

FINAL (RESPONSE TO COMMENT)

ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN MARTINEZ JAIL DEMOLITION PROJECT

STATE CLEARINGHOUSE # 2015112003

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Acronyms and Abbreviations

ACMs	asbestos containing materials
BAAQMD	Bay Area Air Quality Management District
BMPs	best management practices
CCCPWD	Contra Costa County Public Works Department
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CRHR	California Register of Historical Resources
Draft EIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
HABS	Historic American Building Survey
HRER	Historical Resources Evaluation Report
LBP	lead-based paint
MMRP	Mitigation, Monitoring, and Reporting Plan
NOP	Notice of Preparation
NRHP	National Register of Historic Places
Project	Downtown Martinez Jail Demolition

1.1 Purpose of this Document

This document is the Final Environmental Impact Report (EIR) and has been prepared in accordance with the provisions of the California Environmental Quality Act (CEQA) to evaluate the potential impacts of demolishing the Downtown Martinez Jailhouse and constructing an asphalt surface parking lot in its place (Project). The purpose of this document is to provide County decision-makers and the public with information about the Project and its significant environmental impacts. The Draft EIR was circulated on March 29, 2016 for public review. The Draft EIR identifies alternatives to the Project that would result in lesser impacts. It also includes substantial mitigation measures that would reduce, but not completely avoid, the significant impacts identified in the Draft EIR.

Technically, the Final EIR consists of two parts: the responses to comments and the Draft EIR. For simplicity, the document you are reading will be called the Final EIR. Both this Final EIR and the Draft EIR will be considered for certification by the Contra Costa County Board of Supervisors during their deliberations on the Project.

The Final EIR document summarizes the process that has occurred to date, presents comments received during the public comment period, provides responses to public comments, provides text changes to the Draft EIR where necessary for clarification or to make minor corrections in response to comments, and presents the Mitigation, Monitoring and Reporting Plan (MMRP) to be included with the Project. This Final EIR contains five chapters.

- Chapter 1, *Introduction*, discusses the purpose of this document, public review process, CEQA requirements, and use of this document.
- Chapter 2, *Responses to Comments*, contains copies of the comments received during the public review period for the Draft EIR and the written responses to those comments.
- Chapter 3, *Text Changes to the DEIR*, contains changes to the text of the Draft EIR made in response to comments received during the public review period for the Draft EIR or for purposes of clarification.
- Chapter 4, *Mitigation Monitoring and Reporting Program*, contains the program required by CEQA to ensure that the mitigation measures identified in the EIR will be implemented.
- Chapter 5, *List of Preparers*, identifies the individuals who prepared the Draft and Final EIRs.

1.2 Public Review Process

CEQA does not require formal hearings at any stage of the environmental review process (State CEQA Guidelines Section 15202[a]). However, CEQA does encourage “wide public involvement, formal and informal, in order to receive and evaluate public reactions to environmental issues” (State CEQA Guidelines Section 15201).

Contra Costa County conducted public meetings throughout the environmental review process to help inform its environmental analysis and to determine adequacy. The County distributed a Notice of Preparation (NOP) of intent to prepare a Draft EIR for the Project beginning on November 2, 2015. The scoping period for the EIR was initially scheduled to close on December 2, 2015. At the request of public comments, the scoping period for the EIR was extended and closed on December 16, 2015. Comments on the NOP were considered during the preparation of the Draft EIR. The Zoning Administrator conducted a public scoping session on November 16, 2015; there were two public comments on the scope of the EIR. Impacts on historic cultural resources and hazards and hazardous materials were the primary environmental issues raised during the meeting. A commenter also requested analysis of an offsite alternative. The Draft EIR was made available for public comment March 29, 2016, and the 45-day public comment period ended on May 12, 2016. A public meeting to accept additional comments and testimony was conducted by the Zoning Administrator on April 18, 2016. There were six public speakers at the public meeting, 35 written comment letters were received during the public comment period, and 4 written comment letters were received after the close of the public comment period.

1.3 CEQA Requirements

CEQA Guidelines Section 15132 requires that the Final EIR consist of:

- a. The Draft EIR or a revision of the Draft.
- b. Comments and recommendations received on the Draft EIR either verbatim or in summary.
- c. A list of persons, organizations, and public agencies commenting on the Draft EIR.
- d. The responses of the Lead Agency to significant environmental points raised in the review and consultation process.
- e. Any other information added by the Lead Agency.

1.4 Use of this Document

This Final EIR will be used by the Contra Costa County Board of Supervisors to decide on the Project and its implementation. The public may use this document to understand the public comments that were received and how the County responded to those comments, as well as changes to the Draft EIR.

Chapter 2 Response to Comments

Table 2-1 lists the comment letters received by the County on the Draft Environmental Impact Report (Draft EIR) during the public review period and Table 2-2 lists the comment letters received by the County after the close of the public review period.

Table 2-1. Draft Environmental Impact Report Comment Letters Received During the Public Review Period

Comment Letter Number	Commenter	Date
1	Bay Point Historical Society	April 21, 2016
2	Resident, Gwendolyn Monroe	April 27, 2016
3	Residents, Kay Cox and Paul Craig	May 3, 2016
4	Pinole Historical Society	May 3, 2016
5	Contra Costa County Historical Society	May 3, 2016
6	Lafayette Historical Society	May 5, 2016
7	Resident, Dolores White	May 5, 2016
8	Resident, Dena Zachariah	May 6, 2016
9	Resident, Raymond O'Brien	May 6, 2016
10	Resident, Bill Sharkey	May 8, 2016
11	Residents, Peter and Martha Dragovich	May 8, 2016
12	Resident, Jane Borenstein	May 9, 2016
13	Concord Historical Society	May 10, 2016
14	California Office of Historical Preservation	May 10, 2016
15	Resident, David Seawell	May 10, 2016
16	Resident, Vickie Dawes	May 10, 2016
17	Resident, Elaine Seawell	May 10, 2016
18	Resident, Melissa Jacobson	May 10, 2016
19	Martinez Historical Society	May 10, 2016
20	Resident, Jeanne Jones	May 11, 2016
21	Resident, M.K. Carlock	May 11, 2016
22	City of Martinez	May 11, 2016
23	Resident, Cheryll Grover	May 11, 2016
24	Resident, Billy Swain	May 11, 2016
25	Resident, John Curtis	May 11, 2016
26	Resident (Former Mayor of Martinez), Mike Menesini	May 11, 2016
27	Resident, Jane Peccianti	May 11, 2016
28	Historic Landmarks Advisory Committee	May 12, 2016
29	Resident, Julian Frazer	May 12, 2016
30	Resident, Alex Brendel	May 12, 2016
31	Resident, Carter Wilson	May 12, 2016

Comment Letter Number	Commenter	Date
32	Resident, Gwen Monroe	May 12, 2016
33	Southport Land and Commercial Company	May 12, 2016
34	Resident, Harlan Strickland	May 12, 2016
35	State Clearinghouse	May 13, 2016
36	Founding Chair of Historical Landmarks Advisory Committee, Ray O'Brien (Zoning Administrator's Meeting)	April 18, 2016
37	Vice President of First Villages of Consulting, Dean McCleod (Zoning Administrator's Meeting)	April 18, 2016
38	Resident, Carol Rose (Zoning Administrator's Meeting)	April 18, 2016
39	Resident, Harlan Strickland (Zoning Administrator's Meeting)	April 18, 2016
40	Resident, Julian Frazer (Zoning Administrator's Meeting)	April 18, 2016
41	Resident, Diane Sargent (Zoning Administrator's Meeting)	April 18, 2016

Table 2-2. Draft Environmental Impact Report Comment Letters Received After the Public Review Period

Comment Letter Number	Commenter	Date
42	Kristin Henderson	June 22, 2016
43	Benicia Historical Society, Inc.	June 23, 2016
44	Bay Point Historical Society	July 13, 2016
45	Architectural Heritage Foundation of Contra Costa County	November 10, 2016

Many of the comment letters addressed common issues, specifically the range of alternatives analyzed in the Draft EIR, impacts on historical resources, whether the Draft EIR should analyze the future construction of a new building at the Project site, and consistency with plans, policies, and regulations. Five common responses were developed for these issues and are provided in Section 2.1.1, *Alternatives*, Section 2.1.2, *Historical Resources*, Section 2.1.3, *Future Uses at the Project Site*, and Section 2.1.4, *Consistency with Plans, Policies, and Regulations*. The common responses are followed by responses to the specific comment letters, which are ordered by letter number and comment number.

2.1 Common Responses

2.1.1 Common Responses Regarding Alternatives

The following common responses address the comments related to alternatives. Common Response 1 addresses comments about the range of alternatives presented in the Draft EIR.

Common Response 2 addresses comments about additional alternatives that could be considered in the analysis.

2.1.1.1 Common Response 1 – Range of Alternatives Analyzed in the Draft EIR

Comments were received that the range of alternatives was not adequate and some commenters had questions about or disagreed with the rejection of some of the alternatives that were considered for analysis in the Draft EIR, but rejected, as discussed in Chapter 4, *Alternatives*, of the Draft EIR.

Draft EIR Alternatives Development

As explained on page 4-1 of the Draft EIR, according to Section 15126.6 of the State CEQA Guidelines, an EIR must describe a reasonable range of alternatives to the project or project location that could feasibly attain most of the basic project objectives and that would avoid or substantially lessen any of the significant impacts of the proposed project. Accordingly, alternatives that do not avoid or substantially lessen significant impacts of a project do not need to be analyzed in an EIR.

Additionally, the State CEQA Guidelines require analysis of a No Project Alternative to allow decision makers to compare the impacts of project approval with the impacts of not approving the project. The EIR must evaluate the comparative merits of the alternatives. The EIR must identify the environmentally superior alternative other than the No Project Alternative. An EIR is not required to present the alternatives analysis at the same level of detail as the assessment of the project, and it is not required to consider every conceivable alternative to a project. Rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making.

Pursuant to the requirements of State CEQA Guidelines Section 15126.6, the County developed a list of potential alternatives to the Project that would reduce the identified significant impacts of the Project while also meeting the majority of Project objectives. This process is described in Section 4.1, *Alternatives Development and Screening Criteria*, and Section 4.2, *Alternatives Considered*, of the Draft EIR.

As disclosed in the Draft EIR, the Project would result in significant and unavoidable impacts on historical resources and significant or potentially significant impacts that can be reduced to a less-than-significant level through mitigation measures related to cultural resources, hazards, noise, and bats. Alternatives were developed that would reduce the impacts associated with the Project. The following five alternatives are presented in detail in Section 4.2 of the Draft EIR.

- Alternative 1 – No Project Alternative
- Alternative 2 – Adaptive Reuse of Entire Building Alternative
- Alternative 3 – Partial Demolition and Adaptive Reuse of Remaining Building Alternative
- Off-Site Alternative, which included assessment of the viability of a specific alternative site suggested by a member of the public during the scoping process
- Relocation Alternative

Screening as described in Sections 4.1 and 4.2 of the Draft EIR resulted in the Off-Site Alternative and the Relocation Alternative being dropped from consideration in the Draft EIR. The alternatives analysis proceeded with Alternatives 1, 2, and 3. A summary of the reasons why the Off-Site Alternative and the Relocation Alternative were not further considered in the EIR follows.

Alternatives Considered but Rejected

As described on pages 4-4 and 4-5 of the Draft EIR, the following two alternatives were dismissed from analysis: Off-Site Alternative and Relocation Alternative. There are no offsite alternatives that are feasible and that would reduce the impacts associated with the Project. Nonetheless, the Off-Site Alternative was suggested by a member of the public during the scoping process and was considered in the Draft EIR.

A number of commenters stated that one or both of these alternatives should be implemented to reduce impacts on historical resources. Information is provided in Section 4.2.6, *Alternatives Dismissed from Analysis*, of the Draft EIR supporting the Draft EIR's findings that neither of these alternatives would be feasible. As stated in State CEQA Guidelines Section 15126.6(f)(1), factors that may be considered when a lead agency is assessing the feasibility of an alternative include:

... site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent).

Some commenters agreed with the findings that the Off-Site Alternative and the Relocation Alternative would be infeasible and some did not. Substantial evidence is presented on pages 4-4 and 4-5 of the Draft EIR to support the findings of the Draft EIR.

The Off-Site Alternative was dismissed from the alternatives analysis for the following reasons.

- It would not to meet any of the Project objectives.
- It would not reduce the hazards posed by the contaminated building.
- It would replace a compatible and functional structure with a parking lot in the civic center area.
- The Contra Costa County Administration building location, which was suggested as an alternative site, is not vacant and is currently being used for a wide variety of County government administrative and public uses.

The Relocation Alternative was dismissed from the alternatives analysis for the following reasons.

- Relocation would be infeasible because of the lack of an available vacant site and because of the nature of the structure.
- Relocation would result in the loss of the historical character of the building because the building would no longer be able to convey its significance as a cultural resource in a new location and because the loss of materials caused by dismantling, relocating, and reinstalling the building would be detrimental.

It is important to note that the alternatives, as presented, are examples of potentially feasible alternatives that would reduce the impacts of the Project, could meet some of the Project objectives. As stated in Section 15126.6(a) of the State CEQA Guidelines, "an EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation."

The Draft EIR is intended to serve as an informational document. It provides the Contra Costa County Board of Supervisors, the Planning Commission, and the general public with enough information to make knowledgeable decisions regarding the environmental impacts of the Project as

well as information regarding its potential alternatives. The decision to approve all or portions of the proposed alternatives to mitigate or avoid significant environmental impacts, while rejecting alternatives that are deemed to be infeasible, is made at the discretion of the Contra Costa County Board of Supervisors.

2.1.1.2 Common Response 2 – Suggested Additional Alternatives Not Analyzed in the Draft EIR

Some commenters suggested additional alternatives that could be considered in the analysis in the EIR. The discussion below addresses these suggested additional alternatives.

Adaptive Reuse for other Uses

Commenters suggested consideration of an alternative that converts the Jailhouse building to a variety of other uses, including an art center, space for movie filming, music venue, museum, a space similar to the San Francisco Ferry Building, or (more generally) for use by private or civic entities. These suggestions differ only slightly from one of the alternatives analyzed in the Draft EIR, Alternative 2 – Adaptive Reuse of Entire Building Alternative, in that rehabilitated structure would not provide for government office use, but for other uses instead. Similar to the Adaptive Reuse of Entire Building Alternative, these suggested alternatives would only meet portions of Project objectives. In particular, this alternative would reduce the hazards posed by the contaminated building, and allow for compatible and functional structures and land uses in the civic center area. This alternative would not reduce any of the significant and unavoidable impacts related to historical resources identified for the Project that are not already reduced by the other alternatives considered in Chapter 4 of the Draft EIR. Specifically, the impacts related to historical resources under both Alternative 2 and Alternative 3 would be less than under the Project. Therefore, because consideration of a different end use in an adaptive reuse alternative would not be substantially different from Alternative 2, consideration of these alternatives is not required to achieve a reasonable range of alternatives. The commenters' suggestions are included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Sell Building to Allow for Adaptive Reuse and Construct Parking Structure Off-Site Alternative

Some commenters suggested consideration of an alternative that allows for the sale of the building to an investor or nonprofit organization that would restore and repurpose the building. This alternative would involve the construction of a parking structure at a different location. It is assumed that this alternative would include the remediation and disposal of the hazardous materials in an appropriate place. Thus, this alternative is similar to the Adaptive Reuse of Entire Building Alternative, under which the County would rehabilitate the Jailhouse building for government office use through modifications conducted in compliance with the *Secretary of Interior's Standards for the Treatment of Historic Properties* (SIS).

Because this alternative would not be substantially different from Alternative 2, consideration of this alternative is not required to achieve a reasonable range of alternatives. The commenters' suggestions are included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Façade Wall Preservation Alternative

Some commenters suggested consideration of an alternative that preserves a façade wall, erects a plinth and column, or retains the rock edifice as part of any new building constructed on the Project site. As discussed throughout the Draft EIR, the Project would result in significant and unavoidable impacts on historical architectural resources. Demolition of an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1 prevents the resource from conveying its historical significance and justification for inclusion in the National Register of Historic Place (NRHP) and eligibility for California Register of Historical Resources (CRHR). Implementation of Mitigation Measures CUL-1 and CUL-2, as presented on page 3.2-12 in Section 3.2, *Cultural Resources*, of the Draft EIR, would reduce the significant impact related to the adverse change in significance of a historical resource to some extent. Under Mitigation Measures CUL-1 and CUL-2, the county would prepare materials for public interpretation and identify building components that would be appropriate for use in public spaces, respectively. Therefore, an alternative that includes preservation of a façade wall or similar element, and which would include the demolition of the Jailhouse building, would not avoid any significant impacts, and consideration of the suggested alternative is not required to achieve a reasonable range of alternatives. The commenters' suggestions are included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Additional Consideration of Partial Demolition and Adaptive Reuse of Remaining Building Alternative

Commenters suggested three variations on the alternative that consists of demolishing the newer portion of the Jailhouse building and pursuing adaptive reuse of the 1903 portion of the structure.

- **Partial Demolition and Installation of Landscaping Alternative.** One commenter suggested consideration of an alternative that demolishes the 1944 annex to the Jailhouse building and retains the original structure built in 1903. Landscaping and hardscaping would be constructed in the current location of the annex.
- **Partial Demolition and Stabilization of Original Structure Alternative.** One commenter suggested consideration of an alternative that demolishes the 1944 annex to the Jailhouse building and retains the original structure built in 1903. This alternative would not rehabilitate the original structure. Instead, it would stabilize the original structure while the County considers adaptive reuse or demolition options. This alternative would not meet the basic Project objectives. As explained on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR, a key Project objective is to reduce hazards posed by the existence of the unoccupied, contaminated building. An alternative that preserves the original structure built in 1903 without addressing the building's hazardous materials would not meet this Project objective.
- **Partial Demolition and Adaptive Reuse of Remaining Building Alternative 2.** One commenter suggested consideration of an alternative that constructs a two-tiered garage rather than a surface parking lot in the current location of the annex. This alternative would rehabilitate the original structure built in 1903 for government office use through modifications conducted in compliance with the SIS.

These suggestions differ only slightly from one of the alternatives analyzed in the Draft EIR, Alternative 3 – Partial Demolition and Adaptive Reuse of Remaining Building, in that the reuse would be different than the reuse described in Alternative 3. Therefore, because consideration of a

different end use in an adaptive reuse alternative would not be substantially different from Alternative 3, consideration of these alternatives is not required to achieve a reasonable range of alternatives. The commenters' suggestions are included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Further Consideration of Off-Site Alternatives

One commenter suggested consideration of an alternative that installs short-term parking in the parking lot associated with the Contra Costa County Administration building and preserves the existing building. Another commenter suggested a similar alternative that constructs surface parking on a site where the Gazette building was recently demolished. This alternative would not meet the basic Project objectives. As explained on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR, a key Project objective is to reduce hazards posed by the existence of the unoccupied, contaminated building. An alternative that preserves the existing building without addressing the building's hazardous materials would not meet this Project objective.

Another commenter suggested consideration of an alternative that constructs multi-tiered garages on existing paved parking areas or on parcels with abandoned County substandard buildings. This alternative would not rehabilitate the original structure. Instead, it would stabilize the original structure while the County considers adaptive reuse or demolition options. Another commenter suggested a similar alternative, which would construct a centrally located parking garage, possibly on an existing surface parking lot bounded by Marina Vista Avenue, Escobar Street, Ferry Street, and the Contra Costa Community College District property. This alternative would not meet the basic Project objectives. As explained on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR, a key Project objective is to reduce hazards posed by the existence of the unoccupied, contaminated building. An alternative that preserves the existing building, without addressing the building's hazardous materials, would not meet this Project objective.

One commenter suggested consideration of an alternative that relocates the Jailhouse building to County-owned parking lots in the vicinity of the Project site. It is assumed that this alternative would rehabilitate the Jailhouse building and construct a surface parking lot at the Project site. This alternative would not meet the basic Project objectives. As explained on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR, a key Project objective is to meet near-term parking needs in the area. An alternative that relocates the Jailhouse building to existing parking lots would reduce the amount of parking in the area; therefore, the alternative would not meet this Project objective. In addition, this alternative (similar to the Relocation Alternative that was determined to be infeasible in the Draft EIR), would have a negative impact on the building's integrity of location. Even if modifications to the Jailhouse building were conducted in compliance with the SIS, the building would most likely no longer convey its significance as a cultural resource in a new location, based on guidance provided by the National Park Service. This alternative would not reduce any of the significant and unavoidable impacts identified for the Project that are not already reduced by the other alternatives considered in Chapter 4.

2.1.1.3 Common Response 3 – Historical Resources

The following common response addresses the comments related to concerns about the analysis of historical resources impacts in the Draft EIR. Some commenters stated that the historical resource significance of the Jailhouse building was not adequately addressed and stated that the proposed

mitigation measures (i.e., Mitigation Measure CUL-1 and CUL-2) would not reduce the potential impact of the Project.

The regulatory and environmental setting for cultural resources is provided in Section 3.2, *Cultural Resources*, of the Draft EIR. In addition, Section 3.2 includes a comprehensive analysis of the impacts on cultural resources that would result from implementation of the Project and mitigation measures for significant impacts, where feasible and appropriate.

As stated on page 3.2-6 in Section 3.2, *Cultural Resources*, of the Draft EIR, the Project site is located within the boundaries of the *Martinez Downtown Specific Plan* area and Historic Overlay District. The Historic Overlay District includes several historic civic buildings that are individually listed on the NRHP, including the Jailhouse building, as part of the Contra Costa County Courthouse Block. The Jailhouse building is a contributing feature to the Downtown Martinez Historic District, as a County-owned building, it is not subject to the City of Martinez Code of Ordinances.

As stated on page 3.2-8, the Historical Resources Evaluation Report (HRER) in Appendix D to the Draft EIR identifies and evaluates the historical significance of the Jailhouse building to recommend whether the property is an historical resource for purposes of CEQA. The description of the historical context of the existing Jailhouse building, which consists of the original structure completed in 1903 and the annex built in 1944, on pages 3.2-8 through 3.2-10 is based on the HRER. The HRER concluded that the Jailhouse building, including granite curbing, appears to be significant under NRHP Criterion A, B, and C and is an historical resource for the purpose of CEQA. Although the 1944 annex was not considered a contributing element when the NRHP listing was written in 1989, the annex has become eligible for consideration now that is more than 50 years old.

As described in the Draft EIR under Impact CUL-1, the demolition of the Jailhouse building, which is eligible for listing on the CRHR, would result in a significant and unavoidable impact on the historical resource, on the limited historical resources within the Martinez Historic Overlay District, and on the NRHP-listed Contra Costa County Courthouse Block (National Register Information System Reference #89002113, listed 1989), which includes the Jailhouse building and former County Courthouse (i.e., current Finance building). Demolition of an historical resource prevents the resource from conveying its historical significance. The demolition of an historical resource would result in a significant, unavoidable impact. Likewise, the thresholds for determining impacts provided on pages 3.2-11 and 3.2-12 of the Draft EIR, and by reference to State CEQA Guidelines Section 15064.5, establish that demolition of those physical characteristics of an historical resource that convey its historical significance and justify it for inclusion in the CRHR is an action that would have a significant effect on the environment. Because demolition would result in there being no Jailhouse building, there would be nothing remaining to convey the building's historical significance. Thus, demolition of the Jailhouse building would result in a significant impact. The discussion in the Draft EIR is succinct because demolition is widely recognized as a project activity that results in significant impact, and, thus, extensive discussion is unnecessary. Mitigation Measure CUL-1 would require that the County record the Jailhouse building following National Park Service Guidelines for Historic American Building Survey (HABS) documentation. Public interpretation based on information from the HABS documentation will be used to convey the historical significance of the building in formats that may include street-side sign panels and exhibits in nearby County or historical society venues. In addition, Mitigation Measure CUL-2 would require a plan for the reuse of salvaged components of the Jailhouse building in public spaces. Even with implementation of Mitigation Measures CUL-1 and CUL-2, the impact related to an adverse change in the significance of a historical resource would be significant and unavoidable. Mitigation Measures CUL-1 and CUL-2

would serve to reduce this impact in ways that are consistent with good-faith efforts to retain aspects of the historical resource's heritage value and materiality for public use.

In response to various comments, the Draft EIR has been revised as described below to clarify the discussion of potential impacts of the Project on historical architectural resources.

The following paragraph has been added after the bullet list on page 3.2-12 of the Draft EIR:

As summarized in the Setting section above, extensive background research, field review, and analysis has been conducted to identify cultural resources within the Project site or within the Project study area that have the potential to be impacted by the Project. The methods for analyzing impacts include analyzing the Project's potential to cause substantial adverse change in the significance of resources located within the Project site through physical disturbance of archaeological resources or human remains during construction and other ground-disturbing activities, to physically alter historical structures or buildings, or to add or remove features that would disrupt historic districts. In accordance with State CEQA Guidelines Section 15064.5(b), analysis of whether such activities would result in a substantial adverse change to the resource considered whether physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings would materially impair the significance of the resource by adversely altering those characteristics that convey its historical significance and justify it for listing in the CRHR or NRHP.

The first full paragraph on page 3.2-12 of the Draft EIR has been revised as follows:

The Jailhouse building and Courthouse Block are historical resources under CEQA that would be affected by the Project. The demolition of the Jailhouse building, which is eligible for listing on the CRHR, would result in a significant and unavoidable impact on the historic resource, on the limited historic resources within the Martinez Historic Overlay District, substantial adverse change to the Jailhouse building as an individually eligible property, and on the NRHP-listed Contra Costa County Courthouse Block (NRIS Reference #89002113, listed 1989), which is a district that includes the Jailhouse and former County Courthouse (i.e., current Finance building). Demolition of an historical resource as defined in PRC Sections 5020.1(j) or 5024.1 prevents the resource from conveying its historical significance and justification for inclusion in the NRHP and eligibility for CRHR. Therefore, demolition would undermine justification for inclusion of the Jailhouse building in the NRHP and of eligibility for CRHR by destroying all of the character-defining features that express the building's historical associations. Demolition of the Jailhouse building would also disrupt the Contra Costa County Courthouse Block by removing one of the components of that multi-component district. Because the Project would demolish the Jailhouse building and impair the Courthouse Block, it would result in a significant impact. The demolition is an impact that cannot be mitigated to a less-than-significant level. This impact would be significant. Therefore, this impact would be **significant and unavoidable**. Although implementation of Mitigation Measures CUL-1 and CUL-2 would serve to reduce the impact to some extent but not to a less than significant impact not reduce the impact to a less-than-significant level, they would reduce the impact in ways that are consistent with good-faith efforts to retain aspects of the historical resource's heritage value and materiality for public use. Therefore, this impact would be significant and unavoidable.

2.1.2 Common Response 4 – Future Uses at the Project Site

The following common response addresses the comments related to concerns about the analysis of future uses at the Project site in the Draft EIR. Some commenters stated that the potential impacts of the construction of a new building at the Project site should be analyzed in the Draft EIR.

As indicated on pages ES-3 and ES-4 in the *Executive Summary* of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR to reflect the progress of the County's planning efforts for replacement of the County Administration Building, a commenter on the Notice

of Preparation (NOP), similar to this commenter, suggested that the Draft EIR analyze what the commenter suggests would be “the whole of the action,” including the future construction of a new building at the Project site:

This EIR analyzes the whole of the project as it is known at this time. In 2017, the Board of Supervisors directed that planning proceed for County government buildings, including a new Administration Building, located in downtown Martinez. The Board of Supervisors identified a preferred location for the County administrative buildings (the parking lots between Escobar Street and Marina Vista Avenue) as well as an alternate location (on the hill along Arnold Drive before the intersection with Pacheco Boulevard).^{1 2} At the same time, Board of Supervisors authorized KMD Architects, a consulting firm working with the County’s Capital Projects Management Division on projects throughout downtown Martinez, to conduct additional design services for the new Contra Costa County Administration building. As shown on the conceptual plans associated with this site option, the Jailhouse building, without the 1944 annex, could remain as a part of the civic center area, should an interested party present a viable reuse for the structure. As described in Chapter 2, a potential future use of the Project site if the Jailhouse building were removed would be for County administrative functions, although but no plans or designs for such a use at the Project site have been prepared and no funding is available for such a future use at the Project site. Therefore, no further details are known at this time regarding what structures might be planned and constructed at the site. State CEQA Guidelines Article 10, Section 15145 states that if a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact. In *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, the court noted that where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences. Because future development is unspecified for this Project site, it would be speculative to attempt to determine potential impacts of an unknown future use. Therefore, the unknown future use is not considered a reasonably foreseeable consequence of the initial project, nor will this future potential action change the scope or nature of the initial project or its environmental effects. For these reasons, the Draft EIR does not analyze the impacts of construction or operation of such a potential future use. At the time that such construction is planned, further environmental review under CEQA would be required.

Based on the above, the “whole of the action” (the demolition of the existing Jailhouse building and the construction of a new surface parking lot on the site) is adequately analyzed in the Draft EIR and no analysis of the potential future use of the Project site is required.

Since issuance of the NOP for the Project in 2015, the County has developed conceptual approaches to constructing a new government center complex. Recently, the Board of Supervisors directed that planning proceed for County government buildings, including a new Administration Building, located in downtown Martinez. As shown on the conceptual plans associated with this site option, the Jailhouse building, without the 1944 annex, could remain as a part of the civic center area, should an interested party present a viable reuse for the structure. Contra Costa County has determined that retaining the structure is economically infeasible; however, the County will consider appropriate reuse proposals. If no appropriate reuse is identified, then it would be

¹ David Twa. County Administrator. Addressed to Board of Supervisors. Subject: Accept Report on New Administration Building, New Emergency Operations Center/Public Safety Building and Confirm Guidance Given at Board Retreat. February 7, 2017. Accessed: http://64.166.146.245/public//print/ag_memo_pdf_popup.cfm?seq=28595&rev_num=0&mode=CUSTOM. Accessed on: March 9, 2017.

² Capital Facilities Plan: Administration Building, Public Safety Building & EOC. January 31, 2017. Accessed: http://64.166.146.245/docs/2017/BOS/20170207_876/28595_Presentation%202017-01-31%20CCC.pdf. Accessed on: March 9, 2017.

necessary to demolish the structure in order to avoid the health and social impacts of the structure remaining in a vacant and hazardous state and not contributing to the achievement of the County and City's goals for a well-planned, functional, civic center in Downtown Martinez.

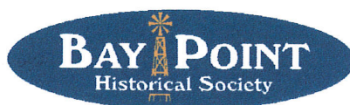
2.1.3 Common Response 5 – Consistency with Plans, Policies, and Regulations

The following common response addresses the comments related to concerns about the consistency of the Project with County and City plans, policies, and regulations. According to the definition of "local agency" in Government Code Section 53090, the County is not considered a "local agency" for purposes of that specific code section and, thus, the requirement in Section 53091 to comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated is not applicable to the Project. That is, because the Project site is County-owned property and because the County is not subject to the requirements in Government Code Section 53091, activities on the Project site are not required to comply with City of Martinez zoning ordinances or regulations, pursuant to Government Code Sections 53090 and 53091, as indicated on page 2-1 of Chapter 2, *Project Description*, of the Draft EIR. Thus, Section 3.6, *Other Topics*, of the Draft EIR includes an analysis of the Project's consistency with the County's land use plans, policies, and regulations. As stated on page 3.6-19 in Section 3.6, *Other Topics*, of the Draft EIR:

The Project site is on County-owned property and the Project would not be required to comply with the City's land use policies and regulations. The County's general plan designated the site as Public/Semi-Public, which applies to properties owned by public governmental agencies. With implementation of the Project, the Project site would continue to be County-owned property and would provide parking for surrounding County government buildings. The Project is consistent with the existing land use designations and zoning, and would not conflict with any applicable land use plan, policy, or regulation.

The determinations of general plan consistency will be made by the Contra Costa County Board of Supervisors. The finding of general plan consistency does not require that a project be entirely consistent with each individual general plan policy. A proposed project can be generally consistent with a general plan, even if it does not promote every applicable goal and policy. Based on the above and as concluded in the Draft EIR, the Project's impacts related to conflicts with an applicable land use plan, policy, or regulation would be less than significant.

2.2 Responses to Comments Received During the Public Review Period



Letter 1

Preserving the Historic Communities of Bay Point, Clyde, Nichols, Port Chicago & West Pittsburg

**NANCY COLCHICO
PRESIDENT**

April 21, 2016

Hilary Heard
Planner
Environmental Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, California 94553-4825

Dear Hilary:

By unanimous vote of the Board of Directors, the Bay Point Historical Society supports the preservation of the 1903 historic Martinez Jailhouse that forms part of the "Courthouse Block".

The Jailhouse is an integral part of this nationally recognized civic landmark, and its continued presence alongside its sister structure, the old County Courthouse (now Finance Building) is necessary to tell the full story of the history of our justice system in Contra Costa County. History needs to be seen and experienced in our historic structures in order to be appreciated and made cognizant to present and future generations. Likewise, this structure complements the historic narrative of the city of Martinez as an historic city and as the seat of Contra Costa County.

We urge that Contra Costa County preserve the 1903 historic Martinez Jailhouse.

Sincerely,

Nancy Colchico
BPHS President

P.O. Box 5386, Bay Point, California

Tel. (925) 709-8805

2.2.1 Letter No. 1. Bay Point Historical Society

2.2.1.1 Response to Letter No. 1

Comment #1

The Bay Point Historical Society states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 2

Hillary Heard

From: Lashun Cross <Lashun.Cross@dcd.cccounty.us>
Sent: Wednesday, April 27, 2016 7:45 AM
To: Hillary Heard
Subject: FW: Online Form Submittal: Contact Us - Conservation & Development

Good Morning Hillary,

A comment regarding Mtz Jailhouse Demo is being provided below. Please include in the record.

Thx
LC

Lashun Cross, Principal Planner
CONTRA COSTA COUNTY
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553
(925) 674-7786—Direct
(925) 674-7258—Fax



From: Hiliana Li
Sent: Wednesday, April 27, 2016 7:34 AM
To: Lashun Cross
Subject: FW: Online Form Submittal: Contact Us - Conservation & Development

From: noreply@civicplus.com [<mailto:noreply@civicplus.com>]
Sent: Wednesday, April 27, 2016 2:29 AM
To: Deidre Hodgers; Eileen Koo; Hiliana Li; Joyce Ring-Reaves; Danielle Kelly; Maureen Parkes; Marjorie Koll; bineighborhoodpreservation@dcd.cccounty.us
Subject: Online Form Submittal: Contact Us - Conservation & Development

Contact Us - Conservation & Development

You can contact the following listed Divisions or Sections with the Department of Conservation & Development by checking the box next to it and filling in the form. No personal information is stored by the County.

Thank you for your interest in contacting Contra Costa County!

Contact Information

Your Name: Gwendolyn Monroe

Your Email: farmerjane555@yahoo.com

Your Phone Number: 9257523543

Sections & Divisions

Please select one or more Divisions or Sections. Administration (Director), Advance & Current Planning, Conservation Programs, Neighborhood Preservation Program

Subject and Message

Subject: Martinez, old jail demolition

Message: I first became aware of the proposed demolition of the old jail, in a local newspaper article, that was published three days before the public hearing at which the EIR was discussed. Meeting held at 3:30, on a Friday. I was unable to attend, as I am at work, at 3:30, on most Fridays. Since then, it has been discussed in detail in "Martinez, Rants and Raves" a facebook forum with over 2,000 members in the group. Several of us have been trying to get more information regarding this issue to the general public, we have gathered signatures, on line, and in person, of people opposed to the destruction of this building. I, alone have gathered over two hundred signatures in person, since April 24. I have read thoroughly, a 77 page government document that outlines the procedures that should be followed when any kind of construction/destruction is to be done on a site that is the host of structures of historical value, which this, unmistakably IS. It does not appear as if these guidelines are being taken into consideration, let alone, used for their purpose, which is to instruct on how to proceed when making physical changes to any site such as this. I think that there needs to be an objective assessment of the building's value, as it stands, physically, and as that of it's historical significance to the County, as well as to the City of Martinez, and the state of California. I think that then, this value should be a considered, as well as the cost of the proposed demolition, and if the reasons, or the goal that starts with the demolition cannot sufficiently offset the costs of the demolition, then this plan should be aborted altogether. Until there is, if there is, sufficient reasons to do so. I feel very strongly about this issue, from many angles, but right now, I am making a practical, and sensible plea to Contra Costa County. The projected revenue delivered by those twenty parking spaces, can not possibly come close to even the cost of waste disposal, accrued by the demolition of this building. Another sensible thought....if such

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an urgent need for additional parking for County offices' employees and guests, exists, then open that gate, to the fence around the parking lot behind the administration building, and let those vacant spaces that exist exactly 91 feet from the exterior wall of the old jail building, be used, instead of being locked up and unavailable for use by anyone, before you tear down the 113 year old, historically registered, sister structure to the Finance Building.

6

How would you like for us to contact you?

Please respond to me by phone

Email not displaying correctly? [View it in your browser.](#)

2.2.2 Letter No. 2. Resident, Gwendolyn Monroe

2.2.2.1 Response to Letter No. 2

Comment #1

Adaptive reuse of the structure is evaluated in Alternatives 2 and 3, which are analyzed in Chapter 4, *Alternatives*, of the Draft EIR. Under Alternative 2 – Adaptive Reuse of Entire Building, the County would rehabilitate the Jailhouse building for government office use through modifications conducted in compliance with the SIS. Under Alternative 3 – Partial Demolition and Adaptive Reuse of Remaining Building, the County would demolish the 1944 annex to the Jailhouse building and would rehabilitate the original structure built in 1903 for government office use through modifications conducted in compliance with the SIS. No changes to the Draft EIR are necessary in the Final EIR in response to this comment.

Comment #2

The Draft EIR presents an objective assessment of the Jailhouse building's historic value in Section 3.2, *Cultural Resources*, of the Draft EIR.

Comment #3

As indicated on page 3.2-8 in Section 3.2, *Cultural Resources*, of the Draft EIR, the HRER in Appendix D of the Draft EIR identifies and evaluates the historical significance of the Jailhouse building to determine whether the property is an historical resources for the purposes of CEQA. The description and analysis in Section 3.2 is based on the HRER, which serves as the objective assessment of the Jailhouse building's historical significance, including findings that the Jailhouse appears to be significant under NRHP Criterion A, B, and C and conclusion that the Jailhouse is an historical resource for the purpose of CEQA. No changes to the Draft EIR are necessary in the Final EIR in response to this comment.

Comments #4 and #5

The decision makers will be required to weigh the environmental impacts identified in the EIR as well as other factors, including cost, in making the final decision on the Project. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #6

Please see Common Response 2 for a discussion and analysis regarding additional alternatives. Meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR. As stated on page 2-2 of the Draft EIR, the goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also Responses to Comments Nos. 19-1 and 19-6.



Kay Cox and Paul P. Craig
623 Lafayette St, Martinez CA 94553
925-370-9729 ppcraig@ucdavis.edu

Letter 3

May 3, 2016

Suggestions for the "Old Jail"

1. Seek to save the old part of the jail;
2. Demolish the new [1940s] part of the jail;
3. Give people interested in saving the old jail time to raise funds and plan;
4. Get started by designating the money now set aside to demolish the old part of the jail as a restoration incentive fund;
5. Specify a two-year window for planning and raising funds to restore the old part of the jail;

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This approach will cost the County nothing. If in two years nothing is accomplished, the funds will still exist to demolish the old jail.

During the two-year period the County funds will provide a starting point for citizen action to raise funds for full restoration.

Paul P. Craig
Kay Cox

2.2.3 Letter No. 3. Residents, Kay Cox and Paul Craig

2.2.3.1 Response to Letter No. 3

Comment #1

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including those suggested in this comment.

Letter 4



The Fernandez Mansion

Pinole Historical Society

P.O. Box 285
Pinole, CA 94564
www.PinoleHistoricalSociety.org
info@PinoleHistoricalSociety.org



Board of Directors

Jeff Rubin, President
George Vincent, Vice President
Mary Drazba, Treasurer
Jo Ann Gannotti, Secretary
Marcia Kalapus
Norma Martínez-Rubin
Mary McMains

Director Emeritus

Jack Meehan

May 3, 2016

Hilary Heard
Planner
Environmental Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, California 94553-4825

Dear Ms. Heard:

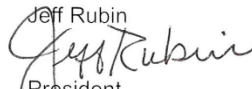
The Pinole Historical Society joins with other historical societies in Contra Costa County in urging the preservation of the 1903 historic Martinez Jailhouse that forms part of the "Courthouse Block."

Communities throughout California have torn down their historic buildings in the name of progress, often resulting in parking lots and cookie-cutter shopping centers. While I understand the need for parking, I believe the preservation of a community's historic buildings is more important.

It's difficult to preserve history when all there is to show people is a photograph. In order to fully experience history, people need to see how things were, and where they were. How else are we to teach children and adults, some of whom have recently moved into our communities, about who we are and how we got to the present?

The 1903 Martinez Jailhouse is an important part of that city's history, a building that needs to be respected and preserved to provide a window into the city's past.

Thank you for your consideration.

Jeff Rubin

President
Pinole Historical Society

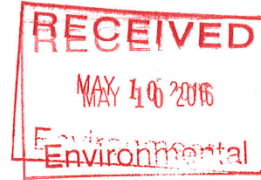
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2.2.4 Letter. No. 4. Pinole Historical Society

2.2.4.1 Response to Letter No. 4

Comment #1

The Pinole Historical Society states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.



Letter 5

ESTABLISHED APRIL 30, 1951

May 3, 2016

Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553
Attention: Hillary Heard

Re: Environmental Impact Report for the Downtown Martinez Jail Demolition Project

The Contra Costa County Historical Society has received a number of requests to comment on this project. The Society is sympathetic to the difficulty of the decision making regarding the old jail, and the board has asked me to forward these comments for your consideration. We would like this letter to be a response to the request for comments due May 12.

As the County Historical Society, we would like to see the building preserved if at all possible. At the Board of Supervisors request in 1989, it was through former Executive Director Betty Maffei's efforts, working with the Planning Department, that the building was placed on the National Register of Historic Places as part of the Contra Costa County Courthouse Block in 1989. According to the documentation, the 1901 granite Jail building and the Courthouse, "surrounded by a 1901 low, rounded granite curbing" were created as a single project. According to the National Register documentation, both buildings are significant not only because they were "a center of government for Contra Costa County from 1901 until 1939" but also because they are "very good examples of classically inspired early 20th century buildings." Clearly, from the County's decision to refurbish the old County Courthouse (now the Finance Building), the Courthouse Block would still seem to represent a center of Contra Costa County government.

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The Historical Society will support whatever decision the Board of Supervisors makes, but we would like to suggest a couple of other steps that might be taken, should it ultimately be deemed not possible to save the Jail.

- 1) If commemoration of the jail were to take place (again, only in the eventuality that the jail were torn down), it is the Society's wish that a monument to the jail be constructed: a façade wall from the old jail that could be preserved as a part of any new building that would be built or a plinth and column be erected, either the remainder of the cornerstone, or

2

CONTRA COSTA COUNTY HISTORICAL SOCIETY 724 ESCOBAR STREET, MARTINEZ, CA 94553-1114
TEL: (925) 229-1042 FAX: (925) 229-1772 E-MAIL: info@cocohistory.com WEBSITE: www.cocohistory.com

constructed from the materials of the old jail. These, being larger and more representative than a plaque, would provide a place for visitors and school children to really “get the feel” of the old jail and how it would have looked in its original design as part of the Courthouse Block.

2 cont.

2) Regardless of the final decision on the fate of the building, the Society would like to request the opportunity to photograph the interior and the remaining artifacts before they are removed and/or discarded.

3

The Contra Costa County Historical Society hopes that these comments will be helpful to the Supervisors in their deliberations, and we appreciate the opportunity to make them.

Sincerely,



Scott Saftler
President, CCCHS Board of Directors

cc: Board of Supervisors, Contra Costa County

2.2.5 Letter No. 5. Contra Costa County Historical Society

2.2.5.1 Response to Letter No. 5

Comment #1

The Contra Costa Historical Society states that the building should be preserved if at all possible. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #2

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternative suggested in this comment.

Comment #3

The Contra Costa Historical Society requests access to the building to photograph the interior and artifacts.

As presented on page 3.2-12 in Section 3.2, *Cultural Resources*, of the Draft EIR, Mitigation Measure CUL-1 would require the County to record the Jailhouse building following National Park Service Guidelines for HABS documentation. This record will include large-format black and white or digitized photography, captions, and thorough written documentation of the historical context and description of the building for submission to local historical repositories, including the Contra Costa County Library in Martinez.

RECEIVED
MAY 10 2016
Environmental



Lafayette Historical Society

P.O. Box 133 • Lafayette CA 94549 • www.lafayettehistory.org

Letter 6

May 5, 2016

Hilary Heard
Planner
Environmental Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, California 94553-4825

Dear Hilary:

The Board of the Lafayette Historical Society supports the preservation of the 1903 historic Martinez Jailhouse that forms part of the "Courthouse Block".

Our Board feels that the Jailhouse is an important part of this civic landmark, and its continued presence alongside the nearby structure of the old County Courthouse (now Finance Building), is helps to tell the full story of the history of our justice system in Contra Costa County. History needs to be seen and experienced in our historic structures to be appreciated and made aware to present and future generations. This structure also complements the historic nature of the city of Martinez as an historic city and as the seat of Contra Costa County.

We urge that Contra Costa County preserve the 1903 historic Martinez Jailhouse.

Sincerely,

Mary S. McCosker
President

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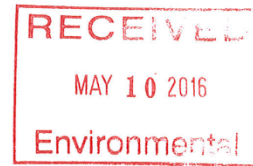
2.2.6 Letter No. 6. Lafayette Historical Society

2.2.6.1 Response to Letter No. 6

Comment #1

The Lafayette Historical Society states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 7



Dolores White
761 Condor Drive
Martinez, CA 94553
dolores19@comcast.net

May 5, 2016

Hillary Heard, Planner
Environmental Division
Contra Costa County Public Works Department
255 Glacier Dr
Martinez, CA 94553

Dear Ms. Heard,

The City of Martinez was highlighted in the East Bay Times this morning because it has a “quaint downtown.”

You have a part in making decisions which will continue or end the quaintness of our city. Please do not destroy the old prison. The building blocks of that structure are not seen often in our area, in fact, are becoming more and more rare with the expansion of parking lots and pavement.

There are issues with restoration, but destruction at this time is not the answer. It cannot be replaced.

Sincerely,
Dolores White

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2.2.7 Letter No. 7. Resident, Dolores White

2.2.7.1 Response to Letter No. 7

Comment #1

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 8



Dena Zachariah
734 Grandview Ave.
Martinez, CA 94553

May 6, 2016

Hilary Heard
Planner
Environmental Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553-4825

Dear Hilary:

I have been a resident of downtown Martinez since 1987. Like many of the residents, I moved to the community partly due to the historical aspects of the downtown area. We, who are privileged to live here, have a strong interest in preserving our historical roots. Destroying the old jail would deal a further blow to the slow demise and charm of old Martinez. This beautiful structure could be converted to a variety of uses. Check this example of what was done with the antique jail in Lynden Washington: jansenartcenter.org.

1

As stated in the EIR, loss of the old jail would have significant historical impact on the town and county. Thank you for listening to my concerns. Hopefully, decisions will be made which protect our old structures from further demise.

2

Sincerely,

Dena Zachariah

2.2.8 Letter No. 8. Resident, Dena Zachariah

2.2.8.1 Response to Letter No. 8

Comment #1

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternative suggested in this comment.

Comment #2

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 9



RAYMOND J. O'BRIEN

May 6, 2016

Hillary Heard
Planner
Environmental Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, California 94553-4825

RE: Comments
Draft EIR—Historic Martinez Jailhouse

Dear Hillary:

The following are my written comments regarding the draft Environmental Impact Statement concerning the possible alternatives for the historic 1903 Jailhouse and its 1944 annex.

"The structure is considered to be a significant historic resource."
--Draft EIR

The above statement acknowledges the fact that the Jailhouse is part of a significant historic complex that includes the old County Courthouse, the old jailhouse, the situational environment surrounding these two structures, framed in part by a stone perimeter curbing (which is a component of the recognized historic complex) of the same Vermont granite material as the exterior of these structures. The complex, commonly referred to as the "Courthouse Complex" is on the 1976 Historic Resources Inventory for Contra Costa County, and was listed, in 1989, on the National Register of Historic Places by the State Office of Historic Preservation and the Secretary of the Interior. The above statement is of overriding importance when it comes to deciding whether to destroy the Jailhouse or to retain it; whether or not it is adapted, and put to reuse in a capacity that respects (at least) the historical façade of the building. This is especially true for the 1903 original structure. As the EIR acknowledges, there is no mitigation for the loss of this historical resource.

1

The EIR needs to evaluate alternatives and comply with the stipulations of the County's General Plan regarding the sub-section of the Open Space Element dealing with Historic and Cultural Resources Goals:

2

CAISLÉAN BEAG AR SCÁTH AN CHNUIC
813 CASKEY STREET
BAY POINT, CALIFORNIA 94565-6766
PHONE: (415) 385-9220
E-MAIL: RAYOB@PRODIGY.NET

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Raymond J. O'Brien
Historic Jailhouse, Martinez
May 6, 2016

9-32. Areas which have identifiable and important archaeological or historic significance shall be preserved for such uses, preferably in public ownership.

9-33. Buildings or structures that have visual merit and historic value shall be protected.

9-34. Development surrounding areas of historic significance shall have compatible and high quality design in order to protect and enhance the historic quality of the area.

2 cont.

The County Courthouse Complex (including the Jailhouse) qualifies under the above three goals to be preserved and protected.

A structure that is of itself historical and adds to the integrity of the complex, both historically and visually, needs to be put into a perspective that treats it more than just a surplus piece of County property, and justification for demolition of a segment of this complex needs a more important use for the site other than just a parking lot, which will greatly compromise the visual value of the entire complex. After all, the old Courthouse (now County Finance Building), with its Jailhouse (which served as the incarceration arm of justice), gives physical testimony to present and future generations of the the history of the administration of justice in Contra Costa County.

3

4

One of the project goals (*Allow for compatible and functional structures and land uses in the civic center area*) is thus antithetical to the goals enunciated above by the County's General Plan and by this writer.

5

While the Historic Jailhouse is not technically part of the Downtown Martinez Plan (specifically, Historic Overlay District), and exempt from City ordinances (especially the requirement that National Register properties be preserved) it does contribute to the City's Historic Overlay District. The County cannot be oblivious to the fact that the Historic Jailhouse, like the old Courthouse, does, in fact, contribute to the historic ambiance of a city that is the seat of Contra Costa County and its government center.

6

Likewise, the suggestion that pieces of the historic Jailhouse can be reutilized in other public venues (e.g., parks) is ill-conceived. A dismembered historic building ceases to be a landmark to citizens when its integrity has been grossly obliterated by demolition. Even remembered vestiges accompanied or embodied in a plaque, or a building description in a book, deny the contextual awareness of landmarks that citizens, residents, and visitors are entitled to. All references in this regard should be removed from the finalized EIR.

7

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The draft EIR acknowledges that the impact on aesthetics would be more beneficial with building reuse or adaption than with alternatives providing various parking scenarios in place of the 1903 building and the 1944 annex.

Although the Jailhouse building is a contributing element to the Downtown Martinez Historic District, which comprises the historic context of the area, demolition of the Jailhouse building would result in a minimal change to the existing visual character. Additionally, the new parking lot would be designed to be visually similar to the other existing lots and, therefore, would not change the existing visual character of the area. The character of the Jailhouse building is important to the historic context of the area; the impact of the Project on the historical setting of the Project area is described in Section 3.2, Cultural Resources. Refer to Section 3.2 for an analysis of how the change in visual character could affect the existing historic context in the Project area.

--Draft EIR
Analysis, 3.6.1.2.c

It is incorrect to say that replacing a 1904 granite building with a parking lot will have a minimal impact to the visual character of the area. This is separate from scenic vistas. Furthermore, Section 3.2 does not adequately deal with the change in visual character on the existing historic context. This needs to be addressed in the finalized EIR.

While the draft Environmental Impact Statement acknowledges the historic importance of the building and its place as a component of the old Courthouse block, historicity is then abandoned as a consideration through most of the draft report, leading to a conclusion that is unfounded and without merit. "Cultural Resources" are generally acknowledged to refer to resources of an ethnic, tribal, or cultural (a way of living, or doing human tasks) nature, and linked, many times, to archaeological sites. "Cultural Resources" should be differentiated from "Historical Resources," and there is a lack of cohesion in the EIR in distinguishing these two different resources, and giving each its proper and consistent treatment. "Cultural Resources" are considered for each alternative, but not "Historical Resources". This oversight needs to be corrected. And, specifically:

Table 4.1 Comparison of Alternatives' Impacts—Historic Resources does not appear as a consideration.

Section 5.13 Analysis of Cumulative Impacts—Again, no consideration of Historic Resources.

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Draft EIR Comments
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May 6, 2016

Section 5.3 Significant Unavoidable Environmental Impacts—Because this building has been long-vacant, contains hazardous materials including lead and asbestos, is no longer used or needed for the purpose it was constructed, and would not be viable for an alternate use, the building has been recommended for demolition rather than future County use.

The above statement (Section 5.3) provokes consternation because there is no rationale to state that an alternative reuse of the building is not possible. The reasons given make no logical sense why the structure cannot be reused or re-appropriated. This is especially mind-boggling when the draft EIR states earlier regarding Alternative 4, “Therefore, the Partial Demolition and Adaptive Reuse of (the, sic) Remaining Building Alternative is considered the environmentally superior alternative.”

10

Finally, the County’s General Plan is very instructive for the options explored regarding the 113 year-old Historic Contra Costa County Jailhouse. The General Plan states:

9-o. Seek coordination and cooperation with Federal, State, and local governments, and with private and non-profit organizations, to establish funding sources to preserve, restore, and enhance unique historic sites. Such funding sources may be used to acquire and preserve sites or to acquire easements over sites and building facades.

9-p. Identify funding mechanisms, including funding from the County to the extent possible, to support programs to preserve, restore, and enhance unique historic sites.

11

The Historic Jailhouse is a structure that is worth preserving, and, to use the General Plan’s term, worth “enhancing” with an appropriate adaptive use. The Historic Jailhouse is a symbol of the history of the right hand of justice (incarceration) in Contra Costa County, and a fitting counterpoint to its sister structure, the old County Courthouse. It should be preserved, and adaptive reuses more fully explored before a decision is made to demolish it. This is why I support Alternative 2 or Alternative 3 in the EIR¹.

Sincerely,



¹ In order to properly evaluate all alternatives, an Alternative 4 needs to be added to the final EIR—Demolition of Both the 1903 Jailhouse Structure and 1944 Annex for Replacement with a Parking Lot.

2.2.9 Letter No. 9. Resident, Raymond O'Brien

2.2.9.1 Response to Letter No. 9

Comment #1

The commenter notes the findings of the Draft EIR regarding the impact of the Project on historical resources.

Comment #2

Please see Common Response 5 for a discussion of the Project's consistency with land use plans, policies, and regulations.

Comments #3 and #4

This comment discusses the context of the jail structure. The EIR discusses the physical context and the relationship of the Courthouse and Jail in Section 3.2.2.6 of the Draft EIR.

The portion of this comment that states more justification for demolition is needed is addressed in Section 5.3 in Chapter 5, *Other CEQA Considerations*, of the Draft EIR. As stated on page 5-8 in Chapter 5:

Contra Costa County has over 200 facilities to operate and maintain. The Public Works Department is responsible for operating and maintaining these facilities. As part of the administration of the County facility portfolio, Public Works is responsible for identifying and highlighting vacant or underutilized County-owned buildings for potential disposition. Because the Jailhouse building is long-vacant, contains hazardous materials including lead and asbestos, is no longer used or needed for the purpose for which it was constructed, and would not be viable for a different use, the building has been recommended for demolition rather than future County use.

Comment #5

Please see Common Response 5 for a discussion of the Project's consistency with land use plans, policies, and regulations.

Comment #6

Please see Common Response 3 for a discussion and clarification of the Project's effects on the historic district. As noted in in Common Response 3, additional detail has been added to EIR to provide greater context regarding the nature of the historical resources.

Comment #7

The commenter states that Mitigation Measure CUL-2 should not be considered. This comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #8

The comment is stated to be directed at the visual impacts analysis, but the issue of the effects of visual changes on historic character are addressed in the EIR in Sections 3.2.2.6 and Impact CUL-1. In addition, please see Common Response 3 for additional information on this topic.

Comment #9

The comment states that historic resources are not a part of cultural resources and therefore were not adequately addressed in the Draft EIR. For the purposes of CEQA, which may use terms differently than they are used in other contexts, "cultural resources" includes both archaeological resources and historic resources. (*CEQA Guidelines Appendix G*).

Comment #10

Please see Chapter 4 of the Draft EIR and Common Response 3 for a discussion and further explanation regarding the screening of Project alternatives. In addition, please see Response to Comments Nos. 9-3 and 9-4 for a discussion of the reasons that the Jailhouse building has been recommended for demolition rather than future County use. For the Jailhouse building to be viable for a different use, the County would need to rehabilitate the Jailhouse building for government office use through modifications conducted in compliance with the SIS. Thus, extensive modifications would be required, as analyzed under the Adaptive Reuse of Entire Building Alternative.

Comment #11

The commenter states that the Project should not be implemented and supports Alternatives 2 and 3. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 10

Hillary Heard

From: Bill Sharkey <bjsharkeyiii36@gmail.com>
Sent: Sunday, May 08, 2016 11:22 PM
To: Hillary Heard
Cc: Dean McCleod; Dean McLeod; Kris Carlock
Subject: Old County Jail
Attachments: COLUMN 1 #233.docx

Dear Ms. Heard:

Attached is my Column 1 printed in the Sunday, May 7 issue of the Martinez News-Gazette. My thoughts on the Old County Jail are expressed in the column. As a life-long resident of Martinez, I appreciate what the Old Jail has meant to Martinez and our local history.

We are hopeful that the ways and means necessary to keep the jail in tact will be found.

Thank you,

Bill Sharkey III
925-228-1375

COLUMN 1 # 233
Bill Sharkey III

WHAT ARE THEY THINKING? Tear down an historic old jail building? To do what with the space? Are we talking economics, or are we wanting to rid downtown Martinez of an ‘eyesore’ in some folks’ eyes? California is built on history and historic sites and buildings. Martinez is no exception! Have ‘they’ looked beyond \$\$\$ to maintain or retain that rock-solid edifice (no pun intended!!)? Are the proper authorities guiding the decision-making process and taking into consideration the value of history? We’ve seen too many ill-guided ventures and have damaged or lost wonderful chunks of history in the country where expediency overcame heritage.

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Today it is a big stretch to imagine the old block building at Pine and Escobar streets as holding many prisoners when we look at the size of the ‘new’ jail which is now nearly four decades old. For those of us who have been around for eons, the ‘old jail’, not attractive in modern-day glitzy architectural style, for sure, is a corner stone (again, no pun intended!) of our Contra Costa County Civic Center. If it were a conversationalist, great stories could fill volumes on CD’s to be included in our city’s and county’s history.

During my growing-up years, I can recall seeing trustees (prisoners) washing county vehicles in the driveway area on Escobar Street. Trustees were just what the term implied: they were prisoners who were trusted to work outside the building. It gave them a chance for fresh air and sunshine in exchange for some working time. While there may have been some who decided they needed more space and walked away, I can’t recall any major incidents leading to manhunts.

On the Pine Street and Main Street sides of the building, before some 1940’s remodeling, there were very small windows; more like slits in the wall. On the wall were signs which warned passersby that speaking with prisoners was prohibited, and arrest could be suffered. It did not stop some of those incarcerated within from trying to communicate with pedestrians going by. Also, because of the close proximity to the sidewalk and street, sounds and voices within could be heard outside. When someone was a ‘resident’ there, you were in the County Jail, pure and simple, not in a ‘Detention Center’, a more dignified term used today for a hoose-gow, a slang term used for a jail by some.

Speaking a bit more about ‘trustees’, many decades ago work parties of ‘trustees’ got their ‘exercise’ working at duck clubs of officials favored by past sheriffs. Some came from the County Jail here, some from the ‘Jail Farm’ located on Marsh Creek Road beyond Clayton. Such efforts extended to other projects around the county, as well. Jail time in the past was not like it is today, for sure.

Some Martinez residents sincerely interested in history are rounding up and circling the wagons to convince the Board of Supervisors to give much more thought and consideration to the future of the Old County Jail. This is another of those issues where the wrong move in haste, or

for the wrong reasons, can destroy something which should be an important issue where creativity, if given a chance, can produce great and lasting results. Let's hear it for creative brainstorming in keeping the Old Jail in tact while ideas are explored! We prefer no decisions by the deciders until opportunities have been explored, please?

4

"Friends of the Historic County Jail" is forming to influence a positive decision on the jail issue, and is looking for preservation-minded citizen interesting in taking part. Interested? Contact the new group at "savethecountyjail@gmail.com" Dean McLeod, an avid historian and author, is spearheading the effort at this point.

WITH THE WORLD in turmoil and chaos in many areas, our federal government came up with a creative and, apparently, necessary edict. Starting in August of this year, every U.S. airport, with 100,000 passengers a year or more, must provide a "Pet Relief Area" for dogs of passengers embarking on flights. While not an earth-shaking decision, it certainly must be a real relief for dogs and their owners. With that historic move, now the rest of us will probably soon be facing decisions about which 'relief area' we can/should use as this unbelievable debate over public restrooms (his, hers or there's) is resolved. Egad! Political correctness gone berserk as the world around us crumbles.

Years ago during my Navy days in Japan and Korea, I was taken aback in a public restroom in Yokosuka when, as I stood at a urinal, a cleaning lady mopping the floor worked right around my feet as she went about her chores. Six decades ago for a 'kid' from Martinez, California, in his first adventure overseas, it was 'interesting', but it occurred so quickly I did not have a chance to be 'concerned'. Mama-san and I both got the job done! No fuss, no his/hers/theirs concerns. Has life gotten so complicated and 'proper' that it is not so much fun anymore?

THERE IS FUN in watching the Warriors move through the playoffs. Exciting games and good results for 'our team'. Even without injured super star Stephen Curry (you know, the guy behind the protective gates in Walnut Creek), the team is a winner. Another NBA championship? What fun, for sure!!

Speaking of being a winner, did you see the published contract salaries of some of the Warriors? How about Klay Thompson (#11) with a four-year guaranteed \$68,975,500? Or, Draymond Green (# 23) with five years guaranteed at \$82,000,000? Curry, thus far in a two year contract which ends this season, guaranteed at \$23,483,145. As NBA MVP last year and, probably again this year, think he may get a good bump in his new contract?

WELCOME ABOARD to Brad Kliger, newly-appointed City Manager who hits the deck running on June 13 with plenty on his plate, I am certain. Farewell (again!!) to Jim Jakel, interim City Manager for several months, who came back to keep the City on an even keel. You'll recall Jim held the position as City Manager many years ago, left to be Executive Director of the Contra Costa Council and then retired a couple years ago as Antioch's City Manager. A really good guy to run things well.

Election 2016: In this corner.....!! Come out fighting! BONG!!!

CHEERS for the 'trainers' at SFO who will be giving training to their 39,000 employees on 'what to do if someone starts shooting' in the terminal. Includes everyone from vendors, baggage handlers, food servers, ticket staff. Good plan. First lesson should be: KEEP YOUR HEAD DOWN! Especially if you don't have a weapon other than a bagel, drink glass or a carry-on! How the world has changed!

#

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#

2.2.10 Letter No. 10. Resident, Bill Sharkey

2.2.10.1 Response to Letter No. 10

Comment #1

The commenter asks what will be done with the site once the Jailhouse building is demolished. As stated on page 2-3 in Chapter 2, *Project Description*, of the Draft EIR, the parking lot would be constructed as a near-term use. Please see Common Response 4 for an explanation of how the EIR analyzes the “whole of the action” and an analysis of the potential future use of the Project site for County administrative functions is not required in the EIR.

Comment #2

Alternatives to demolition were considered in the Draft EIR, and presentation and analysis of these alternatives is provided in Chapter 4, *Alternatives*.

Comment #3

The final decision on this Project will be made by the Contra Costa County Board of Supervisors.

Letter 11

Hillary Heard

From: Martha & Peter Dragovich <mp4ever@mac.com>
Sent: Sunday, May 08, 2016 7:03 PM
To: Hillary Heard
Cc: rschroder@cityofmartinez.org; mross@cityofmartinez.org; ldelaney@cityofmartinez.org; amafarias@cityofmartinez.org; dmckillop@cityofmartinez.org
Subject: Draft Environmental Impact Report (DEIR) Downtown Martinez Jail Demolition Project, County File CP#15-39, State Clearinghouse

Hillary Heard
 Environmental Division
 Contra Costa County Public Works Dept.

We have written previously on the need to save the historic Martinez jail. Our letter of 12/02/15 is included in the appendices to the DEIR.

My wife and I are Martinez residents of 42 and 26 years, respectively. Over the years we have seen how passionate and protective Martinez residents are of our shared historical, cultural and architectural heritage. Downtown Martinez instills a rich sense of place sought by many cities but out of their reach because no amount of architectural incorporation of the design elements of the past in a new structure can recreate the soul of a building that has stood for generations. Once a historical treasure is gone, it is gone. Warsaw, Poland is a poignant example. When you stand in the center of their now recreated historical downtown you appreciate the tremendous effort they made to reproduce the heart of their city after it's leveling in WWII but the result is a hollow and unsatisfying reflection of what stood before it. Warsaw did not have a choice, Martinez does.

So what can be done to save this historical resource and strengthen the heritage of our town, a heritage that residents and visitors appreciate and enjoy? Fortunately, the DEIR provides a creative solution that is also designated the, "environmentally superior alternative."

Page 4-16 the DEIR states, "The No Project Alternative would be the environmentally superior of the three alternatives because it would result in less impact overall. As required by CEQA, if the alternative with the least environmental impact is determined to be the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."(discussion)....."Therefore, the Partial Demolition and Adaptive Reuse of Remaining Building Alternative is considered the environmentally superior alternative."

1

We strongly urge selection of the **Partial Demolition and Adaptive Reuse of the Remaining Building Alternative** or the No Project Alternative.

Sincerely,

Peter & Martha Dragovich
 1040 Arlington Way
 Martinez, CA 94553

2.2.11 Letter No. 11. Residents, Peter and Martha Dragovich

2.2.11.1 Response to Letter No. 11

Comment #1

The commenters express support for approving Alternative 1 –No Project Alternative and Alternative 3 – Partial Demolition and Adaptive Reuse of Remaining Building. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 12

Hillary Heard

From: borenskij@comcast.net
Sent: Monday, May 09, 2016 3:53 PM
To: Hillary Heard
Subject: DEIR Downtown Martinez

Dear Ms Heard:

RE: Draft Environmental Impact Report (DEIR) Downtown Martinez Jail Demolition Project, County File CP#15-39, State Clearinghouse

2015112003

I am a resident of downtown Martinez, having moved here over 30 years ago. Over the years I have seen many changes in the area, some good and others, not so much. I appreciate the historical architecture but also seeing the city and county keep current. Unfortunately, once a building is demolished, it is gone. I feel that the old jail building should at least be given a chance as it would be a shame to destroy it and then come up with a plan for it's use. I feel that it is important to preserve historical buildings if they can be brought into current use; to have the building continue to decline would be a waste of wonderful architecture especially since it is considered to be historically significant.

1

I am asking that the Board of Supervisors consider not demolishing the jail and at least preserve the old portion. A few more parking spaces are just not worth it.

Consideration should be given to ways of being able to develop the old jail into a building for other uses: space for movie filming (e.g. the movie Tucker which was filmed in Martinez), art or music venue, museum. There is considerable interest all over the Bay Area in revamping old buildings into new trendy venues and this would be such a wonderful place for development. But, once it is demolished, it is gone and the history is gone as well.

2

Please do not demolish the old jail. Thank you for your consideration.

Kind regards,
Jane Borenstein

2.2.12 Letter No. 12. Resident, Jane Borenstein

2.2.12.1 Response to Letter No. 12

Comment #1

The commenter expresses support for approving one of the alternatives analyzed in the Draft EIR rather than the Project. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #2

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternative suggested in this comment.



"Preserving the Past to Protect the Future"
Since 1970

Letter 13



HONORARY BOARD

Dave Brubeck
Musician, Composer
1920-2012

Willard Ballenger
WWII Veteran,
Race Horse Breeder

Joseph L. Campbell
President (Ret) Contra
Costa Water District

Richard A. Cuneo
Winery Executive

Hart Fairclough
Educator, Athletic Coach
1924-2013

Judith Morgan
Author, TV Writer, Painter

James Serventi
Col. (Ret) US Air Force

May 2, 2016

Ms. Hilary Heard, Planner
Environmental Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, California 94553

Dear Hilary:

By unanimous vote of the Executive Committee of the Board of Directors of the Concord Historical Society, we hereby support the preservation of the 1903 historic Martinez Jailhouse that forms part of the "Courthouse Block".

The Jailhouse is an integral part of this nationally recognized civic landmark, and its continued presence alongside its sister structure, the old County Courthouse (now Finance Building) is necessary to tell the full story of the history of our justice system in Contra Costa County. History needs to be seen and experienced in our historic structure in order to be appreciated and made cognizant to present and future generations. Likewise, this structure complements the historic narrative of the City of Martinez as a historic city and as the seat of Contra Costa County.

We urge that Contra Costa County preserve the 1903 historic Martinez Jailhouse.

Thank you.

Sincerely,

CONCORD HISTORICAL SOCIETY


Carol Longshore, President

/ck

1

Non-Profit Tax ID No. 23-7094512

History Resource Center 1700 Farm Bureau Road 925.827.3380 www.concordhistorical.org

Post Office Box 404 Concord California 94522

2.2.13 Letter No. 13. Concord Historical Society

2.2.13.1 Response to Letter No. 13

Comment #1

The Concord Historical Society states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 14

STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY

EDMUND G. BROWN, JR., Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**



1725 23rd Street, Suite 100
SACRAMENTO, CA 95816-7100
(916) 445-7000 Fax: (916) 445-7053
calshpo@parks.ca.gov
www.ohp.parks.ca.gov

May 10, 2016

Hillary Heard
Public Works Department
Contra Costa County
225 Glacier Drive
Martinez, California 94553
Sent via email on May 10, 2016

Dear Ms. Heard,

**RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN
MARTINEZ JAIL DEMOLITION PROJECT**

Thank you for including the California Office of Historic Preservation (OHP) in the environmental review process for the proposed Downtown Martinez Jail Demolition Project. Pursuant to the National Historic Preservation Act and the California Public Resources Code, the State Historic Preservation Officer (SHPO) and the OHP have broad responsibility for the implementation of federal and state historic preservation programs in California. Our comments are offered with the intent of protecting historic and cultural resources, while allowing Contra Costa County (Lead Agency) to meet its program needs. The following comments are based on the information included in the Draft Environmental Impact Report (DEIR) for the proposed project.

The Contra Costa County Public Works department (project sponsor) proposes to demolish the Downtown Martinez 1903 Jailhouse building and the 1944 annex to construct a surface parking lot. The Jailhouse building is historically significant for its association with important historic events and for its architecture. The Jailhouse is listed on the National Register of Historic Places, the California Register of Historical Resources, and the City of Martinez Historic Resources Inventory, making the building a historical resource for the purposes of the California Environmental Quality Act (CEQA). The project as-proposed will result in significant impacts to the Jailhouse and the Civic Center Historic District that cannot be mitigated to a less than significant level using the proposed mitigation measures, a fact acknowledged in the environmental document.

1

The project objectives described in the DEIR are to reduce hazards posed by the existence of the unoccupied, contaminated building; meet near-term parking needs in the area; implement the Martinez General Plan, Martinez Downtown Specific Plan and Contra Costa County General Plan policies for the civic portion of Downtown Martinez; promote future development of required space for County government/administrative uses; and allow for compatible and functional structures and land uses in the civic center area. The DEIR includes three alternatives to demolition of the Jailhouse— alternative 1: no project alternative; alternative 2: adaptive reuse of entire building

2

Hillary Heard
May 12, 2016
Page 2 of 2

alternative; and alternative 3: partial demolition and adaptive reuse of remaining building alternative.

All alternatives identified are feasible, and all have the potential to reduce impacts to historical resources, both alternatives 1 and 2 would reduce significant impacts to a level that would be considered insignificant. CEQA Statute § 21002 explains that it is the policy of the State that Lead Agencies should not approve projects if feasible alternatives exist that will avoid or lessen the significant environmental impacts of a proposed project, while still meeting most of the basic project objectives. In addition, the Legislature adopted CEQA Statute § 21001(b), which directs Lead Agencies in California to develop standards and procedures and to consider alternatives with the goal of ensuring people of this state will continue to enjoy natural and historical environmental qualities. In keeping with the CEQA Statute and Guidelines, and the OHP's goal to encourage the preservation and enjoyment of historical and cultural resources, we encourage the Lead Agency to seriously consider adopting one of the project alternatives, which will be capable of reducing significant environmental impacts to historical resources to a less than significant level.

2 cont'd

One of the goals of CEQA is to encourage coordination between California public agencies. In keeping with this goal, on December 11, 2015 the city of Martinez requested to be consulted pursuant to CEQA Statute § 21153 (a) requiring Lead Agencies to consult with, and obtain comments from, agencies with jurisdiction by law. CEQA encourages early consultation to help Lead Agencies identify the range of actions, alternatives, mitigation measures, and significant effects to be considered and analyzed in depth (Statute § 21153 (b)). We encourage the Lead Agency to actively consult with the City of Martinez to determine which project alternative in the DEIR they feel would most effectively implement the policies of the *Martinez Downtown Specific Plan*, and specifically Chapter 6, *The Downtown Historic Overlay District*, which stated purpose is to, "promote the preservation and rehabilitation of historic commercial, civic and mixed-use buildings in the Downtown Core and Civic Districts..." The results of the consultation with the City of Martinez should be summarized in the Final EIR for consideration by decision makers when they are asked to certify the final EIR.

3

If you have questions, please contact Sean de Courcy of the Local Government and Environmental Compliance Unit, at (916) 445-7042 or at sean.decourcy@parks.ca.gov.

Sincerely,



Julianne Polanco
State Historic Preservation Officer

2.2.14 Letter No. 14. California Office of Historic Preservation

2.2.14.1 Response to Letter No. 14

Comment #1

The Office of Historic Preservation states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #2

The Office of Historic Preservation expresses support for approving one of the alternatives analyzed in the Draft EIR. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #3

The County Public Works Department mailed copies of the NOP to interested parties, local agencies, and other interested stakeholders (including the City of Martinez) on November 2, 2015. The City of Martinez submitted a comment in response to the NOP that identified the City's concerns related to the Project Description; alternatives analysis; impacts on the historic district, historic overlay district, and the *Martinez Downtown Specific Plan*; and hazardous materials. The County considered the City's concerns about the scope of the Draft EIR and addressed those concerns throughout the Draft EIR. The Draft EIR was distributed to the City of Martinez on March 29, 2016 in response to the City's request to be consulted pursuant to Public Resources Code Section 21153. A general presentation was made to the City Council by the County Public Works Department on April 6, 2016 regarding projects in Downtown Martinez and the Project was briefly discussed. In addition, as indicated on page 1-3 in Chapter 1, *Introduction*, a public hearing to receive additional comments, which City representatives could have attended, was conducted on April 18, 2016. The County Public Works Department will comply with the remainder of the CEQA procedural requirements. The City of Martinez submitted a comment letter on the Draft EIR (Letter No. 22), which is included in the Final EIR. Responses to the City's comments are included in Responses to Comments Nos. 22-1 through 22-6.

Letter 15

Hillary Heard

From: mtzman@comcast.net
Sent: Tuesday, May 10, 2016 10:31 AM
To: Hillary Heard
Cc: mtzman@comcast.net; savethecountyjail@gmail.com
Subject: save the jail

May 10, 2016

Re: Save Martinez’s Historical Old Jail

To: Hillary Heard

I wish to voice my objection to the proposed plan to demolish the Historic Jail in downtown
Martinez. It is important to preserve our history and not simply tear down that building to create more
parking spaces. Not only is there significant impact to the downtown area when demolition occurs,
but I believe that it is in the best interest of our community to acknowledge the historic significance of
that structure and to make better use of existing infrastructure, not only for the citizens of Martinez,
but for the entire Contra Costa County.

| 1
| 2

I urge the Board of Supervisors to select the “No Project Alternative” in reference to this project and
demand that under no circumstances should the Board of Supervisors adopt a statement of
overriding considerations that would allow for the project to move forward.

| 3

Sincerely,

David Seawell
1025 Arlington Way
Martinez, CA 94553

2.2.15 Letter No. 15. Resident, David Seawell

2.2.15.1 Response to Letter No. 15

Comment #1

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #2

As stated on page 5-8 in Chapter 5:

Contra Costa County has over 200 facilities to operate and maintain. The Public Works Department is responsible for operating and maintaining these facilities. As part of the administration of the County facility portfolio, Public Works is responsible for identifying and highlighting vacant or underutilized County-owned buildings for potential disposition. Because the Jailhouse building is long-vacant, contains hazardous materials including lead and asbestos, is no longer used or needed for the purpose for which it was constructed, and would not be viable for a different use, the building has been recommended for demolition rather than future County use.

Comment #3

The commenter express support for approving Alternative 1 –No Project Alternative. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 16

Hillary Heard

From: Vickie Dawes <vickiedawes@hotmail.com>
Sent: Tuesday, May 10, 2016 9:52 AM
To: Hillary Heard
Subject: Old jail

Please preserve the old jail. It is a beautiful historic building. (The old part, not the 1941 addition.) It is part of our county history and should not be destroyed.
Thank you for your consideration. Vickie Dawes

1

2.2.16 Letter No. 16. Resident, Vickie Dawes

2.2.16.1 Response to Letter No. 16

Comment #1

The commenter expresses support for approving one of the alternatives analyzed in the Draft EIR rather than the Project. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 17

Hillary Heard

From: Elaine Seawell <mtzfnp@aol.com>
Sent: Tuesday, May 10, 2016 10:33 AM
To: Hillary Heard; savethecountyjail@gmail.com; mtzfnp@aol.com
Subject: save the jail

May 10, 2016

Re: Save Martinez's Historical Old Jail

To: Hillary Heard

I wish to voice my objection to the proposed plan to demolish the Historic Jail in downtown Martinez. It is important to preserve our history and not simply tear down that building to create more parking spaces. Not only is there significant impact to the downtown area when demolition occurs, but I believe that it is in the best interest of our community to acknowledge the historic significance of that structure and to make better use of existing infrastructure, not only for the citizens of Martinez, but for the entire Contra Costa County. | 1
| 2

I urge the Board of Supervisors to select the "No Project Alternative" in reference to this project and demand that under no circumstances should the Board of Supervisors adopt a statement of overriding considerations that would allow for the project to move forward. | 3

Sincerely,

Elaine Seawell
1025 Arlington Way
Martinez, CA 94553

2.2.17 Letter No. 17. Resident, Elaine Seawell

2.2.17.1 Response to Letter No. 17

Comments #1 – #3

Please see responses to Letter No. 15. Letter 17 consists of the entire text of Letter No. 15.

Hillary Heard

Letter 18

From: Jacobson, Melissa <MJacobson@dvc.edu>
Sent: Tuesday, May 10, 2016 12:15 PM
To: Hillary Heard
Subject: Comment upon DEIR Martinez Jail attached
Attachments: to hillary heard.docx

Ms. Heard,
Here is an attached letter regarding the DEIR of Martinez Jail.
Thank You,
Melissa S. Jacobson

10 May 2016

Reference: Draft Environmental Impact Report (DEIR) Downtown Martinez Jail Demolition Project, County File CP#15-39, State Clearinghouse 2015112003.

To: Hillary Heard

Dear Ms. Heard,

I am a property owner in Contra Costa County and a Professor of History at Diablo Valley College who feels strongly that the demolition of the 1903 County Jail would be a travesty. I demand that the “No Project Alternative” be selected by the Board of Supervisors and, in no case, should the Board of Supervisors adopt a statement of overriding considerations that would allow the project to move forward.

1

My strongest objection to the demolition is the precedent that it sets across the board – either county, state or national – that it is o.k. to demolish an historic building that someone took the time and effort to register on the National Historic Register of the United States. Boom! Gone. All for 25 parking spots. How short-sighted and irresponsible is that? The Board of Supervisors must not only work for immediate solutions today, but also for posterity.

2

By demolishing the 1903 Jail, the Board of Supervisors also demolishes an opportunity to create a place where our county history – both good and bad --can be shared and our stories told. The Jail is a significant and weighty structure. We need this monumental building – in beautiful tandem to the revitalized Courthouse -- to remind us of how important social justice and opportunity for all is to our county. Sheriff Veale, who had this state- of- the- art structure built, treated county prisoners with kindness and generosity. This, among other stories, should not be forgotten. Once the building is gone, it will.

3

The Draft Environmental Impact Report clearly states, in no uncertain terms, that any demolition of the jail would adversely affect the community in the short and long term. And, the effect would be wide-ranging. Antagonism would be raised against the county and the citizens and local government of Martinez. County taxpayers, like myself, would be outraged that nothing more creative than demolition was considered for a stately building on the historic register. In one moment, our historic county seat will become just another asphalt jungle. We don't want to go down that road. Other cities, such as Emeryville, have done thoughtful and efficient "remodeling" of historic spaces which – in the end – beautifies and increases aesthetics and property values of a city.

4

5

Make the the decision to preserve, rather than to tear down. Martinez is **our** county seat. We deserve thoughtful, creative planning that will ensure our unique place in California history far beyond 2016.

Sincerely,

Melissa S. Jacobson
P.O. Box 941
Lafayette, Ca 94949

2.2.18 Letter No. 18. Resident, Melissa Jacobson

2.2.18.1 Response to Letter No. 18

Comments #1 – #5

The commenter states that the Project should not be approved. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.



Letter 19

MARTINEZ HISTORICAL SOCIETY

A California Corporation and a 501(c)(3) Non-profit Organization

P.O. Box 14, Martinez, CA 94553

Telephone: (925) 228-8160

Website: www.MartinezHistory.org

May 10, 2016

Contra Costa County Public Works Department
Attention: Hillary Heard
255 Glacier Drive
Martinez, CA 94553

Subject: Draft EIR
Downtown Martinez Jail Demolition Proposal

Dear Ms. Heard:

Thank you for sending us a letter by certified mail which provided notification that the Draft EIR was ready for our review. Volunteers from our organization have evaluated the Draft EIR, and believe it needs to be reworked for the following reasons:

1. The project objectives are unclear. The five objectives are as follows:

- Reduce hazards posed by an unoccupied, contaminated building (the Old Jail).

Comment: The contaminants in the building do not constitute a hazard – precisely because they are contained within the building – which is unoccupied. Adopting the Preferred Alternative (demolition of both the 1903 and 1944 sections of the Old Jail) would disturb the contaminants and will actually increase the hazard in the short term. This would be justifiable if the Preferred Alternative delivered an offsetting long term benefit, e.g. the preservation and adaptive reuse of the 1903 Jail, a building which is on the National Historic Register. However, the Preferred Alternative calls for the creation of additional parking which would not constitute a justifiable benefit as explained below.

1

- Meet near term parking needs.

Comment: The EIR does not contain justification for an unmet parking need. There is currently a surplus of parking spaces in the area as indicated in the parking lot study referenced below -- and which is attached to this letter.

2

- Implement the Martinez General Plan, the Martinez Downtown plan, and the CoCoCo General Plan.

Comment: Our organization includes individuals who have worked on the Martinez Downtown Plan. They do not agree that the Preferred Alternative (the plan to demolish the entire Old Jail) would constitute implementation of the Martinez Downtown Plan.

3

- Promote future development of required space for County administrative uses.

Comment: If there is a future development plan, a description of the plan must be included in the Draft EIR. An EIR must analyze “the whole of an action”. That would require disclosure of the future plan – before such a plan could be used to justify the Preferred Alternative (demolition of the Old Jail).

4

- Allow for compatible and functional structures and land use in the civic center area.

Comment: Same comment as for previous objective. If there is a plan for the overall area, even a conceptual plan, it must be disclosed in the Draft EIR.

5

2. The adoption of the Preferred Alternative, i.e. the proposed removal of an historic resource in a community (both sections of the Old Jail), would require reasonable justification. However, the five reasons inherent in the objectives listed above are weak, particularly the proposition that demolition is necessary because of a need to create an additional 10 to 15 parking spaces for County use.

6

Our first comment is that the Draft EIR should break out the number of additional parking spaces to be created under Alternative 2 vs Alternative 3. The additional parking spaces need to be specified separately for the following two structures:

7

- The original 1903 jail.
- The 1944 annex.

Secondly, the Draft EIR needs to demonstrate that there is in fact a need for the additional parking spaces. But it does not. On the contrary, a study provided to our organization indicates that there is currently a surplus of unutilized parking in the area. The results of the 2-day study counted the following numbers of empty parking spaces within one block or so of the Old County Jail:

- 103 unutilized parking spaces at 2 pm on a typical Monday afternoon.
- 73 unutilized parking spaces at 10 am on a typical Tuesday morning.

8

See attached. If the radius of the study had been increased from one block to a full two blocks, the number of available parking spaces would be even higher.

In addition, the County is about to create even more parking spaces on the lots occupied by two dilapidated houses which are about to be demolished. These houses are:

- 1127 Escobar Street. This was the former location of Friends Outside.
- 1139 Escobar Street. This was formerly used for storage by the Sheriff’s Department and Crime Lab.

3. Alternative 3 was not sufficiently described in the Draft EIR for the public or the Board of Supervisors to fully evaluate. This alternative is for the preservation and adaptive reuse

9

of the smaller 1903 portion of the jail while demolishing the larger 1944 concrete annex. The Draft EIR did in fact address the negative impact on the community of losing the 1903 Jail, a significant historic resource and part of the original 1901-1903 courthouse block which will be forever changed if the 1903 jail is demolished. However, we request that the description of Alternative 3 also include -- or reference -- the associated cost/benefit study. There is widespread support for Alternative 3 by the citizens of the community (Martinez), and there is a desire for additional information as follows:

- **Costs.** For example, what would be the proposed plan and the estimated cost of restoring the lower portion (1st story portion) of the north wall of the 1903 building if the 1944 annex is removed? 9 cont.
 - **Benefits.** Were the benefits to the community of Alternative 3 fully assessed in the cost/benefit study? For example, were the benefits of preserving an important historic resource for the City of Martinez included? Were the architectural and aesthetic benefits of returning the city block to its 1903 configuration -- with views from, and of, the architecturally and aesthetically significant 1901 Finance Building once the concrete 1944 annex were to be removed?
4. Alternative 4 is the demolition of the County Administration Building at 651 Pine Street, the building that is generating the demand for parking in the area. The average reader of the Draft EIR is likely to find the inclusion of this radical alternative rather curious 10
5. Alternative 5 proposes relocating both the 1903 & 1944 sections of the Old Jail to another site. This option is far beyond the boundaries of viability. A better approach would to include the following alternatives – currently omitted from the Draft EIR: 11
- Demolition of the 1944 annex only followed by installation of landscaping and hardscaping for visitors and County/Court employees to enjoy in good weather – particularly at lunch time. Originally this area was the “back” of the 1901 courthouse, but now it is the “front” of the current Administration Building. As such, a people-oriented alternative should be presented to the public and the Board of Supervisors for the area – an alternative which is best suited for the entrance of a 12-story office building.
 - Another option would be to install short term parking in the area for the convenience of visitors, customers and constituents. Sufficient landscaping should be installed to soften the harsh effect of adding more concrete and asphalt to the entrance area of the Administration Building. When an office building has a “back”, good town-planning dictates locating the parking areas for maintenance vehicles and employees in the rear. In this case, the building not only has a “back”, it has a large parking lot which appears to have around 50 unutilized parking spaces at any given point during the work day.

In its present state of development, our volunteers concluded that the Draft EIR is sufficient only for supporting Alternative 1 (doing nothing) at this time.

Sincerely yours,



John D. Curtis
President, Martinez Historical Society

Attachment A

Parking Lot Survey in Vicinity of the Old Martinez Jail May 9 and 10, 2016

	Spaces Available	Spaces Used	Spaces Unused on Monday	Spaces Unused on Tuesday	Percentage of Lot Unutilized
651 Pine Street Parking Lot (all reserved spaces)					
2 pm on Monday May 9	125	67	58		46%
10 am on Tuesday May 10	125	85		40	32%
Other Parking within One Block of Old Jail					
Metered					
2 pm on Monday May 9			28		
10 am on Tuesday May 10				20	
Reserved					
2 pm on Monday May 9			17		
10 am on Tuesday May 10				13	
Total			<u>103</u>	<u>73</u>	

Notes:

1. There were more unused parking spaces within a full 2 blocks of the Old Jail not included above.

2.2.19 Letter No. 19. Martinez Historical Society

2.2.19.1 Response to Letter No. 19

Comment #1

This comment correctly states that one of the Project objectives is to reduce hazards posed by the existence of the unoccupied, contaminated building, as stated on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR. This comment also correctly states that the Project would increase short-term impacts associated with hazardous materials within the Jailhouse building, including asbestos containing materials (ACMs) and lead-based paint (LBP), compared with existing conditions. As indicated on page 3.3-10 in Section 3.3, *Hazards and Hazardous Materials*, of the Draft EIR,

During demolition of the Jailhouse building, workers and the public could be exposed to hazardous building materials if they were not abated prior to demolition. Before performing demolition activities at the Project site, the County Public Works Department would perform a comprehensive building materials survey for ACMs, LBP, electrical equipment containing PCBs, and fluorescent tubes containing mercury vapors and lights and would identify the applicable construction worker health and safety regulations for materials removal. All disposal would be implemented in accordance with applicable federal and state standards, including the Cal-OSHA and BAAQMD regulations. The Project contractor would be required by the County to comply with all local, state, and federal requirements regarding hazardous materials. Hazardous materials would be disposed of in an approved facility. Nonetheless, construction workers could be exposed to hazardous materials. This impact would be significant. With implementation of Mitigation Measures HAZ-1, HAZ-2, HAZ-3, and HAZ-4, this would be a less-than-significant impact with mitigation.

Regarding the portion of this comment that states the proposed parking lot would not be a long-term benefit, as stated on page 2-3 in Chapter 2, *Project Description*, of the Draft EIR, the parking lot would be constructed as a near-term use. The Project objectives are listed on page 2-2 of the Draft EIR; modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR; and reprinted below in Response to Comment No. 19-6. Meeting near-term parking needs is only one of the Project objectives. The goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez.

Comment #2

Meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR. As stated on page 2-2 of the Draft EIR, the goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also Responses to Comments Nos. 19-1 and 19-6.

Comment #3

This comment correctly states that one of the Project objectives is to implement policies in the *Martinez General Plan*, the *Martinez Downtown Specific Plan*, and the *Contra Costa County General Plan* for the civic portion of downtown Martinez, as stated on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR. Please see Common Response 5 for a discussion of the Project's consistency with land use plans, policies, and regulations.

Comment #4

Please see Common Response 4 for a discussion of the modifications to the Draft EIR to reflect that the Project site is not currently proposed as a part of the preferred location for the County administrative buildings. As a result of these modifications, the facilitation of future development of required space for County government administrative uses is no longer a Project objective. In addition, please see Common Response 4 for an explanation of how the EIR analyzes the “whole of the action” and an analysis of the potential future use of the Project site for County administrative functions is not required in the EIR.

Comment #5

Please see Response to Comment No. 19-4.

Comment #6

This comment states that the Project objectives are to demolish the building to construct 10 to 15 parking spaces. The Project objectives are listed on page 2-2 of the Draft EIR; modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR; and reprinted below. Meeting near-term parking needs is only one of the Project objectives. The goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. In addition, the number of parking spaces provided is presented on page 2-3 in Chapter 2, *Project Description*, of the Draft EIR, and, in total, the Project would provide a total of 25 to 30 parking spaces for existing County employees, including the 12 existing spaces. Please see Response to Comments Nos. 19-7 and 19-8 for additional detail on the number of parking spaces.

The goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. The County’s objectives for the Project are listed below.

- Reduce hazards posed by the existence of the unoccupied, contaminated building.
- Meet near-term parking needs in the area.
- Implement policies in the *Martinez General Plan*, the *Martinez Downtown Specific Plan*, and the *Contra Costa County General Plan* for the civic portion of downtown Martinez.
- Allow for compatible and functional structures and land uses in the civic center area.

Comments #7 and #8

As stated on page 4-3 in Chapter 4, *Alternatives*, of the Draft EIR, the Adaptive Reuse of Entire Building Alternative would not include the construction of a parking lot, and the Partial Demolition and Adaptive Reuse of Remaining Building Alternative would include the construction of a parking lot with approximately 15 spaces in the current location of the annex. Thus, the Partial Demolition and Adaptive Reuse of Remaining Building Alternative would result in approximately 15 more parking spaces than the Adaptive Reuse of Entire Building Alternative. In addition, under the Project, approximately 10 to 15 parking spaces would be constructed in the current location of the 1903 portion of the building, and approximately 15 spaces would be constructed in the current location of the annex.

Meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR. As stated on page 2-2 of the Draft EIR, the goal of the

Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also Responses to Comments Nos. 19-1 and 19-6.

Comment #9

Balancing costs and benefits is an element of the decision to be made by the County Board of Supervisors. However, the EIR is required to disclose the physical effects on the environment, and not costs and benefits. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #10

As noted on page 4-3 in Chapter 4, *Alternatives*, of the Draft EIR, this alternative was suggested by a member of the public at the scoping meeting for the EIR, and that is the reason it is considered in the Draft EIR. As noted on page 4-3, this alternative would not be viable.

Comment #11

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

Letter 20

Hillary Heard

From: Jeanne Jones <jonesjwilson@gmail.com>
Sent: Wednesday, May 11, 2016 10:16 PM
To: Hillary Heard
Subject: DEIR Martinez Jail Demolition

Dear Hillary Heard:

I live in downtown Martinez and have concerns about plans for the demolition of the old historic county jail house. CP # 15-39
State Clearing house 2015112003

1

The building is part of our town and history. We need to protect this resource.
Thank you,

Jeanne W Jones
1314 Highland Ave
Martinez 94553

2.2.20 Letter No. 20. Resident, Jeanne Jones

2.2.20.1 Response to Letter No. 20

Comment #1

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 21

Captain M. K. Carlock, U.S.N (Ret)



11 May 2016

Hillary Heard
Planner, Environmental Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, California 94553-4825

Dear Ms. Heard,

The following are my written comments regarding the draft Environmental Impact Statement concerning the possible alternatives for the historic 1903 Jailhouse and its 1944 annex.

"The structure is considered to be a significant historic resource."
--Draft EIR

If the 1903 Vermont granite Jailhouse, an integral part of the old county Courthouse Complex IS considered to be a significant historic resource, who can you in the County so summarily write it off to become a parking lot? It is already considered to be historic via the 1976 Historic Resources Inventory for Contra Costa County, and was listed, in 1989 on the National Register of Historic Places by the State Office of Historic Preservation and the Secretary of the Interior. As the EIR acknowledges, there is no mitigation for the loss of this historical resource.

1

The EIR needs to evaluate alternatives and comply with the stipulations of the County's General Plan regarding the sub-section of the Open Space Element dealing with Historic and Cultural Resources Goals:

9-32. Areas which have identifiable and important archaeological or historic significance shall be preserved for such uses, preferably in public ownership.

9-33. Buildings or structures that have visual merit and historic value shall be protected.

2

9-34. Development surrounding areas of historic significance shall have compatible and high quality design in order to protect and enhance the historic quality of the area.

The County Courthouse Complex (including the Jailhouse) qualifies under the above three goals to be preserved and protected.

A structure that is of itself historical and adds to the integrity of the complex, both historically and visually, needs to be put into a perspective that treats it more than just a surplus piece of County property, and justification for demolition of a segment of this complex needs a more important use for the site other than just a parking lot, which will greatly compromise the visual value of the entire

3

929 Willow St · Martinez, CA 94553

M.K.Carlock@gmail.com

Cell (415) 725-2101

complex. After all, the old Courthouse (now County Finance Building), with its Jailhouse (which served as the incarceration arm of justice), gives physical testimony to present and future generations of the the history of the administration of justice in Contra Costa County.

4

Therefore the mandate to “Allow for compatible and functional structures and land uses in the civic center area” is not carried forward if you attempt to make the historic jail a parking lot, or a park, or erect a plaque, or do describe it in a book. All references in this regard should be removed from the finalized EIR.

5

The draft EIR acknowledges that the impact on aesthetics would be more beneficial with building reuse or adaption than with alternatives providing various parking scenarios in place of the 1903 building and the 1944 annex.

Although the Jailhouse building is a contributing element to the Downtown Martinez Historic District, which comprises the historic context of the area, demolition of the Jailhouse building would result in a minimal change to the existing visual character. Additionally, the new parking lot would be designed to be visually similar to the other existing lots and, therefore, would not change the existing visual character of the area. The character of the Jailhouse building is important to the historic context of the area; the impact of the Project on the historical setting of the Project area is described in Section 3.2, Cultural Resources. Refer to Section 3.2 for an analysis of how the change in visual character could affect the existing historic context in the Project area.

6

--Draft EIR
Analysis, 3.6.1.2.c

WHAT!! Since when does is parking lot in any way “visually similar” or in any way “NOT change the existing visual character of the area”? I have NEVER seen a historical parking lot anywhere in the world. This must be addressed in the finalized EIR.

“Cultural Resources” should be differentiated from “Historical Resources,” and there is a lack of cohesion in the EIR in distinguishing these two different resources, and giving each its proper and consistent treatment. “Cultural Resources” are considered for each alternative, but not “Historical Resources”. This oversight needs to be corrected. And, specifically:

7

Table 4.1 Comparison of Alternatives’ Impacts—Historic Resources does not appear as a consideration.

Section 5.13 Analysis of Cumulative Impacts—Again, no consideration of Historic Resources.

Section 5.3 Significant Unavoidable Environmental Impacts—Because this building has been long-vacant, contains hazardous materials including lead and asbestos, is no longer used or needed for the purpose it was

8

constructed, and would not be viable for an alternate use, the building has been recommended for demolition rather than future County use.

The above statement (Section 5.3) provokes consternation because there is no rationale to state that an alternative reuse of the building is not possible. The reasons given make no logical sense why the structure cannot be reused or re-appropriated. This is especially mind-boggling when the draft EIR states earlier regarding Alternative 4, *“Therefore, the Partial Demolition and Adaptive Reuse of (the, sic) Remaining Building Alternative is considered the environmentally superior alternative.”*

8 cont.

Finally, the County’s General Plan is very instructive for the options explored regarding the 113 year-old Historic Contra Costa County Jailhouse. The General Plan states:

9-o. Seek coordination and cooperation with Federal, State, and local governments, and with private and non-profit organizations, to establish funding sources to preserve, restore, and enhance unique historic sites. Such funding sources may be used to acquire and preserve sites or to acquire easements over sites and building facades.

9

9-p. Identify funding mechanisms, including funding from the County to the extent possible, to support programs to preserve, restore, and enhance unique historic sites.

The Historic Jailhouse is a structure that is worth preserving, and, to use the General Plan’s term, worth “enhancing” with an appropriate adaptive use. The Historic Jailhouse is a symbol of the history of the right hand of justice (incarceration) in Contra Costa County, and a fitting counterpoint to its sister structure, the old County Courthouse. It should be preserved, and adaptive reuses more fully explored before a decision is made to demolish it. This is why I support Alternative 2 or Alternative 3 in the EIR.

10

Sincerely,



2.2.21 Letter No. 21. Resident, M.K. Carlock

2.2.21.1 Response to Letter No. 21

Comment #1

Please see Response to Comment No. 9-1 for a response to this comment, as the two comments are substantially similar.

Comment #2

Please see Common Response 5 for a discussion of the Project's consistency with land use plans, policies, and regulations.

Comment #3

Please see Response to Comment No. 9-3 for a response to this comment, as the two comments are the same.

Comment #4

Please see Response to Comment No. 9-4 for a response to this comment, as the two comments are the same.

Comment #5

Please see Common Response 5 for a discussion of the Project's consistency with land use plans, policies, and regulations.

Comment #6

Please see Response to Comment No. 9-8 for a response to this comment, as the two comments are the same.

Comments #7, #8, #9, and #10

Please see Responses to Comments Nos. 9-9, 9-10, and 9-11 for responses to these comments, as the comments are substantially the same.



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

(925) 372-3515
FAX (925) 372-0257

Letter 22

May 11, 2016

Hillary Heard
Department of Public Works
Contra Costa County
255 Glacier Drive
Martinez, CA 94553

**Subject: DOWNTOWN MARTINEZ – OLD JAIL DEMOLITION PROJECT – State Clearinghouse
Number 2015112003 - Comments regarding proposed project and DRAFT EIR**

Dear Ms. Heard:

Thank you for providing the City of Martinez the opportunity to comment on the County’s proposed project to demolish the old Martinez Jail facility and related annex structure and the Draft Environmental Impact Report relating thereto as referenced above (“Draft EIR”).

The City of Martinez is proud to be the County seat of the County of Contra Costa and values its long term and ongoing working relationship with the County. It is in the spirit of our continued working relationship that the following comments are submitted for your consideration.

As you may remember, Julia R. Bueren, Contra Costa County Public Works Director spoke to our City Council on April 6, 2016, to outline the County’s conceptual plans for the future of the Civic Center Area. The topic of the proposed jail demolition was raised, and the Council expressed its overall desire to see if the whole old jail building, or at least the 1903 portion (which is on the Federal and State Historic register as an integral part of the “Courthouse Block”), could be retained and repurposed, while still meeting the needs of the County. While it’s understandable that the old jail may not fit in with the County’s ultimate Civic Center Plans, it is not yet clear why it is necessary to remove the historic portion of the old jail prior to the development of a more complete Civic Center plan.

The City looks forward to working with the county to jointly develop a plan for the improvement of the County’s Civic Center Campus, and recommends any action on the Old Jail be deferred, so that the City can be part of the discussion. However, if the County believes that removal of the old jail needs to occur prior to the development of a more comprehensive Civic Center plan, the City hopes you will consider the following comments relating to Draft EIR and the proposed project:

- The Cultural Resources section of the Draft EIR does not appear to include a thorough discussion and analysis or impact discussion relating to the impacts of the project on either: a) the Contra Costa County Courthouse Block as listed on the National Register of Historic Places (NRHP); or b) the impact on the eligibility for listing on the NRHP and California Register of Historic Places (CRHR) of the individual structures (1903 Jailhouse and the low granite curbing wall) proposed for demolition. In addition, there is no clear reference to and analysis of the City’s General Plan and Downtown Specific Plan in relation to these issues contained in the Draft EIR. The EIR reaches a conclusion with little or no discussion or analysis.

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- Although the Draft EIR correctly identifies Alternative 3 as the environmentally superior alternative, the alternatives analysis relating to Alternative 3 appears to overstate impacts associated with most of the significance criteria. It does not appear that the mitigation measures otherwise applicable to the project itself have similarly been applied to the alternative. Additionally, assumptions relating to the alternative do not in each instance appear to be totally reasonable (eg: light and glare). 4
- The Project Alternatives Section should also consider a variation of Alternative 3 in the EIR: Such variation could demolished the 1944 annex but retain 1903 jailhouse and merely stabilized that structure at the present time, allowing the County to consider either adoptive reuse or demolition in the future, pending the development of a more complete Civic Center plan. In addition, it is unclear why the Alternative 3 proposes removal of the raised granite curbing at this time since at an initial review it would appear that the demolition of structures and the construction of a parking area could be accomplished leaving the low granite curbing wall intact. Please recall that the low granite curbing wall is also part of the NRHP listing. In the event that the wall must be removed, the draft EIR should clearly describe and identify the wall portions to remain and describe how the transitions would be addressed. In addition, those portions of the wall that have been removed should be replicated where practical. 5
- In order to clearly address community concerns regarding airborne particulate matter which may contain hazardous materials, such as asbestos dust, the Hazards and Hazardous Materials sections of the Draft EIR should clearly identify minimum standards for the mitigation relating to the removal of asbestos and other hazardous materials as a result of the proposed project. 6

In closing, the City values our relationship with the County and recognizes that the County buildings and land in the downtown must remain functional for County needs. We hope that by opening a dialogue regarding the County's needs and any possibility of lessening the impact to historic structures in the downtown we can work together to assist the County with achieving its functional goals while to the extent feasible preserve what we can of the character that serves to make our downtown a unique and desirable place for both the County and all of its citizens.

We are happy to meet with you at any time to discuss the project and provide whatever assistance we can.

Sincerely,

Corey Simon
Senior Planner

cc: City Council
Manjit Sappal, Acting City Manager/Chief of Police
Mercy Cabral, Deputy City Clerk
Veronica Nebb, Deputy City Attorney

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2.2.22 Letter No. 22. City of Martinez

2.2.22.1 Response to Letter No. 22

Comment #1

The City of Martinez expresses its willingness to work with the County to develop a plan for the County's Civic Center Plaza and suggests putting off a decision on the Project until that has been completed. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #2

Please see Common Response 3 for a discussion and clarification of the Project's effects on the historic district. As noted in Common Response 3, additional detail has been added to EIR to provide greater context regarding the nature of the historic resources.

Comment #3

As stated on page 2-1 of Chapter 2, *Project Description*, of the Draft EIR:

Because the Project site is County-owned property, activities on the Project site are not required to comply with City of Martinez zoning ordinances or regulations, pursuant to Government Code Sections 53090 and 53091.

Regarding cultural resources, the regulatory setting discussion on pages 3.2-4 and 3.2-5 in Section 3.2, *Cultural Resources*, of the Draft EIR references the City of Martinez Code of Ordinances' Downtown Historic Overlay District, which describes the City's provisions for the preservation of NRHP and CRHR buildings, establishing design review for the rehabilitation of structures in the historic overlay district, and establishing incentives for preservation. Thus, sufficient local regulatory context is included in Section 3.2 of the Draft EIR to support the analysis of the potential impacts of the Project on historical resources.

Comment #4

The commenter states the mitigation measures applicable to the Project are not similarly applied to Alternative 3 - Partial Demolition and Adaptive Reuse of Remaining Building. The discussion of Alternative 3 found on pages 4-12 through 4-16 in Chapter 4, *Alternatives*, of the Draft EIR specifically notes when mitigation measures applicable to the Project are also applicable to this alternative. For example, Mitigation Measures AQ-1, GHG-1, BIO-1, BIO-2, CUL-3, CUL-4, CUL-5, HAZ-1, HAZ-2, HAZ-3, HAZ-4, NOI-1 would apply to both the Project and Alternative 3. In addition, this alternative would implement standard mitigation measures to reduce the risk to Jailhouse building employees and visitors who would be exposed to long-term risk from the rupture of a known earthquake fault, seismic ground shaking, liquefaction, and landslides. The Project would not be required to implement the standard mitigation measures because it would not include any structures.

This comment states the assumptions related to Alternative 3 do not appear to be totally reasonable, and provides as an example light and glare. The assumptions about what Alternative 3 would include are presented on page 4-3 and are explicitly presented in the environmental analysis of

Alternative 3 in Section 4.3.3 of the Draft EIR. Alternative 3 would result in substantial activity at the Project site as a part of reuse activities. For this reason, operational impacts would be greater than for the Project.

Comment #5

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternative suggested in this comment.

The Draft EIR indicates on page 4-3 in Chapter 4 that the granite curb that separates the existing parking lot south of the Jailhouse building from the sidewalk and the sunken garage would be demolished under the Partial Demolition and Adaptive Reuse of Remaining Building Alternative. The demolition of this portion of the granite curb would be necessary for the construction of the proposed driveway off Pine Street and the proposed parking lot in the current location of the annex. The Project also includes demolition of these features, as described on page 2-3 in Chapter 2 of the Draft EIR.

Comment #6

Standards and applicable regulations are presented in Section 3.3.1 of the Draft EIR.

Letter 23

Hillary Heard
Public Works, Contra Costa County
Draft Environmental Impact report (DEIR)
County File CP #15-39, State Clearinghouse
Re: Martinez Jailhouse

May 11, 2016

Comments:

1. "Historic Martinez" is ENTIRLEY based on the EXISTENCE of it's historical structures. By virtue of the fact that government is often the last holder of historical properties, and these County buildings were built upon the needs of the citizens for governance and reliably established permanent buildings, and the County was established here in 1850, and all buildings owned are paid for by tax payer dollars, and used to build and support these facilities for those many years of existence; and they were built and intended to last many generations not mere decades like today's structures, and the County is a caretaker and has an obligation to maintain them, and preserve them... just the way any of our County offices has personnel that maintains County records and services, and preserves historical documents for the good of the people, who "own" those historical documents, wherever they may be stored. 1
2. We put our Trust in our government agencies to be good stewards of that which was built with those taxpayer dollars, and yet, several of those historic or significant buildings have already been torn down and destroyed by neglect, and that history has already been lost forever, and now the county has come to the fork in the road, realizing that history DOES have intrinsic and real value, and it is critical to preserve those historical pieces that we have left. The public has assumed the County to be safeguarding our historic assets, and by doing thusly, creates the bond with community of good stewardship, that has been assumed by the county by obligation and duty; and taxpayers have a right to not only be heard, but have an equal voice in how that stewardship should proceed for the good of the communities served. Also, and more important than ever in the past, our historic buildings, historic resources for learning and value of communities, are needed for insight into our past and our forefathers, the very heart and soul of who WE are. This lives in those few remaining structures and Martinez deserves the same ownership of their heritage that other cities provide for in their own government infrastructure, and they become places for people to travel and visit for exactly those reasons. This historic value is ECONOMIC VALUE to these communities and to the County. Destruction of it is in all economic, esthetic, historic, and environmental contexts, hypocrisy and threat to our continued viability in all of those areas. Our own department of Conservation and Development should be involved to preserve and defend those historic resources against threat of demise and be addressing the grant funding 2

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to restore the building. **To the extent that no such activity has taken place, this project plan is severely deficient in having addressed options. Without options, our leaders will be held imminently responsible and incapable of leadership with regard to assets of the community.**

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3. The 1902 Jail is a corner piece to our historical downtown square, and it's building was celebrated by two ceremonies complete with speeches, gathering of dignitaries from far and wide, marching bands, laying of corner stones by our local Order of the Masons, and is made of granite that is millions of years old and hand carved out of huge granite blocks by stone cutters of the day, brought in from Vermont, across this entire country at a time when the transportation choices were few and the labor was extreme in order to make such a thing happen. This building remains listed on the National Historical Register, and is an essential piece of our limited historic resources in Martinez and there is genuine and discernible significance of the buildings' materials to stay exactly in place where they are, contiguous as built to retain the historical value, as is noted in the Registry documentation, as is it's matching sister building, the Old Courthouse (now Finance Building) adjacent to it. The two together bring a special serene beauty to that entire area as well. The loss of this beauty is not mitigated in any way by asphalt and cars. Nor is the loss of a historic building for the use for parking-mitigatable, as is noted in this document. As such the project should be scrapped for better parking opportunities.

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4. The Draft EIR does not address any other options for parking. Other options should be explored before \$1 of taxpayer money goes into any destruction of significant historical buildings. The county owns several parking areas in the neighborhood as well as abandoned temporary buildings which should be addressed for additional parking and ALL should be addressed for 2 or 3 story parking structures as well. As a government agency, and the County seat, the County should become more aligned with its own Conservation and Development principles, **to not add to asphalt sprawl** and instead build parking structures as would be evidenced as NECESSARY if they are intimating that more parking downtown for employees and visitors is needed. The parking lots directly across the street could be configured as a two story parking garage and add more parking that the County needs for the next century, instead of 8 to 15 spaces at a time, asphaltting more and more neighborhoods and surrounding communities with no foresight or plan.

6

5. **Any parking that is built for the purpose of the County is ABANDONED on the weekends.** This singular space view of addressing parking removes structures and economic possibilities from the City and leaves vacant land for 2 days a week plus holidays. That is not good land management, that is not good economics, which is not adding to the tax base, but rather **removing from it housing, business and tourist opportunities.**

6. The impact of demolition forever destroys the legacy and history of the original jail and it's courthouse forever. It would be the one thing that citizens and visitors will never forget, and

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the legacy of a Board of Supervisors who would adopt such a plan would be soiled forever as well. Leadership today is easy and convenient to only itself, if it comes in the shape of a wrecking ball, but the negative fame that goes with it, for every subsequent mention of a supervisor or administrator who would create such a scenario, in the face of so many better ideas is something that will not end up being so convenient or easy. The document concludes that the jailhouse is a historical resource for the purposes of CEQA which acknowledges the references made above to it's historical value which is undeniably, unable to be addressed other than a significant and extreme loss, which no community should have to bear for the sake of a select few parking spaces.

7 cont.

7. Furthermore, no amount of asbestos or lead paint is beyond reckoning with, in reasonable and posing much less danger to the surrounding community, to do so INSIDE a built and standing structure, and encapsulate what can be and remove only what NEEDS to be removed. These materials are much better left inside the building than in trucks traversing our streets to landfills where it further becomes environmentally dangerous to all of us.
8. **Yet the County has failed to identify a true need for the few parking spaces that would be acquired. I have walked out of 651 Pine St. on a Wednesday afternoon at 3:00 PM and found 47 empty parking spaces, most of them on the two blocks surrounding the Admin building and jail, on my way from the County building to Starbucks at 3:00 in the afternoon. Without demonstrating a need, or options, this project is entirely suspect. It is probably cheaper in the long run to build the two story structure across the street. Is the County even looking at the future needs? Can the County restructure the use of County services so parking is utilized more evenly instead needing it ONLY In the 8-12 hours and leaving streets empty for the remainder of the day? I have photos of Court Street and Main Street within several blocks of the Administration building with nearly empty streets. Certainly an occasional or part time need for parking is NOT remotely appropriate to LOSING a historic building for all time.**
9. Without an option of a multi-tiered garage over existing paved parking areas (or abandoned county substandard buildings) and without an ongoing dialogue with the City on parking issues and proposals downtown, the Board of Supervisors should accept only a No Project Alternative. The County is exhibiting a blatant deficiency in planning to NOT do a multi-tiered parking structure for it's multiple needs downtown.
10. The Partial Demolition and Adaptive Reuse plan, if entertained, should also include plans of going forward with proven measurements for need, with future plans of 2 tiered parking to reduce the carbon and asphalt footprint on the downtown historic resources area, and establishing and continuing dialogue with the City on downtown uses and needs for parking. The County should also entertain the possibility of selling the building to an investor or nonprofit, intent on restoration and repurposing for the benefit of a significant

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list of historical sites in this City, and dovetail that plan into a new parking structure plan nearby. | 11 cont.

11. As good stewards of taxpayer funds and taxpayer owned/built historic properties the County needs to investigate OTHER ideas, other than one that causes the most damage and havoc on the downtown area, with the least result, to accommodate the undefined "need". | 12

12. It is also NOT sufficiently mitigated- to REMOVE USE of the surrounding streets and areas, and access to government buildings, and safety of pedestrians and vehicles, as well as the confusing inconvenience to literally thousands of visitors and residents, (as these are all unmitigated in this project), that will take a minimum of 5 months and includes hundreds of loads of debris (of all types- including hazardous). How much devastation to the downtown economy has been mitigated or studied for these 5 months of demolition? | 13

13. **Has the County taken any steps to meet with the City and work out better plans, as the City has asked to work together? They have not to any great extent that I am aware of and without that complete and ongoing conversation resulting in new options, and without the review of options discussed above and throughout this letter and those of others, the County is acting without doing it's due diligence, and in direct opposition to the community it serves, far and wide as can be exemplified by our petitions.** | 14

14. As the positions stated here reflect, the Board should in NOT consider adopting a Statement Overriding Considerations, allowing the project to proceed.

Sincerely,

Cheryll Grover

cheryll_grover@yahoo.com

925-383-4743

P O Box 255, Martinez,94553

Historical buildings present wealth for economic revivals for America's Downtowns

2.2.23 Letter No. 23. Resident, Cheryl Grover

2.2.23.1 Response to Letter No. 23

Comments #1 – #4

The comment states that restoration of the building should occur. Adaptive reuse, considered as Alternative 2 in the EIR, would be a form of restoration.

Comment #5

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #6

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment. Please see Responses to Comment Nos. 19-1 and 19-6 regarding parking. Meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR. As stated on page 2-2 of the Draft EIR, the goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also Responses to Comments Nos. 19-1 and 19-6.

Comment #7

The commenter notes that the demolition of the Jailhouse would result in a significant unavoidable impact, as disclosed in the Draft EIR.

Comment #8

The Project would increase short-term impacts associated with hazardous materials within the Jailhouse building, including ACMs and lead-based paint LBP, compared with existing conditions. Please see Response to Comment No. 19-1 regarding potential hazards and hazardous materials impacts and mitigation measures.

Comment #9

Please see Responses to Comments Nos. 23-6 and 23-7 for a response to this comment.

Comment #10

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

Comment #11

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

Comment #12

Please see Common Response 1 regarding alternatives development and screening and Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

Comment #13

Impacts during demolition and construction are addressed on page 3.5-6 of the Draft EIR, in Section 3.5, *Transportation and Traffic*. In addition, as indicated on page 3.5-7 of the Draft EIR, under Impact TRA-6, regular bus service provided by County Connection would continue as usual throughout demolition and after the Project is completed. Amtrak train service would not be affected by construction or operation of the Project. During demolition and construction, the sidewalks on the Project site would be closed. However, the Project would not directly obstruct roadways, sidewalks, or other public ways without a permit. With respect to the adjacent Finance building, the Project contractor would also provide barricades and covered walkways to all entrances and exits affected by Project demolition and construction.

Comment #14

Chapter 1 of this Final EIR presents information on the public outreach and coordination process for this Project. In addition, please see Response to Comment No. 14-3 for a summary of specific outreach to the City of Martinez. .

Letter 24



May 11, 2016

Hillary Heard
Planner
Environmental Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553

Regarding: Comments
Draft EIR -- Historic Martinez Jailhouse

Dear Hillary,

I am opposed to the demolition of the old jailhouse and it's annex.

Personally I would like to see the Administration Building across the street
from the jailhouse demolished. | 1

Tearing down such a beautiful, historic and what could become a very
uniquely functional addition to the downtown area and contribute to
the 'historic' ambience of the city would be a mistake. | 2

Respectfully,

Billy Swain
871 Willow Street
Martinez, CA 94553

2.2.24 Letter No. 24. Resident, Billy Swain

2.2.24.1 Response to Letter No. 24

Comment #1

As noted on page 4-3 of the Draft EIR, an alternative that would include this was suggested by a member of the public at the scoping meeting for the EIR and analyzed in the EIR.

Comment #2

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 25

Hillary Heard

From: John Curtis <curtisjd@ix.netcom.com>
Sent: Wednesday, May 11, 2016 9:13 PM
To: Hillary Heard
Subject: Draft EIR for the Demolition of the Old County Jail

Dear Ms. Heard:

I have reviewed the subject Draft EIR. If the County wishes to proceed with the project, my personal preference is for a variant of Alternative 3 (preservation of the 1903 jail and demolition of the 1944 annex).

In lieu of the Alternative 3 which is currently in the Draft EIR, I request that the County include an alternative which places a people-oriented area of hardscaping and landscaping in the footprint of the demolished 1944 annex. I further exhort the County to adopt this option as the Preferred Alternative -- unless the County elects not to move forward with the overall project.

Further ... I would like to emphasize that the Draft EIR does not advance any valid reason to justify the destruction of an historic resource (the 1903 Jail) in our community. And certainly not because of the need for additional parking.

According to an informal parking study which was made available this week, there are an average of about 50 unused parking spaces on any given workday in the county parking lot on the opposite side of the 651 Pine Street county administration building. In addition, there appear to be another 40 unused spots in locations within a 1 block radius of the Old Jail on city streets and in other parking lots. Furthermore, there are even more parking spaces about to become available when the County demolishes the two boarded up houses northeast of the Administration Building at 1127 and 1139 Escobar Street.

Regards,
John Curtis
Email: curtisjd@ix.netcom.com
Telephone: (925) 957-1000

2.2.25 Letter No. 25. Resident, John Curtis

2.2.25.1 Response to Letter No. 25

Comment #1

The commenter expresses support for a modified version of Alternative 3 – Partial Demolition and Adaptive Reuse of Remaining Building. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process. Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

Comment #2

Please see Responses to Comments Nos. 19-1 and 19-6. Meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR. As stated on page 2-2 of the Draft EIR, the goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also Responses to Comments Nos. 19-1 and 19-6.

Letter 26

Hillary Heard

From: Menesini, Michael (DAT) <michael.m.menesini@sfgov.org>
Sent: Wednesday, May 11, 2016 3:23 PM
To: Hillary Heard
Subject: Old Jail

Dear Hillary and County Board of Supervisors

The "old Jail" on Court Street is connected to more Contra Costa history than ANY structure in our county. It is impossible to imagine that any plan to rejuvenate that area cannot include saving it. It is tucked away behind the old Court House and isn't in the way of anything. There are several buildings owned by the County that are of much less historical significance or without any historical significance that should be torn down. The old jail, constructed of the same materials as the old Court House, and an integral part of the history of that same old Court House ABSOLUTELY must be saved. What will be there if it is removed? ... A lawn (the Governor won't like that very much), memories or most likely ... weeds. Nice goin' whomever. NOTHING warrants the tear down of this historic structure and NOTHING can mitigate its' loss. Our history is a road map to where we are today. Tossing that history to the winds represents an irrevocable and incredible loss. We are collectively smart enough to find a way to preserve this important part of our history.

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Please save the old jail.

Mike Menesini
 Former Mayor of Martinez

Michael M. Menesini
 Assistant District Attorney
 Office of the San Francisco District Attorney
 850 Bryant Street, Room 322
 San Francisco, CA 94103
 415-553-1430
michael.m.menesini@sfgov.org

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2.2.26 Letter No. 26. Resident (Former Mayor of Martinez), Mike Menesini

2.2.26.1 Response to Letter No. 26

Comment #1

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 27



May 11, 2016

Hillary Heard
Planner
Environmental Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553

Regarding: Comments
Draft EIR - Historic Martinez Jailhouse

Dear Hillary,

Please add my voice to the citizens advocating against the County's desire to demolish the historic 1903 Jailhouse and 1944 Annex.

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The loss of such a truly unique and historic structure would be a travesty.

Thank you,

A handwritten signature in cursive script that reads "Jane Peccianti".

Jane Peccianti
Martinez Native
871 Willow Street
Martinez, CA 94553

2.2.27 Letter No. 27. Resident, Jane Peccianti

2.2.27.1 Response to Letter No. 27

Comment #1

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 28

Historic Landmarks Advisory Committee
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, California 94553

May 12, 2016

Contra Costa County Public Works Department
Attn: Hillary Heard
255 Glacier Drive
Martinez, CA 94533



**SUBJECT: Draft Environmental Impact Report
for the
Downtown Martinez Jail Demolition Project
County File CP# 15-38
State Clearinghouse 2015112003**

**Comment by:
Contra Costa County Historic Landmarks Advisory Committee**

Dear Ms. Heard:

This letter comprises a comment submitted in my capacity as Chair of the Historic Landmarks Advisory Committee (“HLAC”) and on its behalf. It responds to the outreach letter identified in Section 4.2 of Appendix D, which was addressed to Christine Louie, Staff Planner. The text of this letter has been approved and adopted by a vote of the HLAC taken at its regular meeting held on May 12, 2016, and therefore stands as an advisory recommendation of the HLAC.

Summary of Comment

Upon review, the HLAC finds that the 1901 Jailhouse is part of the “County Court House” resource listed on the Contra Costa County Historic Resource Inventory. The DEIR should include a reference to this finding.

Basis of Comment and Findings

The DEIR finds¹ that the Project would result in a significant and unavoidable impact on the historic resource, on the limited historic resources within the Martinez Historic Overlay District, and on the NRHP-listed Contra Costa Courthouse Block.

The records search described in Chapter 4 of the Historical Resources Evaluation Report² omits the Contra Costa County Historic Resource

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¹ Section 3.2.3.3, Impacts and Mitigation Measures, page 3.2-12
² Appendix D, Records Search and Literature Findings, page 4-1

Inventory (“HRI”). The HRI is referenced in the Contra Costa County General Plan, and thus provides guidance on certain land-use matters that come before the County. The HLAC is the advisory body to the Board of Supervisors as to the resources listed on the HRI, and updates to the HRI.

The “County Court House” is a listed resource on the HRI in its original 1976 edition, in its 1989 edition, and in its 2010 edition. The resource description entries are identical, with the exception of the addition of Assessor Parcel Number in the 2010 edition. The resource significance is shown as “Site of Historic Event”. The entire description of the resource is:

“Original court house for Contra Costa County was built in 1855. It faced Escobar Street and the Carquinez Strait. It has a bell, cast in New York and carried around Cape Horn by a sailing vessel. Original structure was replaced in 1901 by what is now the County Finance Building.”

The NRHP registration was prepared in 1989, around the time of the second edition of the HRI. The standards for description of resources listed on the HRI are much less rigorous than the corresponding standards for resources listed on the NRHP. The NRHP description is much more extensive than the description in the HRI. For example, the NRHP registration is for a resource named “Contra Costa County Courthouse Block”³ with function described as “Courthouse, Jail”⁴ and historic physical appearance as follows in part:⁵

“The Contra Costa County Courthouse Block consists of the classically inspired county courthouse and jail and a low granite retaining wall which runs around much of the property, all dating to 1901. ...”

This description continues to identify the Courthouse and Jail buildings together as a single resource, constructed at the same time, for example:⁶

“The 1901 jail is a granite block which harmonizes with the courthouse. ...”

The NRHP identifies the areas of significance as “Politics/Government” and Architecture”⁷ with a period of significance from 1901 to 1939.

³ Appendix D, Attachment B, NRHP Registration, Section 1, Name of Property
⁴ Appendix D, Attachment B, NRHP Registration, Section 6, Function or Use
⁵ Appendix D, Attachment B, NRHP Registration, Section 7, Description
⁶ Appendix D, Attachment B, NRHP Registration, Section 7, Description, Continuation Page 2

1 cont.

HLAC Comment on DEIR
Page 3

The DEIR's Historic Resources Evaluation Report concludes that the Downtown Martinez Jailhouse building is a historical resource for the purposes of CEQA.⁸

The HLAC has considered the question of whether the 1901 Jailhouse is a historical resource for the purposes of the Contra Costa County Historic Resource Inventory.

Based upon the extensive description of the resource in the NRHP, the HLAC concludes that the resource described in the HRI comprises both the Court House and 1901 Jailhouse buildings. Therefore, the 1901 Jailhouse is a historical resource listed in the Contra Costa County Historic Resource Inventory.

1 cont.

Respectfully,



Stephen Lawton
Chair
Historic Landmarks Advisory Committee

⁷ Appendix D, Attachment B, NRHP Registration, Section 8, Statement of Significance

⁸ Appendix D, Chapter 7, Conclusion, page 7-1

2.2.28 Letter No. 28. Historic Landmarks Advisory Committee

2.2.28.1 Response to Letter No. 28

Comment #1

This comment correctly states that the Contra Costa County Historic Resource Inventory description for the “County Court House,” as named in the inventory is vague and does not indicate inclusion of the Jailhouse building as a component of the listed property with the degree of clarity provided in the NRHP listing for the Contra Costa County Courthouse Block. The HRER in Attachment D of the Draft EIR includes an evaluation of CRHR eligibility for the Jailhouse building. This analysis led to a conclusion that the Jailhouse is eligible and is an historical resource under CEQA, which is adequate substantial evidence upon which to base the Draft EIR impacts analysis and conclusion. Based on additional information provided in this letter, the Draft EIR has been revised as described below.

The last paragraph on page 3.2-8, which continues to page 3.2-9, of the Draft EIR has been revised as follows:

The 19th century structures were replaced by the existing district – Courthouse building, Jailhouse building, and granite curbing – recognized by the Contra Costa County Courthouse Block NRHP listing and the County Courthouse Block listing in the Contra Costa County Historic Resource Inventory.

The sentence below in the first full paragraph on page 5-1 in Appendix D of the Draft EIR has been revised as follows:

The 19th century structures were replaced by the existing district – Courthouse building, Jailhouse building, and granite curbing – recognized by the Contra Costa County Courthouse Block NRHP listing and the County Courthouse Block listing in the Contra Costa County Historic Resource Inventory.

Letter 29

Julian M Frazer
3321 Estudillo St.
Martinez Ca.



Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94553
Contact: Hillary Heard

Dear Hillary Heard,

Downtown Martinez instills a rich sense of place sought by many cities but out of their reach because no amount of architectural incorporation of the design elements of the past in a new structure can recreate the soul of a building that has stood for generations. Once a historical treasure is gone, it is gone. So what can be done to save this historical resource and strengthen the heritage of our town, a heritage that residents and visitors appreciate and enjoy? Fortunately, the DEIR provides a creative solution that is also designated the, "environmentally superior alternative."

1

Page 4-16 the DEIR states, "The No Project Alternative would be the environmentally superior of the three alternatives because it would result in less impact overall. As required by CEQA, if the alternative with the least environmental impact is determined to be the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives ."Therefore, the Partial Demolition and Adaptive Reuse of Remaining Building Alternative is considered the environmentally superior alternative

It is recommended that the County's EIR comply with the requirements of the CEQA by evaluating the "whole of the action." The action that is required to be analyzed is the demolition of the building, the interim parking lot use, and the future construction of a new building. The new building may be defined as what could be allowed under current or proposed new zoning and General Plan requirements. CEQA Guidelines Section 15378 defines

2

a "project" as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment..." Therefore, all of the environmental impacts (including air quality, cultural resources, greenhouse gas emission, traffic, etc.) of the three phases of the proposed project during construction and operation should be included in the EIR. In addition EIR's CEQA-required alternatives analysis contain a thorough review of the alternatives to the demolition of the building (including the No Project

Alternative), such as adaptive reuse of the building, a partial demolition of the building of only the later addition.

2 cont.

There are measures that are **not** acceptable per CEQA. Such as requiring the retention of the façade in a new building, addressing the loss of the National Register-listed building by the salvaging of the old granite stones or other architectural features and reuse in a future County construction building, as well as thorough documentation and public interpretation. Compromising any part the National Register-listed structures and elements destroys the Historic Recourse.

3

Guidelines Section 15126.6(b) states that “the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

4

It is recommended that the County’s EIR evaluate the impact of the proposed demolition of a component of the NR-listed District on the remaining contributing features of the District. The EIR should include an analysis of whether the site could remain as an NR-listed District if half of its building components are demolished. In addition, the potential impacts of a future building on the Downtown Historic Overlay District and its historic setting should be included. The compatibility of any proposed new building’s architecture, size, bulk, and mass with the NR-listed District, the local District, should be analyzed. In addition, staff requests that the project’s consistency with the Downtown Specific Plan be evaluated.

5

Other Considerations not in the EIR are a parking survey to find parking in other parts of the downtown rather than turning an Historic Resource into a parking lot. Looking for other locations for parking downtown on public or private lots as there are underutilized lots and even county building in the area.

6

Since there is an alternative on keeping the oldest jail and removing the 1944 building the fact that the “toxins” are at different levels in each building. The 1944 building has much more toxins and the conditions are different. The fact that the building were taken out of use created many problems. Had they been put to use, over time upgrades could have facilitated removal of obsolete treatments, floors, paint, heating systems. This none use policy has put the Historic Resource in jeopardy. This is not in keeping with the protection of environmental resources, this Historic Resource. Demolition by Neglect is not a legal County Policy is a adverse impact to an Historic Resource to be address as per CEQA.

7

In no case should the Board of Supervisors adopt a Statement of Overriding Considerations that would allow for the project to move forward.

Sincerely,

Julian M Frazer

2.2.29 Letter No. 29. Resident, Julian Frazer

2.2.29.1 Response to Letter No. 29

Comment #1

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #2

Please see Common Response 4 for an explanation of how the EIR analyzes the “whole of the action” and an analysis of the potential future use of the Project site for County administrative functions is not required in the EIR.

Comment #3

The commenter is correct, and the same conclusion is made on page 3.2-12 in Section 3.2, *Cultural Resources*, of the Draft EIR. Please see Common Response 3 for further explanation.

Comment #4

The commenter is correct, and the alternatives development and screening complied with this requirement, as described on pages 4-1 through 4-4 in Chapter 4, *Alternatives*, of the Draft EIR. Please see Common Response 1 for further explanation.

Comment #5

Please see Common Response 3 for a discussion and clarification of the Project’s effects on the historic district. As noted in Common Response 3, additional detail has been added to EIR to provide greater context regarding the nature of the historic resources.

According to the definition of “local agency” in Government Code Section 53090, the County is not considered a “local agency” for purposes of that specific code section and, thus, the requirement in Section 53091 to comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated is not applicable to the Project. That is, because the Project site is County-owned property and because the County is not subject to the requirements in Government Code Section 53091, activities on the Project site are not required to comply with City of Martinez zoning ordinances or regulations, pursuant to Government Code Sections 53090 and 53091, as indicated on page 2-1 of Chapter 2, *Project Description*, of the Draft EIR. Thus, an analysis of the Project’s consistency with the *Martinez Downtown Specific Plan* is not required. No changes to the Draft EIR are necessary in the Final EIR in response to this comment.

Comment #6

Meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR. As stated on page 2-2 of the Draft EIR, the goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also

Responses to Comments Nos. 19-1 and 19-6. In addition, please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

Comment #7

The commenter correctly states that Alternative 3 – Partial Demolition and Adaptive Reuse of Remaining Building would include the remediation and disposal of the hazardous materials in an appropriate place. In accordance with the requirements of CEQA, the Draft EIR considers the impacts of the Project using a baseline of existing conditions at the time of issuance of the NOP, as described in the Draft EIR, and specifically in Section 2.1.2.

Letter 30

Hillary Heard

From: Alex Brendel <abrendel8@gmail.com>
Sent: Thursday, May 12, 2016 2:08 PM
To: Hillary Heard
Subject: Draft Environmental Impact Report (DEIR), Jail Demolition Project, County File#CP# 15-39, State Clearinghouse 2015112003

TO: Hillary.Heard@pw.cccounty.us
Sent Via email on May 12, 2016

REFERENCE: Draft Environmental Impact Report (DEIR) Downtown Martinez
Jail Demolition Project, County File#CP#15-39, State Clearinghouse
2015112003

To whom it concerns,

The old, historic jail in Martinez is too precious of a landmark to be torn down. County officials owe it to the citizens of the county and especially the citizens of Martinez to make every effort save this valuable piece of history.

The original 1904 construction of hand-chiseled marble is beautiful, solid, and has survived over 100 years of California east bay earthquakes.

The City and citizens of Martinez take pride in its history; Banners fly on lamp posts in the city stating, "Welcome to Martinez, Historic Main Street."

Instead of demolition, the old jail should be made available for to private entrepreneurs who, through adaptive reuse, can make the building safe and operate a viable business which which serves the people who live and work in the immediate vicinity.

Ghirardelli Square in San Francisco is a fine example of adaptive reuse, where the original headquarters of the Ghirardelli Chocolate Company has been converted into multiple shops and restaurants.

An old bank in Bordentown, NJ was converted into an upscale pizza parlor:
<http://vaultpizzeria.com/>

As he stated in a comment letter of the DEIR appendices, dated December 1, 2015, I would like to echo David Fischer, President of Southport Land and Commercial Company. He suggests the idea that the County consider " the alternative of selling the building to a private developer, imposing a set of architectural restrictions on the building..."

The 1944 annex is ugly, and deserving of demolition. It's disposition could be decided by a private developer that wins a contract to save the original jail house by putting it to adaptive reuse.

I am a 50 year resident of Contra Costa County, and so the history of the county is important to me. We must save this beautiful, historically registered monument for ourselves, and for posterity.

Sincerely,

Alex Brendel
249 Western Hills Drive
Pleasant Hill, CA 94523
abrendel8@gmail.com

2.2.30 Letter No. 30. Resident, Alex Brendel

2.2.30.1 Response to Letter No. 30

Comments #1 and #2

The commenter states that the Project should not be approved and instead proposes an alternative to the Project that includes adaptive reuse by a private developer. Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

While the remaining portions of this comment are directed at a decision on the Project and not on environmental issues, this entire comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 31

Hillary Heard

From: Carter Wilson <xnghcarter13@aol.com>
Sent: Thursday, May 12, 2016 1:06 PM
To: Hillary Heard
Subject: Save the 1944 Jail

I've been a resident of Martinez for over 12 years. I'm a member of the Martinez Historical Society and the Contra Costa Historical Society. I'm a member and past president of Joaquin Murrieta Chapter 13 E Clampus Vitus and with the help of my fellow Clampers, we have erected over 13 historical plaques memorializing historic sites in the City of Martinez. Since 1980, the Clampers have helped restore and maintain the Alhambra Cemetery by participating in the twice annual Cemetery Clean-up. In April 1,2009, I was appointed to serve as a Commissioner on the Alhambra Cemetery Commission, a position I still hold.

As you can see, I'm dedicated to preserving Martinez History.

The existing stonework and marble in the 1944 cannot be duplicated. It would an architectural disaster to lose this structure.

| 1

I would be in favor of a conversion to professional office space, if economically feasible.

| 2

Thank you,

Carter Wilson

2.2.31 Letter No. 31. Resident, Carter Wilson

2.2.31.1 Response to Letter No. 31

Comments #1 and #2

The commenter states that the Project should not be approved and instead proposes an alternative to the Project that includes adaptive reuse as professional office space. Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

While portions of this comment are directed at a decision on the Project and not on an environmental issue, this entire comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 32

Hillary Heard

From: gwen monroe <farmerjane555@yahoo.com>
Sent: Thursday, May 12, 2016 4:05 AM
To: Hillary Heard
Subject: Old Jail

I sent a letter to you a few weeks ago, regarding the proposed demolition of the "Old Jail" building in Martinez, in that letter, I stated that I had collected some signatures of people, stringently opposed to the demolition of this building.

I am sure that each of them has his or her own personal reasons for wanting it to be left standing.

These are my thoughts on the issue:

I live in Martinez, and have for the last forty five years. I have never, ever thought that there was a "parking problem" in this town. I served for four and a half weeks on a jury less than two years ago. I had no problems finding suitable parking during that stretch either.

I dont think there has EVER been a time, that I couldn't find adequate, legal, parking options within one hundred feet from wherever I was trying to go, and usually, it is much closer.

Ninety-one feet away from the corner of the Old Jail building, there is a parking lot, behind the county administration building, enclosed by a chain link fence, therefor, not available for public use. It is home to a small fleet, (between two and maybe ten) county vehicles. And the remainder of the 63 parking places, that make up this lot, sit, vacant, every single day, behind a fence.....and I am forced to wonder, about the desperate need for twenty additional spaces, when all of this space, is left unused.

Also, I did a little research regarding how structures that are on the historical register are to be handled when development encroaches, and it does not appear to me that the county has taken the steps that the State clearly outlines should be taken in instances such as this. Once the building was included on that list, it seems to me that the State has found it to hold historical value, not just to Contra Costa County, but to the State of California, as well, and those steps should be followed accurately, not just skimmed over lightly.

There has been no effort to look into possible alternative uses of this structure, for the county, or even possibly selling the building to a private party, who would be bound by the same outlines set forth by the state that deal with how to proceed with development when it encroaches close to or on a parcel that is home to a historical building.

Please do not insult my intelligence by telling me that re-purposing this building is not feasible due to asbestos, and lead, in the structure. Those hazards are virtually nonexistent in a building that was constructed prior to 1945. And any level of toxins that do exist inside of the building, that could pose a danger to th e public, pose a greater hazard during that building's demolition, than ever, they would while the building still stands. Not to mention the cost, of the proper handling of such things, and disposing of them.

I think in the very least, having the building appraised by an outside, objective source, fo r both monetary and historical value, is a necessity, so that it may be used to discern whether the proposed twenty parking places are cost-effective, in relationship to the cost of the demolition, and the loss of the structure.

I am going to hazard a guess, that the demolition of the Old Jail will make those the highest priced parking places in the whole County. I do not see this as a productive use of time, and funds. And in terms of aesthetics, and history, I find the demolition of this building, nothing short of vandalism.

2.2.32 Letter No. 32. Resident, Gwen Monroe

2.2.32.1 Response to Letter No. 32

Comment #1

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process. In addition, meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR. As stated on page 2-2 of the Draft EIR, the goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also Responses to Comments Nos. 19-1 and 19-6.

Comments #2 and #3

Adaptive reuse of the structure is evaluated in Alternatives 2 and 3, which are analyzed in Chapter 4 of the Draft EIR, *Alternatives*. Under Alternative 2 – Adaptive Reuse of Entire Building, the County would rehabilitate the Jailhouse building for government office use through modifications conducted in compliance with the SIS. Under Alternative 3 – Partial Demolition and Adaptive Reuse of Remaining Building, the County would demolish the 1944 annex to the Jailhouse building and would rehabilitate the original structure built in 1903 for government office use through modifications conducted in compliance with the SIS.

Comment #4

At this time, it is unknown which portions of the Jailhouse building include greater amounts of ACMs and LBP. This comment correctly asserts that the Project would increase short-term impacts associated with hazardous materials within the Jailhouse building, including ACMs and LBP, compared with existing conditions. Please see Response to Comment No. 19-1 regarding potential hazards and hazardous materials impacts and mitigation measures.

Comment #5

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 33



May 12, 2016



Contra Costa County Public Works Department
 Attention: Hillary Heard
 255 Glacier Drive
 Martinez, California 94553

VIA HAND DELIVERY

Re: DOWNTOWN MARTINEZ JAIL DEMOLITION PROJECT
 (County File: CP# 15-38)
 DRAFT EIR

To whom it may concern:

Our comments on the Draft Environmental Impact Report are as follows:

(1) The Project Objectives: Parking Needs

One of the project objectives is to "[m]eet near-term parking needs in the area." That is a mere self-serving statement in the DEIR without any factual support. There is no parking analysis in the DEIR to show that there is any need for additional parking in the area. In fact, a few years ago, the City of Martinez removed one way streets with diagonal parking in the area, which reduced the number of parking spaces in the Downtown, because it found that there was no need for such parking.

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Further, there is no analysis in the DEIR showing that the addition of the proposed parking lot will have a positive effect on parking, or quantify its affects on parking in any way.

It is submitted that it is improper for this DEIR to exclude a parking analysis, and to justify the project on unsupported facts.

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 Attention: Hillary Heard
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(2) Project Alternative: Provide Parking Somewhere Else

Since one of the stated objectives of the DEIR is to provide more parking, and the project will ultimately result in the construction of a new parking lot, the DEIR must include the project alternative of building the parking lot somewhere else, and/or petitioning the City to reinstate one way streets with diagonal parking to meet alleged parking needs.

For example, the County could purchase, or acquire by eminent domain, a non-historic building in the neighborhood, demolish it, and put the parking lot at that location. Or, an existing vacant lot could be purchased or acquired by eminent domain – there is a large vacant lot at the corner of Green and Estudillo Streets that could be made into a parking lot. The DEIR does not identify any alternate sites for the parking lot, and instead states that the parking lot must be built in only the location of the historic jail.

The DEIR essentially says: "We want to build a parking lot, and we want to demolish a historic structure in order to do so. But we refuse to even consider building the parking lot anywhere else." That philosophy is contrary to CEQA which mandates the consideration of alternatives.

In all fairness, the DEIR did consider demolishing the 12-story County Administration Building and putting the parking lot there. (DEIR, page 4-3.) Of course, since that building is a vital County building, that alternative was doomed from the beginning. What the DEIR fails to do is look at any other site for the parking lot, i.e., other than the jail site and the Administration Building site.

An agency preparing an EIR should make a good faith effort to find out and disclose all that it reasonably can. Ignoring alternate sites for the parking lot is not in good faith.

(3) Project Alternative: Preservation Off-Site

The DEIR is deficient because it fails to adequately recognize, and address, a viable project alternative, to wit: preserving the 1903 "original structure" by moving it to a new location, away from the project. (We do not advocate preserving or moving the 1944 annex.) Relocating the original structure could reduce the cultural resource impacts of the project to a less than significant level.

The DEIR contains conclusionary statements to the effect that the building is too heavy to move. Those statements are entirely unsupported, and appear to be the preparer's own personal

2

3

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opinion. It is common knowledge that large, heavy structures are capable of being moved. The brick light house at Cape Hatteras, North Carolina, weighing 500 tons, is perhaps the best known example, since it received national media exposure. It was moved 2,900 feet in 1999. (See the National Park Service's article "Moving the Cape Hatteras Lighthouse" posted at <https://www.nps.gov/caha/learn/historyculture/movingthelighthouse.htm>.)

3 cont.

Moving a heavy object is essentially a matter of support during the move, which, in a simplistic sense, means the heavier the structure, the more steel and wheels it will need in order to move it.

The DEIR also alleges, without factual support, that the jail will not maintain its "structural integrity when lifted." Brick buildings, which are far more vulnerable to a loss of structural integrity than a building built out of large granite blocks, are moved quite frequently. Yes, the cost is greater than if the structure were made of wood, because cross ties and other components (aka "custom shoring") will have to be erected on the interior and underside to ensure that the structural integrity will remain intact during the move. The DEIR uses the excuse that this custom shoring will have to be erected to dismiss the alternative (DEIR, page 4-4). But, some degree of custom shoring is a component of every structure move. You can't make an omelette without breaking an egg, and the fact that you have to break an egg cannot be used as an excuse not to make the omelette. That is what the preparer has concluded here – because custom shoring is required, the building cannot be moved.

4

In its discussion of the relocation alternative (DEIR, page 4.4), the preparer indicates that relocation was not pursued as a viable alternative because no member of the public came forward with a suggested relocation site. It is submitted that an Environmental Impact Report cannot ignore an alternative because a member of the public has not provided data to the agency, especially when that data is readily available to that agency. It is the duty of the agency, on its own initiative, to provide the analysis and data in the DEIR, assuming it is reasonable to do so. Here, the preparer of the DEIR should have looked at other sites in the area. Since it did not, the DEIR is inadequate.

5

As a part of any analysis of moving the structure, the DEIR should identify and thoroughly discuss nearby County-owned sites that may be suitable locations for the relocated structure. The County is currently planning to demolish three houses on Escobar Street, each of which may provide a suitable site for relocation of the original jail. (A County representative recently made a

6

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presentation to the Martinez City Council which identified the three sites.) The County also owns numerous parking lots in the vicinity, and each of those parking lots may be a suitable relocation site. Many of these sites are within one to two blocks of the present site of the jail. In other words, there are plenty of nearby sites to which the historic structure could be moved, but none are identified in the DEIR.

6 cont.

The DEIR also dismisses the relocation alternative on the basis that the streets are not wide enough to accommodate the width of the building. The DEIR claims that the "widest portion" of the building "is approximately 50 feet" and that the streets are "approximately 35 feet." (DEIR, page 4-4.) That data is misleading at best, and false at worse.

First, although it is true that the widest portion of the building is approximately 50 feet, a structure mover will, instead, consider the narrowest width. Here, the original structure is a rectangle. The narrowest side of that rectangle is 35 feet, as measured at the watertable, which "sticks out" slightly from the plane of the walls. (Another four feet can be added to the width if eaves are considered, however wider eaves are not a controlling factor unless there is an obstruction at that height along the route of the move.)

The width of Pine Street in front of the jail, curb to curb, is 37 feet, 6 inches. That is enough to move the structure. However, if more room should be desired, the first obstruction is the parking meters, and there is 41 feet of clear space from the row of parking meters on one side of the street, to the row of parking meters on the other side. If the parking meters are temporarily removed (which is not uncommon for a structure move), then the available width becomes even more. It is also not uncommon to remove other obstructions to gain more width, such as stop signs, light posts and power poles. Street trees have also been removed (and later replaced) along the route of a move – the moving of the Space Shuttle in Southern California is a good example where that occurred. (See Los Angeles Times article "Tree removal for space shuttle arrival tempers excitement" published September 3, 2012.)

7

As a side note, we made an inquiry to the premiere structure moving company in our local area, Trost Jacking and Heavy Moving, which has a C-21 license (Contractor's License #803642). We were informed that the fee charged by a moving company for this type of structure is "around \$2,000 per ton" which does not include permit fees, traffic control, or the cost to move objects along the route such as parking meters, light posts, signs and utility poles.

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In conclusion, the DEIR is inadequate because it fails to properly consider relocation as an alternative.

7 cont.

(4) Aesthetic Impact

The "less than significant" aesthetic impact on page ES-8 of the DEIR is incorrect. The County has constructed a seating area at the Main Street entrance to the Wakefield Taylor Courthouse (specifically at the corner of Main and Pine Streets). People who sit there now look at a beautiful hand chiseled granite building across the street. In the "after condition" they will look out on an automobile parking lot. To say that such a change is "less than significant" is absurd. The "less than significant" conclusion was made in the DEIR without any supporting data whatsoever. The DEIR should include a visual study, with architectural renderings of the "before project" and "after project" visual impacts for people using the seating area mentioned above.

(For a current view from the above mentioned seating area, please see photo being EXHIBIT A to this letter. The bench in the foreground is one of the benches in the seating area.)

8

Although visual impacts are discussed in the DEIR at page 3.6-2, the seating area directly across the street was not mentioned, and the preparer seems to have injected a personal view that a parking lot would be better to look at than the existing historic jail. To quote the DEIR in that regard: "...the new parking lot would be designed to be visually similar to the other existing lots and, therefore, would not change the existing visual character of the area." It is submitted that, based upon goals and objectives of the City of Martinez's "Downtown Historic Overlay District," (discussed more thoroughly below) the view of a historic structure has already been determined, by appropriate government action, to be better than the view of an automobile parking lot.

(5) Land Use and Planning Impact

The "less than significant" Land Use and Planning impact on page ES-10 of the DEIR is incorrect. Specifically, the DEIR claims that the project will have a "less than significant" impact regarding any "conflict with applicable land use plan, policy or regulation."

9

As noted in "Attachment C" to the DEIR, there is a Downtown Martinez Specific Plan (the "Specific Plan"). Part of that Specific Plan is the Downtown Historic Overlay District, one of the purposes of which is:

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"to establish mandatory provisions for the preservation of buildings individually listed on the National and/or State Register of Historic Places ..., or buildings which become so listed in the future."

It is submitted that the proposed project is absolutely contrary to the planning objectives of the City, to wit: The preservation of listed structures within the Downtown Historic Overlay District. By demolishing the original jail structure, there no longer will be a significant historic structure (the old Jail) within the District, which is contrary to the Specific Plan. As such, the project will have a significant impact on "planning" in general, and policies and regulations in the Specific Plan in particular.

9 cont.

Although the County takes the position that it is not subject to the Martinez Municipal Code (DEIR, page 3.2-5), that is not entirely correct. The County needs an encroachment permit from the City in order to carry out the project (DEIR, page 2-6). It is submitted that such an encroachment permit cannot be granted by the City because granting it would be contrary to the Specific Plan. Therefore, although the project itself may not be subject to the Martinez Municipal Code, the permits which the project needs to go forward, are subject to that Municipal Code. Therefore, we believe that an encroachment permit for a project that is contrary to the Specific Plan will need to be denied by the City.

10

We find it odd and contrary for the DEIR to state, on page 2.2, that one of the objectives is to "[i]mplement policies in the ... Martinez Downtown Specific Plan" and then advocate a project that is the polar opposite of that objective. It is akin to an EIR for project to spray weed killer where an endangered plant is growing to state that the objective of the project is to save the endangered plant. If the objective of the project is to comply with the Specific Plan, the jail must not be demolished.

11

Sincerely,



David R. Fischer,
President

drf/kl



2.2.33 Letter No. 33. Southport Land and Commercial Company

2.2.33.1 Response to Letter No. 33

Comment #1

This comment correctly states that one of the Project objectives is to meet near-term parking needs in the area, as stated on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR. Meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR. As stated on page 2-2 of the Draft EIR, the goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also Responses to Comments Nos. 19-1 and 19-6.

Comments #2 and #3

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

Comment #4

Please see Common Response 1 for a discussion regarding Project alternatives, including alternatives considered but rejected (e.g., the Relocation Alternative).

As indicated on page 4-4 in Chapter 4, *Alternatives*, of the Draft EIR, for relocation, the building would need to be temporarily shored and cut into portions to move the building within the confines of the widths of the nearby streets. Thus, it is not feasible to move the Jailhouse building as a complete structural unit. As stated on page 4-5, relocation would not avoid the impacts of the Project on historical resources. Specifically, based on guidance provided by the National Park Service, the building would most likely no longer convey its significance as a cultural resource in a new location. In addition, the loss of materials caused by dismantling, relocating, and reinstalling the building would be detrimental, most likely requiring reconstruction measures that would not be considered favorable as a preservation approach. Thus, it is a combination of the new location and the loss of materials that renders the Relocation Alternative infeasible.

Comment #5

Please see Common Response 1, for a discussion regarding Project alternatives, including alternatives considered but rejected (e.g., the Relocation Alternative). This comment references Section 4.2.5 of the Draft EIR, in which the Relocation Alternative is described, and it is stated that a commenter on the NOP suggested that the EIR consider a Relocation Alternative, although the comment did not identify a specific site. The Relocation Alternative was analyzed in the EIR, and the reasons for its rejection as infeasible and because it would not reduce the impacts of the Project are presented on pages 4-4 and 4-5 of the Draft EIR, and further explained in Common Response 1.

Comment #6

As discussed in detail on pages 4-4 and 4-5 of the Draft EIR, the Relocation Alternative was considered to be infeasible for a range of reasons, of which availability of a site to relocate the structure on was only one. Additionally, evidence is presented on page 4-5 of the Draft EIR that relocation of the structure would not avoid the impacts of the Project on historic resources. Please note that there are only two houses on Escobar Street (1127 and 1139 Escobar Street) identified for demolition rather than the three houses referenced by the commenter.

No changes to the Draft EIR are necessary in the Final EIR in response to this comment.

Comment #7

Please see Response to Comment No. 33-5 and Common Response 1 regarding the reasons why the Relocation Alternative was found not to be a feasible alternative that would reduce the impacts of the Project.

The decision makers will be required to weigh the environmental impacts identified in the EIR as well as other factors, including cost, in making the final decision on the Project. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #8

The comment correctly states that the views from the bench located in front of the Courthouse would be altered by the Project. Please note that the analysis in the Draft EIR takes into account the larger visual context. In addition, the substantial effect of the change in the visual character of the area as a result of the Project is the effect on the historic context. The effects of visual changes on historic character are addressed in the Draft EIR in Sections 3.2.2.6 and Impact CUL-1. In addition, please see Common Response 3 for additional information on this topic.

Comment #9

Please see Common Response 5 for a discussion of the Project's consistency with land use plans, policies, and regulations.

Comment #10

According to the definition of "local agency" in Government Code Section 53090, the County is not considered a "local agency" for purposes of that specific code section, and, thus, the requirement in Section 53091 to comply with all applicable building ordinances and zoning ordinances of the county or city in which the territory of the local agency is situated is not applicable to the Project. That is, because the Project site is County-owned property and because the County is not subject to the requirements in Government Code Section 53091, activities on the Project site are not required to comply with City of Martinez zoning ordinances or regulations, pursuant to Government Code Sections 53090 and 53091, as indicated on page 2-1 of Chapter 2, *Project Description*, of the Draft EIR.

The comment further states that the City of Martinez should deny the approval of an encroachment permit for the Project.

While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #11

Please see Common Response 5 for a discussion of the Project's consistency with land use plans, policies, and regulations.

Letter 34

Hillary Heard

From: Harlan Strickland <hstrickla@comcast.net>
Sent: Thursday, May 12, 2016 4:48 PM
To: Hillary Heard
Cc: Strickland, Harlan
Subject: Comments on DEIR, Downtown Martinez Jail Demolition Project, County File CP#15-39
Attachments: Comments re DEIR Downtown Martinez Jail Demolition Project, County File CP#15-39, State Clearinghouse _Strickland_160512.docx

Dear Ms. Heard,

I have also attached the comments below as a Word *.docx document.

Re: DEIR, Downtown Martinez Jail Demolition Project, County File CP#15-39

I. GENERAL

Coming down the hill into Downtown Martinez on Marina Vista from I-680, as one passes the parking lot behind the historic Borland Home (now the Martinez Museum), and approaches the old, historic train station, one is greeted by the arch proclaiming “Historic Downtown Martinez.” The Courthouse Block, including the jail, is, as an entity, listed on the Federal Register. Many of us here in Martinez take “historic” quite seriously, and don’t want to see our remaining historic resources destroyed.

The draft EIR is titled “Environmental Impact Report for the Martinez Jail Demolition Project. In the DEIR Executive Summary, however, under Project Objectives, the stated “goal” of the project is, interestingly, neither demolition of the jail nor adding parking spaces, but rather, in a phrase that would fit virtually any undertaking, to “help form a well-planned, functional civic center in Downtown Martinez.” This section of the Executive Summary ends with a list of objectives for the project, which are repeated here and numbered for reference:

1. Reduce hazards posed by the existence of the unoccupied, contaminated building.
2. Meet near-term parking needs in the area.
3. Implement the *Martinez General Plan*, *Martinez Downtown Specific Plan* and *Contra Costa County General Plan* policies for the civic portion of Downtown Martinez.
4. Promote future development of required space for County government administrative uses.
5. Allow for compatible and functional structures and land uses in the civic center area.

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In the final section of the Executive Summary, Potential Areas of Controversy and Issues to be Resolved, the issue of “the whole of the action” is addressed. It is argued that, in the absence of any particular future plans, only the current, limited project need be addressed by the EIR. While this may adhere to the letter of the law regarding the definition of the piecemealing of a project – apparently mostly a spatial or near-term temporal concept – the following observations would seem to point to long-term temporal piecemealing, whereby the county violates the spirit, if not the letter, of “the whole of the action” principle by incrementally implementing, over a multi-year period, a sequence of actions that result in a cumulative large-scale impact that is not, but should be, addressed by the EIR process. Items in this regard that would seem to point to a larger purpose:

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1. The “goal” of the project is vague, and has no particular relationship to either the subject of the project or its objectives.
2. The individual objectives are either trivial, are currently impossible, are meaninglessly vague, or are coherent only in the context of future (large-scale) development for county purposes.

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cont.

Addressing the objectives in order:

II. PROJECT OBJECTIVES

1. Reduce hazards posed by the existence of the unoccupied, contaminated building.

Contaminants won’t escape unless allowed to escape - it is a jail, after all. Professional mitigation exists to routinely handle such matters, and would enable tourist-friendly/downtown-revitalizing repurposing of an historic structure. Demolition is unnecessary.

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2. Meet near-term parking needs in the area.

The project will spend tens of thousands of dollars, destroy an historic structure, yet yield only a handful of parking spaces at the far edge of Downtown – parking spaces which can only be used by county workers. There is a parking shortage in the Downtown, which hurts businesses both in terms of customer and employee parking: but that problem is much larger than a few spaces. A much better approach to addressing Downtown Martinez’s parking needs would be to work with the city to create a centrally located parking structure, such as those in Concord and Pleasant Hill. A location often mentioned is the site of the current surface parking lot bounded by Marina Vista, Escobar, Ferry, and the Community College District property.

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3. Implement the *Martinez General Plan, Martinez Downtown Specific Plan and Contra Costa County General Plan* policies for the civic portion of Downtown Martinez.

3a) Martinez General Plan – The Martinez General Plan is currently undergoing a major update; “implementing the General Plan” at this point is therefore meaningless. The changes anticipated by this project should at the minimum wait until the General Plan is completed, and it and the Martinez Downtown Specific Plan are brought into alignment.

3b) Martinez Downtown Specific Plan - The Courthouse Block is part of the Martinez Downtown Specific Plan’s Downtown Historic Overlay District; destroying a structure listed on the National Register does not conform to the goal of the Specific Plan of promoting historic preservation in this area.

3c) Contra Costa County General Plan – The online version of the Contra Costa General Plan doesn’t seem to provide much guidance here. The sections that appear to be apropos of the project follow below. It would be helpful for the EIR to flesh out exactly how the Contra Costa General Plan is being applied.

Under Section 7.16, OTHER PUBLIC FACILITIES:

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OTHER PUBLIC FACILITIES POLICIES

7-158. When developing new general purpose public facilities, a balance between social, cultural, and recreational needs of the community being served shall be sought.

OTHER PUBLIC FACILITIES IMPLEMENTATION MEASURES

Development Review Process:

7-cz. Utilize the Mandatory Referral process (Section 65402 of the Government Code) to determine if public land acquisitions, sale or building of new structures, are in conformity with the General Plan.

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cont.

7-da. Pursue a full range of fiscal methods to finance needed public facilities. "No funding is available" (re: future construction plans mentioned in "piecemealing" above) is stated flatly, without indicating what fiscal methods have, in fact, been pursued.

4. Promote future development of required space for County government administrative uses.

As outlined above, this appears to be the real goal of this project, which should be addressed by the EIR. It is most likely that this is tied to the long term goal of demolishing the McBrien Building at 651 Pine St. and replacing it with a collection of new, large-scale construction. Again, that overall plan should be addressed by the EIR.

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5. Allow for compatible and functional structures and land uses in the civic center area.

The current Courthouse Block is compatible with both the civic center and Historic Overlay District land uses. This rather vague objective would be met by all no-demolition alternatives.

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III. ALTERNATIVES

The DEIR lists three alternatives. Of these, Alternative 1, the No Project Alternative, and Alternative 2, the Adaptive Reuse of Entire Building Alternative, would preserve the 1944 Annex. While not representing the same level of historic value as the original 1903 jail, the annex is nevertheless interesting visually, as well as having some historic interest as being the product of concrete use during the war years. Preserving it would enhance the overall historic character of the Downtown, in much the same way that the WPA sidewalks around the Downtown, stamped 1939 and 1940, do.

Alternative 2 would, in addition, deal with the hazardous materials issue, as well as put the building to good use, insuring its continued existence. It is suggested that a fourth alternative be considered: Adaptive Reuse of Entire Building by Private or Civic Entities. Whether by lease or by sale, this would represent a way of sharing an interesting and historic structure with the public. Downtown Martinez needs all the revitalization help it can get; the historic aspect of the Downtown should be promoted as much as possible. The buildings at 610 and 630 Court Street are successfully on their way to restoration and private, governmental and civic (Martinez Art Gallery, e.g.) use. The company working on those, Southport Land and Commercial Company, has in fact expressed interest in a letter already included in comments on the NOP. Other models for such use, although not directly parallel, would be Alcatraz and the hugely successful artisan-occupied Benicia Arsenal, drawing tourists and providing unique architectural experiences for visitors.

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Regards,
Harlan Strickland
709 Lafayette St
Martinez, CA 94553
925.228.2755

2.2.34 Letter No. 34. Resident, Harlan Strickland

2.2.34.1 Response to Letter No. 34

Comment #1

This comment correctly restates the goal of the Project, which is provided on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR. Please see Common Response 4 for a discussion of the modifications to the Draft EIR to reflect that the Project site is not currently proposed as a part of the preferred location for the County administrative buildings. As a result of these modifications, the facilitation of future development of required space for County government administrative uses is no longer a Project objective.

Comment #2

Please see Common Response 4 for a discussion of the modifications to the Draft EIR to reflect that the Project site is not currently proposed as a part of the preferred location for the County administrative buildings. As a result of these modifications, the facilitation of future development of required space for County government administrative uses is no longer a Project objective. In addition, please see Common Response 4 for an explanation of how the EIR analyzes the “whole of the action” and an analysis of the potential future use of the Project site for County administrative functions is not required in the EIR.

Comment #3

The Draft EIR does not state that demolition of the Jailhouse building is necessary for the remediation and disposal of the hazardous materials in an appropriate place. Alternative 2 - Adaptive Reuse of Entire Building Alternative would include remediation and disposal of hazardous materials and proposes no demolition activities. In addition, as stated on page 4-9 of Chapter 4, *Alternatives*, of the Draft EIR, Mitigation Measures HAZ-1, HAZ-2, HAZ-3, HAZ-4 would apply to both the Project and the Adaptive Reuse of Entire Building Alternative. Implementation of those mitigation measures would reduce the impact of potential construction worker exposure to hazardous materials to a less-than-significant level.

Comment #4

Meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR. As stated on page 2-2 of the Draft EIR, the goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also Responses to Comments Nos. 19-1 and 19-6.

Comment #5

The Draft EIR considers the adopted Martinez General Plan (adopted in 2011), as required under CEQA. Delaying the Project until the *Martinez General Plan* is updated is not required under CEQA. Please see Common Response 5 for a discussion of the Project’s consistency with land use plans, policies, and regulations.

Comment #6

Please see Common Response 4 for a discussion of the modifications to the Draft EIR to reflect that the Project site is not currently proposed as a part of the preferred location for the County administrative buildings. As a result of these modifications, the facilitation of future development of required space for County government administrative uses is no longer a Project objective. In addition, please see Common Response 4 for an explanation of how the EIR analyzes the “whole of the action” and an analysis of the potential future use of the Project site for County administrative functions is not required in the EIR. The potential environmental impacts of any other projects, including a project that included demolition of the McBrien Building at 651 Pine Street raised by the commenter, would be analyzed under a separate CEQA analysis.

Comment #7

The commenter expresses support for Alternative 1 – No Project Alternative and Alternative 2 – Adaptive Reuse of Entire Building Alternative. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comment #8

This comment reviews the alternatives presented in the EIR and suggests an additional alternative. Please see also Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternative suggested in this comment.

Letter 35



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

May 13, 2016

Hillary Heard
Contra Costa County, Dept. of Conservation and Dev.
255 Glacier Drive
Martinez, CA 94553

Subject: Downtown Martinez Jail Demolition Project
SCH#: 2015112003

Dear Hillary Heard:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on May 12, 2016, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse



1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2015112003
Project Title Downtown Martinez Jail Demolition Project
Lead Agency Contra Costa County

Type EIR Draft EIR
Description Contra Costa County Public Works Department is working with the Contra Costa County Administrators Office to demolish the existing County Jailhouse building and surrounding granite curb and to construct a parking lot with 25 to 30 spaces to serve County employees. The existing Jailhouse was constructed out of granite in 1903. An addition to the Jailhouse was completed in 1944. The Jailhouse is currently vacant (with the exception of some obsolete storage) and has not functioned as a Jailhouse since 1986. The Jailhouse is currently contaminated with hazardous materials including asbestos and lead-based paint.

Lead Agency Contact

Name Hillary Heard
Agency Contra Costa County, Dept. of Conservation and Dev.
Phone 925-313-2022 **Fax**
email
Address 255 Glacier Drive
City Martinez **State** CA **Zip** 94553

Project Location

County Contra Costa
City Martinez
Region
Lat / Long 38° 1' 10.85" N / 122° 8' 4.80" W
Cross Streets Pine Street, Main Street and Escobar Street
Parcel No. 373-262-001
Township 2N **Range** 3W **Section** 25 **Base** Benicia

Proximity to:

Highways I-680
Airports No
Railways Capital Corridor
Waterways Carquinez Strait
Schools Martinez JH
Land Use Public/Semi Public

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Air Resources Board; Native American Heritage Commission; Public Utilities Commission

Date Received 03/29/2016 **Start of Review** 03/29/2016 **End of Review** 05/12/2016

Note: Blanks in data fields result from insufficient information provided by lead agency.

2.2.35 Letter No. 35. State Clearinghouse

2.2.35.1 Response to Letter No. 35

Comment #1

The State Clearinghouse acknowledges that the Contra Costa County Department of Conservation and Development has complied with the State Clearinghouse requirements for draft environmental documents pursuant to CEQA. The County notes the receipt of the State Clearinghouse comment letter, which indicates that the Downtown Martinez Jail Demolition Project Draft EIR has been distributed to state agencies for review and that the County has complied with the State Clearinghouse review requirements. No state agencies submitted comments by the end of the review period (May 12, 2016). No further response is required.

Letters 36 - 41

April 18th Zoning Administrator’s Meeting

Item 2a:

Jaclyn Isip, DCD provided project description.

Public Works/Consultant provided information regarding CEQA/EIR report.

Public Comments:

Ray O’Brien:

Letter 36

Good afternoon. My name is Ray O’Brien, I am the founding chair of the Historical Landmarks Advisory Committee. I am also a nominee for a vacancy on that commission. Most communities celebrate the fact that they have a national register historic property. They don’t treat merely as a vacant, unnecessary, surplus piece of property. I find it disturbing that this report wants to single out this national register property, commonly known as the courthouse block, is currently the finance building and the old jail and not treat it as part of the fabric as the city of Martinez. I believe there is a real inadequacy in the report regarding its place in the city of Martinez. That needs to be taken in to account. It also needs to deal more fully with the city of Martinez downtown historic district overview. This building is 113 years old and the report, the draft report, states that the structure is considered to be a significant historic source. Here we are going to consider turning it into a parking lot. I believe that if you want to give adequate consideration to this proposal. The ultimate use of this property needs to be on the table now. I would support alternative 2: Adaptive Reuse and Accordance with the Secretary of Interior Standards for the Treatment of Historical Properties. And as a compromise, I would support alternative 3: which will provide some parking spaces and also demolish the 1944 annex building. We need to realize that these structures are part of our historic resources, and cannot be relegated to a book or to a plaque. They need to continue to impact the daily lives of our residents and citizens. I’d like to refer to specifically the table 4.1. Comparison of alternative impact environmental topic areas. It does not include historic resources. It does include cultural resources. My understanding earlier in the report is that cultural resources are different from historic resources. Then in Section 5.13, Analysis of Cumulative Impacts, again there is no consideration of historic resources. And then in section 5.3, substantial and unavoidable environmental impacts, there is an immediate jump without any supporting argumentation to say that preservation is not viable for an alternative use. I don’t understand how you can come to that conclusion without supporting documentation for it.

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ZA: Thank you for your comments. Next speaker is Dan McCleod.

Dean McCleod:

Letter 37

My name is Dean McCleod. I am the Vice President of First Villages of Consulting Inc. I’ve been involved in historic matters for 42 years. I’ve been involved in the history of Contra Costa County for the past 23 years. I want to thank the Public Works for giving us the opportunity to comment on this environmental impact study. I do not subscribe to the re chorus of cant. I believe what we need to do is look for solutions that will work for the objective of Contra Costa County and the department of Public Works as who access unused property. I’m not going to detail in specifics today because of the shortness of time the inadequacies of the environmental impact study, as to historical resources. Having been a local historian for many, many years. I can say and until I can provide you with direct evidence before May

12th in writing I can say that the consideration of the historic potential and value of this building has been completely and adequately studied. Being a member of an organization in which the research was done, I can verify that the research is extremely superficial and that the resources have great significance to Contra Costa County history. It's a building. When it's gone, it's gone. It's the visible real proof of the events that happened here. It touched the lives of thousands of people in Contra Costa County including some of the most significant leaders of this community. Not just those who were incarcerated in the jail. But for just one example we have Sheriff Veale who was the Sheriff in this County for nearly 40 years during a period from the 1880 to 1930's, late 1930's. The Contra Costa County Historical Society has thousands documents from Sheriff Veale, where he communicates from people all over the State as to personal as well as community events that have never been really explored. And the central locust of this took place, related to the Court system and to the jail. There are many other examples where individuals of great significance to this community participated in the life of that building. And so the narrative of this county cannot be effectively taught to our children and our decedents without a physical presence which they can use. I would be proposing the development of a consortium that will make use of the building and allow the county to meet its objective, which is to reduce unused facilities in its inventory. Thank you.

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ZA: Thank you for your comments. Next speaker card that I have is Carol Rose.

Letter 38

Carol Rose:

Hi I am Carol Rose. I'm the owner of Main Street Sweets at 815 Main. We've had the store for 6 years and we have seen a decline in business over the past 6 years we think, we know of at least 15 businesses have gone away. Um in part that it's due to the retrofitting, but regardless we would like to see the downtown become vibrant and I really believe that the preservation of the jail is interval to that. Not for what it is now, but what it has the potential of being. Regardless of whether or not there is the asbestos lead issue it needs to be cleaned out, whether it's demolished or whether or not it's stays. So I think that's kind of a moot point. We'd like the County and City to work together to make this a viable thing that will stay. I mean we are the County seat, I don't know why on earth we would be talking about demolishing a historic jail. We feel like it's and hand chizzled granite jail. It's really should be preserved. We would like to see it with the County and City working together if it couldn't be gifted to the Historical Society and house the Joltin' Joe, the hometown hero museum. Possibly making it something like the San Francisco Ferry Building. Having open cafe's. I mean we lost our Thursday Farmers Market and the County workers were, they still are very upset about that so just to bring something that would be vibrant into that building. That's it.

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ZA: Those are the only speaker cards I have. Anyone else wishes to make a comment on this Environmental Impact report that's prepared. Sir? Please state your name and address first.

Harlan Strickland:

Letter 39

Harlan Strickland, 709 Lafayette Street. I've been involved with the items downtown and I'm concerned with the some of the other people with revitalizing the downtown and some of the comments from the County have talked about working with the City to help improve the overall operation of the downtown. I think when you come in the large arch you go through it says Historic Martinez. I think that's a good thing. I think the County should work with the City to enhance that. Another thing in terms of the parking, the idea of taking something that's listed as a national register for a net gain of 10 parking spots is a poor trade. And if they County wanted to work with the City on parking, they should think about a parking garage or a parking structure or some of the other vacant parcels downtown. I would push for alternate #2 and would say that by upgrading the building that the negative impact resources would be

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avoidable. As someone else said, no matter what happens, you have to deal with the toxics and that sort of thing. So I think that would be much better alternative and would enhance the ambience of the downtown and it is in the Historic District. I would hope that you would extenuate the possibility #2. And I probably will be submitting written comments later. Thank you.

3 cont.

ZA: Thank you. Could you please submit your green speaker card to staff. Thank you. Anyone else wishes to speak, make a comment?

Letter 40

Julian Frazer:

Um yeah, Julian Frazer, 3321 Estudillo Street. I'd just like to address a few things under 3.2.33 they talk about impacts and mitigations. There is this term called adverse change and I'm going to talk about that a little bit later. But, under the impacts are not unavoidable. And you make this statement that the impacts are unavoidable and I think what you should do to improve the document is to make a reference to your alternatives. So when people are reading this project, they understand that the real mitigation is one of those alternatives. Ok. In terms of the 1903 Jailed. Simply just make that, that designation that in fact it is unavoidable. I think some things that kind of get overlooked, and you are required to do this. You're required to look for other alternatives including another locations. Not simply say there is a location somebody brought up but it's not feasible. You need to find a legitimate new location. And some examples, another example to do a parking survey. And find the parking places in Martinez that could make up for these 15 places you're going to get by tearing down the structure. There was recently a building, the Gazette building, it was torn down now the person who owns that building has offered paid parking, which would fit the needs of every single parking place that you want to get out of that building. Now that should be on the table too. I want to make another mention to this because this also has to do with adverse change, is that the jailed meaning the 1906 jailed and any piece of granite on that piece of property, including the curbs, which they make reference to tearing down in the project are part of that historic resource. And this historic resource that you want to tear down is also part of the financial building resource. They are one and the same. So you can't and under this adverse change idea, you can't take elements, including that jailed from the other historic resources, meaning the finance building. And you have to CEQA says you have to make an effort to do that. And simply by not tearing down that Jailed and keeping all the granite in that would do that. My idea would be to put it back to the way it was in 1906, which would basically be a plaza there, grass or dirt plaza would be great, but if you want to put a plaza that has multiple uses that what you can do. Because originally that what that block was, it was the Courthouse, the Jailed. Besides the Jailed, actually talks about a history in relationship with the old court house. You notice the Courthouse is gigantic and compared to the Jailed, which kind of tells you what the value of the law was to figure out how to solve people's problems in the Court. The jailed was something well that's what you did with people you couldn't deal with. But I think there is some significance for people to see what a courthouse looked like at that time and what the jailed looked like at that time. There is some other history in terms, I think the jailed was put there because they couldn't actually fit it in the courthouse. Let's see, under CEQA you must make an attempt to avoid significance impacts. I think, attempt is my word, I think you need to find a way to get rid of significant impacts. And I'd like to state a CEQA S15064.5, which you guys probably read it all the time. It might be good to refresh you on that. .15b3-5 you might want to read that. .6 and .6b, I don't have these memorized right now because I can't really do that but there are things that tell you what you are required to do under those things. And there is also other CEQA things. I'd also like to address the hazards and something you might want to think about, particularly when you divide the building up in different alternatives, one of which is saving the jailed and saving the 1903 jailed and taking down the other jailed. The hazards in the older jailed, the 44 jailed, I think would outweigh the other hazards in the small jailed by I can make up a number, but somewhere between 33

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and 50%, simply because of the size of the building and if you look at the different, at the legend where it tells you what type of things are in the jailed. You'll find out in the 44 jailed there is much more things because of the lay out, the amount of partitions and things like that. If you compare it to the older jailed, there is less of those little dots in there. There is also things that are described in there that are actually still usable. Some of them are said to be non- friable, which is basically asbestos that is under good use, like if you go to some of your older elementary schools you'll see asbestos floors that are actually totally usable unless they are fry-able. You will also see things in the jailed, this one kind of confused me because it talks about the roofing and it talks about how it's in good shape. And it's not fry-able, I don't understand if it's in good shape what that means. Does that mean the roof is solid and it's not leaking? So there is things in that older jailed that in the newer jailed are falling apart and may need to be removed. So what I'm saying is it may be some value to say hey, the older jailed has lot less costs in dealing with the hazards than the newer jailed. In fact, a lot of those things can be kept in place. It be your choice, it's confusing the way they say it for example they talk about some of the paints as being good. But they are still friable, which means they are chipping. How is paint good if it's chipping? But if it's friable. The point is in some of the solutions are very simple. One of the solutions with walls of lead paint is simply repaint them. The only thing that is in there is you have to take the paint off, not completely, just the paint that doesn't stick. And basically the simplest thing is you have to collect the paint, you can't just leave it lying around, in what you do in any paint job. So it's not a really big deal, but it's presented at a really big deal. In terms of the cost, I would say getting the hazards is a lot less than actually demolition. I'm talking about the newer jailed. People really want to save history in this town and this is what history is about. I just want to step on this a little bit. Tearing down a building is saving the parts or taking picture of the building and sticking it in a library or a museum is not preserving history. When you tear apart a building, you basically destroy history. Putting the brick at a community park is not preserving history. So I will leave it with that.

9 cont.

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ZA: Thank you for your comments. Anyone else....

Diane Sargent:

Letter 41

My name is Diane Sargent and I live at 710 Lafayette Street. When you were describing the location of this project and its proximity to the other parts of the town. I didn't hear mention of the private residents that are nearby. I'd like you to consider us as wells.

1

ZA: Thank you. Anyone else? Okay, thank you all for providing your comments. We really appreciate that. You taking your time to come this afternoon and providing your comments. And so again as I said earlier, the last day to submit comments is Thursday, May 12th. Please submit your comments before 5:00. You can submit your comments by email and I think that is about it. If you have any questions about the project itself you may contact Hillary Heard, who is with the Public Works Department. Thank you.

2.2.36 Zoning Administrator’s Meeting Commenter No. 36. Founding Chair of Historic Landmarks Advisory Committee, Ray O’Brien

2.2.36.1 Response to Commenter No. 36

Comment #1

Historic resources and the impacts of the Project on those resources are address in Chapter 3.2 of the Draft EIR. Please see also Common Response 3 for some additional detail regarding the historic district and context.

Comments #2 and #3

The commenter supports Alternative 2 – Adaptive Reuse of Entire Building and Alternative 3 – Partial Demolition and Adaptive Reuse of Remaining Building. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Comments #4 and #5

Table 4-1 on page 4-18 in Chapter 4, *Alternatives*, of the Draft EIR provides a comparison of the potential impacts of the No Project Alternative, Adaptive Reuse of Entire Building Alternative, and Partial Demolition and Adaptive Reuse of Remaining Building Alternative with impacts of the Project by resource topic. As noted in Response to Comment No. 9-9, for the purposes of CEQA, which may use terms differently than they are used in other contexts, “cultural resources” includes both archaeological resources and historic resources. (*CEQA Guidelines Appendix G*).

Comment #6

Preservation of the Jailhouse building was considered as a viable alternative use and is analyzed on pages 4-8 through 4-12 of Chapter 4, *Alternatives*, of the Draft EIR. The purpose of the analysis on page 5-8 in Chapter 5, *Other CEQA Considerations*, of the Draft EIR is not to describe the supporting analysis for impact conclusions. Rather, pursuant to Public Resources Code Section 21067 and State CEQA Guidelines Sections 15126(b) and 15126.2(b), this subsection describes any significant impacts, including those that can be mitigated but not reduced to a less-than-significant level. As discussed throughout the Draft EIR (and specifically in Section 3.2, *Cultural Resources*), the Project would result in significant and unavoidable impacts on historical architectural resources.

2.2.37 Zoning Administrator’s Meeting Commenter No. 37. Vice President of First Villages Consulting, Dean McCleod

2.2.37.1 Response to Commenter No. 37

Comment #1

Please see Common Response 3 regarding the potential impacts of the Project on historical resources.

Comment #2

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

2.2.38 Zoning Administrator’s Meeting Commenter No. 38. Resident, Carol Rose

2.2.38.1 Response to Commenter No. 38

Comment #1

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

2.2.39 Zoning Administrator’s Meeting Commenter No. 39. Resident, Harlan Strickland

2.2.39.1 Response to Commenter No. 39

Comment #1

Please see Response to Comment No. 14-3 for a summary of the County’s consultation efforts with the City of Martinez.

Comments #2 and #3

Please see responses to Letter No. 34, submitted by this commenter, for responses to his comments.

2.2.40 Zoning Administrator's Meeting Commenter No. 40. Resident, Julian Frazer

2.2.40.1 Response to Commenter No. 40

Comment #1

The commenter correctly states that the Draft EIR presents both mitigation measures and alternative as a way to address identified impacts, and that implementation of the No Project Alternative would avoid all of the impacts of the Project, as described in subsection 4.3-1 in Section 4, *Alternatives*, of the Draft EIR.

Comment #2

The commenter states that the EIR is required to consider alternative sites, that the consideration of the Off-Site Alternative described and dismissed from consideration in the Draft EIR as not meeting the Project objectives on pages 4-3 and 4-4 of the Draft EIR is not sufficient, and that another off-site location should be considered. As stated on page 4-4 of the Draft EIR, the Off-Site Alternative was rejected because it would not meet any of the Project objectives, which are related to the project site. Selection of a different alternative site would not result in the Project objectives being met. The statement in the Draft EIR that the off-site location identified by a commenter during scoping is not vacant is provided for information, but is not the reason why that alternative does not meet the Project objectives. Please see Common Responses 1 and 2 for more explanation.

Comments #3 and #4

Meeting near-term parking needs is only one of the Project objectives, which are presented in detail on page 2-2 in Chapter 2, *Project Description*, of the Draft EIR and modified in Chapter 3, *Text Changes to the Draft EIR*, of this Final EIR. As stated on page 2-2 of the Draft EIR, the goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. Please see also Responses to Comments Nos. 19-1 and 19-6.

Comment #5

Please see Common Response 3 regarding the potential impacts of the Project on historical resources.

Comment #6

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

Comment #7

This comment discusses the context of the jail structure. The Draft EIR discusses the physical context and the relationship of the Courthouse and Jail in Section 3.2.2.6 of the Draft EIR.

Comment #8

Please see Response to Comment No. 29-4, submitted by this commenter, for a response to his comment.

Comment #9

Please see Common Response 2 for a discussion and analysis regarding additional alternatives, including the alternatives suggested in this comment.

The rest of this comment is regarding remediation of existing onsite hazardous materials. As stated on page 4-9 of Chapter 4, *Alternatives*, of the Draft EIR, Mitigation Measures HAZ-1, HAZ-2, HAZ-3, HAZ-4 would apply to the Project, the Adaptive Reuse of Entire Building Alternative, and the Partial Demolition and Adaptive Reuse of Remaining Building Alternative. The Project contractor would be required by the County to comply with all local, state, and federal requirements regarding hazardous materials. Hazardous materials would be disposed of in an approved facility. Implementation of those mitigation measures would reduce the impact of potential construction worker exposure to hazardous materials to a less-than-significant level.

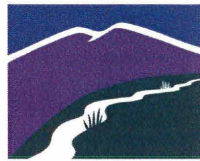
Comment #10

The commenter states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

**2.2.41 Zoning Administrator's Meeting Commenter No. 41.
Resident, Diane Sargent****2.2.41.1 Response to Commenter No. 41****Comment #1**

The Draft EIR does consider nearby residential areas, as stated on page 3.6-18 in Section 3.6, *Other Topics*, of the Draft EIR, where it is noted that there is a residential neighborhood containing single-family homes located approximately 200 feet east of the Project site.

2.3 Responses to Comments Received After the Public Review Period



Contra Costa County
Public Works
Department

Letter 42

Julia R. Bueren, Director
Deputy Directors
Brian M. Balbas
Stephen Kowalewski
Stephen Silveira
Joe Yee

July 26, 2016

Kristin Henderson
2241 LaSalle Street
Martinez, CA 94553

RE: Administrative Record comments
Project No.: Downtown Martinez Jail Demolition
Project: WO#5885

Dear Ms. Henderson:

This letter is in response to your question submitted to the Contra Costa County Public Works Department on June 22, 2016 (submitted via email messages) inquiring why the comments on the Administrative Record did not appear in the Environmental Impact Report (EIR).

While it is regrettable that your comments on the draft EIR were understood to be Public Records Requests and as such were not specifically included in the EIR, we have reviewed the comments and determined all the issues raised within them have been addressed in the EIR.

This letter is intended to address your comments and show the sections of the EIR where they are analyzed; the responses follow the order of your comments highlighted in pink (numbered in the margin of your emails and attached for reference).

Comment #1: It is quite obvious there are future plans for something else and the County is sidestepping the true CEQA process in order to avoid the feasibility of retaining the 1903 part of the Old Jail in lieu of a much more expensive replacement building.

Response to comment #1: The project purpose and objectives and the description of the proposed future uses are clearly laid out in Sections 2.2 and 2.3 of the EIR. The Draft EIR provides a response to a similar comment on the NOP on pages ES-3 and ES-4 in the Executive Summary of the Draft EIR:

"Accredited by the American Public Works Association"
255 Glacier Drive Martinez, CA 94553-4825
TEL: (925) 313-2000 • FAX: (925) 313-2333
www.cccpublicworks.org

Kristin Henderson
July 26, 2016
Page 2 of 4

"This EIR analyzes the whole of the project as it is known at this time. As described in Chapter 2, a potential future use of the Project site would be for County administrative functions, but no plans or designs have been prepared and no funding is available for such a future use. Therefore, no further details are known at this time regarding what structures might be planned and constructed at the site. State CEQA Guidelines Article 10, Section 15145 states that if a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact. In *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, the court noted that where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences. Because future development is unspecified for this Project site, it would be speculative to attempt to determine potential impacts of an unknown future use. Therefore, the unknown future use is not considered a reasonably foreseeable consequence of the initial project, nor will this future potential action change the scope or nature of the initial project or its environmental effects. For these reasons, the Draft EIR does not analyze the impacts of construction or operation of such a potential future use. At the time that such construction is planned, further environmental review under CEQA would be required."

Comment #2: Comment for record: Mens Rea: moving demolition project forward without thought to impacts; creating an EIR that will suit your wishes, not legitimately explore alternative or impacts; Chief Admin very anxious to accomplish this demolition with no regards to public input or studied impacts.

Response to comment #2: The EIR considers alternatives in Chapter 4.

Comment #3: Obvious violations of Brown Act.

Response to comment #3: Comments regarding Brown Act are not related to CEQA.

Comment #4: RE: email below: Requesting said mailing list/distribution list to "interested parties with an interest in historic resources".

And I am submitting this comment into the public record: both Martinez Historical Society (MHS) and Contra Costa Historical Society as of late have said they do not get involved with historic resource matters. MHS has proven themselves false in this and so many other things and is the subject of current multiple legal scrutinies and it would be best for this community to not further hurt their chances of keeping their 501-3-C status. Main Street Association is bound by trademark to have historic preservation as the core of all it does. It never does though. However, Main Street Martinez also has an oversight institution to which to appeal their actions for the purposes of accreditation.

Kristin Henderson
July 26, 2016
Page 3 of 4

You have no idea how I wish this was not the case, but it is. I have an overwhelming body of evidence to support what I say.

Response to comment #4: Comments regarding whether the local historical society is involved with historic resources are not related to CEQA.

Comment #5: You are deceptive; the undertaking of the "project" is deceptive: the County hired the consultant firm, replete with Machiavellian historic architect, back in July or before with the

full understanding the CAO wanted to tear the old jail down then and much earlier.

You just want to tear down the old jail...the rest is just jumping through hoops for you. The democratic, legal, and public process means nothing to you. Historic resources mean nothing to you—even though you exist to manage the same. You steal our history with our tax dollars.

Response to comment #5: This comment does not address environmental issues. To the extent that the comment is intended to say that the impacts on historic resources should be analyzed in the EIR, the response is that the EIR does assess these impacts.

Comment #6: Accepted by the National Register of Historic Places on April 2, 2015:

http://ohp.parks.ca.gov/pages/1067/files/ca_contra%20costa%20county_historic%20resources%20of%20martinez%20ca%20mpdf.pdf

The Courthouse Block, which historic integrity you plan to demolish along with the old jail and granite perimeter, is not just a historic resource unto itself. It is an essential part of the development of Martinez and the County seat.

When you destroy the court house block, you will also destroy the historic status of the Finance Building/Courthouse as well and also that of the larger historic context and fabric of Downtown Martinez and the Court Street corridor.

Response to comment #6: The EIR does address impacts of the project to the historic district. As described in the Draft EIR under Impact CUL-1, the demolition of the Jailhouse building, which is eligible for listing on the CRHR, would result in a significant and unavoidable impact on the historical resource, on the limited historical resources within the Martinez Historic Overlay District, and on the NRHP-listed Contra Costa County Courthouse Block (National Register Information System Reference #89002113, listed 1989), which includes the Jailhouse building and former County Courthouse (i.e., current Finance building).

Kristin Henderson
July 26, 2016
Page 4 of 4

Comment #7: RE: Below email with quote extracted from it.

Every single bit of documentation/communication/information, from any and ever county department involved in the Jail Demo Project, that discusses or mentions or deals with the future use of the site, interim and permanent.

It is quite obvious there are future plans for something else and the county is sidestepping the true CEQA process in order to avoid the feasibility of retaining the 1903 part of the Old Jail in lieu of a much more expensive replacement building.

Response to comment #7: The first paragraph is a records request which was responded to on December 4, 2015. The second paragraph is the same as first comment addressed in comment #6.

Comment #8: Given the below, and given all the emphasis other departments have on getting the Jail Demo project completed in order to appease CAO, it is not possible that there were no communications or information or documents relayed or exchanged with CAO regarding the 1903 jail, although I requested them below.

I am re-requesting the same and with the comment that this Jail Demo project has proceeded illegally on many facets.

Response to comment #8: The first paragraph is a records request which was responded to on December 4, 2015. The last sentence does not raise any CEQA issues.

Please contact me at (925) 313-2022 or hillary.heard@pw.ccounty.us if you have any questions.

Sincerely,



Hillary Heard
Planner II
Environmental Services Division

HH:nt

G:\engsvc\ENVIRO\Capital Projects-Facilities\Martinez Jail\Draft EIR\Notice of Availability and Completion of DEIR\Comment and Response letters on the DEIR submitted past the comment period\K. Henderson Comments\K Henderson response letter July 2016.doc

c: J. Bueren, Administration
L. Chavez, Environmental

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:28 PM
To: Hillary Heard
Subject: #1. I will hilite in pink my previous comments

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us
Subject: PRA #12 & Comment for Admin Record
Date: Sat, 14 Nov 2015 14:19:31 -0800

RE: Below email with quote extracted from it.

Every single bit of documentation/communication/information, from any and ever county department involved in the Jail Demo Project, that discusses or mentions or deals with the future use of the site, interim and permanent.

It is quite obvious there are future plans for something else and the county is sidestepping the true CEQA process in order to avoid the feasibility of retaining the 1903 part of the Old Jail in lieu of a much more expensive replacement building.

From: Hillary Heard To: Yarbrough, Edward; Zeff, Sally Cc: "Antin, Elizabeth"
Subject: RE: Martinez Jail Draft NOP
Date: Thursday, October 15, 2015 12:23:00 PM Attachments: Martinez Jail_NOP_101415_pwd comments.doc Importance: High

Leigh and I came away from our meeting on 9/29 thinking we were going in the direction of drafting the EIR to focus on parking as the interim future use and that was fine but the NOP stated a potential future use as an office building? We had thought the parking lot as the interim use was fine so long as we have clear/solid objectives laid out since the future use of the site is unknown (see our comment on the second page of the NOP). We were also wondering if we will have a chance to review those draft objectives before the NOP goes out?

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:30 PM
To: Hillary Heard
Subject: #2 FW: PRA #5 and comment for Jail Admin Record

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us
Subject: PRA #5 and comment for Jail Admin Record
Date: Fri, 13 Nov 2015 18:19:20 -0800

Please provide all documents, information, and communications regarding the "GAME PLAN" as mentioned below, including the "RE" (which means Real Estate?) and CPM (what does this stand for?) perspectives.

2 | Comment for record: Mens Rea: moving demolition project forward without thought to impacts; creating an EIR that will suit your wishes, not legitimately explore alternative or impacts; Chief Admin very anxious to accomplish this demolition with no regards to public input or studied impacts. | 1
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3 | Obvious violations of Brown Act. | 1
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From: Brian Balbas
Sent: Monday, August 24, 2015 5:33 PM
To: Leigh Chavez; Hillary Heard Cc: Karen Laws; Ramesh Kanzaria Subject: old jail status
Please provide an update on where we are with this project. We keep telling CAO it is a yearlong CEQA effort, but I want to make sure the project continues moving forward as we told them that in March 2015. We will also need to consider the game plan from a RE and CPM perspective....
Hence I have copied Karen and Ramesh as well.
Thanks.
Brian M. Balbas
Deputy Public Works Director

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:31 PM
To: Hillary Heard
Subject: #3: FW: old jail

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us
Subject: PRA #6 & comment for the Admin record Old jail demo
Date: Fri, 13 Nov 2015 18:12:32 -0800

Please provide the data needs, characteristics, and project objectives mentioned in below email as well as all documents and communications and other information that led up to the decision to create an FEIR or EIR.

3 | Comment, repeated, the below actions are in violation of the Brown Act.

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From: Hillary Heard
Sent: Tuesday, August 25, 2015 1:00 PM
To: Brian Balbas
Cc: Leigh Chavez; Karen Laws; Ramesh Kanzaria
Subject: RE: old jail status

Hi Brian,
We have been coordinating with our consultant, ICF, who has been busy working on gathering information for the CEQA document (Focused EIR). Additional information is needed before the Notice to Proceed can be issued for the FEIR. I have attached two lists of questions (data needs and project objectives and characteristics) that will need to be completed regarding the project which we will likely need the CAO and Capital Projects staff to weigh in on. I'd like to sit down and talk to you, Julie, and/or Ramesh about these information needs. I have also included the draft schedule for completing the full FEIR which as it shows on their schedule would be completed in June of 2016 with the statute of limitations for the 30 day period ending in July 2016.

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:34 PM
To: Hillary Heard
Subject: #4: FW: Comment for the Admin record Old Jail Demo

but hilited in yellow

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us; julie.bueren@pw.cccounty.us
Subject: Comment for the Admin record Old Jail Demo
Date: Fri, 13 Nov 2015 18:03:39 -0800

3 | **REFERENCING THE BELOW EMAIL: ALL SUCH ACTIVITIES SIMILAR TO AND INCLUDING THE BELOW CONSTITUTE A VIOLATION OF THE BROWN ACT.**

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From: Hillary Heard
Sent: Monday, August 31, 2015 4:39 PM
To: Ramesh Kanzaria
Cc: Leigh Chavez; Steve Jordan
Subject: RE: old jail status
Importance: High

Ramesh,
Thank you for the update. I'm attaching the list of questions our EIR consultant has in the hopes that you and Steve could review it and gather some information and ask any questions when we meet. I was hoping we could meet on Thursday morning to discuss this, does that provide you with enough time or would you like to meet in advance of gathering this information?

Thanks, Hillary
Hillary Heard
Planner

Contra Costa County Public Works Department
Environmental Section
255 Glacier Drive
Martinez, CA 94453
Phone: (925) 313-2022
Fax: (925) 313-2333 e-mail: hhear@pw.cccounty.us website: www.cccpublicworks.org
"Accredited by the American Public Works Association"

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:46 PM
To: Hillary Heard
Subject: #5: FW: PRA #13 & Public comment Old Jail Demo

From: hendersonkristin@hotmail.com
To: david.twa@cao.cccounty.us; hillary.heard@pw.cccounty.us; eyarbrough@icfi.com
Subject: PRA #13 & Public comment Old Jail Demo
Date: Sat, 14 Nov 2015 14:56:46 -0800

RE: email below:

Requesting said mailing list/distribution list to "interested parties with an interest in historic resources".

And I am submitting this comment into the public record: both Martinez Historical Society (MHS) and Contra Costa Historical Society as of late have said the do not get involved with historic resource matters. MHS has proven themselves false in this and so many other things and is the subject of current multiple legal scrutinies and it would be best for this community to not further hurt their chances of keeping their 501-3-C status. Main Street Association is bound by trademark to have historic preservation as the core of all it does. It never does though. However, Main Street Martinez also has an oversight institution to which to appeal their actions for the purposes of accreditation.

You have no idea how I wish this was not the case, but it is. I have an overwhelming body of evidence to support what I say.

From: Yarbrough, Edward To: Hillary Heard Cc: Antin, Elizabeth; Zeff, Sally
Subject: RE: NOP Distribution list
Date: Tuesday, October 20, 2015 4:55:45 PM

Hi Hillary,
Please find attached an edited, in TrackChanges, mailing list/distribution list for the NOP of interested parties with an interest in historic resources. You'll need to add a list of residents and owners within a 300 foot radius, as you've already noted, and anyone who has previously made a Freedom of Information Act (FOIA) request of the project. Please let me know if you have any questions.
Thanks! Ed

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Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:36 PM
To: Hillary Heard
Subject: #6: FW: PRA #6 & comment for the Admin record Old jail demo

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us
Subject: PRA #6 & comment for the Admin record Old jail demo
Date: Fri, 13 Nov 2015 18:12:32 -0800

Please provide the data needs, characteristics, and project objectives mentioned in below email as well as all documents and communications and other information that led up to the decision to create an FEIR or EIR.

3 | Comment, repeated, the below actions are in violation of the Brown Act.

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From: Hillary Heard
Sent: Tuesday, August 25, 2015 1:00 PM
To: Brian Balbas
Cc: Leigh Chavez; Karen Laws; Ramesh Kanzaria
Subject: RE: old jail status

Hi Brian,
We have been coordinating with our consultant, ICF, who has been busy working on gathering information for the CEQA document (Focused EIR). Additional information is needed before the Notice to Proceed can be issued for the FEIR. I have attached two lists of questions (data needs and project objectives and characteristics) that will need to be completed regarding the project which we will likely need the CAO and Capital Projects staff to weigh in on. I'd like to sit down and talk to you, Julie, and/or Ramesh about these information needs. I have also included the draft schedule for completing the full FEIR which as it shows on their schedule would be completed in June of 2016 with the statute of limitations for the 30 day period ending in July 2016.

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:37 PM
To: Hillary Heard
Subject: #7: FW: ANOTHER ADMIN RECORD COMMENT

From: hendersonkristin@hotmail.com
To: cheryll_grover@yahoo.com
Subject: FW: ANOTHER ADMIN RECORD COMMENT
Date: Sun, 15 Nov 2015 15:14:37 -0800

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us; david.twa@cao.cccounty.us
Subject: ANOTHER ADMIN RECORD COMMENT
Date: Fri, 13 Nov 2015 19:32:24 -0800

old jail demo, RE: BELOW PASTED EMAIL.

YOU ARE DECEPTIVE, THE UNDERTAKING OF THIS "PROJECT" IS DECEPTIVE: THE COUNTY HIRED THE CONSULTANT FIRM, REplete WITH MACHIAVELLIAN HISTORIC ARCHITECT, BACK IN JULY OR BEFORE WITH FULL UNDERSTANDING THE CAO WANTED TO TEAR THE OLD JAIL DOWN THEN AND MUCH EARLIER.

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YOU JUST WANT TO TEAR DOWN THE OLD JAIL...THE REST IS JUST JUMPING THROUGH HOOPS FOR YOU. THE DEMOCRATIC, LEGAL, AND PUBLIC PROCESS MEANS NOTHING TO YOU. HISTORIC RESOURCES MEAN NOTHING TO YOU--EVEN THOUGH YOU EXIST TO MANAGE THE SAME. YOU STEAL OUR HISTORY WITH OUR TAX DOLLARS.

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From: Julie Bueren
Sent: Tuesday, September 08, 2015 10:42 AM
To: Leigh Chavez; Hillary Heard; Karen Laws; Ramesh Kanzaria
Subject: FW: Future of the "Old Jail" - Attn. Brian M. Balbas
Leigh, Hillary, Karen, Ramesh
See below e-mail that came in from Donna Beth Weilenman, reporter for the Martinez Tribune regarding the old Jail.
Here is my draft response. Any comments?
Ms. Weilenman

The County is considering the demolition of the old jail. Part of the evaluation will be to look at the historic nature of the building.

The building is not currently acceptable for use. There are concerns about hazardous materials (lead and asbestos) and this is also part of the evaluation.

We are looking at all of our vacant and underutilized facilities as we have a large deferred maintenance/capital renewal need that is not funded.

The Board of Supervisors has not taken action on the demolition of the jail. It is now being studied and evaluated by staff and consultants for a potential CEQA document. We are expecting it would be a focused EIR and this will involve a public process.

Thanks, Julie

-----Original Message----- From: dbweilenman@martineztribune.com

[\[mailto:dbweilenman@martineztribune.com\]](mailto:dbweilenman@martineztribune.com) Sent: Friday, September 04, 2015 4:12 PM To: Admin

Subject: Future of the "Old Jail" - Attn. Brian M. Balbas

Good afternoon,

We've been trying to learn the status of the consideration of demolishing the old jail. We have heard that the county is trying to determine what type of CEQA review might be appropriate prior to consideration of the demolition.

As you know, many people consider this to be a historic building and would be unhappy if it were destroyed.

Are there reasons why this building is under consideration for demolition? Is it structurally damaged beyond reasonable repair, or would seismic retrofits be too expensive, or is there asbestos or other hazards, or is the property under consideration for something new?

How serious is the county considering the demolition? Is the county merely looking and researching its options, or is the demolition likely to happen once the various steps of the process are complete?

Has the Board of Supervisors weighed in on this, and if so, could you direct me to the meeting dates so I could research the minutes?

Thank you,

Donna Beth Weilenman, reporter Martinez Tribune dbweilenman@martineztribune.com
925-229-2026 www.martineztribune.com

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:38 PM
To: Hillary Heard
Subject: #8: Comment Admin Record Old Jail

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us
Subject: Comment Admin Record Old Jail
Date: Fri, 13 Nov 2015 20:18:17 -0800

Accepted by the National Register of Historic Places on April 2, 2015:

http://ohp.parks.ca.gov/pages/1067/files/ca_contra%20costa%20county_historic%20resources%20of%20martinez%20ca%20mpdf.pdf

6

The Courthouse Block, which historic integrity you plan to demolish along with the old jail and granite perimeter, is not just a historic resource unto itself. It is an essential part of the development of Martinez and the County seat.

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When you destroy the court house block, you will also destroy the historic status of the Finance Building/CourtHouse as well and also that of the larger historic context and fabric of Downtown Martinez and the Court Street corridor.

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:39 PM
To: Hillary Heard
Subject: #9: FW: PRA #12 & Comment for Admin Record

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us
Subject: PRA #12 & Comment for Admin Record
Date: Sat, 14 Nov 2015 14:19:31 -0800

RE: Below email with quote extracted from it.

7

Every single bit of documentation/communication/information, from any and ever county department involved in the Jail Demo Project, that discusses or mentions or deals with the future use of the site, interim and permanent.

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It is quite obvious there are future plans for something else and the county is sidestepping the true CEQA process in order to avoid the feasibility of retaining the 1903 part of the Old Jail in lieu of a much more expensive replacement building.

From: Hillary Heard To: Yarbrough, Edward; Zeff, Sally Cc: "Antin, Elizabeth"
Subject: RE: Martinez Jail Draft NOP
Date: Thursday, October 15, 2015 12:23:00 PM Attachments: Martinez Jail_NOP_101415_pwd
comments.doc Importance: High

Leigh and I came away from our meeting on 9/29 thinking we were going in the direction of drafting the EIR to focus on parking as the interim future use and that was fine but the NOP stated a potential future use as an office building? We had thought the parking lot as the interim use was fine so long as we have clear/solid objectives laid out since the future use of the site is unknown (see our comment on the second page of the NOP). We were also wondering if we will have a chance to review those draft objectives before the NOP goes out?

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:52 PM
To: Hillary Heard
Subject: #10: FW: Comment Admin Record Old Jail

This may be a repeat from today's batch, renumbered for current use. But why did not the consultant discuss the jail in terms of the court house block nor the historic fabric of Court Street?

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us
Subject: Comment Admin Record Old Jail
Date: Fri, 13 Nov 2015 20:18:17 -0800

Accepted by the National Register of Historic Places on April 2, 2015:

http://ohp.parks.ca.gov/pages/1067/files/ca_contra%20costa%20county_historic%20resources%20of%20martinez%20ca%20mpdf.pdf

The Courthouse Block, which historic integrity you plan to demolish along with the old jail and granite perimeter, is not just a historic resource unto itself. It is an essential part of the development of Martinez and the County seat.

When you destroy the court house block, you will also destroy the historic status of the Finance Building/Courthouse as well and also that of the larger historic context and fabric of Downtown Martinez and the Court Street corridor.

Hillary Heard

From: Kristin Henderson <hendersonkristin@hotmail.com>
Sent: Wednesday, June 22, 2016 2:56 PM
To: Hillary Heard
Subject: #11: FW: PRA #11 & Admin Record Comment

From: hendersonkristin@hotmail.com
To: hillary.heard@pw.cccounty.us
Subject: PRA #11 & Admin Record Comment
Date: Sat, 14 Nov 2015 13:50:31 -0800

Given the below, and given all the emphasis other departments have on getting the Jail Demo project completed in order to appease CAO, it is not possible that there were no communications or information or documents relayed or exchanged with CAO regarding the 1903 jail, although I requested them below.

I am rerequesting the same and with the comment that this Jail Demo project has proceeded illegally on many facets.

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From: David.Twa@cao.cccounty.us
To: hendersonkristin@hotmail.com
CC: jbuer@pw.cccounty.us
Subject: RE: Public Records Act Request
Date: Mon, 22 Jun 2015 23:31:46 +0000

Hot is not a word that I would use. However, the building continues to deteriorate, and cannot be used for any functional purpose.

From: Kristin Henderson [<mailto:hendersonkristin@hotmail.com>]
Sent: Monday, June 22, 2015 4:26 PM
To: David Twa
Subject: RE: Public Records Act Request

Thank you for your reply.

Someone said you are hot to tear down the 1903 Jail, is that true?

From: David.Twa@cao.cccounty.us
To: hendersonkristin@hotmail.com; District5@bos.cccounty.us; sjord@pw.cccounty.us
CC: jbuer@pw.cccounty.us
Subject: RE: Public Records Act Request
Date: Mon, 22 Jun 2015 23:19:53 +0000

I have asked the Public Works Department to respond to your Public Records Act Request since they are working on these projects.

From: Kristin Henderson [<mailto:hendersonkristin@hotmail.com>]
Sent: Monday, June 22, 2015 4:11 PM
To: David Twa; District5; sjord@pw.cccounty.us
Subject: Public Records Act Request

I am requesting under the aegis of the Public Records Act request, to receive all information on the status of the scheduled repairs to the Finance Building (nee court house built 1901) as was discussed by the County Public Works Department in previous results of Public Records Acts.

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Secondly, any information that regards the 1903 jail, which is a companion building to the above mentioned court house. I have hear rumors that the county wants to tear down this little footprint building that is on the National Register of Historical Places, even though it has a multitude of more derelict properties in the vicinity and moreover, knows per the 2008 engineering report that 651 Pine Street is in need of demolition as well.

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Thank you.

Kristin Henderson
 925 446 9747
 2241 LaSalle Street
 Martinez, CA 94553

2.3.1 Letter No. 42. Kristin Henderson

2.3.1.1 Response to Letter No. 42

Comment #1

In a letter dated July 26, 2016, the County responded to all of the comments submitted by the commenter. The response letter prepared by the County was sent to the commenter and is included as part of Comment Letter No. 42. As stated in the response letter, the County understood the comments to be Public Records Requests rather than NOP comments. Nonetheless, all of the issues raised by the commenter were addressed in the Draft EIR. In addition, please see Common Response 4 for an explanation of how the EIR analyzes the “whole of the action” and an analysis of the potential future use of the Project site for County administrative functions is not required in the EIR.

Letter 43

Benicia Historical Society, Inc.
FOUNDED 1973

P. O. BOX 773 . . . BENICIA, CALIFORNIA 94510

June 23, 2016

Hilary Heard, Planner
Contra Costa County Public Works Dept
225 Glacier Drive
Martinez, CA 94553-4825

RECEIVED

JUN 30 2016

Public Works Dept
Engineering Services
Environmental


Dear Hilary:

With a unanimous vote, the Board of Directors of the Benicia Historical Society supports the preservation of the historic Martinez Jailhouse which forms part of the "Courthouse Block"

This structure is a nationally recognized historic landmark and it complements the Old County Courthouse next door as part of the history of our justice system in Contra costa County. The retention of this structure also contributes to a complete historic narrative of the City of Martinez as both an historic city and as the seat of Contra Costa County government.

We strongly and respectfully urge that Contra Costa County make every effort to preserve this historic Martinez Jailhouse.

sincerely,


Bonnie Silveria, President
Benicia Historical Society

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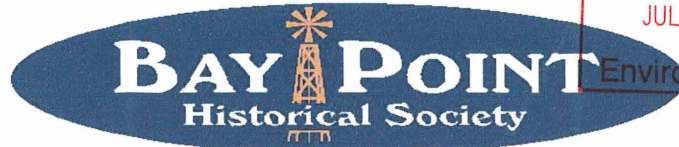
2.3.2 Letter No. 43. Benicia Historical Society, Inc.

2.3.2.1 Response to Letter No. 43

Comment #1

The Benicia Historical Society states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 44



July 13, 2016

Hilary Heard, Planner
Contra Costa County Public Works Dept.
225 Glacier Drive
Martinez, CA 94553-4825

Dear Hilary:

With a unanimous vote, the Board of Directors of the Bay Point Historical Society supports the preservation of the historic Martinez Jailhouse which forms part of the "Courthouse Block."

This structure is a nationally recognized historic landmark and it complements the Old County Courthouse next door as part of the history of our Justice System in Contra Costa County. The retention of this structure also contributes to a complete historic narrative of the City of Martinez as both an historic city and as the seat of Contra Costa County government.

We strongly and respectfully urge that Contra Costa County make every effort to preserve this historic Martinez Jailhouse.

Sincerely,

A handwritten signature in black ink, reading "Nancy Colchico", is written in a cursive style.

Nancy Colchico,
President

cc: to BPHS board members

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2.3.3 Letter No. 44. Bay Point Historical Society

2.3.3.1 Response to Letter No. 44

Comment #1

The Bay Point Historical Society states that the Jailhouse building should not be demolished. While this comment is directed at a decision on the Project and not on an environmental issue, this comment is included in the Final EIR and will be considered by the decision-makers in their final decision-making process.

Letter 45

THE ARCHITECTURAL HERITAGE FOUNDATION
OF CONTRA COSTA COUNTY
(FORMERLY SAVE THE HISTORIC COUNTY JAIL)

November 10, 2016

Ms. Julie Bueren, Director
Contra Costa County Department of Public Works
255 Glacier Drive
Martinez, CA 94553

RE: Downtown Martinez Jail Demolition Project
County File: CP-15-39 State Clearinghouse Number 2015112003

Dear Ms. Bueren:

We are writing to request that the Contra Costa County Department of Public Works (“County”) take three specific actions regarding the Downtown Martinez Jail Demolition Project draft EIR issued on March 29, 2016 (“dEIR”) as outlined below. Proceeding with the final EIR would cause an improper segmentation of the downtown jail demolition project from the project to replace the existing County Administration Building. These projects are at virtually the same location and are concurrently being reviewed by the County. Significant information about all aspects of the project is available and the public should be allowed to consider and comment on all aspects, before the EIR is finalized.

I. Evaluation of the “Whole Project” without Segmentation

Concerns about improper segmentation of the jail demolition project were raised by the City of Martinez in December 2015.¹ In addition, nearly a year before the release of the Notice of Preparation (NOP), the County Board of Supervisors considered capital projects to address the County civic center area in Martinez, including the jail demolition site and the County Administration building. The dEIR itself highlighted only “interim” uses of the jail demolition site—establishing that other uses and projects are contemplat-

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¹ 12/11/2015 Letter from Alan Shear, City of Martinez to Hillary Heard, Contra Costa County urging the that “the County’s EIR comply with the requirements of the CEQA by evaluating the “whole of the action.”

*Architectural Heritage Foundation of Contra Costa County
November 10, 2016
Page 2*

ed in in the near future for the site. The County staff stated that “[t]he goal of the Project is to provide a well-planned, functional civic center in Downtown Martinez” and to “promote future development of required space for County government administrative uses.”²

Yet although the “future development” was already being planned for, and Requests for Qualifications (“RFQs”) for the County administration building project were being drafted, the dEIR did not consider or analyze the whole project but instead focused only on the demolition of the jail. The segmenting of the “demolition only” portion of a larger project has been recognized as improper by the California Office of Historic Preservation in a case study that examined a project with striking similarity to the Downtown Martinez Jail Demolition Project.³

When dealing with impacts to historical resources, several missteps have become common in the Project Description section of CEQA documents. Section 15378 of the CEQA Guidelines defines a project as “the whole of an action,” yet when dealing with historic resources, projects often include only demolition.

Demolition of a building or structure needs to also evaluate the future use of the site. The goal of CEQA is to provide decision-makers with enough information about the environmental impacts of a proposed project to make an informed decision. OHP encourages Lead Agencies to insist project applicants describe the future use of the site when proposing to demolish a historic resource.

Another misstep often befalling project applicants and Lead Agencies is carefully defining the project objectives as part of the description. It is difficult to draft clear project objectives if the entire scope of the project is unknown. Defining the project as including only demolition makes it difficult for the public to comment on the project impacts because the full scope is not defined.

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² 11/16/2015 Staff Report, Contra Costa County Zoning Administrator.

³ <http://ohp.parks.ca.gov/pages/1071/files/ceqa%20how%20to%20avoid%20segmenting%20cs%20v-ii.pdf> (last accessed 11/7/2016).

*Architectural Heritage Foundation of Contra Costa County
November 10, 2016
Page 3*

...When a Project Description involves only demolition of a historic resource, the project is likely being segmented, which is discouraged by CEQA. This approach deprives the public of the entire scope of potential environmental impacts, and potential benefits of the proposed project, and keeps the project proponent from exploring the full range of reasonable alternatives that come through the public comment process.

The dEIR stated that the demolition would “cause a substantial adverse change in the significance of a historical resource.”⁴ By failing to analyze the whole project the public has been deprived of commenting on the entire scope of potential impacts and potential benefits from the whole project.

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Recently a member of the Board of Supervisors recognized the need to review the Administration Building and the jail demolition together. “Part of the planning process will include an analysis of the nearby jail complex for potential adaptive reuse” according to Federal Glover.⁵ “The county values historic resources and we have shown a commitment to preserve structures when feasible.”⁶ This is the wisest course, and the only legally defensible course for the County to pursue regarding the jail demolition-county administration building replacement project.

II. Allow Public Comment on Information about the Whole Project

The dEIR stated it analyzed the “whole of the project *as it is known at this time*” (emphasis added) and described the project site use as “interim” stating: “As described in the Project Description, a potential future use of the Project site would be for County administrative functions, but no plans or designs have been prepared and no funding is available for such a future use at this time. Therefore, no further details are known at this time regarding what structures might be planned and constructed at the site.”

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⁴ dEIR at ES-2.

⁵ <http://martinezgazette.com/archives/26095> last accessed 11/7/2016).

⁶ <http://claycord.com/2016/07/22/possible-replacement-of-contra-costa-countys-administration-building-under-review/> last accessed 11/7/2016).

Architectural Heritage Foundation of Contra Costa County
November 10, 2016
Page 4

However, simultaneously, the County was preparing RFQs for “engineering, architectural and other technical services” for the replacement of the existing County Administration building. The County affirmed that “prior studies have been conducted to determine the feasibility of replacing the County Administration Building, but no replacement project was undertaken.”⁷ But information from those “prior studies” was not made part of the dEIR record, or provided to the public. The RFQ for the County administration building replacement was issued less than two months after the close of the dEIR public comment period. The selected consultant, KMD, is preparing site analyses, concept designs and a draft report all within months of the close of the dEIR public comment period.⁸ The past and current studies of the County Administration Building are relevant to the “whole project” impacts at the site, and the public is entitled to review those studies to assess the project benefits and impacts.

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Under CEQA Guidelines Section 15378, “project” is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...” A public agency cannot subdivide a single project into smaller individual subprojects to avoid the responsibility of considering the environmental impact of the project as a whole. We ask that the County allow public review of reasonably foreseeable aspects of the jail demolition and county administration building project.

III. Begin the CEQA Process Anew or Recirculate of draft EIR Prior to Certification

Finally, we request that the County begin the CEQA process anew for this site and link the environmental review with the County’s plans for administrative offices in downtown Martinez, including the replacement of the County Administration building. At a minimum the County should recirculate the EIR prior to certification, pursuant to CEQA Guidelines §15088.5 (a). A lead agency is required to recirculate an EIR when significant new information is added after public notice is given of the availability of the draft EIR

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⁷ 8/16/2016 Report of Julie Bueren to Board of Supervisors re: Consulting Services Agreement with KMD Architects to Conduct a Planning Study.

⁸ 9/18/2016 KMD Architects Project Schedule.

Architectural Heritage Foundation of Contra Costa County
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Page 5

for public review under Section 15087 but before certification. The information the County has and had in its possession concerning the replacement of the County Administration Building at 651 Pine Street, and construction of a new Civic Center is properly included within the environmental analysis of the Downtown Jail Demolition. Therefore, that information should be provided to the public and the draft EIR recirculated prior to certification.

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Thank you for your time and attention to this matter.

M. K. Carlock
Dean L. McLeod

2.3.4 Letter No. 45. Architectural Heritage Foundation of Contra Costa County

2.3.4.1 Response to Letter No. 45

Comment #1

Please see Common Response 4 for an explanation of how the EIR analyzes the “whole of the action” and why an analysis of the potential future use of the Project site for County administrative functions is not required in the EIR.

In response to the concern that the EIR ignored work that was proceeding in planning for a new administration building, since the time of issuance of the Draft EIR, the County has developed conceptual approaches to constructing a new government center complex. As explained in Common Response 4, recently, the Board of Supervisors directed that planning proceed for County government buildings, including a new Administration Building, located in downtown Martinez. The Board of Supervisors identified a preferred location for the County administrative buildings (the parking lots between Escobar Street and Marina Vista Avenue) as well as an alternate location (on the hill along Arnold Drive before the intersection with Pacheco Boulevard).^{3 4} At the same time, Board of Supervisors authorized KMD Architects, a consulting firm working with the County’s Capital Projects Management Division on projects throughout downtown Martinez, to conduct additional design services for the new Contra Costa County Administration building. As shown on the conceptual plans associated with this site option, the Jailhouse building, without the 1944 annex, could remain as a part of the civic center area, should an interested party present a viable reuse for the structure. Contra Costa County has determined that retaining the structure is economically infeasible; however, the County will consider appropriate reuse proposals. If no appropriate reuse is identified then it would be necessary to demolish the structure in order to avoid the health and social impacts of the structure remaining in a vacant and hazardous state and not contributing to the achievement of the County and City’s goals for a well-planned, functional, civic center in Downtown Martinez.

Comment #2

As described in Response to Comment No. 45-1, the County’s decisions on conceptual approaches to replacing the County Administration Building are very recent, and took place considerably after the issuance of the Draft EIR. The studies that were done as a part of that work did not include an evaluation of the project site. Please see Common Response 4 for an explanation of how the EIR analyzes the “whole of the action” and why an analysis of the potential future use of the Project site for County administrative functions is not required in the EIR.

³ David Twa. County Administrator. Addressed to Board of Supervisors. Subject: Accept Report on New Administration Building, New Emergency Operations Center/Public Safety Building and Confirm Guidance Given at Board Retreat. February 7, 2017. Accessed: http://64.166.146.245/public//print/ag_memo_pdf_popup.cfm?seq=28595&rev_num=0&mode=CUSTOM. Accessed on: March 9, 2017.

⁴ Capital Facilities Plan: Administration Building, Public Safety Building & EOC. January 31, 2017. Accessed: http://64.166.146.245/docs/2017/BOS/20170207_876/28595_Presentation%202017-01-31%20CCC.pdf. Accessed on: March 9, 2017.

Comment #3

As explained in Responses to Comments No. 45-1 and 45-2, and as noted by the commenter, the information concerning the Board of Supervisor's decision to proceed regarding the replacement of the County Administration Building is new information not available at the time of preparation of the Draft EIR. This information has been made available to the public through the normal County processes related to Board of Supervisors hearings and decisions.

Recirculation of a Draft EIR is required pursuant to CEQA Guidelines Section 15088.5(a) (see below) if "significant new information" is added to the EIR. However, as described in Section 15088.5(a), new information is not significant if the EIR is not changed in a way that "deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement". The new information concerns the conceptual locations and plans for new County administration buildings at other locations, and does not include any information about future uses or new structures to be located at the project site. Therefore, the new information does not provide any information that would lead to the identification of a new environmental impact not presented in the Draft EIR.

15088.5. RECIRCULATION OF AN EIR PRIOR TO CERTIFICATION

(a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043)

(b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The EIR does analyze an alternative in which the Jailhouse building, without the 1944 annex, could remain, with an appropriate reuse, as Alternative 3 in the Draft EIR. For these reasons, there is no need for recirculation of the Draft EIR.

Chapter 3

Text Changes to Draft EIR

State CEQA Guidelines Section 15132 provides that a Final EIR must include, among other things, the Draft EIR or a revision of the Draft EIR. This chapter identifies the text changes that have been made to the Draft EIR. This chapter contains revisions to the Draft EIR that have been made in response to the comments received or to otherwise make insignificant changes and corrections to the Draft EIR. The revisions are organized according to their order of appearance in the Draft EIR.

Changes to the Draft EIR

The text revisions are identified by Draft EIR page number and section number, as applicable. Where practical, revisions are included in the full paragraph where they are found in the Draft EIR. Deletions from the Draft EIR are shown as ~~strikeout~~ (e.g., ~~strikeout~~) text; additions are underlined (e.g., addition).

Since issuance of the Notice of Preparation (NOP) for the Project in 2015, the County has developed conceptual approaches to constructing a new government center complex. Recently, the Contra Costa County Board of Supervisors approved a preferred location for the County administrative buildings (the parking lots between Escobar Street and Marina Vista Avenue) as well as an alternate location (on the hill along Arnold Drive before the intersection with Pacheco Boulevard).^{1 2} As shown on the conceptual plans associated with this site option, the Jailhouse building, without the 1944 annex, could remain as a part of the civic center area, should an interested party present a viable reuse for the structure. Contra Costa County has determined that retaining the structure is economically infeasible; however, the County will consider appropriate reuse proposals. If no appropriate reuse is identified, then it would be necessary to demolish the structure in order to avoid the health and social impacts of the structure remaining in a vacant and hazardous state and not contributing to the achievement of the County and City's goals for a well-planned, functional, civic center in Downtown Martinez. Because the County's plans have been developed since issuance of the NOP and preparation of the Draft EIR, and therefore more is known about the siting of the future government buildings, the text of the EIR has been revised to reflect this change, as noted in this chapter.

¹ David Twa. County Administrator. Addressed to Board of Supervisors. Subject: Accept Report on New Administration Building, New Emergency Operations Center/Public Safety Building and Confirm Guidance Given at Board Retreat. February 7, 2017. Accessed: http://64.166.146.245/public//print/ag_memo_pdf_popup.cfm?seq=28595&rev_num=0&mode=CUSTOM. Accessed on: March 9, 2017.

² Capital Facilities Plan: Administration Building, Public Safety Building & EOC. January 31, 2017. Accessed: http://64.166.146.245/docs/2017/BOS/20170207_876/28595_Presentation%202017-01-31%20CCC.pdf. Accessed on: March 9, 2017.

Changes to the Executive Summary

The third paragraph on page ES-1 of the Draft EIR is modified as follows:

~~If the Jailhouse building were removed,~~ tThe Project site could potentially be used in the future as the site for construction and operation of new structures for County administrative functions, although ~~but~~ no plans or designs for such a use at the Project site have been prepared and no funding is available for such a future use at this time at the Project site. For these reasons, analysis of impacts of construction and operation of such potential future uses and structures would be speculative and are not evaluated in this EIR. At the time such potential future uses and structures are proposed, additional evaluation under CEQA would be required.

The first full paragraph on page ES-2 of the Draft EIR is modified as follows to reflect that the Project site is not currently proposed as a part of the preferred location for the County administrative buildings:

The goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. The County's objectives for the Project are listed below.

- Reduce hazards posed by the existence of the unoccupied, contaminated building.
- Meet near-term parking needs in the area.
- Implement policies in the *Martinez General Plan*, the *Martinez Downtown Specific Plan*, and the *Contra Costa County General Plan* for the civic portion of downtown Martinez.
- ~~Facilitate future development of required space for County government administrative uses.~~
- Allow for compatible and functional structures and land uses in the civic center area.

The only paragraph on page ES-4 of the Draft EIR is modified as follows:

This EIR analyzes the whole of the project as it is known at this time. In 2017, the Board of Supervisors directed that planning proceed for County government buildings, including a new Administration Building, located in downtown Martinez. The Board of Supervisors identified a preferred location for the County administrative buildings (the parking lots between Escobar Street and Marina Vista Avenue) as well as an alternate location (on the hill along Arnold Drive before the intersection with Pacheco Boulevard).^{1,2} At the same time, Board of Supervisors authorized KMD Architects, a consulting firm working with the County's Capital Projects Management Division on projects throughout downtown Martinez, to conduct additional design services for the new Contra Costa County Administration building. As shown on the conceptual plans associated with this site option, the Jailhouse building, without the 1944 annex, could remain as a part of the civic center area, should an interested party present a viable reuse for the structure. As described in the Project Description, a potential future use of the Project site if the Jailhouse building were removed would be for County administrative functions, although ~~but~~ no plans or designs for such a use at the Project site have been prepared and no funding is available for such a future use at this time at the Project site. Therefore, no further details are known at this time regarding what structures might be planned and constructed at the site. State CEQA Guidelines Article 10 Section 15145 states that if a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact. In *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, the court noted that where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences. Because future development is unspecified for this Project site, it would be speculative to attempt to determine potential impacts of an unknown future use. Therefore, the unknown future use is not considered a reasonably foreseeable consequence of the initial project, nor will this future potential action change the scope or nature of the initial project or its environmental effects. For these reasons, the Draft EIR does not

analyze the impacts of construction or operation of such a potential future use. At the time that such construction is planned, further environmental review under CEQA would be required.

¹ David Twa. County Administrator. Addressed to Board of Supervisors. Subject: Accept Report on New Administration Building, New Emergency Operations Center/Public Safety Building and Confirm Guidance Given at Board Retreat. February 7, 2017. Accessed: http://64.166.146.245/public//print/ag_memo_pdf_popup.cfm?seq=28595&rev_num=0&mode=CUSTOM. Accessed on: March 9, 2017.

² Capital Facilities Plan: Administration Building, Public Safety Building & EOC. January 31, 2017. Accessed: http://64.166.146.245/docs/2017/BOS/20170207_876/28595_Presentation%202017-01-31%20CCC.pdf. Accessed on: March 9, 2017.

Chapter 1 Changes

The second paragraph on page 1-1 of the Draft EIR is modified as follows:

The Project sponsor (County Public Works Department) proposes to demolish the Martinez Jailhouse building and surrounding granite curb, and proposes to expand the existing parking lot on the south side of the building as an interim use of the Project site. A potential future use of the site if the Jailhouse building were removed would be for County administrative functions, although but no plans or designs for such a use at the Project site have been prepared and no funding is available for such a future use at this time at the Project site.

The first full paragraph on page 1-3 of the Draft EIR is modified as follows:

This EIR analyzes the whole of the project as it is known at this time. In 2017, the Board of Supervisors directed that planning proceed for County government buildings, including a new Administration Building, located in downtown Martinez. The Board of Supervisors identified a preferred location for the County administrative buildings (the parking lots between Escobar Street and Marina Vista Avenue) as well as an alternate location (on the hill along Arnold Drive before the intersection with Pacheco Boulevard).^{1,2} At the same time, Board of Supervisors authorized KMD Architects, a consulting firm working with the County's Capital Projects Management Division on projects throughout downtown Martinez, to conduct additional design services for the new Contra Costa County Administration building. As shown on the conceptual plans associated with this site option, the Jailhouse building, without the 1944 annex, could remain as a part of the civic center area, should an interested party present a viable reuse for the structure. As described in the Project Description, a potential future use of the Project site would be for County administrative functions; although but no plans or designs for such a use at the Project site have been prepared and no funding is available for such a future use at this time at the Project site. Therefore, no further details are known at this time regarding what structures might be planned and constructed at the site. State CEQA Guidelines Article 10 Section 15145 states that if a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact. In *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, the court noted that where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences. Because future development is unspecified for this Project site, it would be speculative to attempt to determine potential impacts of an unknown future use. Therefore, the unknown future use is not considered a reasonably foreseeable consequence of the initial project, nor will this future potential action change the scope or nature of the initial project analyzed or its environmental effects. For these reasons, the Draft EIR does not analyze the impacts of construction

or operation of such a potential future use. At the time that such construction is planned, further environmental review under CEQA would be required.

¹ David Twa. County Administrator. Addressed to Board of Supervisors. Subject: Accept Report on New Administration Building, New Emergency Operations Center/Public Safety Building and Confirm Guidance Given at Board Retreat. February 7, 2017. Accessed: http://64.166.146.245/public/print/ag_memo_pdf_popup.cfm?seq=28595&rev_num=0&mode=CUSTOM. Accessed on: March 9, 2017.

² Capital Facilities Plan: Administration Building, Public Safety Building & EOC. January 31, 2017. Accessed: http://64.166.146.245/docs/2017/BOS/20170207_876/28595_Presentation%202017-01-31%20CCC.pdf. Accessed on: March 9, 2017.

Chapter 2 Changes

The second paragraph on page 2-2 of the Draft EIR is modified as follows to reflect that the Project site is not currently proposed as a part of the preferred location for the County administrative buildings:

The goal of the Project is to help form a well-planned, functional civic center in Downtown Martinez. The County's objectives for the Project are listed below.

- Reduce hazards posed by the existence of the unoccupied, contaminated building.
- Meet near-term parking needs in the area.
- Implement policies in the *Martinez General Plan*, the *Martinez Downtown Specific Plan*, and the *Contra Costa County General Plan* for the civic portion of downtown Martinez.
- ~~Facilitate future development of required space for County government administrative uses.~~
- Allow for compatible and functional structures and land uses in the civic center area.

The last paragraph on page 2-2, which continues to page 2-3, of the Draft EIR is modified as follows:

The Project sponsor (Contra Costa County Public Works) proposes to demolish the Jailhouse building, including the sunken garage and the surrounding granite curb, and proposes to construct a parking lot in its place as a near-term use. In total, the Project would provide 25 to 30 parking spaces for existing County employees. A potential future use of the site if the Jailhouse building were removed would be for County administrative functions, although but no plans or designs for such a use at the Project site have been prepared and no funding is available for such a future use at this time at the Project site.

Chapter 3 Changes

Section 3.2 Cultural Resources

The last paragraph on page 3.2-8, which continues to page 3.2-9, of the Draft EIR is modified as follows:

The County's original courthouse was condemned following the earthquake of 1898, and the crumbling brick jail was the scene of several escapes. Construction of the Contra Costa County Courthouse Block, including the Jailhouse building, curbing, and Courthouse building, began in 1901 and was completed in 1903 (McDevitt 2001: 146). A dedication ceremony for the project was

conducted on May 29, 1903 (Contra Costa County Gazette: 1). The 19th century structures were replaced by the existing district – Courthouse building, Jailhouse building, and granite curbing – recognized by the Contra Costa County Courthouse Block NRHP listing and the County Courthouse Block listing in the Contra Costa County Historic Resource Inventory. The original portion of the Jailhouse building was designed by the architecture firm William Mooser & Sons of San Francisco, while Haven and Toepke of Sacramento designed the Courthouse.¹ The original portion of the Jailhouse building and the Courthouse building were constructed by the Pacific Construction Company.² The 1903 portion of the Jailhouse is approximately square in plan, while the 1944 addition is rectangular and oriented perpendicularly to the 1903 section.

The text after the bullet list on page 3.2-12 of the Draft EIR is modified as follows:

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

As summarized in the Setting section above, extensive background research, field review, and analysis has been conducted to identify cultural resources within the Project site or within the Project study area that have the potential to be impacted by the Project. The methods for analyzing impacts include analyzing the Project's potential to cause substantial adverse change in the significance of resources located within the Project site through physical disturbance of archaeological resources or human remains during construction and other ground-disturbing activities, to physically alter historical structures or buildings, or to add or remove features that would disrupt historic districts. In accordance with State CEQA Guidelines Section 15064.5(b), analysis of whether such activities would result in a substantial adverse change to the resource considered whether physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings would materially impair the significance of the resource by adversely altering those characteristics that convey its historical significance and justify it for listing in the CRHR or NRHP.

The first full paragraph on page 3.2-12 of the Draft EIR is modified as follows:

The Jailhouse building and Courthouse Block are historical resources under CEQA that would be affected by the Project. The demolition of the Jailhouse building, which is eligible for listing on the CRHR, would result in a significant and unavoidable impact on the historic resource, on the limited historic resources within the Martinez Historic Overlay District, substantial adverse change to the Jailhouse building as an individually eligible property, and on the NRHP-listed Contra Costa County Courthouse Block (NRIS Reference #89002113, listed 1989), which is a district that includes the Jailhouse and former County Courthouse (i.e., current Finance building). Demolition of an historical resource as defined in PRC Sections 5020.1(j) or 5024.1 prevents the resource from conveying its historical significance and justification for inclusion in the NRHP and eligibility for CRHR. Therefore, demolition would undermine justification for inclusion of the Jailhouse building in the NRHP and of eligibility for CRHR by destroying all of the character-defining features that express the building's historical associations. Demolition of the Jailhouse building would also disrupt the Contra Costa County Courthouse Block by removing one of the components of that multi-component district. Because the Project would demolish the Jailhouse building and impair the Courthouse Block, it would result in a significant impact. The demolition is an impact that cannot be mitigated to a less-than-significant level. This impact would be significant. Therefore, this impact would be **significant and unavoidable**. Although implementation of Mitigation Measures CUL-1 and CUL-2 would serve to reduce the impact to some extent but not to a less than significant impact not reduce the impact to a less-than-significant level, they would reduce the impact in ways that are consistent with good-faith efforts to retain aspects of the historical resource's heritage value and materiality for public use. Therefore, this impact would be significant and unavoidable

Chapter 4 Changes

The first full paragraph on page 4-2 of the Draft EIR is modified as follows to reflect that the Project site is not currently proposed as a part of the preferred location for the County administrative buildings:

As described in Chapter 2, *Project Description*, the primary Project objective is to help the County form a well-planned, functional civic center in Downtown Martinez. The specific Project objectives are listed below.

- Reduce hazards posed by the existence of the unoccupied, contaminated building.
- Meet near-term parking needs in the area.
- Implement policies in the *Martinez General Plan*, the *Martinez Downtown Specific Plan*, and the *Contra Costa County General Plan* for the civic portion of downtown Martinez.
- ~~Facilitate future development of required space for County government administrative uses.~~
- Allow for compatible and functional structures and land uses in the civic center area.

The last paragraph on page 4-2, which continues to page 4-3, of the Draft EIR is modified as follows:

Under the No Project Alternative, the Project site would remain in its existing condition and the Jailhouse building would not be demolished. Because the Jailhouse building is contaminated with hazardous materials, including lead-based paint and asbestos, those materials would continue to contaminate the Project site. No parking lot would be constructed. The County would not be able to reduce the hazards posed by the contaminated building, meet near-term parking needs in the area, implement the *Martinez General Plan* and the *Martinez Downtown Specific Plan* and the *Contra Costa County General Plan* for the civic portion of Downtown Martinez, ~~facilitate future development of required space for County government administrative uses~~, or allow for compatible and functional structures and land uses in the civic center area.

The second paragraph on page 4-4 of the Draft EIR is modified as follows:

Alternatives that do not avoid or substantially lessen significant impacts of the Project or that do not meet the Project objectives do not need to be analyzed in an EIR. Only some of the alternatives that were screened would meet portions of Project objectives. Those alternatives would reduce the hazards posed by the contaminated building, implement the *Martinez General Plan* and the *Martinez Downtown Specific Plan* and the *Contra Costa County General Plan* for the civic portion of Downtown Martinez, ~~facilitate future development of required space for County government administrative uses~~, and allow for compatible and functional structures and land uses in the civic center area.

Chapter 5 Changes

No changes are necessary or proposed.

Chapter 6 Changes

No changes are necessary or proposed.

Chapter 7 Changes

No changes are necessary or proposed.

Appendix D Changes

The sentence below in the first full paragraph on page 5-1 in Appendix D, the Historical Resources Evaluation Report, of the Draft EIR is modified as follows:

Contra Costa County was one of the original counties in the state of California, and Martinez has always served as the seat of county government. During the late 19th and early 20th centuries, the city was well served by rail and water transportation, which helped the local agricultural and industrial economies flourish. However, Martinez was not centrally located, and by 1900 it was being challenged by rival cities with growing populations and more central locations within the county. The County's original courthouse was condemned following the earthquake of 1898, and the crumbling brick jail was the scene of several escapes. Construction of the Contra Costa County Courthouse Block, including the Jailhouse building, curbing, and Courthouse building, began in 1901 and was completed in 1903 (McDevitt 2001: 146). A dedication ceremony for the project was held on May, 29, 1903 (Contra Costa County Gazette: 1). The 19th century structures were replaced by the existing district – Courthouse building, Jailhouse building, and granite curbing – recognized by the Contra Costa County Courthouse Block NRHP listing and the County Courthouse Block listing in the Contra Costa County Historic Resource Inventory. The original portion of the Jailhouse building was designed by the architecture firm William Mooser & Sons of San Francisco, while Haven and Toepke of Sacramento designed the Courthouse.² The original portion of the Jailhouse building and the Courthouse building were constructed by the Pacific Construction Company.³ The 1944 annex, which is not recognized as a contributing resource in the 1989 listing, was built during World War II to expand the jail's capacity by an additional 132 inmates (The Sheriff's Review 1965), reflecting the county's population growth. The courthouse became the Contra Costa County Finance building in 1966 and the county courts were moved to a new courthouse directly across Main Street to the southeast. The Jailhouse held prisoners until all were removed from both the 1903 section and 1944 annex when a new correctional facility was completed in 1981 (National Register of Historic Places: 4, 8). The Jailhouse is now used for records storage.

Appendix F

The *Bat Survey for the Downtown Martinez Jail Demolition Project* dated July 26, 2016 and prepared by Sapere Environmental is added to the Draft EIR as Appendix F. The recommendations and conclusions of the survey did not contradict, but rather confirmed, the analysis in the Draft EIR.

Appendix F to the Draft EIR
Bat Survey



July 26, 2016

Downtown Martinez Jail Demolition

Ms. Hillary Heard
Environmental Services Division
Contra Costa County Public Works Department
255 Glacier Drive
Martinez, CA 94453

Re: Bat Survey for the Downtown Martinez Jail Demolition Project

Dear Ms. Heard:

This memorandum documents the results of our initial bat survey conducted in support of the Downtown Martinez Jail Demolition Project located at 650 Pine Street in downtown Martinez, Contra Costa County, California. The project involves the proposed demolition of the jailhouse that has fallen into disrepair. Survey methodologies, results, and recommendations are presented below.

Background

Of the 25 known bat species in California, 11 are listed as Species of Special Concern by the California Department of Fish and Wildlife (CNDDDB 2016). Bats are classified as non-game mammals and are afforded protection under various sections of the CFGC¹. They also receive protection under the California Code of Regulations² and the California Public Resources Code³. In general, bats exhibit a wide range of habitat usage depending on the species, season, time of day, resource availability, level of disturbance, and other such factors, but often exhibit a high site fidelity and specificity for roost selection. Roost sites consist of maternity (nursery colonies), bachelor, daytime, nighttime, and inter-feeding sites within caves, mines, cliffs, rock crevices, tree hollows, stumps, foliage, under exfoliating bark, and in man-made structures including buildings and bridges, and outbuildings. Some species require a complex network of habitat characteristics that fulfill foraging, water intake, shelter, and thermoregulatory requirements that vary seasonally. The survey effort necessary to document presence of some species, particularly those that roost and forage high off the ground, may require several weeks of monitoring based on the species roost selection, solitary roosting and foraging behaviors during non-breeding periods, rarity within the region, and current limitations of monitoring methods (Weller and Lee, 2007). In general, bat habitat should be managed on a temporal and spatial scale that accounts for each species' specific habitat requirements, resource availability, and sensitivity to disturbance (Ball, 2002).

¹ e.g., CFGC §86, §2000, §2014, §3007, and §4150

² e.g., Title 14, §251.1, Article 20; §15380; and §15382

³ Division 13

Bats hibernate in the winter from mid-November through early-April. Starting mid-March, bats may begin to emerge in smaller numbers on warmer nights, although activity is limited and dependent upon good weather. By May, bats are fully active and feed nightly. Females form maternity colonies to find suitable nursery sites, giving birth to a single pup in June and continuing to nurse through mid-August. Mating season begins in September and continues into October, coinciding with increased feeding to build up fat reserves in preparation for winter hibernation.

Methods

Sapere biologists Jerry Roe and Travis McCleary conducted an initial site visit on May 19, 2016. The entire building was examined both internally and externally for bats or signs of bat inhabitation, including guano, staining, carcasses, etc. All crevices, access openings, corners, overhangs, and potential roost sites were visually examined using flashlights and 10x42 binoculars.

Setting & Habitat Suitability

The structure, built in 1903 and modified with an annex in 1944, has been abandoned since 1986. Since then, it has become dilapidated and contains hazardous materials including asbestos and lead paint. The three-story building is 19,008 square feet with maximum height of 35 feet. The original structure is made of carved granite, while the annex is made of concrete. Both provide suitable substrate for roosting bats since the rock warms during the day and releases stored heat slowly throughout the night (Photos 1-2). The exterior walls contain several openings into the internal structure for bat roosting; however, there were no observable signs of bat inhabitation on the external structure. The numerous inward facing corners on exterior walls and areas around the barred windows do provide suitable nighttime roosts used by bats to rest between feeding bouts (Photo 3). It should be noted that individual bats using the structure intermittently might not leave readily observable sign of their presence. Birds have also established nests on the external portion of the building on the corners of barred windows. It was not determined if these nests are active; however, a follow-up survey could determine the status of these nests (Photo 4).



Photo 1. Granite exterior of the original jail.



Photo 2. Concrete exterior of the annexed portion.



Photo 3. Night roost habitat under small overhangs and in corners of windows.

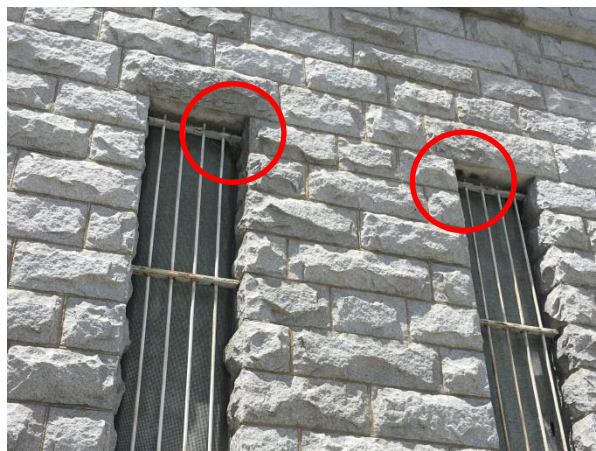


Photo 4. Bird nest in upper portion of window atop of metal bars.

The edge of the roof of the original granite building has an aluminum fascia that covers the outer edge of the exterior walls and abuts the exterior, leaving no open space for bats to enter. In addition, aluminum releases heat quickly and does not provide suitable roost habitat for bats. The roof of the original structure is nondescript with external vents, pipes, and support structures housing ventilation intake and exhaust structures (Photo 5). We observed several openings among the external structures including pipes, access panels, and grates that allow access to bats (Photos 7-9). The roof of the annex, by contrast, contains only an open prisoner yard enclosed in a chain-link fence and several smaller ventilation structures (Photos 6). The annex roof did not contain structures that could support bat roosting, and none of the structures exhibited the openings or dilapidation present on the adjacent roof.



Photo 5. Roof of the original jail with external vents.



Photo 6. Roof of the annex with the chain-link enclosure.

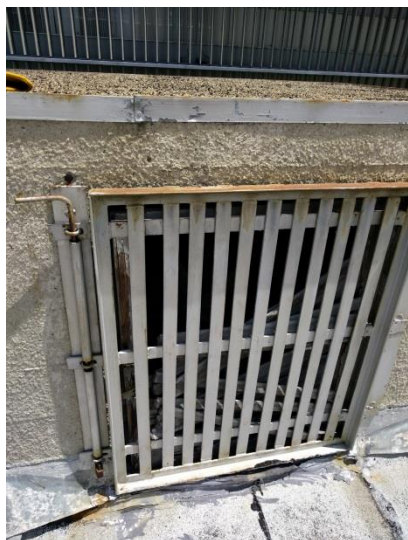


Photo 7. Open grate providing access for bats.



Photo 8. Opening in ventilation structure.



Photo 9. Opening in ventilation conduit.

The inside of the building is dilapidated, exhibited by peeling paint, broken windows and ventilation louvers, holes in the walls and ceiling, and scattered furniture and supplies. The site contains three levels, each with various access points (Photo Group 10). Nesting birds are utilizing the third floor for nesting and have gained entry at two locations based on their observed presence and secondary signs, i.e. whitewash, eggshells, and nest material (Photos 11-13). The two bird species observed inside the structure are house finches (*Haemorhous mexicanus*) and house sparrows (*Passer domesticus*); the latter is exempt from the protection under the Migratory Bird Treaty Act (MBTA). No signs of bat usage were observed at these locations.

Protection is afforded to bird species by the MBTA (16 U.S.C. 703-712) administered by the U.S. Fish and Wildlife Service, which makes it unlawful, unless expressly authorized by permit pursuant to federal regulations, to “pursue, hunt, take, capture, kill, attempt to take, capture or kill, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export at any time, or in any manner, any migratory bird, or any part, nest, or egg of any such bird.” This includes direct and indirect acts, with the exception of harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The California Fish and Game Code §3503 prohibits the take, possession, or needless destruction of the nest or eggs of any bird; §3503.5 prohibits the take, possession, or needless destruction of any nests, eggs or birds in the orders Falconiformes (new world vultures, hawks, eagles, ospreys and falcons, among others) or Strigiformes (owls); §3511 prohibits the take or possession of fully protected birds; and §3513 prohibits the take or possession of any migratory nongame bird or part thereof as designated in the MBTA.

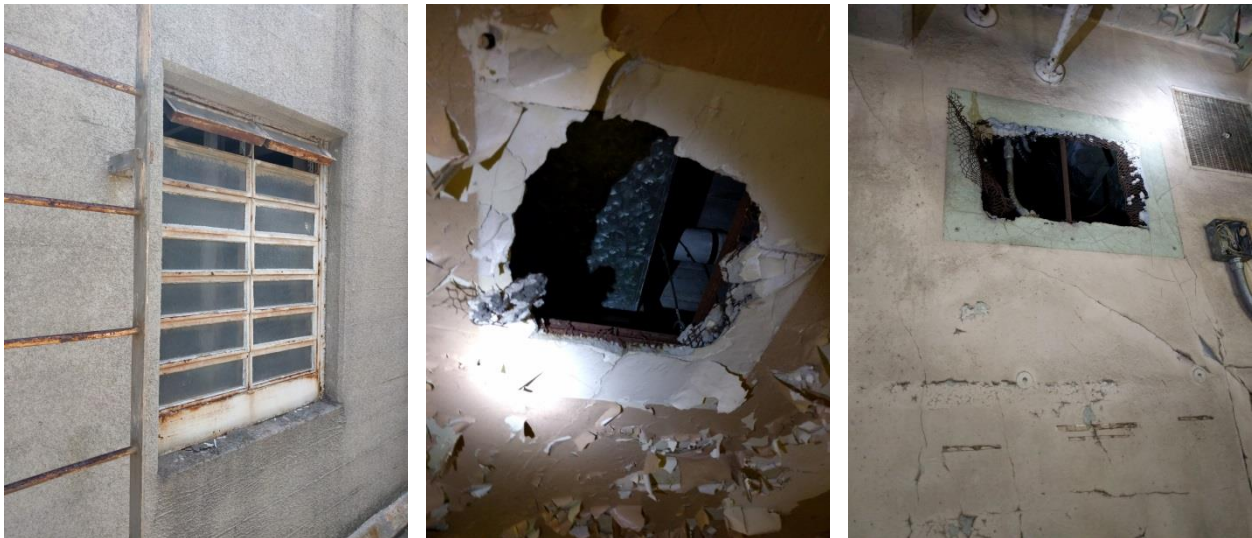


Photo Group 10. Examples of window openings and structural damage allowing access to bats.



Photo 11. At least two active house finch nests on top of a light fixture on the top floor of the building.



Photo Group 12. Open and broken windows allowing access to bats and birds.



Photo Group 13. Open windows and whitewash on the main floor indicating regular use by birds. No nests or signs of bats were observed in this room.

Results and Recommendations

No bats or sign of bat inhabitation was observed; however, there are numerous entry and exit points where bats could enter the structure. County staff member, Jay Humiston, informed us that a bat was found in the basement of the neighboring building suggesting they are present and roosting in the buildings in this area of Martinez (Jerry Roe pers. comm., 2016). We identified many areas in which bats could roost inside the structure; however, we were not able to gain access to inspect all potential roost sites. For example, exposed plumbing service corridors between cellblocks, the vertical dumbwaiter shaft, and narrow utility ducts provided suitable roost sites but were inaccessible during the survey, because access doors were locked or locations were too obscure to permit access. Furthermore, bats could use the building at any point as temporary roosting sites or establish short-term roosts at different times of the year based on prey availability, migratory status, life history stage, or habitat requirements.

Based on these results, we do not recommend installing an acoustic bat monitor, since there are too many access points to monitor and a lack of observable sign suggests the building is not currently inhabited or is used by a small number of individual bats. We do recommend implementing the following actions to minimize the likelihood of bats establishing roosts within the building and minimize the potential for take of state and federally protected migratory and nesting birds:

1. Implement nest and roosting exclusion measures for birds and bats. This would include access to internal areas by covering key access points (e.g., vents on the roof and open windows to the interior of the building) that provide entry to bats and birds with wire mesh, netting, or a durable high mil plastic. Exclusion at access points used by birds is subject to verification of inactive nests. Exclusion should not be implemented at access points where it could adversely affect active bird nests. If this is the case, these access points should be left open until all active nests are determined to be complete by a qualified biologist.
2. Preconstruction roosting bat and nesting bird surveys should be conducted within two weeks prior to the start of construction/demolition. Preconstruction bird surveys are not required outside of the breeding season, which occurs from February 1st to August 31st. However, roosting bat surveys should be conducted regardless of the time of year as they roost year-round.

Please feel free to call me at (925) 228-1027 if you have any questions.

Sincerely,



Jerry D. Roe, CEO
Wildlife & Conservation Biologist
Sapere Environmental, Inc.

References

Ball, L. C. 2002. *A Strategy for Describing and Monitoring Bat Habitat*. J. Wildl. Manage. 66(4):1148-1153. October.

California Natural Diversity Database (CNDDDB). 2016. [Internet]. California Department of Fish and Wildlife [Version 5.2.2].

Weller, T. J., and D. C. Lee. 2007. *Mist Net Effort Required to Inventory a Forest Bat Species Assemblage*. J. Wildl. Manage. 71(1): 251-257. February.

Mitigation Monitoring and Reporting Program

The draft Mitigation Monitoring and Reporting Program (MMRP) was included as Appendix E to the Draft EIR. The draft MMRP is finalized and is included herein for ease of reference.

4.1 Purpose and Need for Monitoring

In compliance with California Environmental Quality Act (CEQA), a Draft Environmental Impact Report (Draft EIR) has been prepared for the Project. The Draft EIR identified potentially significant impacts in the resource areas listed below and mitigation measures to reduce these impacts to a less-than-significant level.

Project-level significant impacts pertaining to the following resource areas would be reduced to a less-than-significant level by mitigation measures identified in the Draft EIR.

- Air Quality
- Greenhouse Gases
- Cultural Resources
- Hazards and Hazardous Materials
- Noise
- Biological Resources

CEQA requires that a lead agency adopt a MMRP for the measures the agency has proposed to avoid or mitigate significant environmental effects (State CEQA Guidelines Section 15097). The purpose of the MMRP is to ensure that the mitigation measures identified in the Draft EIR are implemented and to identify who is responsible for their implementation.

Table 4-1, which follows this introductory section, identifies the mitigation measures for the proposed project, the parties responsible for implementing and monitoring the measures, the timing of each measure, and a summary of the actions necessary to implement and monitor each measure.

4.2 Draft Mitigation Monitoring and Reporting Program Requirements

This MMRP has been prepared for the Project in accordance with Public Resources Code Section 21081.6, which specifies that when a public agency makes findings required by paragraph (1) of subdivision (a) of Section 21081, it “shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” Public Resources Code Section 21081.6 further specifies that the draft MMRP will “ensure compliance during project implementation.”

This MMRP is intended to ensure the effective implementation of mitigation measures that are within Contra Costa County’s authority to implement, including monitoring where identified, throughout the phases of development and operation of the Project.

Table 4-1. Draft Mitigation Monitoring and Reporting Program.

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
3.1 AIR QUALITY AND GREENHOUSE GAS EMISSIONS					
<p>IMPACT AQ-2 VIOLATION OF ANY QUALITY STANDARD OR SUBSTANTIAL CONTRIBUTION TO AN EXISTING OR PROJECTED AIR QUALITY VIOLATION</p>	<p>MITIGATION MEASURE AQ-1: IMPLEMENT MEASURES TO REDUCE CONSTRUCTION-RELATED DUST AND EQUIPMENT EXHAUST EMISSIONS</p> <p>The County will require all construction contractors to implement the Basic Construction Mitigation Measures recommended by the Bay Area Air Quality Management District (BAAQMD) to reduce fugitive dust and equipment exhaust emissions. Emission reduction measures will include, at a minimum, the following measures. Additional measures may be identified by BAAQMD or contractor as appropriate.</p> <p>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</p> <p>All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</p> <p>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</p> <p>All vehicle speeds on unpaved roads shall be limited to 15 mph.</p> <p>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</p>	<p>During demolition and construction</p>	<p>Construction contractor</p>	<p>CCCPWD Environmental Services Division</p>	

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
IMPACT GHG-1 GENERATION OF GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT	<p>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure in 13 California Code of Regulations Section 2485). Clear signage shall be provided for construction workers at all access points.</p> <p>All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.</p> <p>Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.</p> <p>MITIGATION MEASURE GHG-1: IMPLEMENT THE BAAQMD’S BEST MANAGEMENT PRACTICES FOR GHG EMISSIONS</p> <p>Require all construction contractors to implement the following BAAQMD-recommended best management practices (BMPs) to reduce GHG emissions, as applicable.</p> <p>Recycle at least 50 percent of construction waste or demolition materials.</p> <p>Use alternative-fueled (e.g., biodiesel, electric) construction vehicles/equipment in at least 15 percent of the fleet.</p> <p>Use at least 10 percent local building materials</p>	During demolition and construction	Construction contractor	CCCPWD Environmental Services Division	

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
3.2 CULTURAL RESOURCES					
IMPACT CUL-1 CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE	<p>MITIGATION MEASURE CUL-1: RECORD THE BUILDING'S HISTORY AND ARCHITECTURE FOLLOWING HISTORIC AMERICAN BUILDING SURVEY GUIDELINES AND PREPARE MATERIALS FOR PUBLIC INTERPRETATION</p> <p>The county will record the Jailhouse building following National Park Service Guidelines for Historic American Building Survey (HABS) documentation. This will include large-format black and white or digitized photography, captions, and thorough written documentation of the historic context and description of the building for submission to local historical repositories including the Contra Costa County Library in Martinez. Public interpretation based on information from the HABS documentation will be used to convey the historical significance of the building in formats that may include street-side sign panel(s) and exhibits in nearby County or historical society venues.</p>	Prior to demolition	Qualified historian retained by CCCPWD Environmental Services Division	CCCPWD Environmental Services Division	
	<p>MITIGATION MEASURE CUL-2: PLAN FOR REUSE OF SALVAGED COMPONENTS OF THE BUILDING IN PUBLIC SPACES</p> <p>To the extent feasible, the County will plan to reuse materials from the building in public parks and facilities in the Martinez area. A Salvage Plan will be prepared to identify building components that would be appropriate for use in public spaces, including public park(s). Building components for consideration will include the granite cladding, granite curbs, and possibly interior architecture, as appropriate.</p>	Prior to demolition	CCCPWD Environmental Services Division	CCCPWD Environmental Services Division	

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
IMPACT CUL-2 CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE	<p>MITIGATON MEASURE CUL-3: STOP WORK IF CULTURAL RESOURCES ARE ENCOUNTERED DURING GROUND-DISTURBING ACTIVITIES</p> <p>The County will ensure the construction specifications include a stop work order if prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities. All work within 100 feet of the find will be stopped until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or tool making debris; culturally darkened soil (“midden”) containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.</p>	During demolition and construction	Construction contractor	CCCPWD Environmental Services Division; qualified archaeologist	

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
IMPACT CUL-3 DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE	<p>MITIGATION MEASURE CUL-4: STOP WORK IF PALEONTOLOGICAL OR UNIQUE GEOLOGIC FEATURES ARE ENCOUNTERED DURING GROUND-DISTURBING ACTIVITIES</p> <p>The County will ensure the construction specifications include a stop work order if substantial fossil remains are discovered during Project demolition or construction. All work will stop until a registered professional geologist or qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. The County or the appropriate agency will be responsible for ensuring that recommendations regarding treatment and reporting are implemented.</p>	During demolition and construction	Construction contractor	<p>CCCPWD Environmental Services Division; registered professional geologist or qualified professional paleontologist</p>	

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
IMPACT CUL-4 DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES	<p>MITIGATION MEASURE CUL-5: STOP WORK IF HUMAN REMAINS ARE ENCOUNTERED DURING GROUND-DISTURBING ACTIVITIES</p> <p>The County will ensure the construction specifications include a stop work order if human remains are discovered during construction or demolition. There will be no further excavation or disturbance of the site within a 50-foot radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Contra Costa County Coroner will be notified and will make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he will notify the Native American Heritage Commission, which will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this state law, then the land owner will re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.</p>	During demolition and construction	Construction contractor	CCCPWD Environmental Services Division; Contra Costa County Coroner	

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
3.3 HAZARDS AND HAZARDOUS MATERIALS					
IMPACT HAZ-2 CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORSEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT	<p>MITIGATION MEASURE HAZ-1: PREPARE A HAZARDOUS MATERIALS SPECIFICATION FOR THE ABATEMENT OF ASBESTOS-CONTAINING MATERIALS (ACMS) AND LEAD-BASED PAINTS (LBPS) PRIOR TO DEMOLITION</p> <p>A California-certified asbestos consultant and a California Department of Health Services-certified lead project designer shall prepare a hazardous materials specification for the abatement of the ACMs and LBPs. This specification should be the basis for selecting qualified contractors to perform the proposed asbestos and lead abatement work. The County has already identified areas of potential concern as a starting point for determining the hazardous materials that should be removed before demolition.</p>	Prior to demolition	Construction contractor; California-certified asbestos consultant; California Department of Health-certified lead project designer	CCCPWD Environmental Services Division	
	<p>MITIGATION MEASURE HAZ-2: RETAIN A STATE LICENSED ASBESTOS ABATEMENT CONTRACTOR TO PERFORM HAZARDOUS MATERIALS ABATEMENT PRIOR TO DEMOLITION</p> <p>The County or its assigned contractor will retain a California-licensed asbestos abatement contractor to perform the abatement of the ACMs, asbestos-containing construction materials (ACCMs), and LBPs deemed potentially hazardous. In addition, lamps used in fluorescent lights, ballasts, and electrical thermostats will be disposed of properly. Because all materials would be disturbed during demolition, all identified hazardous materials will need to be abated before demolition.</p>	Prior to demolition	Construction contractor; California-licensed asbestos abatement contractor	CCCPWD Environmental Services Division	

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
	<p>MITIGATION MEASURE HAZ-3: OBTAIN PROPER BUILDING PERMITS AND FOLLOW APPLICABLE REGULATIONS REGARDING THE HANDLING OF HAZARDOUS MATERIALS DURING DEMOLITION</p> <p>The County or its assigned contractor will obtain a demolition permit from the County before proper removal and disposal of hazardous materials identified within the structure. Contractors performing work that disturbs LBPs in the building shall implement appropriate work practices in accordance with applicable Cal-OSHA worker exposure regulations.</p>	<p>Prior to and during demolition and construction</p>	<p>Construction contractor</p>	<p>CCCPWD Environmental Services Division</p>	
	<p>MITIGATION MEASURE HAZ-4: ENSURE THAT CONTRACTORS AND DESIGNERS KNOW THE EXACT LOCATION OF ALL HAZARDOUS MATERIALS</p> <p>Contractors shall be informed of the exact locations of all potentially hazardous materials in the building so that workers can properly handle, manage, and remove these materials according to the appropriate federal, state, and local requirements. The County and/or assigned contractor shall provide notification to contractors and subcontractors of the building to the presence, locations, and quantities of ACMs, ACCMs, and LBPs at the site within 15 days of receiving this information.</p>	<p>Prior to demolition and construction</p>	<p>Construction contractor</p>	<p>CCCPWD Environmental Services Division</p>	
3.4 NOISE					
<p>IMPACT NOI-3 EXPOSE PERSONS TO OR GENERATE EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS</p>	<p>MITIGATION MEASURE NOI-1: IMPLEMENT VIBRATION-REDUCING DEMOLITION PRACTICES</p> <p>In order to minimize groundborne vibration generated by falling building debris, the construction contractor will conduct demolition activities such that building debris does not fall more than 5 feet and is not dropped more than 5 feet.</p>	<p>During demolition and construction</p>	<p>Construction contractor</p>	<p>CCCPWD Environmental Services Division</p>	

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
3.6 BIOLOGICAL RESOURCES					
IMPACT BIO-D INTERFERE WITH WILDLIFE CORRIDORS OR WILDLIFE NURSERY SITE	<p data-bbox="436 342 999 464">MITIGATION MEASURE BIO-1: CONDUCT PRE-CONSTRUCTION SURVEYS AND IMPLEMENT PROTECTIVE MEASURES FOR TOWNSEND’S BIG-EARED BAT AND OTHER ROOSTING BATS</p> <p data-bbox="436 472 1045 992">At least two months prior to the demolition of the Jailhouse building, qualified biologists will conduct an initial daytime survey to assess the building for potential bat roosting habitat, and to look for bats and bat sign. Qualified biologists will have knowledge of the natural history of the species that could occur and sufficient experience determining bat occupancy in buildings and bat survey techniques. The biologists will examine both the inside and outside of the building for potential roosting habitat, as well as routes of entry to the building. Locations of any roosting bats, signs of bat use, and entry and exit points will be noted and mapped on a drawing of the building. Roost sites will also be photographed as feasible. Depending on the results of the habitat assessment, the following steps will be taken as described below.</p> <p data-bbox="436 1000 1045 1214">If the building can be adequately assessed (i.e., all areas of the building can be examined) and no habitat or limited habitat for roosting bats is present and no signs of bat use are present, a preconstruction survey of the interior and exterior of the building by qualified biologists will be conducted within 24 hours of demolition.</p>	Prior to demolition and construction	Qualified biologist retained by construction contractor	CCCPWD Environmental Services Division	

If moderate or high potential habitat is present but there are no signs of bat use, the County will implement measures under the guidance of a qualified bat biologist to exclude bats from using the building as a roost site, such as sealing off entry points. Prior to installing exclusion measures, qualified biologists will re-survey the building to ensure that no bats are present. Additionally, a preconstruction survey of the interior and exterior of the building will be conducted within 24 hours of demolition to confirm that no bats are present.

If moderate or high potential habitat is present and bats or bat sign are observed, or if exclusion measures are not installed as described above, or the building provides suitable habitat but could not be adequately assessed, the following protective measures will be implemented.

Follow-up surveys will be conducted to determine if bats are still present. If species identification is required by the California Department of Fish and Wildlife (CDFW), surveys using night vision goggles and active acoustic monitoring using full spectrum bat detectors will be used. A survey plan (number, timing, and type of surveys) will be determined in coordination with CDFW.

Based on the timing of demolition, the extent of bat sign or occupied habitat, and the species present (if determined), the qualified biologists will work with the County and CDFW to develop a plan to discourage or exclude bat use prior to demolition. The plan may include installing exclusion measures or using light or other means to deter bats from using the building to roost.

A preconstruction survey of the interior and exterior of the building will be conducted will be conducted within 24 hours of demolition.

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
	<p>Depending on the species of bats present, size of the bat roost, and timing of the demolition, additional protective measures may be necessary. Appropriate measures will be determined in coordination with the CDFW and may include measures listed below.</p> <p>To avoid impacts on maternity colonies or hibernating bats, the building will not be demolished while bats are present, generally between April 1 and September 15 (maternity season) and from October 30 to March 1 (hibernation).</p> <p>Removal of roosting habitat will only occur only following the maternity season and prior to hibernation, generally between September 15 and October 30, unless exclusionary devices are first installed (as described below). Other measures, such as using lights to deter bat roosting, may be used if developed in coordination with and approved by CDFW.</p> <p>Installation of exclusion devices will occur before maternity colonies establish or after they disperse, generally from March 1 -30 or September 15-October 30 to preclude bats from occupying a roost site during demolition. Exclusionary devices will only be installed by or under the supervision of an experienced bat biologist.</p> <p>CDFW may require compensatory mitigation for the loss of roosting habitat depending on the species present and size of the bat roost. Compensation, if required, will be determined in consultation with the CDFW, and may include the construction, installation, and monitoring of suitable replacement habitat onsite or near the Project site.</p>				

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
	<p>MITIGATION MEASURE BIO-2: CONDUCT DEMOLITION OUTSIDE NESTING SEASON (SEPTEMBER 1 TO JANUARY 31) OR CONDUCT PRE-CONSTRUCTION NESTING BIRD SURVEY FOR DEMOLITION DURING NESTING SEASON (FEBRUARY 1 TO AUGUST 31)</p> <p>To the extent practicable, demolition and construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If demolition or construction cannot be performed during this period, pre-construction surveys to locate any active nests will be performed no more than 2 days prior to demolition activities as follows.</p> <p>The Project sponsor will be responsible for the retention of a qualified biologist to conduct a survey of the Project site and surrounding 250 feet for active nests – with particular emphasis on the nests of migratory birds – if demolition will begin during the bird nesting season, from February 1 through August 31.</p>	<p>Prior to demolition and construction</p>	<p>Qualified biologist retained by CCCPWD Environmental Services Division, Construction contractors</p>	<p>CCCPWD Environmental Services Division</p>	

Impact	Mitigation, Avoidance, and Minimization Measures	Implementation Timing	Implementation Responsibility	Versification Responsibility	Compliance Verification Date
	<p>If active nests are observed on either the Project site or the surrounding area, the Project sponsor, in coordination with the qualified biologist, shall establish no-disturbance buffer zones around the nests, with the size based on the bird species and in consultation with the California Department of Fish and Wildlife. The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active, the nesting season ends, or if a qualified biologist monitors the nest(s) during demolition activities and determines the demolition activities are not affecting nesting bird behavior. If demolition activities appear to affect nesting bird behavior as determined by the biologist, the activities within the buffer zone shall cease immediately. If demolition activities do not affect nesting bird behavior as determined by the biologist, then demolition activities can continue, provided their distance to the nest or sound/vibration intensity does not increase. If demolition ceases for 2 days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.</p>				

CCCPWD = Contra Costa County Public Works Department

5.1 Contra Costa County

- Hillary Heard—Public Works Department, Environmental Services, Project Manager
- Leigh Chavez—Public Works Department, Environmental Services, Division Manager
- Lashun Cross—Department of Conservation and Development, Principal Planner

5.2 ICF

- Sally Zeff, AICP—Project Director, document review
- Elizabeth Antin—Draft EIR Project Manager, document review
- Ed Yarborough, AIA—Draft EIR Project Manager, *Cultural Resources (Historic Resources Evaluation Report)*
- Jessica Viramontes—Draft EIR Project Coordinator, Final EIR Project Manager, document review, *Other CEQA, Alternatives*
- Liza Farr—Section Preparer, project coordination, *Transportation and Traffic, Hazardous Materials, Other Topics*
- Alisa Reynolds, RPA—*Cultural Resources (Archaeological Survey Report)*
- Joanne Grant, RPA—*Cultural Resources (Archaeological Survey Report)*
- January Tavel—*Cultural Resources (Historic Resources Evaluation Report)*
- Lily Henry Roberts—*Cultural Resources (Archaeological Survey Report)*
- Dave Buehler, P.E.—*Noise*
- Shannon Hatcher—*Air Quality and Greenhouse Gas Emissions*
- Dave Earnst—*Air Quality and Greenhouse Gas Emissions*
- Jennifer Haire—*Biological Resources*
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