation Required	Level of Significance after Mitigation
Willow Avenue at Sycamore Avenue	TR-9: Implement TR-1	Significant and unavoidable
San Pablo Avenue at Sycamore Avenue	TR-10: Implement TR-2	Significant and unavoidable
San Pablo Avenue at John Muir Parkway	TR-11: Requires intersection upgrades and widening of John Muir Parkway and requires projects to contribute fair share toward construction of program.	Significant and unavoidable
San Pablo Avenue at PNR Driveway	TR-12: Requires installation of left and right turn lanes at PNR driveway approach.	Significant and unavoidable
Willow Avenue at Palm Avenue	TR-13: Requires widening of Willow Ave to a four lane cross section with signalization at Palm Avenue.	Less than significant
Palm Avenue at Sycamore Avenue	TR-14: Implement TR-7	Less than significant
Willow Avenue at East Driveway (Transit Center)	TR-15: Implement TR-8	Less than significant

In the HNTC EIR, **MM TR-1** through **TR-8** are specifically imposed on the Market Town Project. **MM TR-9 through TR-15** require upgrades to intersections including signalization, widening, and the addition of lanes. Where these requirements are the same as those for the Market Town Project, a referencing mitigation measure imposes the mitigation measure for Market Town (e.g. MM-9 implements MM-1). The mitigation measures imposed also require implementation of impact fees, and if needed, additional fair share contributions from property developers to implement the measures.

The HNTC EIR also concluded that increased traffic on regional freeway facilities would result in a potentially significant impact under 2035 cumulative conditions. The addition of traffic from buildout of the HNTC planning area would exacerbate unacceptable (LOS F) traffic operations on the I-80 WB section from the SR 4 on-ramp to the Pinole Valley Road off-ramp. Mitigation is discussed in the EIR

and considers alternatives such as adding lanes to increase capacity, enhancing alternative modes of transportation along both segments of the impacted freeways, and ramp metering. However, no specific measures were deemed feasible and sufficient to reduce impacts and the EIR concludes that impacts would be significant and unavoidable.

The HNTC EIR also found that the buildout of the HNTC planning area could result in potentially significant impacts to transit facilities in the vicinity of the HNTC planning area. Congestion on local streets would be exacerbated by additional development, which would increase bus run times. **Mitigation Measure TR-19** was imposed, which would require intersection improvements to reduce wait times. It was found that even with mitigation, buildout would have a significant and unavoidable impact on transit.

Further, the HNTC EIR determined a less than significant impact due to increasing pedestrian and bicycle activities adjacent to and within the HNTC planning area and by increasing parking demand. No additional mitigation was required.

Emblem Hercules Development Project

Access to the Project site during operation will be provided by an access point on Willow Avenue (Drive A) and a separate gated emergency-only vehicle access point (Drive F). Drive A would serve as the primary point of ingress and egress for residents and visitors, adjacent to a drop-off/pick-up location next to the clubhouse. Drive A would be approximately 26 feet wide to accommodate two-way circulation for vehicles entering and exiting the site. Drive F (EVA), located east of the full-access driveway between Drive A and the I-80 northbound off-ramp, would be gated and designated for emergency vehicle access only.

On-site vehicular circulation would be provided through a private internal roadway network connecting the full-access driveway to the residential buildings, parking areas, and amenities. Plans demonstrate the drive aisles to be 26 feet wide to accommodate two-way traffic. The Fire Access Plan demonstrates full access by emergency vehicles to the full extent of the project site inclusive of the emergency access drive.

A Transportation Study prepared by Hexagon Transportation Consultants, Inc on October 7, 2025 (**Appendix F**) provides a trip generation estimate of 1,229, which is 13% of the 9,577 daily trips that were projected to be generated by developed of the Project site in the HNTC EIR. As such, the proposed Project would result in trip generation that is well within the development potential analyzed in the HNTC EIR.

Level of Service for the Project was analyzed at the I-80 Off-Ramp/SR-4 EB On-Ramp at Willow Ave and at the Project Driveway at Willow Avenue. The existing conditions plus project at the intersection would have a 0 second change in the morning traffic and a 0.1 second change in the evening at the freeway off-ramp/on-ramp, and the project would operate at LOS C as shown in the Table below:

TABLE 4: EMBLEM HERCULES LEVEL OF SERVICE ANALYSIS

Intersection	LOS Minimum Standard	Peak Hour	Existing Delay	Existing LOS	Existing + Project Change in Delay	Existing +Project LOS
I-80 NB Off-Ramp/ SR-4 On-Ramp and Willow Ave	C	AM	9.2	A	0.0	A
		PM	9.6	A	0.1	A
Project Driveway at Willow Ave	D	AM	-	-	15.4	C
		PM	-	-	15.0	C

Source: Emblem Hercules Residential Development Transportation Study prepared by Hexagon Transportation Consultants on October 7, 2025.

The Project would not change the level of service at the nearby intersection, and the driveway would operate at an acceptable level of service. To account for cumulative impacts that might occur due to other future development, the Project is subject to the City's Traffic Impact Fees as established by Hercules Municipal Code Section 10-18.601.

The Project would also fall below the threshold warranting signalization at either the driveway or freeway on-ramp/off-ramp intersection because existing facilities have sufficient capacity to accommodate the 95th percentile queue length with the existing plus project conditions. It is estimated that there would be 60 outbound trips during peak morning hours and 62 inbound trips during the peak evening hours from the Project Driveway. This quantity can be accommodated by the proposed stop control at the driveway and no additional traffic control measures are required for vehicles exiting the property.

The Project would generate an estimated 28 eastbound left turns into the driveway during the peak evening hours, which would be sufficiently accommodated by upgrades proposed by the Project to Willow Avenue, including re-striping, and a separate eastbound left-turn lane at the Project entrance. As designed and through the implementation of Traffic Impact Fees, the Project would not result in significant changes to LOS and would have less impact than analyzed in the HNTC EIR.

Peak-hour signal warrants during projected traffic volumes during both the AM and PM peak hours for the existing conditions plus project conditions fall below the threshold warranting signalization at either study intersection. However, a separate eastbound left-turn lane on Willow Ave at the project driveway would be warranted and is already included in the site plan.

Further, the Project as designed would provide a clear line of site for more than 300 feet to allow for a safe stopping distance as required by the Caltrans Highway Design Manual for streets operating at 40 miles per hour (mph). The posted speed limit is 35 mph, but 40 mph was used for a more conservative estimate. As designed, the Project would comply with this requirement. Additionally, the Project would be required to comply with the uniform standards in Hercules Municipal Code Section 3-4.812, which prohibit obstructions to visibility at intersections and which would apply to the intersection of Driveway A and Willow Ave. As designed and through the implementation of uniform standards, the project would not substantially increase hazards due to a geometric design feature or incompatible use.

Pursuant to SB 743, effective July 1 2020, vehicle-miles traveled (VMT) has replaced LOS as a metric for transportation impacts under CEQA. VMT is discussed in the HNTC EIR under Air Quality, though at the time of its certification there was no threshold of significance for VMT. The proposed Project is consistent with and implements buildout as analyzed in the HNTC EIR, and as such is evaluated under the framework of the HNTC EIR, which relied upon LOS.

Under the CEQA framework, vehicle miles traveled (VMT) is the primary metric for evaluating transportation impacts only when a project has the potential to induce substantial automobile travel, consistent with Public Resources Code Section 21099 and State CEQA Guidelines Section 15064.3. While the Project does not trigger a mandatory VMT impact analysis under CEQA, the Project's Transportation Study includes a discussion of VMT for informational purposes and to demonstrate consistency with current State guidance.

Accordingly, the VMT findings and recommendations presented herein are provided to inform decision-makers and the public, and do not constitute a required CEQA significance determination for this Project.

Guidance provided by State of California Office of Land Use and Climate Initiatives (formerly Office of Planning and Research), recommends that projects that generate more than 110 daily trips or that generate more than 836 daily VMT are required to undergo an analysis of VMT. Projects that are located within one half mile of an existing major transit stop are presumed to have less than significant VMT impacts. While a formal VMT impact analysis is not required for this Project, VMT is evaluated herein for informational purposes and to demonstrate consistency with current State guidance.

Using the Contra Costa County Transportation Authority Travel Demand Forecasting Model, the average home-based VMT per capita is 17.3. Under a commonly applied VMT screening metric, projects achieving at least a 15% reduction below the average (e.g. 14.7 VMT per capita) are generally considered to perform favorably relative to VMT metric thresholds. For information purposes, the Project would generate 18.4 home-based VMT per capita prior to implementation of project design features and frontage and offsite connectivity improvements. Furthermore, the Project is located less than a half-mile walking distance from the Hercules Transit Center and would screen out.

The Project will comply with Mitigation Measure AQ-7 and also contains the following features which will reduce VMT and associated greenhouse gas emissions, as well as further local and State objectives related to multimodal access, active transportation, and sustainable development:

- Unbundle residential parking costs (which reduces VMT by 15.7%);
- Provide pedestrian network improvements by constructing a sidewalk along Willow Avenue to connect with sidewalk at the intersection of Sycamore Avenue (which reduces VMT by 6.4%); and
- Install a midblock crosswalk across Willow Ave.

Again, even though a new or more severe CEQA transportation impact has not been identified, the Project will comply with applicable mitigation and would reduce VMT associated with buildout of the HNTC EIR study area.

Per the findings of the HNTC EIR, cumulative significant and unavoidable traffic impacts could also result in impacts to transit times. While Project impacts to traffic are less than analyzed in the HNTC EIR, the implementation of **Mitigation Measure TR-13**, which requires widening of Willow Avenue

and the implementation of traffic impact fees, is required to ensure the Project would not cumulatively increase travel times for transit.

The Project would create a pedestrian connection via a new sidewalk from the Project entrance to Sycamore Avenue. The City of Hercules is currently in the design phase of a pavement redesign project along Willow Avenue between Sycamore and the Transit Center and options are being explored to expand the existing sidewalk on the south side of Willow Avenue to create a multi-use pathway that will accommodate bicycles.

As required by **Mitigation Measure AQ-7**, the Project is required to implement the following pedestrian and bicycle specific Transportation Control Measures:

- TCM 9: Improve bicycle access and facilities – Expand bicycle facilities serving employment sites, residential areas, shopping districts and other activity centers
- TCM 19: Improve Pedestrian Access and Facilities – Promote pedestrian travel
- TCM 20: Promote traffic calming – Improve conditions for pedestrians and bicyclists in residential and retail areas

The Project will thus include pedestrian upgrades and traffic calming measures. A condition of approval has been imposed to ensure site-specific Project compliance with this measure. Additionally, Hercules Municipal Code Section 10-18.601 lists the projects for which the Transportation Impact Fee (TIF) is to be applied. This includes expanding the bicycle network and improving the sidewalk along Willow Avenue to the Hercules Transit Center.

Emergency vehicle access would be provided to the project site through the main full-access driveway on Willow Avenue and a gated Emergency Vehicle Access located east of the main entrance. These two entrances will connect internally through the roadway network which will be 26-feet-wide, which would provide adequate emergency access to accommodate fire trucks and other emergency vehicles.

Through the implementation of mitigation identified in the HNTC EIR and imposed on the Project, the Project will not have impacts not previously analyzed to bicycle or pedestrian facilities, nor would it increase the severity of an impact previously analyzed. Through the implementation of the City's TIF, mitigation measures, and conditions of approval, the Project would enhance multi-modal access from the site, close gaps in connectivity, and would be consistent with the circulation network analyzed as part of the HNTC EIR.

Conclusion

As designed and through the implementation of mitigation measures, conditions of approval, and of uniform standards in the City's Municipal Code, the Project will not result in potentially significant impacts not previously analyzed or identified to transportation. Additionally, the Project will not increase the severity of any transportation impacts previously identified in the HNTC EIR. There are no new mitigation measures to be implemented that would reduce one or more significant effects.

Applicable Mitigation Measures

Mitigation Measures AQ-7 and AQ-8 (See Section 5.4 Air Quality for full text).

5.2.14. UTILITIES & SERVICE SYSTEMS

Hercules New Town Center EIR

The HNTC EIR analyzed utilities and service systems for the HNTC planning area and found less than significant impacts to wastewater because the Pinole-Hercules Wastewater Treatment Plant would have sufficient capacity to serve the future demands of new development associated with buildout of the HNTC planning area.

Additionally, the HNTC EIR found that there would be less than significant impacts to water supply because sufficient water supplies were available to serve the HNTC planning area. East Bay Municipal Utility District (EBMUD), the City's water service provider, owns and operates an 8-inch water main located under Willow Avenue along the site frontage, which had sufficient capacity to serve buildout of the HNTC planning area.

The HNTC EIR determined that the planning area would be served by the Pinole-Hercules Water Pollution Control Plant (PHWTP), located at the foot of Tennent Avenue in the City of Pinole, approximately five miles to the southwest. At the time of the EIR, the facility served a combined population of approximately 40,000 residents in the cities of Pinole and Hercules, with an average daily flow of 3.5 million gallons per day and a wet-weather capacity of 20 million gallons per day.

The HNTC EIR found that Richmond Sanitary Service would manage solid waste disposal for the City and provide trash, recycling, and green waste services to the HNTC planning area. The EIR determined that materials would be collected and transported to the Golden Bear Transfer Facility in Richmond, where they would be sent to Potrero Hills Landfill in Solano County. At the time of the EIR, Potrero Hills Landfill had a permitted capacity of 21.5 million cubic yards and could accept up to 4,330 tons of waste per day. The EIR projected that future development within the HNTC planning area would generate approximately 1,280 tons of solid waste per year plus an additional 40 to 80 yards per week during construction. The EIR concluded that there was sufficient capacity to accommodate anticipated solid waste disposal quantities and that impacts would be less than significant.

Emblem Hercules Development Project

The Project's proposed density is well within that which was analyzed in the HNTC EIR and would have less demand on water, wastewater, and solid waste services. The Project's anticipated water demand is 32,529 gallons per day and would be served by East Bay Municipal Utility District via a new connection from the existing 8-inch water main under Willow Avenue. Additionally, the Project is subject to CALGreen water efficiency and conservation requirements as well as the updated Model Water Efficient Landscape Ordinance (MWELO), which further reduces water demand from landscaping. As such, the Project will have less water demand than anticipated by and analyzed in the HNTC EIR.

Wastewater would be conveyed from the Project site via a new onsite sanitary sewer system that will connect with the existing line under Willow Avenue and be treated at the Pinole-Hercules Wastewater Treatment Plant, which has sufficient capacity to serve the Project. As the Project's development intensity is well within that anticipated by the HNTC EIR, wastewater conveyance and treatment demands would have less than significant impacts.

The Project will generate an estimated 28.8 cubic yards of waste, 28.8 cubic yards of recycling, and 2.2 cubic yards of compost per week. The Project will be served by Republic Services, the current provider of residential solid waste, yard waste, and recycling hauling for the City of Hercules. Non-recyclable/compostable solid waste will be taken to Potrero Hills Landfill, which has sufficient capacity to accommodate the waste generation of the Project. Further, in 2022, the State of California updated the California Building Code's mandatory green building standards, CalGreen, which includes an increased requirement for construction waste diversion and recycling of 65% of nonhazardous construction and demolition waste, which will further reduce the volume of waste generated during construction of the Project.

Conclusion

As proposed, the Project is within the development intensity planned for and analyzed by the HNTC EIR. Uniformly applied development standards through MWEL and CalGreen further reduce the Project's demand for utilities and service systems. Therefore, the Project will not result in potentially significant impacts not previously analyzed or identified. Nor will the Project increase the severity of any impacts previously identified in the HNTC EIR. There are no new mitigation measures to be implemented that would reduce one or more significant effects.

Applicable Mitigation Measures

No mitigation required.

5.2.15. WILDFIRE

Hercules New Town Center EIR

The HNTC EIR determined that buildout of the HNTC planning area would have a less than significant impact related to wildland fire risk because while portions of the HNTC planning area include grassland and trees, the areas is not subject to wildland fire risks. Additionally, the HNTC EIR determined that the project would not interfere with an adopted emergency response or emergency evacuation plan, because it would not substantially alter the physical environment or emergency access routes.

Emblem Hercules Development Project

The Project site is within the Local Responsibility Area as designated by CalFire and is not designated as a moderate, high, or very high fire hazard severity zone. The Project Site is located approximately 1 mile west of an area classified as a moderate Fire Hazard Severity Zone in an SRA. However, the site is surrounded by paved roadways, including I-80 to the west, the Transit Center to the east, and John Muir Parkway to the north. Further, as required by the City's Municipal Code Chapter 18 Article 5, the Project is subject to impact fees for Fire Protection services. As such, the Project will not interfere with an adopted emergency response or emergency evacuation plan, because it would not substantially alter the physical environment or emergency access routes.

Conclusion

As designed, the Project would not be located within a Fire Hazard Severity Zone and provides adequate access to emergency service vehicles and evacuation routes. As such, the Project will not result in potentially significant impacts not previously analyzed or identified. Nor will the Project increase the severity of any impacts previously identified in the HNTC EIR. There are no new mitigation measures to be implemented that would reduce one or more significant effects due to Wildfire.

Applicable Mitigation Measures

No mitigation required.

5.2.16. MANDATORY FINDINGS DISCUSSION

Hercules New Town Center EIR

The HNTC EIR included a discussion of Cumulative Growth Impacts Pursuant to CEQA Section 15130. Cumulatively Considerable Effects are defined under CEQA as "incremental effects of an individual project that are significant when viewed in conjunction with the effects of past projects, the effects of other current projects, and the effects of probable future projects." The findings of this analysis conclude that development associated with the HNTC Zoning Ordinance and General Plan Amendment would increase population and housing within the boundaries analyzed in the EIR, and such impacts have been considered and reviewed under the assumption of buildout of the plan. The EIR also considered the broader planning area and found potentially significant cumulative impacts to Transportation under the buildout of the HNTC.

Emblem Hercules Development

As proposed, the Project includes 180 multi-family housing units, which is well within the anticipated development intensity anticipated by and analyzed in the HNTC EIR. As discussed in the HNTC EIR, development on the Project site could have cumulative impacts; however, through applicable mitigation measures imposed on the project and conditions of approval, the Project would not result in new cumulative impacts not previously discussed. Additionally, the Project proposes avoidance of sensitive habitat areas where special status species could be present and imposes mitigation measures to ensure that any potential impacts to biological resources are reduced to less than significant level through avoidance, minimization, and offsets. Further, to protect buried cultural resources, if present, the Project is also subject to CUL-1, which requires monitoring during ground disturbance. As such, the project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory as previously analyzed in the HNTC EIR. Further, the Project is subject to all previously established applicable mitigation measures and would result in less development than previously analyzed. Therefore, the Project would not increase the severity of any cumulatively considerable impacts nor result in new cumulatively considerable impacts.

Conclusion

Through the implementation of uniformly applied development standards imposed by State and local regulations, mitigation measures identified in the HNTC EIR and applied to the project, and conditions of approval, the Project will not result in potentially significant impacts not previously analyzed or identified. Nor will the Project increase the severity of any impacts previously identified in the HNTC EIR. There are no new mitigation measures to be implemented that would reduce one or more significant effects.

6. CEQA DETERMINATION AND SUMMARY OF FINDINGS

As summarized herein, the proposed Project is eligible for an Addendum to the Hercules New Town Center Environmental Impact Report (HNTC EIR).

Per CEQA Guidelines Section 15162 subdivision (a), the project has been analyzed, and it has been determined that:

- There are no substantial changes proposed in the project which will require major revisions of the program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- There are no substantial changes that will occur with respect to the circumstances under which the project is undertaken which will require major revisions of the program EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the program EIR was certified.
- The project will not have one or more significant effects not discussed in the program EIR. Significant effects previously examined will not be substantially more severe than shown in the program EIR.
- The project proponent has agreed to all mitigation measures, including those that were previously found not to be feasible but that would in fact be feasible and would substantially reduce one or more significant effects of the project, and those which may be considerably different from those analyzed in the program EIR.
- In light of the whole record and based on substantial evidence, a subsequent EIR is not required, and the proposed project activities are adequately analyzed and mitigated in the HNTC Program EIR with implementation of the revised mitigation measures identified here in and the revised Mitigation and Monitoring and Reporting Plan.

The Project applicant has reviewed all Mitigation Measures which are imposed and which shall be implemented. Additionally, the applicant has reviewed all site-specific conditions of approval included in the approval resolution and as signed below, the Project applicant is committed to full implementation as part of the Project. The finding above provides a basis for CEQA compliance.

The City of Hercules finds that all potentially significant effects (a) have been analyzed adequately in an earlier EIR (HNTC EIR, 2009) pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions to the project or mitigation measures that are imposed upon the proposed project no further environmental review is required.

Signature: City of Hercules

Date

Signature: Project Applicant

Date

7. REFERENCE DOCUMENTS

7.1. APPENDICES

- A. Mitigation Monitoring and Reporting Program Applicability Matrix
- B. (1) *625 Willow Ave Biological Survey*. Prepared by Stantec on May 19, 2025. (2) *Hercules Complex Project Biological Assessment Report and Wetland Delineation Determination*. Prepared by Ground Zone Environmental on January 27, 2020 and (3) *Preliminary Jurisdiction Waters Determination*. Prepared by Ground Zone Environmental on February 4, 2020.
- C. *Phase 1 Environmental Site Assessment*. Prepared by Apex Companies, LLC on January 8, 2025.
- D. *Preliminary Geotechnical Investigation*. Prepared by Rockridge Geotechnical on February 9, 2025.
- E. *Preliminary Environmental Noise Study*. Prepared by Salter Inc. on January 22, 2025 and *Review of Project Exterior HVAC Noise*. Prepared by Salter Inc. On November 18, 2025.
- F. *Transportation Study for the Proposed Emblem Hercules Residential Development in Hercules, CA*. Prepared by Hexagon Transportation Consultants on February 13, 2026.

7.2. OTHER REFERENCED DOCUMENTS

- 1. *Emblem – Hercules Entitlement Resubmittal*. Prepared by LPAS Architecture + Design on September 4, 2025.
- 2. *The Loop Environmental Information form*. Prepared by Quarterra Multifamily Communities on April 11, 2025.
- 3. *Stormwater Control Plan*. Prepared by Carlson, Barbee, & Gibson, Inc. On September 4, 2025.
- 4. *Hercules Local Hazard Mitigation Plan*. Adopted by the City of Hercules on May 25, 2021 and updated on May 13, 2025.
- 5. Hercules General Plan. Adopted by the City of Hercules in 1972 and updated in 1999.
- 6. City of Hercules Municipal Code, updated March 25, 2025.
- 7. City of Hercules Zoning Ordinance, online version accessed September 2025 – January 2026.
- 8. *Hercules New Town Center Environmental Impact Report and Mitigation and Monitoring Reporting Program*. Prepared by MIG and certified on February 10, 2009.
- 9. *Bay Area Air District 2017 Bay Area Clean Air Plan*. Prepared by the Bay Area Air Quality Management District on April 19, 2017.
- 10. *Bay Area Air District CEQA Guidelines*. Prepared by the Bay Area Air Quality Management District on April 20, 2022.

11. *CalFire Fire Hazard Severity Zone Viewer for Real Estate Inspections website accessed on January 21, 2026. <https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/>*
12. *California Code, Public Resources Code Section 21084.2.*
13. *California Code, Government Code Section 65352.3.*
14. *EnviroStor.* Managed by the Department of Toxic Substances Control. Accessed January 21, 2026.
15. *GeoTracker.* Managed by the State Water Resources Control Board. Accessed January 21, 2026.
16. *Guide to the 2022 California Green Building Standards Code (CALGreen) Residential.* Published by the International Code Council, November, 2022.
17. *MTC/ABAG Hazard Viewer Map* managed by Metropolitan Transportation Commission. Accessed on January 21, 2026.